

London Gateway Logistics Park Local Development Order



LONDON GATEWAY LOGISTICS PARK LOCAL DEVELOPMENT ORDER 2013

This Order is adopted by Thurrock Council ("the Council") under the powers conferred on the Council as local planning authority by sections 61A-61D of and Schedule 4A to the Town and Country Planning Act 1990 (as amended) ("the Act") and pursuant to the Town and Country Planning (Development Management Procedure) (England) Order 2010 and shall be known as the London Gateway Logistics Park Local Development Order 2013.

1. In this Order:
 - 1.1 definitions in the Town and Country Planning (Use Classes) Order 1987 (as amended) apply to the interpretation of this Order and references in this Order to a "Use Class" are accordingly a reference to the relevant Use Class set out in the Town and Country Planning (Use Classes) Order 1987 (as amended); and
 - 1.2 terms defined in Schedule 3 have the meaning given to them there.
2. Subject to article 3 below, planning permission is hereby granted for the development within the Logistics Park Area set out in all Parts of Schedule 1 subject in each case to the restrictions and conditions set out in the relevant Part of Schedule 1.
3. Within the Tongue Land, planning permission is hereby granted only for the development set out in Part 3 of Schedule 1, subject to the restrictions and conditions set out in that Part of that Schedule.
4. The grant of permission under any Part of Schedule 1 is subject to the general conditions set out in Schedule 2.
5. All development permitted by this Order may be undertaken on a phased basis.
6. Where a material operation has been initiated in respect of any development permitted by this Order at the time this Order expires, is revoked or is revised that said development may be lawfully completed.
7. This Order comes into force on the date on which it is made as indicated below and, subject to the Council's power to revoke this Order under s.61A(6) of the Act will remain in force for a period of 10 years from that date, expiring on the tenth anniversary thereof.

Adopted by the Council on [REDACTED]

By Order of the Council the Common Seal
was affixed hereunto in the presence of

Authorised Signatory

SCHEDULE 1 – PERMITTED DEVELOPMENT

PART 1 - INDUSTRIAL AND WAREHOUSE DEVELOPMENT

Permitted Development

Development consisting of –

- (a) the erection, extension, demolition or alteration of a building within Use Class B8 (storage or distribution);
- (b) the erection, extension, demolition or alteration of a building within Use Class B2 (general industry); and
- (c) the erection, extension, demolition or alteration of a building within Use Classes B1(b) (research and development) or B1(c) (light industry).

Development not permitted

Development is not permitted by Part 1 if –

- (a) that development would result in the total amount of floorspace in Use Class B8 within the Logistics Park Area exceeding 630,600sq.m; or
- (b) that development would result in the total amount of floorspace in Use Classes B1(b), B1(c) and B2 within the Logistics Park Area exceeding 199,100sq.m.

Conditions

Development is permitted by Part 1 subject to the following conditions –

1. any building used for ancillary uses including for the provision of Employee Facilities may be used only for the purposes of undertakings within the Logistics Park Area;
2. any office use or retail use within buildings in Use Classes B1, B2 or B8 use shall be ancillary to the main uses of those buildings or other buildings on the same plot and shall not be occupied separately;
3. ancillary office accommodation shall not exceed 25% of the overall building floorspace.
4. no manufacturing, fabrication or other industrial process shall take place outside the confines of any buildings;
5. prior to the occupation of any built development the infrastructure works identified in the London Gateway LDO Design Code must be practically completed for the relevant phase;

6. prior to the earliest of:
 - 6.1 the second anniversary of the commencement of the construction of the first commercial building permitted under this Part 1; or
 - 6.2 the occupation of any building within the 16m height zone shown on the drawing at **Appendix 6**, the Strategic Landscaping Scheme North detailed in the London Gateway LDO Design Code shall be fully implemented and completed in accordance with that Code;
7. prior to the occupation of any building on a plot adjacent to the western boundary of the Logistics Park Area, the Strategic Landscaping Scheme West detailed in the London Gateway LDO Design Code shall be fully implemented and completed in accordance with that Code; and
8. the commencement of any phase of any development permitted under this Part must not prejudice the completion of any other phase of development permitted under this Order.

PART 2 – CHANGE OF USE

Permitted Development

Development consisting of –

- (a) the change of use of a building within Use Class B8 (storage or distribution) to a use falling within Use Classes B1(b) research and development, B1(c) light industrial or B2 (general industrial);
- (b) the change of use of a building within Use Classes B1(b) research and development or B1(c) light industrial to a use falling within Use Class B2 (general industrial) or B8 (storage or distribution); or
- (c) the change of use of a building within Use Class B2 to a use falling within Use Class B1(b) research and development or B1(c) light industrial or to Use Class B8 (storage or distribution)

Development not permitted

Development is not permitted by Part 2 if –

- (a) the change of use would result in the total amount of floorspace in Use Class B8 within the Logistics Park Area exceeding 630,600sq.m; or
- (b) the change of use would result in the total amount of floorspace in Use Classes B1(b), B1(c) and B2 within the Logistics Park Area exceeding 199,100sq.m.

Conditions

Development is permitted by Part 2 subject to the conditions that –

- 1 Any office, retail or sales use within any building permitted under this Part shall be ancillary to the main uses of the development and shall not be occupied separately;
- 2 Ancillary office accommodation shall not exceed 25% of the overall building floorspace.

PART 3 – ASSOCIATED INFRASTRUCTURE

Permitted Development

Other than in the Tongue Land, development consisting of –

- (a) the construction, extension, demolition or alteration of roads;
- (b) the construction, extension, demolition or alteration of areas and facilities for vehicle parking and servicing;
- (c) hard and soft landscaping, including the erection, extension, demolition or alteration of fences, gates, walls, securing barriers, security gatehouses and street lighting;
- (d) the construction, extension, demolition or alteration of foul and surface water drainage infrastructure including sewage treatment works, pumps, tanks, conduits, swales, pipes, drains, ditches, channels and ponds;
- (e) the construction, extension, demolition or alteration of vehicle refuelling facilities;
- (f) the construction, extension, demolition or alteration of utilities infrastructure (telecommunications, radio, gas, electricity, water) including any sub-stations or pumping stations;
- (h) the erection, extension, demolition or alteration of CCTV cameras and associated masts; and
- (i) the erection, extension, demolition or alteration of lampposts and any other lighting masts or infrastructure.

In the Tongue Land, development consisting of –

- (j) the construction, extension, demolition or alteration of foul and surface water drainage infrastructure including sewage treatment works, pumps, tanks, conduits, swales, pipes, drains, ditches, channels and ponds; and
- (k) the construction, extension, demolition or alteration of electricity infrastructure including any sub-stations.

Development not permitted

Development is not permitted by Part 3 if –

- (a) it is not primarily required to serve the development permitted by Parts 1 or 2; and
- (b) in the case of development in paragraphs (f) and (k) only, it is not primarily required to serve the development permitted by Parts 1 or 2 or to serve London Gateway Port; and

Conditions

Development is permitted by Part 3 subject to the condition that –

- 1 prior to the bringing into beneficial use of any permanent roads, vehicle parking or vehicle servicing areas the drainage works identified in the London Gateway LDO Design Code must be implemented for the relevant phase.

PART 4 – SITE PREPARATION WORKS

Permitted Development

Development consisting of:

- (a) any operations or engineering necessary for the remediation of land within the Logistics Park Area, including excavation and the construction, extension, demolition or alteration of remediation compounds for the stockpiling, sorting and treatment of excavated materials; or
- (b) any operations or engineering necessary to clear or raise the level of any land within the Logistics Park Area.

SCHEDULE 2 – GENERAL CONDITIONS

All development permitted by the Order is subject to the following conditions –

1. Nothing in this Order permits any development that is EIA development within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
2. Prior to the commencement of any development permitted under this Order, details and plans of the proposed development shall be submitted to the local planning authority using the Prior Notification Form together with the appropriate fee as set out below:

Prior Notification Fee Scale		
	Building	Site Infrastructure
Band 1: 0 – 24,999sq.m	£4,000	£1,200
Band 2: 25,000sq.m – 49,999sq.m	£5,300	£1,690
Band 3: 50,000sq.m – 74,999sq.m	£6,600	£1,980
Band 4: 75,000sq.m. – 99,999sq.m	£8,000	£2,400
Band 5: 100,000sq.m +	£9,300	£2,790
Non-Material and Minor Material Amendments Fee = £500		

3. No development shall commence until the date on which the local planning authority has confirmed that the proposed development falls within the scope of this Order or, failing such a confirmation or denial by the local planning authority, until the date after 28 days from the submission of the Prior Notification Form, whichever is the soonest (such date in either case being the "**Confirmation Date**").
4. Development must be materially commenced within 3 years of the Confirmation Date in relation to that development.
5. Prior to the commencement of any phase of development in the Logistics Park Area any contaminated land in the area of that phase shall be remediated under Part 4 in accordance with the London Gateway LDO Code of Construction Practice;
6. No development may take place under this Order except in accordance with:
 - 6.1 the London Gateway LDO Design Code;
 - 6.2 the London Gateway LDO Code of Construction Practice; and
 - 6.3 the EMMP
7. No more than 400,000sq.m of development, excluding floorspace within buildings with a direct rail connection, may be occupied prior to the practical completion and commissioning of the single common user siding, permitted under the London Gateway Logistics and Commercial Centre Order 2007 (SI 2007/2657), within the Logistics Park Area so that it is available for use to service the development, together with hardstanding and facilities that can accommodate the rail freight movements generated by that development;

8. All operational vehicular traffic shall use the New Access Road and no other means of vehicular access to the Logistics Park Area shall be available except for emergency vehicles or buses.
9. On any particular plot or infrastructure corridors, landscaping on or along that plot or corridor shall be completed in the first planting season following the first operational use of that plot or corridor.

SCHEDULE 3 – INTERPRETATION

1. Terms used in this Order have the following meanings:

alteration	includes the construction of any mezzanine floor;
building	excludes structures housing plant or machinery such as pumping stations, kiosks and tanks;
the EMMP	means the London Gateway Logistics Park Local Development Order Ecological Mitigation and Management Plan attached to this Order as Appendix 2 ;
the Employee Facilities	means social, care or recreational facilities provided for employees of undertakings within the Logistics Park Area, including crèche facilities provided for the children of such employees;
the Logistics Park Area	means the area shown on the Plan as within the LDO Boundary;
the London Gateway LDO Code of Construction Practice	means the London Gateway Logistics Park Local Development Order Code Of Construction Practice attached to this Order as Appendix 4 ;
the London Gateway LDO Design Code	means the London Gateway Logistics Park Local Development Order Design Code attached to this Order as Appendix 3 ;
London Gateway Port	means the port development permitted by the London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261) and includes the port development as it may be differently permitted from time to time;
the New Access Road	means the road to be constructed to provide access to the Logistics Park Area and London Gateway Port as permitted by planning permissions with numbers 10/50182/TTGFUL granted in November 2010 and 11/00362/TTGCND (or any future consent for that access road in predominantly the same form);
the Plan	means the Plan attached to this Order at Appendix 1 , defining the LDO area;
the Prior Notification Form	means the form at Appendix 5 ;
the Tongue Land	means the area within the Logistics Park Area shown hatched brown on the Plan.

2. In this Order any reference to 'floorspace' means gross internal floorspace unless otherwise stated. 'Gross Internal Floorspace' is equivalent to 'Gross Internal Area' as calculated in accordance with the *RICS Code of Measuring Practice* (sixth edition). Mezzanine floors shall contribute towards overall Gross Internal Floorspace for the purposes of this Order unless they are solely to provide for safe and efficient access to stacked or stored goods.