

23 October 2013		ITEM: 11
Council		
Proposed London Gateway Logistics Park: Making of Local Development Order		
Report of: Councillor Andy Smith, Portfolio Holder for Regeneration, Highways and Transportation		
Wards and communities affected: Corringham and Fobbing, Stanford East and Corringham Town, The Homesteads and Stanford le Hope West	Key Decision: No	
Accountable Head of Service: Andy Millard, Head of Planning and Growth		
Accountable Director: David Bull, Director of Planning and Transportation		
This report is public		
Purpose of Report: To consider the representations received during the consultation and re-consultation exercises for the draft London Gateway Logistics Park Local Development Order, to consider the amendments that have been made to the Order and related documentation as a result of those representations and to consider the formal making of the Local Development Order.		

EXECUTIVE SUMMARY

At a meeting of the Full Council held on 21 December 2011 it was resolved that the Council agree in principle that a Local Development Order (LDO) to permit development of the proposed Logistics Park at London Gateway be made. Since then the Council has been working with the landowner to negotiate and draft the terms of the order and prepare the necessary supporting documentation. On 19 June 2013 Full Council agreed that a draft LDO, together with an accompanying Environmental Statement and supporting documents, be the subject of formal consultation with statutory bodies and the community. A period of formal consultation was undertaken over a six week period from late June 2013 until early August 2013.

After this consultation closed an analysis of the comments received was undertaken. Officers also took the opportunity to review the LDO and associated documentation for consistency, errors and clarity. As a result of this analysis and review it was clear that a number of changes to the Travel Plan would be required. These changes were made in a re-consultation exercise for the revised Travel Plan and for non-material changes to a number of LDO documents (in order to address drafting errors

and points of clarification) was undertaken over a four week period between September and October 2013.

The results of these consultations are reported below along with the amendments which are proposed to be made to the LDO and its related documentation.

For the developer/owners, the LDO makes the planning process simple and certain, enhancing investment and occupier decisions. This increases the effectiveness of the planning regime in implementing Council policy for London Gateway.

For the Council, it is considered that the LDO offers a better package of safeguards and measures than the current OPC / S.106, in that the LDO (with its conditions, obligations and compliance documents) secures:

- better consideration for local communities;
- effective demand management of freight traffic;
- a more comprehensive Travel Plan with real obligations on the developer;
- more funding and mitigation measures of highway impacts on local communities;
- higher standards of development; and
- more environmental safeguards.

The LDO represents a Port-centric operation which reduces overall traffic impacts than the assumptions behind the OPC, through the use of port transhipments, railhead use and lower traffic generation, leading to reduced road use. Sustainable travel objectives are secured through a recast Travel Plan.

It is recommended that the Council formally make the LDO in full.

1.0 RECOMMENDATIONS:

1.1 That Council:

- (i) Note the Council's earlier decision (if that be the case) that the development to be authorised by the LDO will not have a likely significant effect on a European Site, to make the London Gateway Logistics Park Local Development Order 2013 (attached at Appendix 1 to this report), subject to:**
 - (a) the completion and signing of a S.106 Agreement; and**
 - (b) referral to the Secretary of State.**
- (ii) Authorise the making of any necessary changes to, completion and signing of a S.106 agreement, in consultation with the Director and Portfolio Holder; and**
- (iii) For the above purposes authorise the Chief Executive to sign the S.106 Agreement and make the LDO on the Council's behalf.**

2.0 INTRODUCTION AND BACKGROUND:

- 2.1 In May 2007 the relevant Secretaries of State approved a Harbour Empowerment Order (HEO) for the construction of a new container Port at the former Shell Haven site (now known as London Gateway) and an Outline Planning Consent (OPC) for the related Logistics Park. Since then the construction of the port has progressed apace. The first quayside cranes have been delivered, the container handling equipment is in place and the first berth will become operational before the end of the calendar year. In addition, construction has commenced on the new access road that will serve the Port and the Logistics Park via the Sorrells roundabout on The Manorway (A1014) and the Stanford Interchange (A13 / A1014) is currently being upgraded. These works are being carried out in advance of the development thresholds within the HEO and OPC that would have otherwise triggered them.
- 2.2 In terms of the Logistics Park, certain reserved matters relating to the Logistics Park infrastructure have been approved and there have been several applications to vary and discharge some of the conditions of the OPC. However, as reported to the Full Council in December 2011, the OPC is subject to 96 conditions some of which have been amended by the approval of variations. This makes the implementation of the individual components of the development complex and unwieldy which is why the LDO approach is being promoted. Accordingly in December 2011 it was decided that the Council would pursue the making of a LDO in order to facilitate and expedite the development of this important employment-generating project.
- 2.3 LDOs were introduced under Section 40 of the Planning and Compulsory Purchase Act 2004 which has the effect of amending the Town and Country Planning Act 1990. This measure was promoted by the Government of the day as a means of simplifying the planning permission process and providing certainty for prospective developers, thereby promoting economic growth; it is felt that LDOs will be particularly appropriate for employment generating projects. The London Gateway development is strongly supported by the Local Development Framework as one of the key economic drivers for the Borough. Growth and economic development forms an important part of the National Planning Policy Framework, which also promotes the use of LDOs.
- 2.4 Members will recall that on 19 June 2013 the Council considered a report introducing the draft LDO and accompanying documentation. At that meeting the Council agreed the following:
- i. to publish the draft LDO for public consultation;
 - ii. to delegate authority for public consultation to the Director of Planning and Transportation;
 - iii. that the results of public consultation be the subject of a further report to Council and that consideration be given to the making of the LDO in light of that consultation;
 - iv. that the heads of terms for a Section 106 legal agreement are agreed and that authority is delegated to the Director of Planning and Transportation to negotiate the detailed wording; and

- v. that officers be authorised to make minor amendments or drafting changes to the draft LDO and supporting documentation.

2.5 **Habitat Regulations** Notwithstanding the above, Regulation 78 of the Conservation of Habitats and Species Regulations 2010 provides that a LDO may not grant planning permission for a development which is “likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or proposals.” This issue is considered in the earlier separate report on the agenda.

Preparation of Documentation

2.6 Much of the background documentation has been initiated by the landowner. However, throughout the process the Council has been advised by independent specialist technical and legal advisors who have scrutinised the content and advised changes as appropriate . The Council has also consulted statutory bodies where necessary and appropriate. Whilst there has been cooperation between the parties, the Council is wholly responsible for the making of a LDO, if that is the outcome and the carrying out of the requisite Environmental Impact Assessment.

3.0 ISSUES, OPTIONS AND ANALYSIS OF OPTIONS:

3.1 A LDO grants planning permission for specified classes of development within a certain area. The Order specifies the development that is permitted in the description of development and certain conditions are imposed. These conditions may refer to supporting documentation (on e.g. design, construction practice etc). Any proposal that falls within the parameters of the LDO and complies with the conditions and supporting documentation is permitted development. That is to say, it is not necessary to make a specific application for each development within the Logistics Park. Instead, under the terms of the LDO, a developer submits a “prior notification form” to the Council advising what development is proposed. The Council as local planning authority will confirm within 28 days whether or not the development set out within the prior notification form conforms to the terms of the LDO. If it is in conformity then the development may proceed without further reference to the Council.

The LDO

3.2 The proposed LDO is attached to this report at Appendix 1. A Statement of Reasons, attached at Appendix 2, provides explanatory text which sets the context of and justification for the LDO. There are also certain statutory elements that need to be included within this document. The Statement of Reasons includes the following chapter headings:

- Introduction and Objectives – provides an overview of the London Gateway development and the objectives of the LDO;
- Policy Context – explains how the proposed LDO will conform to national and local planning policies, including the LDF;

- Background – explains the genesis of the LDO and how the planning process will be simplified;
- Duration – the life of the LDO will be 10 years; thereafter the Council may, but does not have to, extend the LDO in the same or modified form;
- Prior Notification of Development – explains the process for prior notification and confirmation of conformity;
- Monitoring – the Council will monitor development to ensure that it complies with the terms of the LDO. The performance of the LDO (numbers of jobs created etc) will also be monitored and reported via the Annual Monitoring Report;
- Revocation of the LDO – the Council may revoke, amend or revise the LDO in accordance with the Town and Country Planning Act 1990;
- Preparation of the LDO – explains the process of how LDO documents were prepared;
- Conditions, controls and legal agreement – the LDO is subject to various conditions; in addition there are compliance documents which are detailed below and a S.106 legal agreement.

Development Permitted by the LDO

- 3.3 The development that would be permitted by the LDO is substantially the same as that in the OPC approved by the Secretary of State in 2007. The development would comprise buildings containing B2 (general industry), B8 (storage and distribution) and B1(b) (research and development) and B1(c) (light industry) and ancillary uses. Once built there could be changes of use subject to certain controls to ensure a mix of development. The LDO also permits the land raising and the remediation of any remaining contamination. The OPC approved certain other uses such as a hotel and unspecified leisure development. This has not been included in the LDO as the developer has no intention of pursuing these proposals. A summary of the description of the development that would be permitted by the proposed LDO is as follows:
- (a) the erection, extension, demolition or alteration of industrial buildings or warehouses within Use Classes B1(b) (research and development), B1(c) (light industry), B2 (general industry), B8 (storage and distribution) and associated ancillary uses;
 - (b) the change of use of a building within Class B8 to Classes B1(b), B1(c) or B2. The change of use of a building within Classes B1(b) or B1(c) to Classes B2 or B8. The change of use of a building within Class B2 to Classes B1(b), B1(c) or B8;
 - (c) associated infrastructure including internal roads, landscaping, drainage, vehicle refuelling facilities and utilities infrastructure;
 - (d) site preparation works comprising remediation and land raising.
- 3.4 The location and extent of the site to be developed is substantially the same as that in the OPC. Although the area of the site has altered as the site of the Gateway Energy Centre (subsequently approved after the OPC) has been excluded and a new area at the south-west corner has been included to incorporate a drainage pond attenuation for the site. The proposed floorspace

approved by the OPC of 938,601m², has been reduced in the LDO to 829,700m². The original OPC maximum height limit for buildings was expressed as a range between 12m and 36m above service yard level, but this was amended to a maximum of 41.5 metres on part of the site in 2008. The LDO now proposes a maximum building height zone between 16 metres and 42 metres from finished floor level, with the tallest buildings located on that part of the LDO site closest to the adjacent Port. The LDO includes land raising and the maximum height of the buildings would be based upon finished ground levels which would be up to 3.8 metres Above Ordnance Datum.

3.5 The conditions which are attached to the LDO, either explicitly as ‘stand-alone’ conditions or through adherence with the compliance documents, generally replicate those of the OPC. A previous OPC condition to ensure a mix of Class B1(b)/B1(c)/B2 and B8 would be replicated to apply to the LDO. The conditions also refer to three compliance documents which give additional detailed controls. These are:-

- **Design Code:** This document includes an indicative masterplan which demonstrates in general terms how the site may be developed. There is also a building height zoning plan with the higher buildings to the south and the lower ones adjacent to the Manorway. The code specifies design standards for buildings on plot servicing and parking, landscaping, service roads, lighting drainage etc;
- **Code of Construction Practice:** this seeks to address and control all issues arising from the construction of the development including traffic management haul routes, site remediation and groundworks, waste materials and management of noise and dust;
- **Environmental Mitigation and Management Plan:** Since the granting of the OPC there has been considerable ecological work done to clear and relocate protected species and manage habitats adjacent to and within the site to the benefit of nature conservation interests. This plan ensures continuity of this work.

Separately, the S.106 agreement (dealt with below) secures compliance with a Travel Plan (in effect, a fourth compliance document). The Travel Plan includes a range of measures to reduce the impact of the development on local communities and the strategic and local highways networks through encouraging greater use of modes of sustainable transport, minimising movements by road, particularly during peak periods and reducing local traffic impacts.

Impact on the Highway Network and Local Amenity

3.6 One of the most significant potential impacts of the development permitted by the LDO and the adjacent London Gateway Port development is additional traffic on both the local and strategic highway network in Thurrock and its effect on local communities.

a) Highways Impacts

- 3.7 When the OPC was granted, conditions were imposed and obligations made under a Section 106 agreement requiring that certain works be undertaken to mitigate potential congestion on the network. These were to be triggered when specified levels of floorspace in the Logistics Park were occupied either alone or in combination with the operational use of Port berths. Some highway improvements have been initiated ahead of schedule, most notably the interim improvements to Junction 30 of the M25 and a major upgrade to the Stanford interchange on the A13. In addition certain OPC measures required management of the level of traffic placed on the highway network.
- 3.8 Over the last few years the landowner of the Logistics Park development and London Gateway Port Limited have reviewed their combined Port and Logistics Park operations and subsequently revised the projected traffic flows in discussion with and with the agreement of the Highways Agency. The overall traffic flows have been reduced due to factors such as increased use of rail, increased transshipment of containers and increased Port / Logistics Park synergy. The environmental impacts (in terms of noise, vibration and air quality) of traffic flows associated with development authorised by the LDO are fully assessed within the Environmental Statement. Impacts on local air quality during construction of the Logistics Park are assessed as negligible and noise impacts are considered to be insignificant with mitigation. When the Logistics Park is fully operational the Environmental Statement concludes that air quality would remain within the relevant air quality objectives. During the operation of the development, residual noise impacts will result in a minor / moderate adverse impact on the nearest noise sensitive receptors.
- 3.9 A Transport Assessment has been undertaken of the development which would be permitted by the LDO. The Transport Assessment presents a number of scenarios predicated on a future baseline of committed London Gateway Port development and analysis of LDO development in combination within this future baseline. The future baseline scenario includes committed highways infrastructure improvements delivered as part of the Port proposals. The analysis in the Transport Assessment of the future baseline plus LDO park development indicates:
- a. the new access road and A1014 / The Sorrells / Corringham Road committed roundabout junction can accommodate LDO traffic flows;
 - b. committed improvements to the A13 / A1014 interchange can accommodate LDO traffic flows;
 - c. the A13 / A128 roundabout incorporating committed improvements accommodates LDO traffic flows. The impact of the LDO is not sufficient to warrant a specific mitigation scheme;
 - d. a revised final scheme for Junction 30 of the M25 has been identified which mitigates LDO traffic flows together with the Port flows (in the circumstance where the final scheme for that junction required under the HEO for the Port is not implemented, for whatever reason);

- e. the impact of LDO traffic flows on the A13 / A176 / B1464 roundabout is not sufficient to materially impact its operation;
- f. the existing A1013 / London Road junction can accommodate LDO traffic flows.

3.10 However, the Transport Assessment also concludes that link 5 of the A13 has a peak hour volume to capacity ratio of over 100% for both the future baseline (i.e. without the LDO development) and future baseline plus LDO development scenarios. Traffic from development permitted by the LDO will therefore add to the adverse impact on the A13. In resolving to make the LDO, the Council would be taking this decision in the knowledge that predicted traffic flows from development permitted by the LDO would have a moderate adverse impact on the A13. However, it is recommended that the Council accept this impact as it is clearly outweighed by the economic growth, regeneration and new jobs which would be generated by development permitted through the LDO.

3.11 Notwithstanding this, the Council will be aware that there is a desire on the part of the Council to carry out a scheme of work to widen link 5 of the A13 to address capacity issues. The scheme design is not in final form and the delivery of the scheme and the timing of its delivery cannot be reasonably guaranteed at this stage and will need to be the subject of a full environmental assessment, the balance of funding and other procedures before it can be given approval. If such a scheme is delivered, it has the potential to absorb the adverse traffic impacts of the LDO scheme (together with the Port) and in this regard the S.106 makes provision for a proportional funding contribution (11.3%) by the owners of the Logistics Park towards the cost of the scheme for the widening of link 5 of the A13 or for alternative related measures, in recognition of the proportional benefit to the Logistics Park that the A13 scheme will bring. However, at the time of writing, negotiations regarding the final level of funding contribution from the owner have not been concluded. Therefore, it is recommended that this item is resolved through the signing of a S.106 agreement before the LDO is referred to the Secretary of State.

3.12 On 10 September 2013 the Department for Transport issued an updated Circular (02/2013) titled "The Strategic Road Network and the Delivery of Sustainable Development". Both the Travel Plan and Transport Assessment accompanying the LDO refer to the earlier version of this Circular (02/07 "Planning and the Strategic Road Network". However, the implications of the updated Circular are not considered to affect the outcome of the assessment which has been undertaken. In referring to the strategic road network and economic growth, Circular 02/2013 states that:

"Development proposals are likely to be acceptable if they can be accommodated within the existing capacity of a section (link or junction) of the strategic road network, or they do not increase demand for use of a section that is already operating at over-capacity levels, taking account of any travel plan, traffic management and/or capacity enhancement measures that may be agreed. However, development should only be prevented or

refused on transport grounds where the residual cumulative impacts of development are severe.”

3.13 The Highways Agency considers the implications of the new circular in their response to the re-consultation. The Agency has concluded that there would be no significant change to their earlier advice and seek no changes to the Travel Plan.

3.14 The revised Travel Plan aims to promote sustainable travel patterns and reduce the impact of employee and freight related transport, thereby minimising impacts on the highways network and local communities. measures to promote sustainable travel include:

- footway/cycleway links to local communities and transport modes;
- bus interchange facilities at Stanford-le-Hope rail station;
- frequent and conveniently located sheltered bus stop facilities on site;
- real time information systems associated with public transport services and road network operation;
- cycle parking, showers and locker facilities within each commercial building;
- car share and bicycle user group databases;
- personal journey planning service;
- guaranteed ride home scheme for car sharers;
- low interest cycle and season ticket loans;
- cycle training and servicing facilities;
- accessible rail freight terminals and sidings;
- transshipment facilities; and
- Port facilities for the import/export of freight.

3.15 It is envisaged that individual plot occupier travel plans would operate under the umbrella of the LDO Travel Plan. Procuring compliance with the Travel Plan is an obligation upon the owners of the Logistics Park within the S.106 agreement.

3.16 Measures for on-plot lorry parking are detailed within the Design Code. As noted in paragraph 3.5 above, the Design Code is a compliance document which development permitted by the LDO must adhere to. The Code requires on-plot lorry parking designed to minimum specified sizes with the number of spaces per plot informed by operational requirements. For larger buildings (over 30,000m² floorspace in 24 hour operation) the Code requires the provision of overnight facilities for drivers of commercial vehicles. Where, for commercial reasons, it is unviable to provide such facilities on plot, the facilities will be provided and maintained at a commensurate rate off-plot.

b) Impact on Local Communities

3.17 Impacts on the local communities, especially at Stanford-le-Hope, Corringham and Fobbing, will be reduced by the promotion of sustainable travel modes,

investments in public transport and measures to manage HGVs. The main tool is the Travel Plan.

- 3.18 The Logistics Park will use rail connections and the Port will tranship some goods, thus avoiding road-based transport modes. Targets are set to reduce the use of the road. Sustainable modes are encouraged and incentivised, with funding and facilities for public transport, cycling and walking. These include a new Toucan crossing and subway improvements. The site will support active Travel Plan information and activity. In addition, freight hauliers will be encouraged to use the preferred routes – A1014 and A13 – to and from the Logistics Park.
- 3.19 Specific measures to reduce impact on local communities include:
- overnight HGV parking on-site;
 - funding available to deal with rat-running through local roads, if that occurs despite weight restrictions, which can be passed on to the Police if necessary.
- 3.20 Other localised measures include:
- Sologuard barrier system on The Manorway, to allow the rapid implementation of a contra-flow system, allowing two-way flows to be installed where one carriageway is unavailable;
 - the installation of real-time traffic information on-site, to help avoid incidents;
 - acoustic fencing;
 - A1014 landscaping.
- 3.21 Overall, Officers consider that the measures and funding package in the revised Travel Plan is significantly improved on the Travel Plan measures that were first consulted on and significantly better than the OPC Travel Plan.

Environmental Impact Assessment

- 3.22 The original planning application for the logistics park was accompanied by an Environmental Statement. This information dates from 2002 and is clearly out of date. The Council has screened the proposed development as being Environmental Impact Assessment development under the terms of the Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2011. This means that the proposed scheme needs to be accompanied by an Environmental Statement which considers the potential impacts that may arise from the development and if necessary the measures that are proposed to mitigate these impacts. Accordingly, an Environmental Statement (ES) has been prepared. The ES covers the following topics and needs to be read alongside the LDO:
1. Introduction
 2. Site & Surroundings
 3. Need & Alternatives
 4. Proposals & Construction
 5. Policy Context

6. Environmental Issues & EIA Process
7. Water Resources
8. Ground Conditions
9. Cultural Heritage
10. Landscape & Visual
11. Ecology
12. Traffic & Transport
13. Air Quality
14. Noise & Vibration
15. Light
16. Socio-Economics
17. Cumulative Impacts.

Conditions and Controls

- 3.23 Schedule 1 of the LDO sets out the development permitted by the Order in four parts which are detailed above. Parts 1-3 include restrictions, that is, a description of development which is not permitted by that Part and conditions which are specific to that Part of the Order. Schedule 2 of the LDO contains a list of general conditions which apply to all development permitted by the Order. All of the conditions referred to within Schedule 1 Parts 1-3 and Schedule 2 of the Order have the same status as conditions applying to normal planning conditions.
- 3.24 For example, Schedule 1, Part 1 of the Order permits industrial and warehouse development within Use Classes B1(b), B1(c), B2 and B8. However, development is not permitted under Part 1 if any of the following restrictions apply:
- Class B8 floorspace exceeds a specified total;
 - Total Class B1(b), B1(c) or B2 floorspace exceeds a specified total.
- 3.25 Conditions applying to Part 1 also control industrial and warehouse development as follows by :
- controlling the use of ancillary floorspace;
 - limiting the ratio of ancillary office floorspace per building;
 - prohibiting external working;
 - requiring practical completion of infrastructure works set out in the Design Code prior to occupation;
 - requiring implementation of strategic landscaping adjacent to The Manorway;
 - requiring implementation of strategic landscaping to the west of the site;
 - ensuring that commencement of any phase must not prejudice the completion of any other phase.
- 3.26 The general conditions set out in Schedule 2 of the LDO which apply to all development permitted by the Order address the following subject areas:

- Schedule 1 EIA development is not permitted under the LDO;
- no commencement of development may take place unless a Prior Notification Form has been submitted to the Council;
- no commencement of development may take place until confirmation of compliance with the LDO by the Council or expiration of 28 days from submission of Prior Notification Form, whichever is the soonest (Confirmation Date);
- development to be commenced within 3 years of Confirmation Date;
- remediation works in accordance with the Code of Construction Practice;
- development to accord with the Design Code, the Code of Construction Practice and the Environmental Mitigation and Management Plan;
- completion of single common user rail siding prior to occupation of 400,000m² floorspace;
- all operational vehicular traffic, apart from emergency vehicles and buses, to use the new access road; and
- completion of plot and infrastructure corridor landscaping.

3.27 It should be noted that the development that was consented by the OPC is not the same as that which would be permitted by the LDO as described above and the exact wording of the OPC conditions is not always replicated in the LDO or compliance documents.

3.28 All development permitted by the LDO will be subject to the Prior Notification Form procedure. Any developer who intends to develop under the terms of the LDO is required to complete a form (Appendix 1) providing details of the proposals. The form has been designed so that the information necessary to confirm whether development complies with the LDO is provided by the developer. Upon receipt of the form and an appropriate fee, the Council has a 28-day period to confirm whether a proposal complies with the LDO or not.

Planning Obligations under Section 106 of the Town and Country Planning Act 1990

3.29 The existing OPC is subject to a planning obligation made under Section 106 in 2007 when consent was granted by the Secretary of State. This was amended in 2012 following variations to the conditions of the OPC. If the LDO is to be adopted by the Council, the existing Section 106 document will need to be replaced with a set of new obligations with the developers. Therefore, a new S.106 Agreement has been drafted which restates or updates the outstanding requirements of the existing S.106 agreement. The main items for inclusion within the S.106 agreement are summarised as follows:-

London Gateway covenants:

1. Payments: financial contributions towards –
 - (a) A13 link 5 widening scheme, or alternative measures
 - (b) bus turnaround facility at Stanford-le-Hope station

2. Highway Improvements:

- (a) the scheme of mitigation for Junction 30 of the M25 as identified in the Transport Assessment to be implemented before traffic movements exceed stated threshold if the final scheme for Junction 30 as required under the HEO is not implemented or required;
- (b) improvements to The Sorrells/A1014 junction (to the extent improvements under the HEO not implemented);
- (c) installation of signalised pedestrian crossing across The Manorway at Gifford Cross Road (to the extent improvements under the HEO not implemented);
- (d) works to The Manorway interchange (to the extent improvements under the HEO not implemented);
- (e) refurbishment of two pedestrian subways under The Manorway;
- (f) provision of a sologuard barrier system on The Manorway in relation to a contraflow system in the event of disruption to normal operation of traffic;
- (g) provision of a low noise road surface on part of The Manorway;
- (h) completion of acoustic noise barriers in specified locations;
- (i) provisions to prevent any future occupation of development on the Logistics Park site where the above improvements are not completed in accordance with the triggers set out; and
- (j) provision of landscaping at specified locations along The Manorway.

3. Implementation of and compliance with the Travel Plan (with associated mechanisms for payments (including a contribution to the bus turnaround, local highway or highway-related improvement if not already paid under the Port S.106 and funding of the Travel Plan Coordinator) monitoring and approval), securing

- a wide range of travel planning measures
- meeting targets and taking action ahead of defined triggers
- funding measures in local residential areas arising from any rat-running
- funding a Travel Plan Committee
- securing a Travel Plan Coordinator and Occupier Travel Plans.

4. Implementation of EMMP (Ecological Mitigation and Management Plan) mitigation, monitoring and management requirements to the extent outside the timeframe of the LDO.

5. Provision of Land for Permanent Training Facility.

6. Performance of S.278 Agreement obligations.

7. Apprenticeships and Local Employment measures.

8. Compliance with the Council's monitoring requirements in relation to:

- Traffic Monitoring and compliance with the Travel Plan;
- LDO Monitoring Information (i.e. jobs, floorspace, car use, lorry parking, energy consumption etc.) and;
- Compliance with the EMMP (Ecological Mitigation and Management Plan)

9. Recognition that London Gateway should not be obliged to pay twice, under this S.106 and under the S.106 and/or other arrangements relating to the Port.

10. Transitional provisions to reflect implementation of the Community Infrastructure Levy (CIL).

3.30 The full draft Section 106 agreement is attached at Appendix 3. Compared to the OPC, it is considered that the S.106 obligations, alongside planning conditions and compliance documents, secure a higher standard of development and provide better funding and mitigation measures such as an enhanced Travel Plan, commitments to apprenticeships and local employment and compliance documents which reflect current best practice for matters such as environmental sustainability.

Outcome of the Formal Consultations

3.31 In accordance with statutory requirements, a period of formal consultation on the draft LDO was undertaken for a 6-week period (the statutory minimum consultation period is 28 days) from 27 June 2013 until 8 August 2013. Press notices were placed in the Thurrock Enquirer newspaper and site notices, advertising both the draft LDO and the accompanying Environmental Statement, were displayed in 64 locations close to the site and in surrounding roads in Corringham and Stanford-le-Hope. Copies of the LDO and supporting documentation were placed for public inspection in the Civic Offices and in Corringham and Stanford-le-Hope libraries. All documentation was also available to view on the Council's web-site. A total of 60 statutory and non-statutory consultees were invited to comment on the draft LDO.

3.32 A drop-in session for members of the public was held on the evening of Tuesday 16 July 2013 at the Corringham Hall. This event was previously advertised by a half-page colour advertisement in the Thurrock Enquirer newspaper and by invitation letters sent to 380 residents in surrounding roads close to the site. The drop-in session was attended by approximately 50 members of the public. Concerns raised verbally at this session related principally to the impact of development at London Gateway on the surrounding road network.

3.33 In total, 31 written responses were received in response to this formal consultation exercise. This total includes a petition containing 158 signatures submitted by residents in North Stifford concerned with noise on the A13.

3.34 Following the substantial re-drafting of the Travel Plan, a re-consultation exercise was undertaken over a four week period expiring on 10 October

2013. This re-consultation also included non-material drafting corrections, points of clarification and cross-referencing amendments to a number of documents namely:

- the LDO;
- Statement of Reasons;
- S.106 Agreement Heads of Terms;
- Design Code;
- Code of Construction Practice;
- Ecological Mitigation and Management Plan; and
- Transport Assessment.

The non-material corrections, clarifications and amendments were presented as tracked changes to the documents as part of the formal consultation exercise.

- 3.35 As before, the re-consultation exercise involved the posting of press notices and the display of site notices. All consultees originally consulted in June 2013 were re-consulted along with all respondents to the June consultation. All of the re-consultation documentation was made available in Corringham and Stanford-le-Hope libraries and on-line via the Council's web-site.
- 3.36 Appendix 4 of this report comprises a schedule of all the consultation responses received by the Council, a summary of the response and whether amendments to the LDO are recommended.
- 3.37 The revision of the Travel Plan and the corrections and clarification referred to at paragraph 3.34, including the Transport Assessment, did not require any changes to the conclusions in the Environmental Statement and accordingly there was no need for further clarification on that document.
- 3.38 Comments received from the Environment Agency responding to the re-consultation exercise suggested a number of points of clarification for the LDO Design Code. The points add clarity and explanation to the elements of the Code which refer to on-plot and infrastructure drainage and will assist in specifying design requirements. These non-material clarification points have been accepted and incorporated into the Design Code and will assist in the interpretation of the Design Code.

4.0 CONSULTATION (including Overview and Scrutiny, if applicable)

- 4.1 The consultation arrangements for the LDO are referred to in paragraphs 3.31-3.38 of this report.

5.0 REASONS FOR RECOMMENDATION:

- 5.1 The development of the London Gateway Port and Logistics Park development is a key proposal in the Council's Local Development Framework – Core Strategy and is an important driver for economic growth in the Borough. The Local Development Order will provide a fast track planning

process and certainty for the developers and occupiers of the Logistics Park whilst ensuring that the development is of high quality and of an appropriate standard.

6.0 IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

6.1 Complies with the Council’s planning and other strategies.

7.0 IMPLICATIONS

7.1 Financial

Implications verified by: **Michael Jones**
 Telephone and email: **01375 650772**
mxjones@thurrock.gov.uk

There is a commitment from DP World to cover the Council’s costs in respect of the making of the LDO. If the LDO is made the costs associated with the prior notification procedure will be covered by fee income.

7.2 Legal

Implications verified by: **Alison Stuart – Principal Solicitor**
 Telephone and email: **01375 652040**
alison.stuart@bdtlegal.org.uk

The LDO and its supporting documentation have been subject to scrutiny by the Council’s legal advisors throughout the course of its preparation. Legal advice has also been sought and followed in respect of the processes involved in progressing towards the making of the LDO.

7.3 Diversity and Equality

Implications verified by: **Samson DeAlyn**
 Telephone and email: **01375 652472**
sdealyn@thurrock.gov.uk

There are no direct diversity implications noted in this report.

7.4 Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental Impact

The LDO is supported by an Environmental Impact Assessment.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT (include their location and identify whether any are exempt or protected by copyright):

Local Development Order
Statement of Reasons
Design Code
Code of Construction Practice
Environmental Mitigation and Management Plan
Travel Plan
Environmental Statement including Non-Technical Summary
Transport Assessment

The above documents may be viewed in the Member's Room or on the Council's website within the Major Projects section.

APPENDICES TO THIS REPORT:

1. Local Development Order including Prior Notification Form
2. Statement of Reasons
3. Draft S.106 Agreement
4. Schedule of Consultation Responses and Proposed Changes

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