

London Gateway Logistics Park Local Development Order

Statement of Reasons



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1.0 Introduction

- 1.1 The London Gateway Logistics Park is being promoted as a “world leading logistics centre” to sit alongside the London Gateway Port, which is being developed as the UK’s leading sea port, located on the north bank of the River Thames. The two components are in single ownership and, together, form London Gateway, which is the UK’s most significant investment project. The Port opens in the fourth quarter of 2013.
- 1.2 The Logistics Park is the subject of the London Gateway Logistics Park Local Development Order (LDO) 2013, which grants planning permission for the developments described in the terms of, and within the area of, the Order – see Figure 1. Whilst the Logistics Park already has the benefit of outline planning consent (OPC; and variations to that), the LDO provides for far greater simplicity in implementation. The LDO will permit slightly less floorspace than the OPC.

Objectives and purpose

- 1.3 The purpose of the LDO is to simplify planning control and to give greater flexibility to developers, occupiers and other users to develop and use new premises to maximise the success of the Park. It is designed to improve investment confidence and allow more rapid construction of the new facilities.
- 1.4 The illustrative masterplan – Figure 2 – is a layout of how the Park may eventually be laid out.
- 1.5 The objectives of the LDO fulfil the aims of national and local policy, as set out in the next section, specifically in relation to the regeneration of the area, achieving economic growth and delivering a significant improvement in the local economy. London Gateway is one of the Council’s five key strategic economic hubs and regeneration areas and one the largest economic drivers for the borough. The London Gateway Logistics Park is being promoted as a flagship project and is intended to deliver a nationally significant sustainable development and to enhance significantly the profile of the borough as a centre for logistics. It is planned to support in excess of 12,000 jobs, both on and off-site. A monitoring scheme will be put in place to measure the achievement of the LDO’s objectives by reference to data collected on topics such as floorspace, employment, sustainable travel, relationship to the Port, sustainable construction and similar indicators.

Description

- 1.6 The LDO will permit, subject to a range of controls, a total of 829,700m² of commercial floorspace – including warehouse/ storage/ distribution, research and development and industrial accommodation – together with ancillary uses and a range of supporting servicing facilities, plant, landscaping and roadways.
- 1.7 The LDO is in four main parts (set out in Schedule 1), which permit:

- Part 1: Warehouse and industrial development - the erection, extension, demolition or alteration of warehouse, general industrial, research and development and/or light industrial buildings. Class B8 floorspace not to exceed 630,600m²; Class B1(b)/B1(c)/B2 floorspace not to exceed 199,100m²; (829,700m² in total);
- Part 2: Changes of use of buildings within the range of permitted classes above (with any changes not to result in the above limits being exceeded);
- Part 3: Associated infrastructure, including – internal access roads, vehicle parking and servicing, hard and soft landscaping, foul and surface water drainage infrastructure, vehicle refuelling facilities and utilities infrastructure (telecoms, gas, electricity, water);
- Part 4: Site preparation works – including remediation and land raising.

1.8 The four parts of the LDO are each subject to specific limitations and conditions. Schedule 2 also sets out general conditions applicable to all development under the LDO. In addition the LDO is subject to the controls in the compliance documentation: the Design Code, Ecological Mitigation and Management Plan, Travel Plan and Code of Construction Practice. Taken together with the matters set out in section 9, including the S.106 obligations, these allow the Logistics Park to be developed without further need for planning permission, over its lifetime of 10 years. The Council believes that the LDO is an effective, expedient and proportionate way of delivering its economic objectives set out in the Core Strategy and described in more detail in Section 2 and for delivering the Logistics Park in a simpler and quicker manner. The Council further believes that there are adequate procedural and substantive safeguards set out in the LDO as described in this Statement and set out in full in the LDO and its compliance documents.

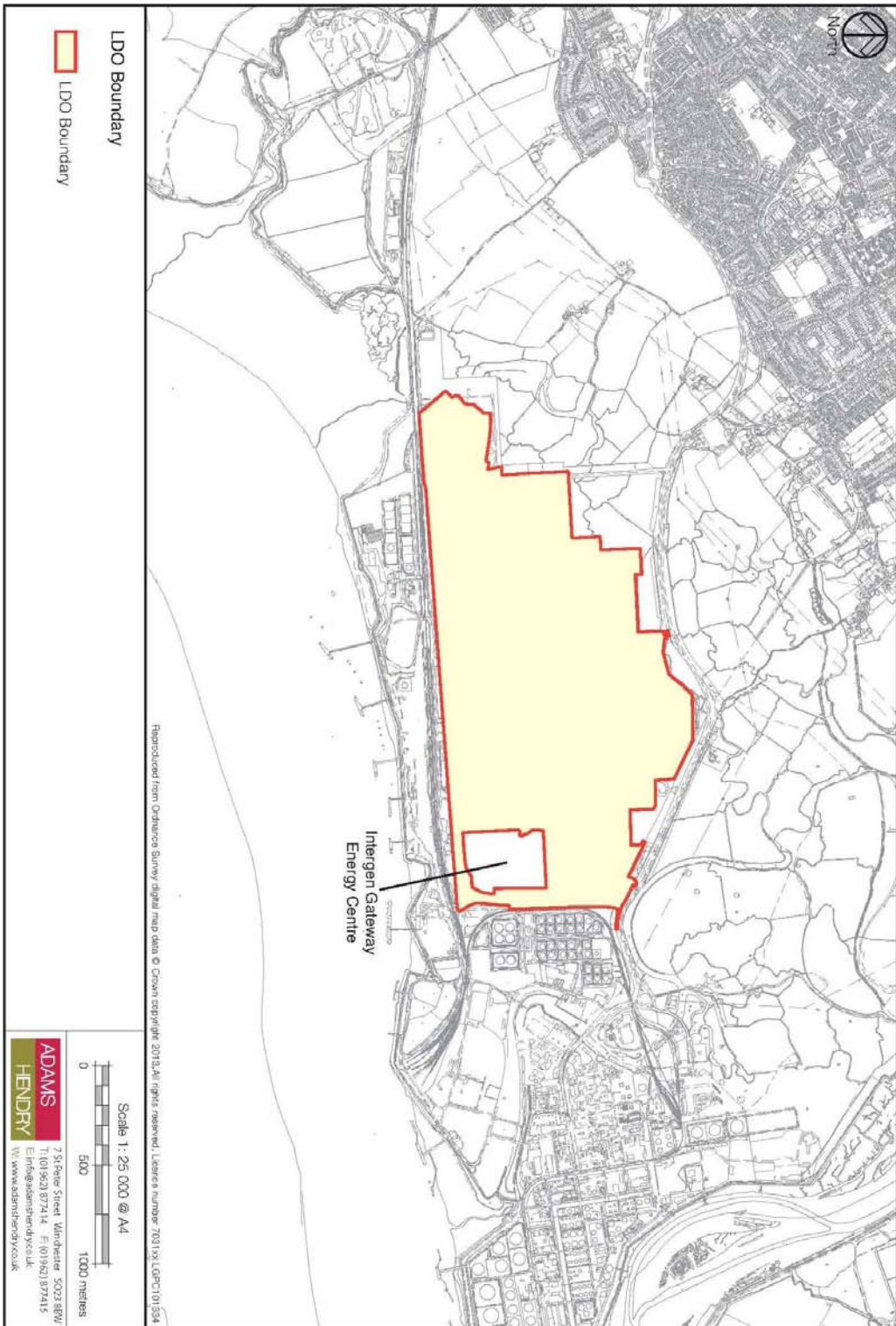


Figure 1 – Plan of LDO Area

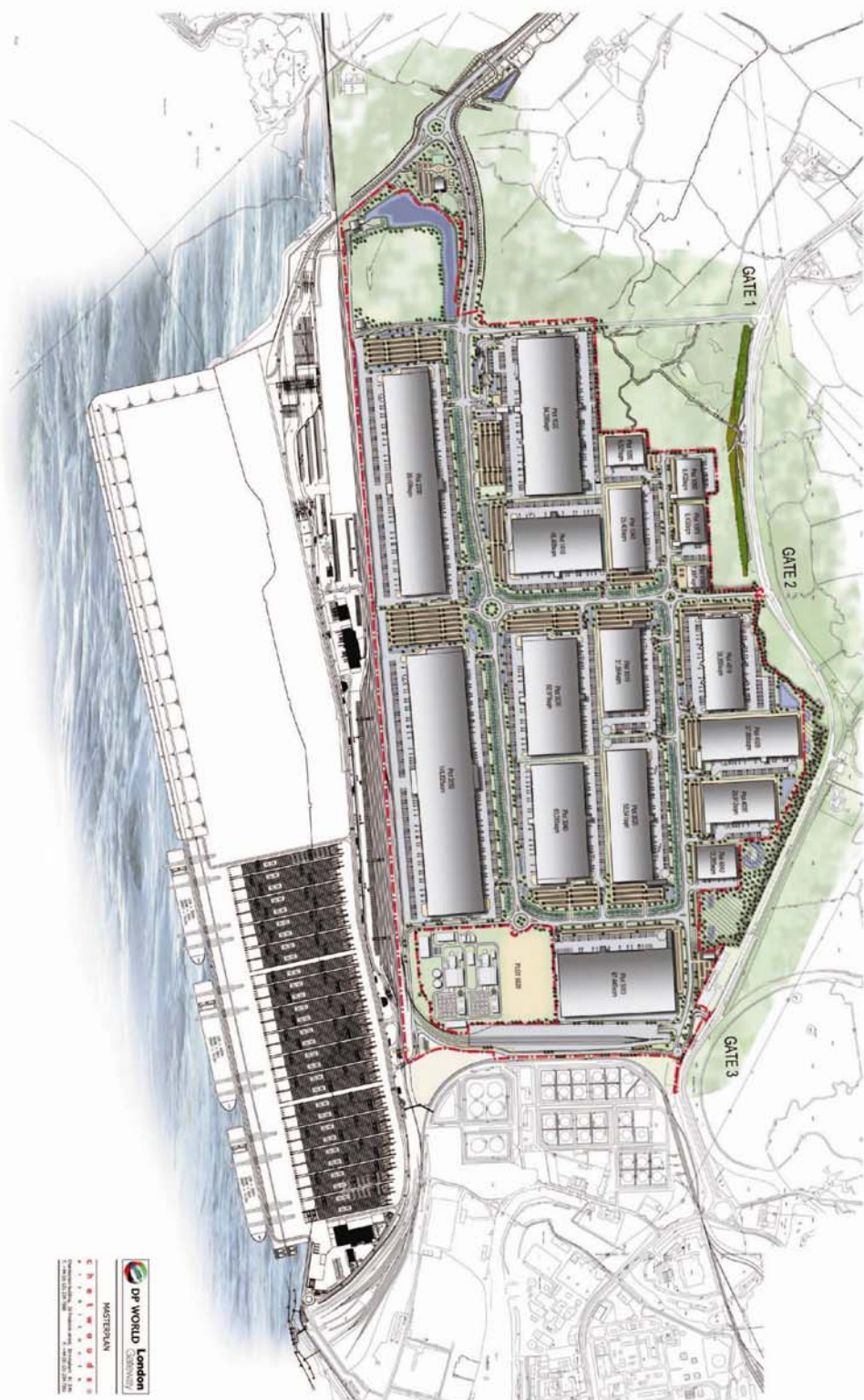


Figure 2 – Illustrative Masterplan

2.0 Policy context

- 2.1 London Gateway is located on the site of the former Shell Haven oil refinery the redevelopment of which is a longstanding policy aspiration that remains central to planning strategies for Thurrock. The imperative need for the regeneration of the site is indicated by the high priority consistently accorded to it in planning policy documents and is a reflection of the scale of the proposals and the high value accorded to the benefits that regeneration would bring to the locality and the Borough as a whole.
- 2.2 London Gateway is part of the wider Thames Gateway area identified at a national level within the Sustainable Communities Plan for regeneration and economic development. The Government remains committed to making a success of the Thames Gateway. It recognises that the Thames Gateway is an area able to offer unparalleled growth potential, having a range of opportunities including proximity to London, excellent transport links, significant areas of brownfield land that can be redeveloped for housing and business, and the presence of key sites with the potential to provide a significant number of new jobs. Following the approval of the Port and outline planning consent for the Logistics Park, London Gateway is being promoted as a 'world leading logistics centre'.
- 2.3 The National Planning Policy Framework (2012) states that local planning authorities should consider using LDO's where impacts would be acceptable and where this would promote economic, social or environmental gains for the area, such as boosting enterprise.
- 2.4 The Core Strategy spatial vision to 2026 supports the future development of London Gateway as the UK's leading Port and Logistics Park, providing employment, investment and facilities that will benefit Thurrock as well as the wider sub-region.
- 2.5 London Gateway is identified in the Core Strategy as a 'Key Area of Regeneration and Growth' and one of the five strategic Economic Hubs identified in Strategic Spatial Objective SSO2 to increase prosperity and employment growth in Thurrock. The Strategy supports the development of a major logistics, import-export based employment development at London Gateway with 11,000 to 13,000 jobs created to secure the long-term future of the industry in Thurrock. Thurrock's Core Strategy is reliant on the regeneration of the site, which represents the largest, single employment site within the Borough, estimated to deliver half of the 26,000 jobs planned for over the period 2001 – 2026.
- 2.6 Policy CSTP6 seeks to maintain high and stable levels of economic and employment growth by safeguarding and reserving primary, secondary industrial and commercial sites for employment generating uses falling within Class B1, B2 and B8 and sui generis uses. The draft Site Specific Allocations and Policies DPD (January 2013) allocates land at London Gateway for primary industrial and commercial employment purposes (Proposed Policy SAP5 (Land for Industrial and Commercial Development)).

- 2.7 Thurrock's riverside and coastal land is recognised as a key asset of the Borough for various roles and is further safeguarded by Core Strategy SSO19 for port related activity at London Gateway. Policy CSTP29 specifically promotes the economic and commercial function of the river prioritising uses that require access to the river frontage and safeguarding port-related operational land.
- 2.8 Whilst promoting and supporting economic growth, the Core Strategy seeks a sustainable balance between housing and job creation across the Borough supported by integration and phasing with existing and planned transport and community infrastructure.
- 2.9 The development of London Gateway as a Port and as a centre for logistics and commercial development has been supported at the highest level of Government for many years and is now embedded in Thurrock's Core Strategy. The implementation of the development through an LDO, as the primary planning context for delivery, will help to secure long awaited and significant economic growth in Thurrock, the wider Essex area and meet national economic priorities. The objectives of the LDO are in line with the Council's aspirations and policies for London Gateway.

3.0 Background

- 3.1 On 30th May 2007, Outline Planning Consent (OPC) was granted by the Secretary of State for the redevelopment of the former Shell Haven oil refinery site on the River Thames, to provide a major logistics and commercial centre comprising approximately 938,601m² of commercial floorspace (the London Gateway Logistics Park). The consent was subject to 96 conditions (a number of which required discharge prior to commencement of any development on site), an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 and a number of unilateral undertakings. A material operation commenced on-site in early 2012. The OPC is therefore extant. The principle of the development that would be authorised under the LDO is therefore established. As set out in the various policy documents set out in section 2 above, the Council remains strongly supportive of the development of the Logistics Park.
- 3.2 The Port was approved, and is being constructed, under a Harbour Empowerment Order; while the provision of altered rail facilities was approved under the Harbour Empowerment Order and also a further Order under the Transport and Works Act 1992. The Port development is unaffected by the LDO.
- 3.3 Since the OPC was granted, various applications have been submitted to the former Thurrock Thames Gateway Development Corporation (TTGDC) and latterly to Thurrock Council. These have included the submission of a reserved matters application for the internal infrastructure corridors as well as a number of applications to vary specific conditions attached to the OPC under Section 73 of the Town and Country Planning Act 1990. Separate full planning permission has also been granted for the construction of a new access road serving the London Gateway site from the A1014.
- 3.4 Under the OPC, as detailed proposals for individual building plots come forward, the scale of the overall development inevitably means that many further approvals will be required through reserved matters applications. In order to meet the commercial requirements of prospective occupiers it is also likely that there will be an on-going need to amend and update the conditions attached to the OPC. The existing complexities associated with the current OPC can be expected to be compounded by further Section 73 consents. Given that the scheme is proposed to be phased over a number of years, it is likely that considerable complexities and delays associated with the current consenting regime will arise if the Logistics Park is developed out under the current arrangements.
- 3.5 In order to deliver economic growth and capitalise on the opening of the new Port, the Council is keen to ensure that the path to securing consent for the Logistics Park should be as simple as possible. LDOs were introduced in the Planning and Compulsory Purchase Act 2004 to simplify the planning process by removing the need for express planning permissions, where this is considered appropriate and proportionate. One of the circumstances considered suitable for an LDO is flagship development important to economic

regeneration, such as the Logistics Park. To this end, the Council wishes to incentivise development in order to deliver the economic objectives set out in the Thurrock Core Strategy Development Plan Document.

- 3.6 The LDO largely replicates the provisions of the OPC. It is intended that the LDO will, once made, supplant the OPC on the basis that the LDO will authorise largely similar development as the OPC but will be administratively simpler and more efficient to implement and the owner of the site has indicated that it is content to agree that if the LDO comes into force, it will proceed with the development under the LDO and not rely on the OPC. This will be secured through a S.106 obligation.

4.0 Duration of the LDO

- 4.1 The LDO is active for a period of ten years following the date it is made. This is to allow sufficient time for the phased development of the Park. Following the end of this ten year period, the LDO will cease to apply.
- 4.2 Any proposed amendments to the Order following review by the Local Planning Authority will be subject to the consultation procedures set out in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (or its successor).
- 4.3 Development that started under the provision of the LDO prior to its expiry can be completed following the expiry of the LDO.
- 4.4 The developments that have taken place under the LDO will be allowed to continue to operate but no new development will be allowed under the terms of the LDO following its expiry. Such new development would require separate planning permission in the normal course.

5.0 Prior notification of development

- 5.1 Notification of proposed development under the LDO must be made by the Logistics Park developers to Thurrock Council prior to the commencement of development using the London Gateway LDO Prior Notification of Development Form (appended to the LDO).
- 5.2 Thurrock Council will confirm in writing, within 28 days of receipt of the completed prior notification of development form, that:
 - a) the proposed development is permitted under the terms of the LDO and therefore can proceed without the requirement for a planning application, or
 - b) whether a separate planning application is required as the proposed development is beyond the scope of the LDO, or
 - c) further information is required, specifying the required details and reasons for them.
- 5.3 Failure of the local planning authority to respond in writing within the 28 day period will be deemed as confirmation that the proposal is compliant with the provisions of the LDO.

6.0 Monitoring

- 6.1 The LDO will be subject to regular and continuous monitoring to assess its effectiveness. The monitoring scheme will allow the Local Planning Authority to:
- check and monitor the development's compliance with the LDO and Section 106 obligations; and
 - collect data to enable the LPA to measure the achievement of the LDO in delivering national and local growth, economic and regeneration objectives.
- 6.2 The Logistic Park developers will be obliged to supply the Council with an annual monitoring report, which will comprise data , updated as necessary , collected on such topics as:
- Total jobs on -site
 - Nature of enterprise
 - Employee car usage and parking spaces
 - Operational lorry parking
 - Relationship to Port (% of activity)
 - Usage of rail facilities (movements)
 - Sustainable buildings
- 6.3 Monitoring of the LDO will be reported in the Council's Annual Monitoring Report (AMR), if maintained.
- 6.4 Separate further monitoring as to traffic impacts will be required under the Travel Plan and environmental monitoring will be required under the EMMP.

7.0 Revocation of the LDO

- 7.1 The Local Planning Authority (LPA) may exercise its powers to amend or withdraw the Order (provided by section 61A [6] of Planning and Compulsory Purchase Act 2004) at any time. The Council would do so if, in the Council's view, the LDO had consistently failed to meet the objectives in making the LDO as set out at Section 1 of this Statement of Reasons, and it is considered that amendments to the Order would not overcome this, or, if changes in material considerations require the LDO to be revoked, amended or revised.
- 7.2 Should the local authority determine that the LDO, in part or in whole, will be revoked or amended or revised, it will give the landowner(s) and any other interested parties a minimum of 12 months notice prior to any such revocation, amendment or revision.
- 7.3 In pursuance of the Town and Country Planning Act s.61D, development that has commenced lawfully before this Order is revoked, amended or revised (as the case may be), may be completed notwithstanding that the effect of the revocation, amendment or revision is to withdraw permission for the same.

8.0 Preparation of the LDO

- 8.1 The LDO has been prepared in accordance with s.61A of, and Schedule 4A to, the Town and Country Planning Act 1990, article 34 of the Development Management Procedure Order 2010 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Regard has also been had to the requirements of Circular 1/2006 although it is recognised that that Circular does not take into account the changes brought about to local development order requirements by s.188 of the Planning Act 2008. Thurrock Council has obtained independent legal advice at all stages of the preparation of the LDO and accordingly the Council is satisfied that the LDO fully complies with the necessary legislative requirements.
- 8.2 The preparation of the LDO included both informal consultation - mainly with statutory and technical consultees - during the drafting of the Order and a formal period of consultation. The consultation included the Environmental Statement, compliance documents and supporting strategies.
- 8.3 A series of technical assessments and surveys were undertaken on behalf of the Council to inform the LDO process. These included an Environmental Statement and the preparation of Information to Inform a Screening Assessment Report carried out for the purposes of the Conservation of Habitats and Species Regulations 2010 ("Habitats Regulations"). The LDO is supported by key compliance documents: a Design Code, a Code of Construction Practice, an Ecological Mitigation Management Plan and a Travel Plan. These, in turn, are informed by a series of technical strategy documents and assessments, including on Drainage, Lighting, Landscape, Remediation, Transport, Flood Risk and Archaeology.
- 8.4 There was consultation on the question whether or not the development would be likely to have a significant effect on the Thames Estuary and Marshes Special Protected Area and the Benfleet and Southend Marshes Special Protected Area. This is because before making the LDO the Council had first to conclude that the proposed development would not have any likely significant effect on any European sites of nature conservation interest, in order to comply with the Habitats Regulations.
- 8.5 Preparation of the LDO has involved a partnership between London Gateway Park Development Limited, the Logistics Park promoters, and Thurrock Borough Council, as local planning and highway authority.

9.0 Conditions, controls and legal agreement

- 9.1 Development to be permitted by Schedule 1 of the London Gateway LDO will be subject, in each case, to the restrictions and conditions set out in the relevant Part of Schedule 1. Schedule 2 of the LDO sets out further general conditions that will all apply to all classes of development.
- 9.2 These conditions are in place to ensure that the development proceeds in an appropriate manner to deliver the objectives of the LDO; to mitigate adverse environmental effects of the development; and to ensure the delivery of a high quality and sustainable development supported by the necessary infrastructure and services.
- 9.3 The LDO will not grant planning permission for any development which would be likely to have a significant effect on a European site (i.e. a Special Protection Area under the Birds Directive or a Special Area of Conservation under the Habitats Directive) or a European offshore marine site. Further the LDO will not grant planning permission for any development affecting a listed building or development which is Schedule 1 development within the meaning of Regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 9.4 Various Codes and Plans are referred to in the conditions accompanying the LDO. These compliance documents set out detailed guidance to control overall design quality, construction management practices, ecological mitigation and management and travel planning measures related to the Logistics Park. These ensure that the LDO fulfils the requirement to achieve an acceptable, sustainable development.
- 9.5 Development permitted by the LDO must accordingly comply with the requirements set out within the compliance documents:
- The London Gateway Logistics Park LDO Design Code;
 - The London Gateway Logistics Park LDO Code of Construction Practice (CoCP);
 - The London Gateway Logistics Park LDO Ecological Mitigation and Management Plan (EMMP); and
 - The London Gateway Logistics Park LDO Travel Plan (TP).
- 9.6 The Design Code sets out the minimum applicable standards to be applied to the building plots, infrastructure and amenity space on site and, amongst other things restricts the locations of certain types of buildings as well as their maximum height. Its purpose is to establish the parameters for the development and to ensure that a high and consistent standard of design is maintained throughout the Park to provide a sustainable and stimulating working environment whilst at the same time enabling the diverse commercial requirements of individual occupiers to be met.
- 9.7 The CoCP provides a framework for compliance for all site preparation and construction works. It establishes site-wide codes of practice and protocols, detailed work methodologies and provides a framework for the management of

environmental impacts including specific control measures for managing noise levels, air quality, water resources, ecology and archaeology. All necessary environmental permits, licences and regulatory notifications will still have to be obtained.

- 9.8 All ecological mitigation and other associated on and off-site works and improvements (including the provision of off-site habitats) required by the HEO and OPC to facilitate the development permitted by each of them have been completed. The LDO EMMP includes a requirement for continued mitigation, management and surveillance and sets out monitoring protocols for terrestrial ecology in off-site and on-site locations (and to the extent they are not already implemented, continues to require on-site and off site habitat creation and management measures). These are secured through a combination of conditions and S.106 obligations.
- 9.9 The CoCP also sets out procedures that are to be followed if protected species are encountered during the construction phase. All necessary environmental permits will still need to be obtained.
- 9.10 The LDO Travel Plan sets out measures to reduce the impact of Logistics Park traffic on local communities and the local and strategic road network and to promote sustainable modes of transport for employees and freight.
- 9.11 An agreement under Section 106 of the Town and Country Planning Act 1990 (the s.106 Agreement), between the Council and the owners of the Logistics Park, will be entered into, before the LDO is made, to ensure, primarily, that the off-site highway infrastructure improvements and/or mitigation necessary to support the development will be delivered when required. These requirements will not (and cannot) affect the off-site highways mitigation works required by the HEO for the purposes of the Port development.
- 9.12 Obligations under the HEO include the requirement for the Full Scheme Works (referred to in the HEO as the final highways works) in relation to Junction 30 of the M25. The Final Scheme Works must be carried out unless or until the Highways Agency, acting on behalf of the Secretary of State for Transport, gives notice to the Harbour Authority that those works are no longer required. However, it should be noted that the Transport Assessment carried out in relation to the LDO demonstrates that the Full Scheme Works (as required by the HEO) are not necessary to mitigate the assessed in-combination traffic impacts of the Port and the Logistics Park development.
- 9.13 An alternative scheme of mitigation has been identified in the Transport Assessment to deal with the above in-combination impacts before specified levels of traffic (HGV / OGV) movements are exceeded. In the event that either the Secretary of State for Transport (or the Highways Agency on his behalf) gives notice that the Final Scheme Works are not required under the HEO or the requirement for Final Scheme Works is not triggered under the HEO but certain traffic flows are to be exceeded, then the s.106 agreement secures implementation of that alternative scheme of mitigation at Junction 30 of the M25.

- 9.14 The highway mitigation measures that are included in the s.106 agreement otherwise substantially mirror the requirements of the HEO (as set out below), albeit subject to traffic flow thresholds as opposed to floorspace thresholds (in accordance with current assessment methodology). The effect of the s.106 Agreement will be, therefore, to require the overall Port and Logistics Park developments to be appropriately mitigated in highway and transportation terms if the same or similar works or contributions have not already been triggered by the requirements of the HEO.
- 9.15 The main off-site highway mitigation measures, secured under the s.106 agreement and derived from the Transport Assessment include:-
- a financial contribution to the widening of part of the A13 as required by the HEO; or if that scheme is not deliverable at the appropriate time, funding appropriate traffic management measures;
 - improvements to the Sorrells / A1014 junction to the extent improvements under the HEO are not implemented; and
 - the scheme of mitigation at Junction 30 (M25) as identified in the Transport Assessment , unless the Full Scheme Works under the HEO have been implemented.
- 9.16 The S.106 Agreement sets out the triggers by when the above highway mitigation measures must have been implemented. It also secures compliance with the Travel Plan and sets out obligations in relation to the long term monitoring of environmental matters covered in the EMMP and long term monitoring of travel planning matters to achieve sustainable travel objectives and targets including the management of the impact of traffic leaving the Logistics Park