Appendix 4

Schedule of Consultation Responses and Changes

Type of response	Respondent	Summary of Response	Observations	Proposed Changes
Drop-in session responses	T. Mayhew (Local Resident)	General support, request for further publicity for future consultations.	Support for LDO noted.	None
	Mr P Harvey (Local Resident)	A complaint about the consultation publicity.	Consultation arrangements for the LDO are set out in paragraphs 3.31-3.38 of the report.	None
	D Parker (Local Resident)	A complaint about the consultation publicity.	Consultation arrangements for the LDO are set out in paragraphs 3.31-3.38 the report.	None
	Jill Scarlett (Local Resident)	A request that local businesses are made aware of the opportunities created by the LDO site.	The Section 106 legal agreement includes obligations relating to Apprenticeships and Local Employment.	None
	Mrs J Wade (Local Resident)	Generally against the Port development but can recognise some of the benefits it provides. Grateful to see the drop-in session.	The LDO relates to the London Gateway Logistics Park development and not the London Gateway Port development. The Section 106 legal agreement includes obligations relating to apprenticeships and local employment. The Environmental Statement has assessed the impact on local communities and Officers have concluded that the changes will be acceptable.	None
	E Ross (Local Resident)	Raised concerns about increases in traffic on the roads.	Anticipated traffic flows from the development permitted by the LDO and London Gateway Port are described in the Transport Assessment (TA). The TA predicts a reduction in traffic flows compared to the TA accompanying the OPC. Further detail on this matter is provided within the response from the Council's Highways Development Control Team. The TA includes an assessment of rail capacity with input from Network Rail. Due to the layout of the rail network no additional rail freight will pass through Stanford-Le-Hope level crossing. There is also a prohibition of port and park HGV traffic travelling through Corringham and Stanford-Le-Hope. It is therefore reasonable to conclude that there will be no additional delay as a result of the development	None

			permitted under the LDO.	
Other written responses	Julian Camp	**First** A lengthy response against the development, extended to a rejection of London Gateway Port. The response questions the legality of the LDO and the associated processes. Concerns are raised about the height of the buildings, noise levels between the hours of 2300 and 0700, and air pollution. Concerns are also raised about the Lower Thames Crossing.	Progress towards the making of the Local Development Order (LDO) for the London Gateway Logistics Park Site was a process agreed by the Council in December 2011. The procedure for preparing and making an Order is set out within the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004. This legislation provides the legal basis for the LDO process. The LDO is not a relaxation or concession of planning laws. The draft LDO was the subject of public consultation and this was the opportunity to make representations. If agreed, the LDO will form one of the Council's suites of planning documents. The Order would be subject to conditions, compliance documents (such as a Design Code) and obligations within a legal agreement. The original appeal against the Council's non-determination of the logistics park planning application was 'called-in' for determination by the Secretary of State. As matters stand, there is an extant, lawful outline planning permission for the development of the logistics park. If, for whatever reason, the Council did not make the LDO, the logistics park could still be built via the existing outline permission. The London Gateway Port is not part of the consultation for the LDO and occupies a separate site from the LDO. The benefits of the LDO are set out within the Statement of Reasons accompanying the Order. The proposed height of buildings on the site and their potential landscape and visual impact are considered in the Environmental Statement accompanying the LDO. This document also assesses impacts including noise and air quality. Officers concluded that any landscape and visual, noise and air quality impacts are acceptable. The Draft LDO consultation is unconnected with the current consultation exercise recently undertaken by the Department for Transport regarding a lower Thames crossing.	None
		Second Expresses concern that DPWorld don't understand markets Reiterates position that the OPC is what should go	Market issues are not a matter for planning consideration No further response needed	None

		ahead and no change to building heights should be permitted.		
	Sonja Stubbs (Local Resident)	A request that the design of the warehouses is considered as a whole with specific though to the shapes and colours used.	The LDO Design Code includes reference to external cladding and roof design of new buildings. The principles used within the Design Code will ensure that the impact of the bulk and massing of new buildings is minimised.	None
	Andrew O'Nion (Local Resident)	**First** A concern about a potential decrease in property value. Enquiries about a compensation scheme for loss of property value due to changes to roads and extra traffic.	 Property devaluation is not a material planning consideration which can be taken into account by the Council when making the LDO, therefore no compensation schemes are in place. Traffic implications of the LDO development are assessed within the Traffic Assessment. Following this assessment Officers have concluded that the predicted changes in traffic are acceptable.	None
		Second Further query about compensation scheme	 No change	None
	Matthew Hayes (Local Resident)	General comments about the LDO process and lack of communication with the local community. Raises concerns about incinerators and waste storage facilities being built under the LDO. Requests further clarification of the nature of the sewage treatment plants and refuelling sites; particularly concerned about the risks of fire, explosion and environmental pollution. Raises a concern about traffic congestion and associated depreciation of air quality.	*LDO process* The nature and extent of the Logistics Park permitted by the LDO is similar to the development permitted by the Outline Planning Consent (OPC), both of which have been subject to public consultation. The development permitted by the LDO would replace the OPC and is not a further tranche of building in addition to the OPC development. *Incinerators and waste storage facilities* Depending upon the detailed nature of the use, waste storage or incineration and the storage of hazardous substances may comprise a sui-generis use, and/or a Schedule 1 development under the Environmental Impact Regulations and as such would not be permitted by the LDO. The storage of hazardous substances may be subject to separate Hazardous Substances Consent which would require consultation with the Health and Safety Executive. *Sewage treatment plants and refuelling sites* Details of the sewage treatment plants and refuelling sites can be found within the Design Code and the Drainage Strategy. The installation of each sewage treatment plant will be subject to an Environmental Permit issued by the Environment Agency. *Environmental impacts* The impacts of the development on air quality are assessed within the Environmental Statement (ES). Similarly, the impacts on the surrounding road network are discussed in the Traffic Assessment; this has been agreed with the local highway authority and the Highways Agency.	None

			The LDO Design Code prescribes standards for the size and build quality of new buildings. The impact of LDO development on local views is assessed in the Landscape and Visual Chapter of the ES. Officers are satisfied that air quality and landscape and visual impacts from the LDO development are acceptable.	
	Mrs J Hayes (Local Resident)	Generally against the LDO development. Raises concerns about: sewage treatment being close to local homes; pollutants, noise, smells and traffic generated the London Gateway site; development on green belt land bordering the site.	It is for the Council to make the LDO, not central Government. Through the various conditions and compliance documents, the Council can and will exercise control over the construction and location of new buildings on the LDO site. The accompanying ES assesses the impacts on air quality, noise and traffic and Offices are satisfied that the changes are acceptable. The LDO site is not within green belt.	None
	SPEAC (Shellhaven Project Environment Action Committee)	Generally supportive of the LDO proposal. Asks that the following factors are guaranteed: - Maximum building heights - Height zone location plan - Use class ratios of the buildings are maintained - Landscaping must be a priority during and after the construction of the development	The Design Code stipulates that maximum building height zones and landscaping requirements. Any development which does not comply with the Design Code cannot be built under the LDO. The Design Code stipulates both on-plot and off-plot landscaping requirements and the timing for it to be implemented. The LDO prescribes the split between Class B1/B2 and Class B8 floorspace, with a maximum of 76% of total floorspace within Class B8. The development of Class B8 cannot extend beyond this under the LDO.	A paragraph has been added to the Design Code (C4.8) to clarify the timing requirements for on-plot landscaping.
	North Stifford Village Community Group Petition and Accompanying letter from Councillors Hague and Wootton	The petition is calling for the installation of sound mitigation measures at North Stifford.	The additional traffic generated from the LDO site will not significantly increase noise levels on the A13 at North Stifford.	None
	Civil Protection Team (Thurrock Council)	**First** Acceptance of the Flood Risk Assessment. A request that a Site Specific Flood Evacuation Plan is submitted at the design stage for each proposed development.	Addressed with changes	The Prior Notification Form includes a requirement to submit a site specific flood warning and evacuation plan.
		Second No further comments to make	None	None
	Landscape and Ecology Advisor (Thurrock Council)	**First** Considers that the documents and plans relating to the landscape and ecology are considered appropriate for guiding the development taking place under the LDO.	These observations have been noted. The soft landscaping scheme will be chosen from a suite of suitable species listed within the Design Code (Appendix 1). The Landscape Management Plan	None

		A request that landscaping schemes are coordinated to ensure a unified feel across the development.	stipulates an integrated approach to the management and maintenance of soft landscaping components associated with the development.	
		Second Acknowledges that changes to the Design Code are minor Notes confirmation that coordination of the landscaping schemes will be done by LGSL**.**	Proposed changes in 2nd draft of Design Code in this regard need to be accepted	None
	Highways Development Control Team	In general, no objections with conditions and Section 106. On a comparison with the existing Outline Planning Consent it is noted that some of the previous obligations and conditions have not been addressed. Therefore, a detailed review of the Section 106 Heads of Terms and the LDO Conditions. The following items need to be considered and included as separate obligations within the S106: - travel Plan and Travel Plan Funding, - provision of the Travel Plan Co-ordinator, - contribution towards A13 widening between Orsett Cock and Manorway , - amenity contribution funding, - use of the New Access Road by operational traffic should be made explicit rather than implicit, - signalised pedestrian crossing of the Manorway at Springhouse Road, - Manorway/A13 junction improvements, - Bus turnaround at Stanford Station, - Improvements to the Manorway underpasses, - Noise attenuation barriers on the Manorway and A13, - Low noise surfacing on the Manorway - Sologuard crash barrier on the Manorway - M25 Junction 30 improvement, and - Scheme of monitoring traffic flows. Legal advice is suggested to discuss how the common user rail siding is secured.	Planning conditions and obligations have been reviewed and applied as necessary to mitigate highways impacts from this development.	
	Highways Agency	General support of the LDO however a request is made to provide a Grampian-style condition to provide a lorry park within the logistics park is more than 348,752 square metres of commercial floor is brought into operational use. Content with the Transport Assessment.	It is not for the Council to consider amendments to the HEO as part of consideration of the LDO. The LDO Design Code requires units of more than 30,000m^2 floorspace where 24-hour operation is required to provide adequate facilities within the plot for drivers of commercial vehicles. If such facilities are unable to be provided on plot (or if there is a shortfall in on-plot provision) alternative facilities shall be provided off-plot at an equivalent rate. In combination with the existing lorry parking allocation on the Port site, this provision would accumulatively meet the need identified in the Council's Lorry Parking study (see comments above from the Highways Development Control Team).	None

		Second Comments to initial consultation remain valid No further comments on Travel Plan. Notes that in the new Circular 02/2013: The Strategic Road Network and the Delivery of Sustainable Development, there is little material change in the context of travel planning but notes that the measures set out in the Travel Plan addresses the issue of mitigation measures if forecast traffic levels are exceeded. The triggers in Table 6.3 should be for AM or PM peak. Re-emphasises the position with respect to lorry parking provision.	No change to the revised documents	None
	Brentwood Council	**Second** No objections	No response received during first consultation. No action required	None
	Castle Point Borough Council	No comment on the LDO.	This response is noted.	None
	Gravesham Borough Council	**First** Has no objection to the LDO proposal but would like to seek reassurance that the Thames Estuary and Marshes Special Protection Areas and Ramsar sites will not be adversely affected by the proposed development.	The issue of potential effects on European sites is considered in the Habitats Regulations Information to Inform Screening Assessment report (considered in a separate report on this agenda). It concludes that the proposed development to be permitted by the LDO will not have a likely significant effect on a European site. Comments received from the Environment Agency and Natural England are reported separately in the Appendix.	None
		Second "Application" registered.	No response received by close of consultation	None
	Essex County Council Archaeology	**First** Comments on the Archaeological Management Strategy (AMS): • Section 1.6 – reword to state that the consultees on the Historic Environment are Place Services of Essex County Council. • Section 1.55 – revise wording to include open area excavation. • Section 1.72 – should read a Historic Environment Record site summary proforma…. • Section 1.95 – Needs to state 'plans will be drawn' • Add reference to the 'revised framework for the Eastern Region (Medlycott 2011).'	This response is noted.	The following changes will be made to the AMS: • Section 1.6 – reworded to state that the consultees on the Historic Environment are Place Services of Essex County Council. • Section 1.55 – revised wording to include open area excavation. • Section 1.72 – has been amended to read a Historic Environment Record site summary proforma…. • Section 1.95 – states 'plans will be drawn' • References added as suggested.
		Second Accept proposed changes		None

		Changes made to the AMS agreed. No further comment		
	English Heritage	**First** Discusses the visual impacts that the LDO development will have on the historic environment and concludes that the effect on the heritage assets will be significant, higher than predicted by the Environmental Statement. States that according to the National Planning Policy Framework (NPPF, Paragraph 132) the LDO development is likely to result in harm of heritage assets. Suggests that the resulting harm caused should be assessed against the wider public benefits and that mitigation opportunities should be considered, such as off-site planting and careful selection of colour schemes.	Council officers are satisfied with the conclusions of the Cultural Heritage chapter of the Environmental Statement. The council has considered the potential for substantial harm according to the NPPF and concluded that the benefits to the wider public outweigh the harm. The Design Code has a requirement to use a variation in cladding profiles and colours selected from a palette of agreed colours and materials.	None
		Second There is no change to the position – same points reiterated	Council officers satisfied that the points are adequately addressed	None
	Essex Police	Supportive of the LDO proposal however has asked for a contribution from the developer towards additional police resources that may be required as a result of the development, in particular a contribution to the costs of installing additional automatic number plate recognition cameras (ANPR). They have also suggested that measures within the LDO development should be designed to prevent and reduce crime and anti-social behaviour. Essex Police have requested that the council consider the impact on the road infrastructure of the Park closing.	No additional funding to Essex Police will be provided as a result of the LDO Development. The council do not believe that there is a need for any funding in addition to that provided by the Gateway Energy Centre Development. Measures to reduce crime are incorporated throughout the Design Code. An emergency plan is in place for dealing with the Port closing and this will be expanded to include Park closure	None
	Anglian Water	**First** No comment on the foul drainage strategy if on-plot treatment does not connect with the public sewerage system. However, if the strategy is changed to include use of the public sewerage system then Anglian Water should be re-consulted. No comment on the surface water strategy.	This response is noted.	None
		Second No comment	None	None
	Environment Agency	First	Support for the LDO development is noted. All	Section E1 of the Design Code has been amended to reflect comments on the Park Drainage Strategy.

		Overall, supportive of the LDO development. Satisfied with the Flood Risk Assessment. Supportive of the strategy for surface water management. It should be noted that flood defence consents may be need to be supported by Water Framework Directive compliance assessments. Encourages the swales to be designed to incorporate as much wildlife as possible. Accepts the method proposed for foul drainage management subject to approval under the Environmental Permitting regime being obtained. Effluent quality standards will be decided on a site by site basis. Section E1 of the Design Code should be amended to reflect the Environment Agency comments on the Park Drainage Strategy. Suggests that the Land Contamination assessment adequately address the associated environmental issues. A concern that the LDO documents do not appear to include a programme for routine environmental monitoring. Suggests that the time horizons by which specific BREEAM standards shall be achieved should not preclude the achievement of these standards sooner. Request that some consideration is given as to whether reference can be given to green walls and roofs within the Design Code. Expect that the LDO development will take advantage of the provision of waste heat generated by the Gateway Energy Centre. Habitat Regulation Assessment (HRA): Do not consider that the LDO development will have a significant impact on designated sites.	necessary consents will be sought from the relevant body (Thurrock Unitary LLFA or the Environment Agency). The Design Code and Code of Construction Practice have been updated in response to the comments on foul drainage and environmental monitoring. The targets for BREEAM standards will not prevent buildings from achieving more than the prescribed targets. The use of the Gateway Energy Centre will be a consideration for each occupier and will be subject to commercial viability. The Design Code (Section A10) requires all development to be designed so as not to preclude connection to a decentralised, renewable or low carbon energy supply where possible. The installation of green walls and roofs will be a consideration for each occupier and will be subject to commercial viability. The installation of these structures is encouraged under the target BREEAM standards.	Additional monitoring requirements are detailed in the EMMP Design Code and the Code of Construction Practice. A further explanation of the function of the EAG has been outlined in the EMMP to demonstrate how the construction and operational phases of the LDO will be robustly monitored (Appendix 6, EMMP).
		Second EA review of the Design Code with proposed changes which assist in clarifying design requirements in relation to specific elements.	The minor changes proposed by the EA have been accepted as they will assist in the interpretation of the Design Code as the development progresses	Some non-material changes to the Design Code at Paras. B2.8, E1.4, E1.12, E1.15, E1.16, E3.2, E3.3, G2.1, G2.2, G2.5, G4.5 and G6.1 to clarify requirements.
	Natural England	**First** Conclusion of the draft HRA report is that the proposal will not likely to have a significant effect on the	This response has been noted.	Additional monitoring requirements have been detailed in the EMMP Design Code and the Code of Construction Practice

		designated sites. Agrees with the conclusions of the Environmental Impact Assessment. A request for robust monitoring throughout the construction and operation phases of the LDO to ensure that the parameters set out in the Design Code and Code of Construction Practice are adhered to. Suggests that local sites, local landscape character and local or national biodiversity priority habitats and species are considered by the Local Planning Authority when determining the application. Requests the authority should consider securing measures to enhance the biodiversity of the LDO site.	The Design Code and Code of Construction Practice have been updated in response to the comments on environmental monitoring. Local sites, local landscape character and local or national biodiversity priority habitats have been considered within the Environmental Impact Assessment. Offices are satisfied the LDO development will not impact on locally important sites. The Council are satisfied by the measures outlined in the Design Code and EMMP to enhance biodiversity throughout the LDO development.	A further explanation of the function of the EAG has been outlined in the EMMP to demonstrate how the construction and operational phases of the LDO will be robustly monitored (Appendix 6, EMMP).
		Second Agree that the changes are generally not material. The main changes reflect the NE response made to the first consultation	Changes as proposed need to be accepted.	None
	Royal Society for the Protection of Birds	Concerns that suitable parameters will not be enforced in order to control the development permitted by the LDO. Suggests that the guidance on habitat management used for the EMMP should be updated to reflect best practice under the Higher Level Stewardship (HLS) prescriptions. Satisfied with the measures put in place for wintering birds. A request for clarification on whether proposed mitigation for black redstart including brown/green roofs will be taken forward in the current EMMP. Commented that it is essential that wet features maintain surface water during the critical spring period. The Annex lists some specific suggested changes to the EMMP.	The Design Code and Code of Construction Practice have been updated in response to the comments on environmental monitoring. The installation of green/ brown roofs will be a consideration for each occupier and will be subject to commercial viability. The installation of these structures is encouraged under the target BREEAM standards. It has been decided that the following suggestions in the Annex will not be adopted: • Section 2.5 – addition of HLS prescriptions • Section 2.10 – addition of HLS prescriptions • Section 2.13 – addition of HLS prescriptions • Section 3.8 - addition of HLS prescriptions • Section 3.17- addition of HLS prescriptions	Additional monitoring requirements has been detailed in the EMMP, (Para: 2.17), Design Code (Para: B8.2) and the Code of Construction Practice (Para: 6, 7,, D7.6, I2.3). Further explanation of the function of the EAG has been included in the EMMP to demonstrate how the construction and operational phases of the LDO will be robustly monitored (Appendix 6, EMMP).
	Coryton Asset Holdings Ltd (c/o Deloitte)	**First** Notes that the LDO development is inconsistent with the Secretary of State's decision letter for the Outline Planning Consent (OPC) in respect to the use and extent of the operational Buffer Zone. Requests that the wording in the Design Code and the associated diagram depicting the buffer zone are amended to reflect the extent of the area agreed under Condition	The HSE buffer zones have been addressed using the recognised HSE PADHI system. The assessment concluded that the HSE zones designated in the Design Code are sufficient and are consistent with current legislation.	None

		88 of the OPC. States that the Environmental Statement does not satisfactorily address environmental impact and mitigation issues associated with the proposed buffer zone.		
		Second Further letter raising concerns about the safety zone and requesting assurances about future proposals	The safety zone identified in the Design Code complies with current HSE guidance, therefore no change is proposed	None
	Marks & Spencer (c/o Nathaniel Lichfield & Partners)	General support of the LDO proposal and acknowledges the benefits the development will provide, including significant improvements to the M&S supply chain. Some cross referencing between the draft LDO and the draft accompanying reports is inconsistent. Including a consistency review of the Statement of Reasons. A concern that the current definition of mezzanine floorspace falling outside of the 'floorspace cap' does not fully reflect the scope and operation of the type of use that M&S require. A request that the relevant sections of the LDO are reworded to provide greater certainty to both DP World and M&S that the type of facility proposed at London Gateway can be developed under the provisions of the LDO. This includes an amendment to the Prior Notification Form. Suggests the following amendments for the Design Code: • Amend definition of mezzanine floorspace so that it is consistent with the proposed wording • Check all references to floorspace are correct and consistent with the LDO • Amend wording in relation to ancillary offices so that it includes offices associated with 'goods in' and 'goods out' facilities within the service yard • Clarity should be given as to the point during the development when the requirements for sustainable design standards need to be implemented. • Allow flexibility to the location of external HGV fuelling facilities within the plots, not just within service yards.	The suggested wording for mezzanine flooring has not been altered as the council is confident that adequate flexibility is provided in the current wording. A consistency review has been carried out of all documents and the necessary amendments made. The Design Code permits freestanding office pods on-plot provided it is purpose designed to complement the design of the principle building.	Minor changes have been made to all documents following a consistency review, including cross references. A paragraph has been added to the Design Code (A10.5) to provide clarity as to when sustainable development requirements need to be implemented. Text has been added to the Design Code (B2.7) to provide more flexibility on the location of HGV fuelling stations so long as they are screened appropriately.
	London Gateway Park Development Limited	Strong support of the LDO proposal. Suggests the following refinements. Draft Local Development Order: • Add a provision which stipulates that, aside	The suggested changes to the Draft Local Development Order, Draft Monitoring Scheme, Draft Prior Notification Form and Travel Plan have been considered in the revisions of these documents.	

		from the provision of drainage infrastructure and an electricity substation, no development is permitted on the 'Tongue Land' • Add a General Conditions section to Schedule 2. • The provisions of Paragraph 7.2 of the Statement of Reasons may be better placed within the Section 106 agreement. • Reconsider the approach in including specific conditions in addition to those which require compliance with the Design Code, Code of Construction Practice and the EMMP as a whole • An additional condition should be added to secure compliance with the Travel Plan • Amend the relevant conditions so that remediation can take place on a plot by plot basis in accordance with the proposed Remediation Strategy • Condition 11 of Schedule 1, Part 1 may more appropriately be dealt with via an appropriately worded provision in the Section 106 agreement • Highlights inconsistencies between the wording relating to circumstances where mezzanine floors would not contribute to the calculation of overall gross internal floorspace and that described within the Design Code and the Environmental Statement • Suggest that ancillary uses is more particularised by reference to Use Classes • Propose that the definition of permitted 'associated infrastructure' is amended to include security gatehouses and that lighting infrastructure is dealt with separately under the same definition • Suggestion that 'remediation' and 'land raising' should be more particularised • Suggests that the requirement to provide monitoring information may be more appropriately secured within the Section 106 agreement. • The interpretation of the 'New Access Road' should include the words 'or any consent approved by the LPA permitting the Access Road in predominantly the same form' Draft Monitoring Scheme: • Suggest that the requirement to provide 'total off-site jobs supported' should be removed • Replace 'sustainable buildings' with (a) 'percentage of energy consumption in respect of each building which is developed from decentralised and renewable or low carbon		

		sources' and (b) ' the BREEAM rating of the building' • States that the fees quoted are excessive and would welcome further discussion in relation to an appropriate fee levels Draft Prior Notification Form: • Clarify the maximum height of the buildings shall be measures from the finished floor level • Amend incomplete wording in Section 5(c) Draft Travel Plan: Suggests that the Draft Travel Plan should be revised so as to provide greater clarity as to the individual responsibilities and timing of implementation of measures and initiatives		
	London Gateway Port Limited	General supportive response.	This response is noted.	None