

<b>4 March 2014</b>		<b>ITEM: 5</b>
<b>Planning, Transport, Regeneration Overview and Scrutiny Committee</b>		
<b>London Gateway</b>		
<b>Report of:</b> Matthew Gallagher, Principal Planner (Major Applications)		
<b>Wards and communities affected:</b> Corringham and Fobbing, Stanford East and Corringham Town, the Homesteads and Stanford le Hope West	<b>Key Decision:</b> Non key	
<b>Accountable Head of Service:</b> Andrew Millard, Head of Planning and Growth		
<b>Accountable Director:</b> David Bull, Director of Planning and Transportation		
<b>This report is</b> Public		
<b>Purpose of Report:</b> To inform the Committee of progress in the development of the London Gateway port and logistics park sites, including progress in the provision of supporting infrastructure.		

### **EXECUTIVE SUMMARY**

Outline planning permission for the redevelopment of part of the former Shell Haven refinery site for use as a logistics and commercial centre was granted by the Secretary of State in 2007. A Harbour Empowerment Order enabling the development and operation of a new container port with associated infrastructure on the remainder of the former refinery site came into operation in 2008.

Construction works for London Gateway port commenced in 2010 and the first port berth became operational in November 2013. Works to provide upgraded highways infrastructure have been completed or are currently under construction.

A range of preparatory works to enable the future development of the logistics and commercial centre have been completed or are in progress. In November 2013 the Council made a Local Development Order (LDO) in order to simplify the planning consenting regime for the logistics centre and speed up the delivery of this element of the London Gateway development.

Representatives from the landowner (London Gateway Port Limited (LGPL) and London Gateway Park Development Limited (LGPD)) will be in attendance at the meeting to provide a presentation detailing progress in the delivery of London Gateway project.

## **1. RECOMMENDATIONS:**

### **1.1 To note the content of this report and the presentation to Committee.**

## **2. INTRODUCTION AND BACKGROUND:**

2.1 Refining activities by Shell UK Ltd at the Shell Haven site ceased in the late 1990's and the vast majority of buildings, tanks and plant associated with the former use were subsequently demolished and cleared from the site. Shell UK Ltd and P&O submitted the following applications, which were considered by an Inspector appointed by the relevant Secretaries of State following a public inquiry in 2003:

- i. an outline planning application for a commercial and logistic centre comprising 938,600m<sup>2</sup> floorspace;
- ii. an application for a proposed Harbour Empowerment Order to create a new port on land adjacent to the outline planning application site; and
- iii. an application under the Transport and Works Act for the construction and operation of railways on and adjacent to the Shell Haven site.

2.2 Outline planning permission for the commercial and logistics centre was granted by Secretary of State in May 2007. This permission was granted after the completion of a S.106 legal agreement and is subject to 96 planning conditions. The London Gateway Logistics and Commercial Centre Order 2007, pursuant to the Transport and Works Act, came into force in September 2007. Finally, the London Gateway Port Harbour Empowerment Order 2008 came into force in May 2008.

## **3. PROGRESS IN THE DELIVERY OF LONDON GATEWAY:**

3.1 With reference to London Gateway port, dredging operations to create the deep water channel and berthing pockets necessary to accommodate large container ships commenced in the early part of 2010. Dredged material has been used to reclaim land from the Thames estuary in order to construct the port. In total approximately 30 million m<sup>3</sup> of material has been dredged to create London Gateway port. A replacement aviation fuel import jetty and associated fuel pipeline, linking to the aviation fuel tank farm located to the east of the London Gateway site, was opened in 2011. This jetty provides a replacement for a structure which was demolished in order to accommodate the port development

3.2 During 2013 the first quayside cranes and container handling equipment were delivered to the port. A port workshop and staff welfare building (the subject of a planning permission in 2012) as well as operational port buildings such as a border inspection post were also constructed in 2013. The first berth at the port became operational in the first week of November 2013 and the first ship was received at the port shortly afterwards. A second berth is scheduled to be operational in the spring of 2014. The port, when fully completed, will comprise six berths over a quay length of 2.7km with a capacity of 3.5 million twenty Foot Equivalent containers (TEU) per annum.

- 3.3 Railway works comprising the re-alignment and twin-tracking of the former Thames Haven branch line and provision of railway sidings within the London Gateway site were completed during 2013. As a precursor to these railway works, a programme of ecological clearance along the railway corridor was undertaken and completed during 2011. A replacement access road to the Anglian Water sewage works (located to the south of St. Margaret's Avenue), required due to the realignment of the railway line, was constructed during 2012.
- 3.4 The sites of both the London Gateway port and logistics park were subject to an extensive programme of ecological clearance and species relocation during 2008-2011. A large number of protected species (reptiles, water voles, great crested newts, badgers etc.) were trapped and relocated either to new areas of habitat created adjacent to the site or to relocation areas further away. After ecological clearance, land within the site has been manipulated to ensure that protected species cannot re-colonise the site. The application for a Harbour Empowerment Order included proposals to provide new areas of inter-tidal mud flats, in order to compensate for those habitats lost as a result of the port development. Approximately 43 hectares of new mudflat has been created west of the London Gateway site through the lowering of former ground levels, re-alignment of the sea wall and the breaching of the old sea defence. This area is now known as the Stanford Wharf Nature Reserve. The Harbour Empowerment Order also makes provision for a further 295 hectares of new mudflats opposite the site on the north Kent coast. The development is subject to ongoing requirements for ecological monitoring.
- 3.5 At the time when the various applications for the London Gateway port and logistics centre were first submitted, access to the site was proposed via a new dual carriageway road with an associated relocation of the Corringham Road / The Sorrells / The Manorway roundabout. Revised access proposals were approved in 2011 for a more direct alignment of the site access road and the creation of a new roundabout junction immediately outside of the site. This new junction allows for separate port and logistics centre access road arms. Construction of the new access requires the formation of a new road bridge over the upgraded Thames Haven branch railway line and a bridleway bridge to accommodate re-aligned public rights of way. The access road is now open as a single carriageway to HGV's using London Gateway port. Construction works are ongoing and the access road is expected to open as a dual carriageway in the spring of this year.
- 3.6 Both the outline planning permission and HEO are subject to conditions and obligations requiring highway works to be undertaken in order to mitigate potential congestion on the road network. These works were to be triggered when floorspace occupation thresholds were met either alone or in combination with the operation use of port berths. Members will be aware of the ongoing construction of the site access road and upgraded Corringham Road / The Sorrells / The Manorway roundabout junction. An upgraded roundabout junction at the Stanford interchange (A13 / A1014) and an interim scheme of works at junction 30 of the M25 have recently been completed.

These works have been undertaken in advance of the development thresholds within the HEO and outline planning permission that would have otherwise triggered them. Works to provide acoustic barriers along section sections of the A13 and The Manorway, as required by the HEO and outline planning permission, are currently in progress.

- 3.7 In 2012 full planning permission was granted for the construction of a new three-storey office / administration building to serve the port and logistics centre site. This building is located outside of the site associated with the outline planning permission and is positioned at 'front door' of the London Gateway site, at the junction of the port / logistics centre roundabout access road arms. Construction works on this building are complete and LGPL/LGPD L intends to occupy the structure later this year.
- 3.8 In August 2011 the Secretary of State granted consent under the Electricity Act for the construction and operation of a gas-fired electricity generating station on the eastern part of the logistics centre site. This station (to be known as the Gateway Energy Centre), will, when constructed, provide power to the London Gateway site with surplus energy exported to the grid. In order to provide electrical power to the London Gateway site pending construction of the Gateway Energy Centre, planning permission was granted in 2012 for the provision of an underground 'private wire' connection between London Gateway and the existing Coryton Energy Centre.

#### **4. LONDON GATEWAY LOGISTICS PARK LOCAL DEVELOPMENT ORDER (LDO):**

- 4.1 With reference to the outline planning permission for the commercial and logistics centre, certain reserved matters relating to infrastructure (roads, drainage and landscaping) were approved in 2008. In addition, since 2007 there have been several applications to vary and discharge some of the conditions attached to the outline planning approval. Permission to vary or remove planning conditions under s.73 of the Town and Country Planning Act 1990 effectively results in the grant of a new planning permission. This history of planning consents resulted in a level of complexity which could be prejudicial to the implementation of the development and the future delivery of economic growth and job creation. Accordingly, in December 2011 the Council resolved to pursue the making of a Local Development Order (LDO) to speed up and simplify the delivery of development for the logistics centre.
- 4.2 Following preparation of the LDO and supporting documentation, a period of consultation on the draft LDO was undertaken in the summer of 2013, with further re-consultation on limited changes to the documentation following in September and October 2013. After referral to the Secretary of State, the Council made the LDO in November 2013.
- 4.3 The LDO grants planning permission for specified classes of employment-generating development and supporting infrastructure on a site which largely corresponds to the area included within the 2007 outline planning permission. The LDO is subject to a s.106 legal agreement, a number of planning

conditions and compliance with documentation comprising a design code, code of construction practice, an ecological mitigation and management plan and a travel plan. Any future proposal for development that falls within the parameters of the LDO and complies with the conditions and supporting documentation is “permitted development” and it is not necessary to make a specific planning application. Instead, under the terms of the LDO, a developer can submit a “prior notification form” to the Council advising that development is proposed. The Council will then confirm within 28 days whether or not the proposed development conforms with the terms of the LDO. If a proposal is in conformity then the development may proceed without further reference to the Council.

- 4.4 The LDO provides certainty for potential developers and occupiers and will provide a fast-track planning process. Nevertheless, the LDO is subject to appropriate safeguards and controls which will mitigate the impacts arising from development and ensure delivery of a high quality development. Members will be aware that last year Marks and Spencer announced an intention to operate from the LDO site and a “prior notification form” associated with this development is expected.

## **5. REASONS FOR RECOMMENDATION:**

- 5.1 The report provides the Committee with an overview of progress so far in the delivery of development at London Gateway and how the commercial and logistics centre will be progressed through the LDO.

## **6. CONSULTATION (including Overview and Scrutiny, if applicable)**

- 6.1 Due to the nature of this report, no consultation has been undertaken.

## **7. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT**

- 7.1 Development of the London Gateway port and commercial centre complies fully with the Council’s Core Strategy planning policies and other strategies for this key economic hub. The site is an important driver for economic growth in the Borough and will create a significant number of new employment opportunities.

## **8. IMPLICATIONS**

### **8.1 Financial**

Implications verified by: Mike Jones  
Telephone and email: 01375 652772  
[mxjones@thurrock.gov.uk](mailto:mxjones@thurrock.gov.uk)

There are no financial implications associated with the report.

## 8.2 **Legal**

Implications verified by: Daniel Ansong  
Telephone and email: 01375 652994  
[daniel.ansong@bdtlegal.org.uk](mailto:daniel.ansong@bdtlegal.org.uk)

There are no legal implications.

## 8.3 **Diversity and Equality**

Implications verified by: Rebecca Price  
Telephone and email: 01375 652930  
[reprice@thurrock.gov.uk](mailto:reprice@thurrock.gov.uk)

Consultation was completed on the draft LDO in the summer of 2013 with communities affected by the development proposal for the logistics centre. Further re-consultation on limited changes to the documentation was undertaken with the same communities in September and October 2013.

There are no further diversity and equality implications noted given the purpose of this update report.

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

None, given the purpose of this update report.

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

- None

### **APPENDICES TO THIS REPORT:**

- None

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