

Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

# **EXTRAORDINARY Planning, Transport, Regeneration Overview and Scrutiny Committee**

The meeting will be held at **7.00 pm** on **28 September 2023**

**Council Chamber, Civic Offices 3, New Road, Grays, Essex, RM17 6SL.**

## **Membership:**

Councillors Luke Spillman (Chair), Alex Anderson (Vice-Chair), Vikki Hartstean, Tom Kelly, Jacqui Maney and Lee Watson

## **Substitutes:**

Councillors John Cecil, John Kent, Gary Collins, Terry Piccolo and James Thandi

## **Agenda**

Open to Public and Press

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<b>1. Apologies for Absence</b>	
<b>2. Items of Urgent Business</b>	
To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972. To agree any relevant briefing notes submitted to the Committee.	
<b>3. Declaration of Interests</b>	
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**Queries regarding this Agenda or notification of apologies:**

Please contact Kenna-Victoria Healey, Senior Democratic Services Officer by sending an email to [Direct.Democracy@thurrock.gov.uk](mailto:Direct.Democracy@thurrock.gov.uk)

Agenda published on: **20 September 2023**

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# DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

## Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

## When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

**What is a Non-Pecuniary interest?** – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

### Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

**Unless you have received dispensation upon previous application from the Monitoring Officer, you must:**

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

**If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps**

### Non-pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



**You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.**

## Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay
  - High quality, consistent and accessible public services which are right first time
  - Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing
  - Communities are empowered to make choices and be safer and stronger together
  
2. **Place** – a heritage-rich borough which is ambitious for its future
  - Roads, houses and public spaces that connect people and places
  - Clean environments that everyone has reason to take pride in
  - Fewer public buildings with better services
  
3. **Prosperity** – a borough which enables everyone to achieve their aspirations
  - Attractive opportunities for businesses and investors to enhance the local economy
  - Vocational and academic education, skills and job opportunities for all
  - Commercial, entrepreneurial and connected public services

<b>28 September 2023</b>	<b>ITEM: 4</b>
<b>Planning, Transport and Regeneration Overview and Scrutiny Committee</b>	
<b>Draft Thurrock Design Charter</b>	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key
<b>Report of:</b> Alec Scragg, Place & Design Manager	
<b>Accountable Assistant Director:</b> Tracey Coleman, Chief Planning Officer	
<b>Accountable Director:</b> Mark Bradbury, Director of Place	
<b>This report is Public</b>	

## Executive Summary

The Thurrock Design Charter provides an update to the adopted Thurrock Design Strategy SPD (March 2017). The Charter reflects recent changes to national policy, guidance, and best practice in relation to design and place-making as well as aligning with more recent published Council strategies. The development of the Charter and its consultation aligns with the development of the Local Plan and helps inform and provide a baseline for strategic policies on design, including the forthcoming borough-wide design code.

As a Local Planning Authority, the Council is expected to follow the National Planning Policy Framework (NPPF) as a material consideration, which requires Local Plans to set out a clear vision for design, including the preparation of design guides or codes, developed with local communities that reflect local aspirations. Additionally, the Levelling Up and Regeneration Bill intends to make the production and adoption of a design code a statutory requirement for all local planning authorities. The Thurrock Design Charter has been refined to act as a 'vision statement' for a wider design code for Thurrock, preparing for this proposed new statutory duty.

### 1. Recommendation(s)

- 1.1 **That Planning, Transport and Regeneration Overview & Scrutiny Committee note progress on the draft Thurrock Design Charter and provide comment that will help shape this work.**
- 1.2 **That Committee note that the draft Thurrock Design Charter will be used to inform wider community engagement.**

**1.3 That Committee note the opportunity to discuss this work in greater detail as the draft document is developed and engagement feedback is received.**

## **2. Introduction and Background**

2.1 Design (including appearance, materials, layout, and density) is a material planning consideration under the National Planning Policy Framework (NPPF). Under the NPPF, it is expected that Local Plans set out a clear design vision and standards, using design policies developed with local communities that reflect local aspirations, grounded in an understanding and evaluation of an area's defining characteristics (paragraph 127). Additionally, the NPPF expects that all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences (paragraph 128).

2.2 Currently, Thurrock's design vision and expectations are set out within the Thurrock Design Strategy Supplementary Planning Document (SPD), adopted in March 2017. Design policy is also included within the Core Strategy and Policies for Management of Development (as amended, January 2015), and the Thurrock Residential Alterations and Extensions SPD (July 2017). These documents are now in need of an update due to changes in national policy and guidance around design, which includes:

- Updates to the NPPF in 2019 which placed greater weight on the importance of design within Local Plans and decisions.
- Publication of the National Design Guide as national guidance in 2019.
- Publication of the National Model Design Code as national guidance in 2021.

2.3 Additionally, the Levelling Up and Regeneration Bill (currently at report stage within the House of Lords) intends to make the production and adoption of a design code a statutory requirement for all local planning authorities.

2.4 The draft Thurrock Design Charter seeks to provide an update to the adopted Thurrock Design Strategy SPD, bringing it in line with changes to national policy and guidance. It has been developed in parallel with the emerging Local Plan, to help inform strategic and detailed policies around design. The Charter sets out high-level expectations for design quality within developments, infrastructure, and place-making projects throughout the borough and is intended for use by officers, members, developers, planning applicants and communities. It establishes a clear and shared language and vision for good design in Thurrock, grounded in an understanding of the unique qualities and challenges of the borough.

2.5 By acting also as a 'vision statement' for the production of a future design code, the Charter prepares Thurrock to meet the recommendations of the NPPF as well as new statutory duties regarding design codes proposed by the Levelling Up and Regeneration Bill. Production and public consultation on



an initial 'vision statement' is set out in the National Model Design Code as a key first step in the production of a robust design code.

- 2.6 The main differences between the current adopted Thurrock Design Strategy SPD and this proposed draft Thurrock Design Charter are as follows:
- The document has been shortened and simplified into a clearer and more succinct vision statement around design aspiration and expectation. More detailed requirements around the design process and design features are instead expected to be better addressed within the forthcoming design code.
  - Updating and expanding references to establish best practice, national policy, and national guidance, reflecting significant changes since 2017.
  - Updates to the 'Understanding Thurrock' section to reflect changes to the physical, social, economic, and cultural context of the borough and its communities.
  - Simplifying and updating the 'Designing in Context' section into four 'Core Design Principles', setting out key design themes (Pride in Thurrock, Healthy Places for All, Connecting to Opportunities, Resilient & Sustainable Futures) against which the design of places in Thurrock should deliver good outcomes.
  - Replacing the 'Place Typologies' section with 'Key Design Ideas for Thurrock'. This expands beyond the five 'typologies' previously identified to instead illustrate seven design opportunities unique to Thurrock (such as considering design in the context of the river Thames), as well as more common situations (such as regeneration of our town centres, enhancing existing residential neighbourhoods, developing efficient and well-designed employment areas, how to successfully co-locate different sensitive uses, and how we can protect and enhance the character and quality of our countryside).
  - Simplifying and updating the 'The Development Process' section, acknowledging that more detailed requirements regarding the design and planning process would be better addressed in a future design code.
- 2.7 This draft Design Charter has been developed in parallel with the emerging Local Plan, as well as in consultation internally with wider service areas. The intention is to now submit the draft Design Charter to public consultation to allow for broader feedback on the emerging principles of the Charter, to update it accordingly, and publish it as a corporate strategy.
- 2.8 Following public consultation and update on the draft Design Charter, it is intended that work would progress on a more detailed design code. The design code would build on and follow the core design principles established in the Design Charter and establish a set of simple, concise, illustrated design requirements that provide specific parameters for what would constitute well-designed development in Thurrock. It is intended that the development of the more detailed design requirements in the design code would also be subject to community engagement to ensure it reflects local aspirations, as well as be

subject to viability assessment to ensure the requirements of the design code do not unduly impact the deliverability of acceptable schemes in the borough. It is expected that the design code itself would be formally referenced within the emerging Local Plan and adopted as an SPD to ensure it has material weight in the determination of planning applications.

### **3. Issues, Options and Analysis of Options**

- 3.1 The Council, as a Local Planning Authority, should take account of the policies of the NPPF as a material consideration in the preparation of the Local Plan and determination of planning applications. This includes setting out a clear design vision and standards, and the preparation of design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code.
- 3.2 While there is an intention within the Levelling Up and Regeneration Bill for the preparation and adoption of a borough-wide design code to become a statutory requirement, the Council is not currently required by legislation to consult on updates to existing design guidance or in the preparation of a 'vision statement' (such as the proposed Design Charter) to support the wider production of a design code. However, it is stated in national guidance (the National Model Design Code) that any 'vision statement' for a wider design code should be prepared and be subject to public consultation.
- 3.3 The preferred option is therefore to consult on the Thurrock Design Charter as the 'vision statement' for a future design code, as this is recognised in national guidance to be best practice. Failure to consult on the Charter risks challenge to the robustness of the eventual design codes in the determination of planning applications, as well as within the examination of the emerging Local Plan to which the Charter is acting as evidence.

### **4. Reasons for Recommendation**

- 4.1 The Thurrock Design Charter provides an important update to current design guidance, aligning it with changes to national policy and guidance as well as more recent published Council strategies. The Charter also acts as a 'vision statement' for a wider design code, informing development of the Local Plan, while also preparing for the proposed new statutory duty for Local Planning Authorities to prepare and adopt a borough-wide design code under the Levelling Up and Regeneration Bill.
- 4.2 Consultation on the Charter as a 'vision statement' in the development of a wider design code is considered best practice under national guidance (National Model Design Code).

### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 The purpose, structure and emerging principles of the Design Charter were previously presented at the online public Developers Forum on the 12<sup>th</sup> of

September 2022. While no comments were raised at the time on the proposed structure and content of the Design Charter itself, one comment was received on how the Charter would deliver on proposals within the Levelling Up and Regeneration Bill around the proposed statutory duty to prepare and adopt a borough-wide design code. As a result of this, clarification as to the role of the Charter as forming the 'vision statement' for a potential future design code was provided.

5.2 Following agreement by this committee, public consultation will be carried out on the draft Thurrock Design Charter prior to its adoption. It is intended that public consultation is undertaken in parallel with the proposed draft consultation of the regulation 18 Local Plan given the clear parallels and interdependencies between the two documents.

## **6. Impact on corporate policies, priorities, performance and community impact**

6.1 The draft Thurrock Design Charter aligns with several of Thurrock Council's priorities, including:

- 'People – communities are empowered to make choices and be safer and stronger together' through an emphasis on community engagement and co-design within the design process
- 'Place – roads, houses and public spaces that connect people and places, and clean environments that everyone has reason to take pride in' through an emphasis on creating well-connected and integrated developments, and the importance of embedding stewardship within place-making
- 'Prosperity – attractive opportunities for businesses and investors to enhance the local economy' by promoting the place-quality of the borough, including employment areas, to help create an attractive environment for investment.

6.2 The draft Thurrock Design Charter was developed in parallel with the emerging Local Plan, helping to inform strategic, and detailed policies around design and place-making. Significant internal consultation on the Design Charter through a series of officer workshops and 1-2-1 interviews from across the Council was also used to ensure the Charter supports and aligns with wider council strategies and helps identify design opportunities within them. This includes the Collaborative Communities Framework, the Health & Wellbeing Strategy Refresh, Housing Strategy, and Transport Strategy. Internal consultation also sought to ensure that the Design Charter considers emerging strategies including Local Plan, Economic Growth, Green & Blue Infrastructure, Transport, Climate Change, Housing, and Cultural strategies, as well as considering the emerging Health in All Policies document and Thurrock Transport 2050 Vision.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Rosie Hurst**  
**Interim Senior Management Accountant**

Within the Local Plan budget there is a dedicated budget for plan making to cover the basic costs of preparing and consulting on planning documents, which includes the Thurrock Design Charter.

### **7.2 Legal**

Implications verified by: **Caroline Robins**  
**Locum Principal Solicitor**

As a Local Planning Authority, the Council is expected to follow the NPPF, which is a material consideration in the development of the Local Plan and determination of planning applications. The consultation on the Thurrock Design Charter would help ensure that the Council takes account of the national policy, in particular within paragraphs 126, 127 and 128 (namely, being clear about design expectations and how these will be tested, and to set out a clear design vision and expectations developed with local communities that reflect local aspirations grounded in an understanding and evaluation of an area's defining characteristics, and to prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences).

Additionally, the Levelling Up and Regeneration Bill intends to make the production and adoption of a design code a statutory requirement for all local planning authorities. The Thurrock Design Charter has been refined to act as a 'vision statement' for a wider design code for Thurrock, preparing for this proposed new statutory duty.

Failure to consult on the Charter risks challenge to the robustness of the eventual design codes in the determination of planning applications, as well as within the examination of the emerging Local Plan to which the Charter is acting as evidence.

### **7.3 Diversity and Equality**

Implications verified by: **Becky Lee**  
**Team Manager Community Development and Equalities**

The Thurrock Design Charter will be subject to a Community Equality Impact Assessment to ensure that all sections of the community, including harder to

reach groups, will have the opportunity to be involved in helping to shape the future planning and development of Thurrock, both through plan-making and the consideration of development proposals.

The Thurrock Design Charter has been developed to deliver broad positive impacts to Thurrock's local communities by promoting good design and best-practice in development and place-making. The Charter aligns with, and references, established best practice in inclusive design as captured within the National Design Guide, National Model Design Code, and Building for a Healthy Life guidance. The Charter particularly considers the benefits of good design in improving outcomes for different ages (by incorporating HAPPI principles), disability (by incorporating universal design principles), and the health and well-being of residents (by incorporating Building for a Healthy Life as well as the principles established in Thurrock Health & Well-being Strategy Refresh). The Charter includes: 'involving residents in the decisions that affect their lives, using co-design and co-production methods in the issues facing Thurrock as well as the solutions' through the Charter's emphasis on community engagement, co-design, and stewardship throughout the design process.

**7.4 Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

None

**8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Thurrock Design Strategy SPD (March 2017) [Thurrock Council - Design Strategy: strategic planning document, March 2017](#)
- Thurrock Design Guide – Residential & Alterations SPD (July 2017) [Thurrock Council - Design guide: residential alterations and extensions](#)

**9. Appendices to the report**

- Appendix 1: Draft Thurrock Design Charter – August 2023

**Report Author:**

Alec Scragg, Place & Design Manager

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DAVID LOCK  
ASSOCIATES

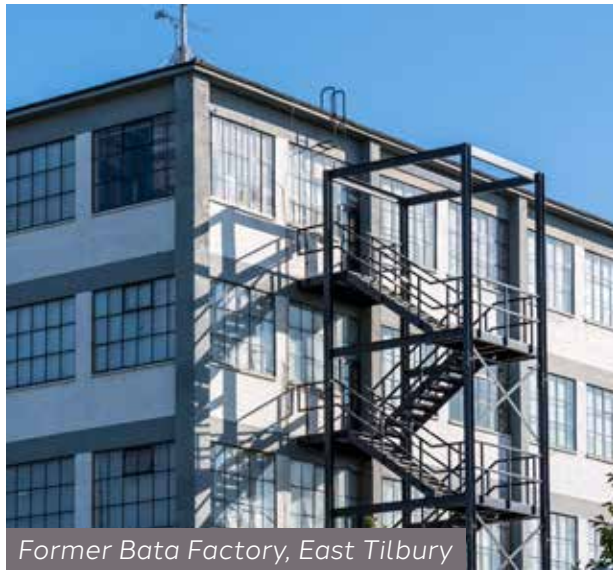
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THURROCK  
**Design Charter**

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Former Bata Factory, East Tilbury



Port of Tilbury



Davy Down Country Park



Thames Path, Purfleet



High House Production Park



Bruyn's Court, S. Ockendon © Killian O'Sullivan



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An overview of the many aspects and places that make up the borough.

### Design Principles for Thurrock

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The outcomes that good design for proposals in Thurrock should deliver, arranged across four key principles.

### Key Design Ideas for Thurrock

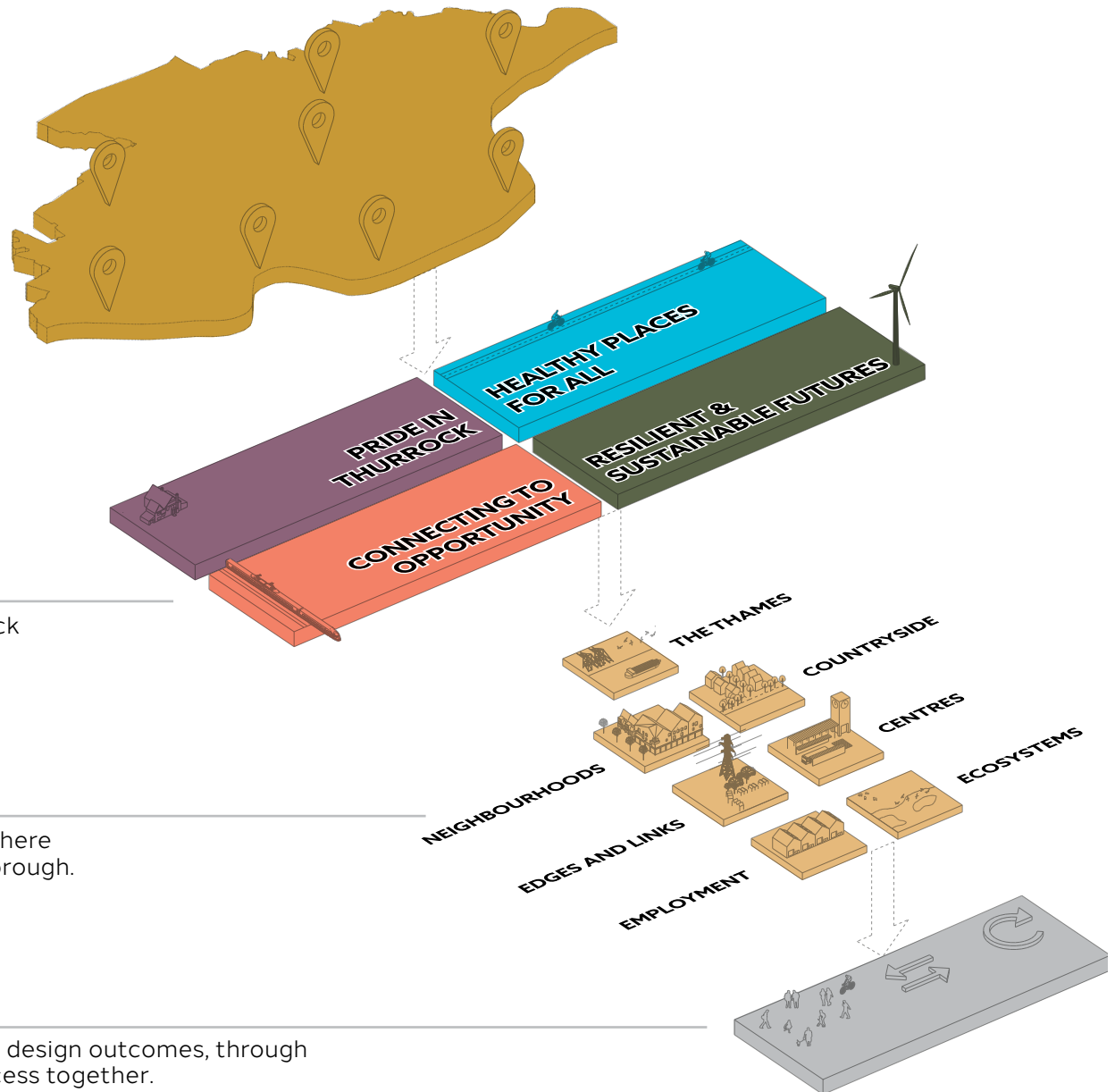
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Identifying some of the most important opportunities where good place design could make a big difference in the borough.

### Making it happen

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How we can all work together to produce better quality design outcomes, through engagement and marrying the planning and design process together.



# The Importance of Good Design for Thurrock

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Good design brings out the best in place, through a creative pursuit that recognises and builds on the needs and desires of local communities.

Good design not only provides creative solutions to complex problems, it helps us to experience and connect with the world in a meaningful way.

High-quality, considered design is essential to improving the quality of life of Thurrock's communities. Good design can help deliver revitalised services, build community wealth, empowerment, and economic prosperity. It can retrofit and enhance existing places, raising the quality of new places to provide new services and infrastructure, with access to new jobs, skills and education opportunities.

Good design enhances our natural environment and historic places, while delivering sustainability and resilience to climate change. Good design engage with people meaningfully, so that communities can shape the places around them.

Design is an iterative, collaborative process. While there are no 'right answers' but there can be poor outcomes. Design alone cannot fix every issue in our communities, but it has a valuable and enabling contribution to set the right conditions, through genuine and positive engagement, to ensure our neighbourhoods and places are well considered, where people feel at home and have access to a range of opportunities to live a fulfilling and healthy life.

## AIMS & STATUS

The Thurrock Design Charter sets a clear Council commitment to good design and place-making, identifying our aspirations around design and place quality to our stakeholders, communities, and developers; all those involved in design, development, place-making, and place-keeping.

The Charter stimulates better, more holistic design thinking ensuring development enhances the quality of our places and supports the well-being and prosperity of Thurrock's communities.

The Charter identifies high-level design principles and opportunities which set the vision for the forthcoming borough-wide **Thurrock Design Code**. Whereas the Charter outlines a broader vision for good design, the Design Code will provide a set of simple, concise, illustrated design requirements that provide specific, detailed parameters for all development.

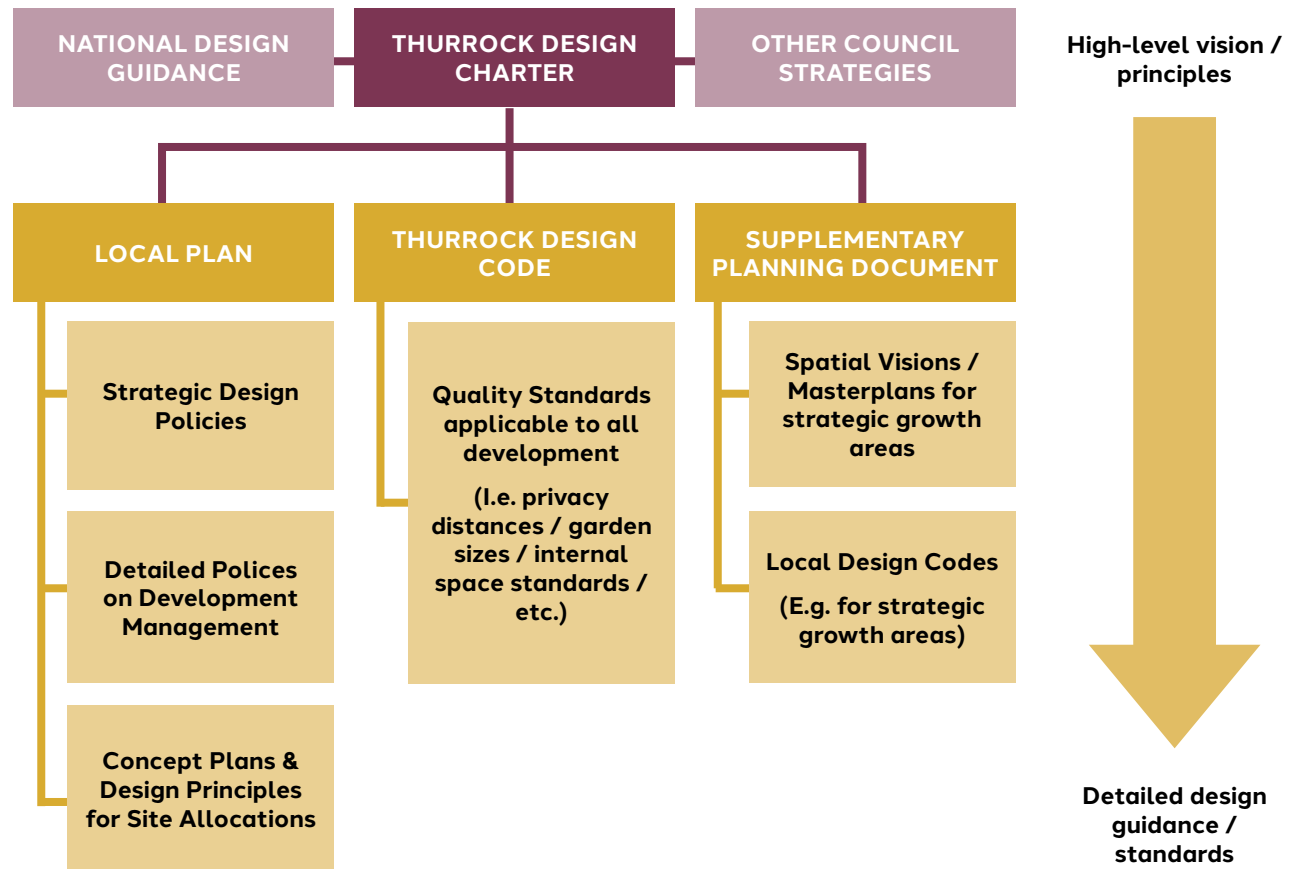
The Charter principles will be integrated with the emerging Thurrock Local Plan, with the Design Code to be adopted as part of the Local Plan to provide material weight to planning



applications, and ensuring good design is supported from policy to delivery.

National policy places great emphasis on good design in the planning system. The Charter builds on the ten characteristics of the National Design Guide, the principles of the National Model Design Code, as well as established best practice including Building for a Healthy Life, and Building with Nature Standards.

However the Charter goes further, setting out a wider agenda specific to the unique characteristics of Thurrock, and across all aspects of Thurrock Council's work, allowing everyone involved to play their part. To this end, the Charter has been developed to align and link into the wider place mission of the Council, referencing and integrating with the emerging Local Plan, 'Health and Well-being Strategy Refresh', emerging 'Thurrock Economic Growth Strategy', as well as supporting and aligning with other Council strategies.



# Understanding Thurrock

Good design begins with a deep understanding of our places and communities.

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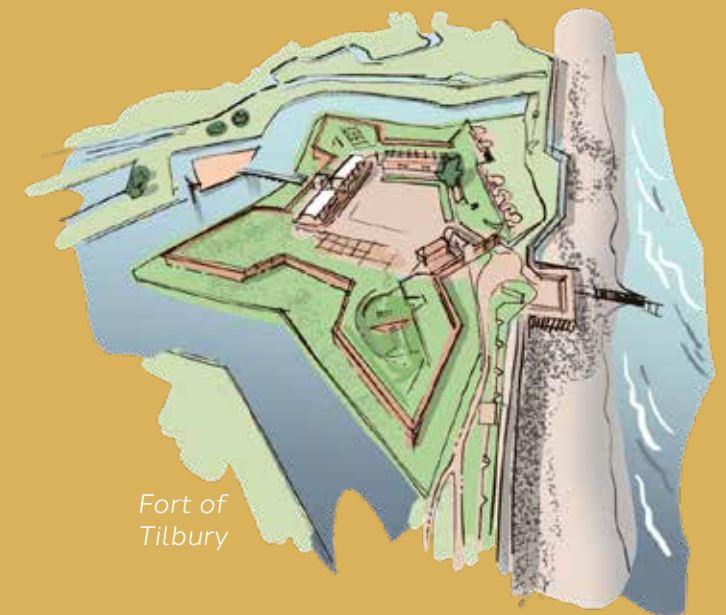
Properly responding to Thurrock's varied places, complex infrastructure, and unique environmental qualities is critical to improving the environment and quality of life of our communities.

Any development proposal must embody a 'whole-place' approach, looking beyond its site boundary to respond to its wider physical, environmental and social context. Site and context appraisal needs to be both evidence-based and informed through active and continuous engagement with communities throughout the design process. As well as considering the physical aspects of the natural and built environment, there must be an understanding of local communities, their needs, concerns, and desires.

The history of Thurrock is entwined with the story of the River Thames. Riverside settlements, defensive forts, ports, quarries, and industries have all left their mark and form the context for the design of new places. There is also a strong relationship to London and international relationships through a network of trade. Changes in the capital, along with the construction of national infrastructure have seen rapid growth in the borough since the mid-1900s.

The landscape is full of contrasts, from rich agricultural fields and fenland, to extensive marshes, former chalk quarries, and industrial

uses near the Thames. Much of the countryside is now protected by Green Belt status. Thurrock is a hard-working and productive landscape, full of visible agricultural and industrial influence, where industry sits side by side with nature. These natural spaces are vital places for biodiversity, to appreciate and enjoy the beauty of the Thames estuary landscape.



Fort of  
Tilbury



## Nature

Thurrock is home to some of the UK's most important coastal and marine habitats, such as Fobbing and Mucking Marshes, as well as diverse inland natural space such as fenland and river valleys.

These spaces link into a wider regional landscape along the Thames estuary of international significance as well as local value. More recently, the importance and opportunity for a regional approach to nature has been highlighted within the South Essex Estuary Park (SEE Park) vision.



## Water

Thurrock is defined by its relationship to the Thames and its tributaries, including the Mardyke. Much of the borough sits within natural floodplains, demonstrating the significant flood risks that Thurrock contends with, but also creating rich areas of marshland and fenland.

While the Thames brings trade, industry, and connections to the borough, it also addressed important needs of public amenity, access, and nature conservation.



## Countryside

The countryside of Thurrock is diverse, from rolling hills to estuary marshes. It is a source of local pride but also serves a wider regional strategic purpose with much of the countryside designated as Greenbelt.

The green landscapes of Thurrock have a long history of agricultural and quarrying that still influences settlement patterns. Strategic projects and partnerships including the Thames Chase Community Forest all help contribute to the protection, enhancement and promotion of Thurrock's countryside.



## Green Space

Although there are some deficiencies in the quality and provision local green spaces and sports provision, Thurrock benefits from significant wider strategic green spaces include the Mardyke Valley, Chafford Gorges, Rainham Marshes and Thames Nature Reserve.

Some of these are of important heritage and environmental quality such as the Belhus Woods and Langdon Hills Country Parks, and there are great benefits in better connecting these spaces to existing communities.



*London International Cruise Terminal*



## Ports & Infrastructure

Criss-crossed by major national infrastructure, Thurrock powers much of the wider region, and providing vital services to London and the South East. Our ports and docks are pivotal to Thurrock's ambitious growth agenda, exemplified by the Thames Freeport.

However, this infrastructure has the impacting of severing many of our places and is poorly integrated with existing neighbourhoods contributing to issues of noise, pollution, and congestion. There are opportunities to rethink the design of infrastructure to not only mitigate these effects but provide local benefits.



## Connections

Thurrock is well connected nationally to the strategic road and rail networks, and internationally through its three international ports and global commerce links.

However, local connectivity is severed by large pieces of infrastructure and the river Thames, with poor transport connections between neighbourhoods.



*St Clements Church*



## Heritage & Culture

Thurrock has a long history of defence, trade, immigration, agriculture, economic and industrial change. This includes: landmark military forts at Tilbury and Coalhouse, ancient monuments from Roman and neolithic times, and international Modernist buildings at East Tilbury.

However, Thurrock's heritage and culture is not just our designated heritage assets but also in the qualities of our High Streets, landscapes, and neighbourhoods. New cultural landmarks such as the High House Production Park demonstrate how we can successfully save and grow from our heritage while creating new cultural industries for the future.



## Towns & Villages

The settlements of Thurrock are incredibly varied for a Borough of our size, from rural villages through to conurbations of towns linked together.

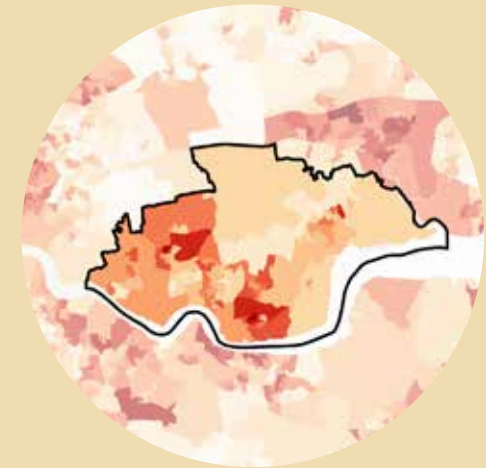
Settlement origins are varied, from historic ports, farmsteads, factory towns, through to post-war developments resettling populations from a war-torn East End, and out of town leisure developments like Lakeside shopping centre. As a result, the design and character of our places varies significantly create a variety of memorable identities and local landmarks.



## Communities

Population density varies significantly across Thurrock, from dense town centres such as Grays through to wide open fenland and villages in the north.

Thurrock has pockets of some of the wealthiest areas in the UK as well as some of the most deprived, reflecting both its significant local economy, as well as the legacy of structural changes to its major industries over time.



## Health & Well-being

There are significant variations in population health and well-being levels relating to this disparity in wealth, with higher rates of obesity and lower levels of physical activity than the UK average.

Life expectancy, the highest-level indicator of health inequality, for both males and females are significantly lower than both the East of England and England averages.

# Design Principles for Thurrock

The Design Charter sets out four principles against which the design of places in Thurrock should deliver good outcomes.

Page 22



QEII Bridge

- 1 Pride in Thurrock**
- 2 Healthy Places for All**
- 3 Connecting to Opportunity**
- 4 Resilient and Sustainable Futures**

This chapter sets out:

**WHY** each principle is important to Thurrock

**OUTCOMES** that are expected from good design in each principle

These principles will form the framework for good design in Thurrock. Proposals will be expected to demonstrate how they deliver good outcomes for Thurrock's communities against these principles.





Orsett Village



Grays Riverside



Saxton Close, Grays

# Pride in Thurrock

## WHY?

Page 24

Thurrock already has many beautiful places that communities rightly take pride in and identify with. Thurrock's places and communities are diverse and it is expected that any new development should deliver a positive sense of place to help communities develop a sense of belonging. This requires that Thurrock's communities are at the centre of the design process, helping to shape the places around them through genuine and continuous engagement ensuring developments enhance quality of life.

The borough has diverse built, landscape, and social heritage that needs to be protected and celebrated, including iron age earthworks, medieval churches, Victorian industry, and modern history. Making space for our heritage and culture is critical to building local pride, celebrating our people, heritage, and landscapes, and showcasing our collective story in a distinctive way.

With our ambitious economic growth agenda, Thurrock deserves all new development to be of a high-quality, sympathetic to local character, and delivering broader benefits beyond their site boundary to local communities. Regeneration has the potential to create memorable places and distinctive new identities that reference our collective story while not establishing innovative and new creative opportunities for local communities.



*Horndon-on-the-Hill*

# OUTCOMES

## 1.1 Engaging widely and considering everyone

Thurrock's communities must be the starting point for any design process, and they should feel a sense of belonging and ownership over the development of their local places. Creative and collaborative engagement using physical and digital methods tailored to diverse user groups, should be undertaken from the start of the design process. Proposals should show how they have responded to the needs, concerns, and desires of local communities. Thurrock is a diverse borough and development project teams should reflect and take into account this diversity in experience and identity.

## 1.2 Distinctive places, informed by their context

Proposals should respond imaginatively to their surroundings demonstrating how they have considered nearby green infrastructure, connectivity, views, landscape, character, culture and heritage as part of their underlying concept. A clear vision for each development, how it will fit into its context, and how it will deliver wider benefits for health and well-being, inclusion, and sustainability should be carried through all stages of design.

## 1.3 Designed for the long term

The successful stewardship and management of places is as important to local pride in Thurrock as their original design. This includes effective management and activation of spaces as well as good maintenance. An approach to stewardship should be set out at an early stage of design, and include opportunities to involve local communities pro-actively in the stewardship of their local places.

## 1.4 Delivering wider benefits for Thurrock's communities

New proposals must show how their designs have considered the wider ambition and strategies of the borough, and how they can contribute to it. Proposals must also demonstrate how they will deliver benefits for existing communities in the local area, such as through new or improved connections, facilities, or spaces.

## 1.5 Celebrating our heritage and culture

Heritage in Thurrock is more than our designated assets. It embodies the spaces, landmarks, buildings and monuments that together tell our collective story. Proposals should use design to investigate and refer to aspects of an area's history that help provide a sense of place, and a distinctive identity. This may include its relationship to the Thames, our social history, past industrial activities, common local materials and landscape character.

## 1.6 Beautiful buildings with well-integrated built form

All proposals should be visually attractive, using well-composed built forms, details, and high-quality materials. Densities should be design-led, responding sympathetically to surrounding character while delivering creative architectural responses and sustainable forms of development. Taller buildings need careful consideration in terms of form and location, ensuring they are of higher design standard, create appropriate and logical landmarks, and enhance the character of places.

# Healthy Places for All

## 2

### WHY?

Page 26

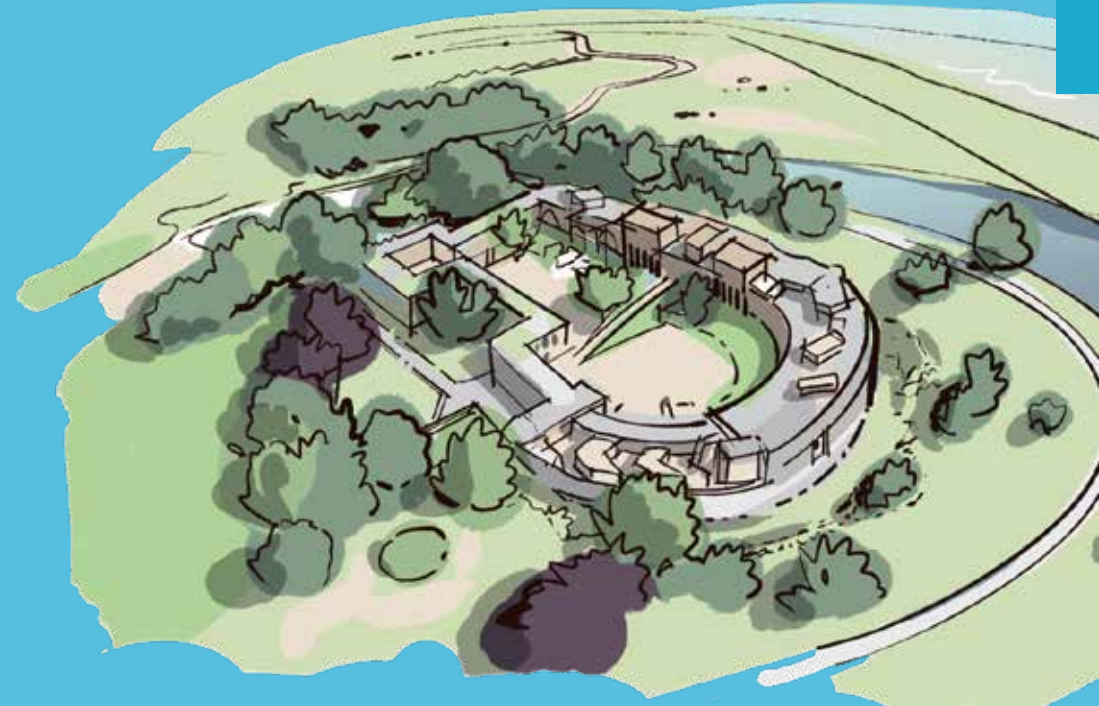
Our built, natural and social environment has a major impact on our overall health and well-being. Thurrock's population has a higher prevalence of long-term health conditions and lower life expectancies than the national average. As such it is vital that focus is given to addressing the wider determinants of health to improve population health and well-being, and reducing health inequalities. As we face the challenges of an ageing society, we must ensure that design and place-making empowers and enables healthy environments.

Well-designed, compact, attractive and well-connected places encourage walking, cycling, and wheeling by placing everyday services and facilities in easy reach. Social connections are better established around well-designed services, facilities, and public spaces, supporting good mental health and better enabling people to access support networks.

Planning and design can ensure good environmental health, such as better air and water quality, as well as mitigating noise and light pollution, in both our homes and outdoor spaces. Easy access to high-quality nature and open spaces a short distance from one's doorstep is also essential to physical and mental health.

Our homes and public spaces are often not designed to be adapted for independent living into old age or for those living with long-term health conditions. Well-designed places should provide a variety of places and spaces accessible and usable by all.

*Coalhouse Fort*



# OUTCOMES

## 2.1 Enabling and encouraging daily physical activity

Proposals should demonstrate how they have maximised opportunities for active travel in daily life, with safe, attractive, and convenient walking and cycling networks linking between facilities and places. Places must be designed for a diversity of physical activity, from formal sport to informal recreation. This must include safe and attractive facilities as well as safe and usable routes to access them. Public spaces and buildings must be designed with accessibility in mind and be adaptable for different abilities and age groups.

## 2.2 Access to safe, high-quality green spaces and public realm

Every community should have nearby access to a choice of high-quality green areas. Proposals should ensure that public spaces are delivered in the right places, with development centring around them to provide safety and overlooking, and with a plan for long-term stewardship. The public realm and streets should be designed for people first, not determined by minimum highways standards. All streets should include street trees, planting and sustainable drainage systems as a features. Integrating green and blue infrastructure helps deliver healthier streets that help improve wider environmental quality around heat stress, air and noise pollution.

## 2.3 Homes for all ages and needs

Homes should be diverse in type, tenure, and size, responding to Thurrock's housing needs. Designs should be tenure-blind across market, genuine affordable and social housing, and be adaptable to meet the requirements of a range of users including those with learning disabilities and/or mental health issues. Homes should be

designed to consider people at all stages of life and should support independent living. Homes for older residents should adhere to HAPPI housing standards. Ensuring homes are designed to be well ventilated, well insulated and can be heated in an affordable way is also critical to ensure homes protect and enhance the health of residents.

## 2.4 Growing communities

Communities should have convenient local access to a range of healthy food options, to support healthy lifestyles. Opportunities for personal and community food growing should be embraced within developments, such as designing in opportunities for allotments, orchards, community gardens, roof gardens, and individual outdoor spaces such as gardens, roof terraces, and balconies.

## 2.5 Infrastructure and facilities first

Early delivery of social and community infrastructure within new development, is vital to generating healthy and inclusive communities, where residents can feel part of a place with the services they need. Proposals should quantify what infrastructure is needed to support this goal (and wider policies), and be clear how this will be secured, phased, and stewarded for the future. This could also include opportunities for meanwhile uses, and temporary infrastructure. Phasing must be sensitive to local contexts and ensure minimum disruption to existing communities.

# Connecting to Opportunity

# 3

## WHY?

Page 28

Connected places are prosperous places, offering opportunities both for those living there while also helping to unlock the benefits of growth and regeneration. Connected places allow communities to access education, employment, leisure, health, and culture in a manner that is efficient, inclusive, safe, affordable, promotes good health outcomes and improves quality of life.

While Thurrock is well-connected nationally and internationally by significant infrastructure, many of our local communities have historically suffered from poor connectivity and under-provision of services. This has led to inequalities and a lack of opportunities.

Designing walkable, compact neighbourhoods, combining homes and facilities with good active travel and public transport connections helps provide greater choice in terms of travel modes. This helps reduce the need and cost of private car ownership, and ensuring better accessibility to services for households with no

access to a private vehicle.

Good design helps provide the foundation for places that can deliver robust and inclusive economic prosperity, delivering on Thurrock's ambitious economic growth agenda.

By planning well-designed, denser, compact development around public transport and existing services we can improve and intensify neighbourhoods with more investment, reducing congestion and enhancing the quality of green spaces. Designing denser, compact development, also strengthens the case for future transport investment, making existing services more viable by providing a catchment population within walking distance.

*London Gateway*



# OUTCOMES

## 3.1 Connecting to services and facilities

Neighbourhoods should be designed to provide safe and secure walkable connections to everyday facilities. Less frequented facilities should be conveniently accessible by bicycle or public transport along routes that are safe both during the day and night, easy to navigate and direct. Provision of services in existing neighbourhoods should be strengthened through creative opportunities for development and investment, where this provides clear benefits to local communities and enhances existing local character.

## 3.4 Connecting to culture and leisure

Diverse forms of culture, events and leisure opportunities should be easily accessible by everyone, regardless of background, age, ability and location. New development should look to embed culture in the heart of new place, such as through meanwhile uses, temporary events, public art, spaces for cultural production and consumption, and children's play. Co-locating facilities in and around centres, including with schools, enables access, use and occupation by different users throughout the day and evening.

## 3.2 Connecting to nature

Green infrastructure must be woven through all new developments, within streets, parks, open spaces and connections to wider natural habitats, in line with Building for Nature standards. Sustainable drainage systems should be designed to be multi-use and incorporate natural habitats, play, or spaces to rest. Access to nature, open space, the countryside, and outdoor leisure should be considered a fundamental part of any design proposals.

## 3.3 Connecting to jobs and opportunities

Convenient, attractive, and safe sustainable travel routes for walking, cycling or frequent public transport should connect homes with jobs, and education opportunities. Strategic proposals should consider how they can better integrate schools and wider education facilities, as well as appropriate employment spaces, within the heart of places to create attractive mixed-use communities where people can live and work.

## 3.5 Connecting across barriers

A well-designed, safe, overlooked, and connected street network, that provides excellent and inclusive walking and cycling options, will ensure people can all get around our local area easily and conveniently. Proposals should show how they have maximised networks and future-proofed them for additional connections. Investing in infrastructure such as active travel and multi-modal bridges is an important part of addressing the severance between neighbourhoods caused by major infrastructure.

## 3.6 Walkable, compact forms of development

New development should make efficient use of land, preserving our open countryside as much as possible. Densities should be optimised in areas that are well served by local public transport, facilities, open spaces, and local services. By bringing people together in walkable compact neighbourhoods, we can better support the vitality of our town centres and provision of new transport connections.

# Resilient & Sustainable Futures

# 4

## WHY?

Page 30

Thurrock is home to internationally significant wildlife, however biodiversity loss is having a major effect on our countryside and ecosystems, depriving communities of the value of local nature. Facilitating effective and sustainable nature recovery not only helps reverse this decline, but provides great opportunities to deliver wider green and blue infrastructure to support our local communities.

Thurrock is particularly susceptible to the effects of climate change, given the far reaching effects of potential rising sea levels within the Thames estuary. In line with the council's declaration of a climate emergency, we must do all we can to reduce negative impacts on our environment, and ensure our landscapes and settlements are resilient for the next generation. We must use resources wisely, and develop in ways that are sustainable, flexible, maximise passive strategies for heating and cooling, and consider creative opportunities for remediation and habitat creation.

The borough's history of industry has unfortunately led to local instances of ground extraction, contamination, and pollution. Ensuring industrial uses are well-designed and sensitively co-located would help prevent this harm in the future. At the same time, thinking about the construction process at the earliest design stage is critical to ensuring developments are low energy and long life. This could considering recycled and natural building materials, and low-waste and low impact construction methods.



*Fobbing Marshes*



# OUTCOMES

## 4.1 Delivering a net zero carbon future

All development should be designed from the outset for a zero-carbon future, against specific and clear environmental performance targets agreed at an early stage. Following the Net Zero energy hierarchy, proposals should start from a principle of re-use first, and only then consider demolition and rebuild of existing buildings. We will require efficient building operation through orientation, façade design, natural ventilation, passive heating, and cooling. Where there are opportunities to generate clean, sustainable energy on site or nearby they should be delivered.

## 4.2 Resilient and future-proofed development

We want to ensure that what we build today is robust, adaptable and easy to maintain. Proposals should demonstrate how buildings and developments can adapt to different seasons and ranges of weather using primarily passive methods. Spaces should be flexible and adaptable, so they can change over time with minimal resource investment. This includes both ensuring adequate storage for homes, as well robust material choices and infrastructure provision for public spaces so that they can be used for a variety of purposes.

## 4.3 Space for nature and biodiversity

All development must consider how to include a variety of new and improved natural habitats, and aim to exceed Biodiversity Net Gain targets. This ranges from small-scale interventions such as street trees and sustainable drainage swales through to extensive networks of landscapes. Opportunities to retain, enhance and connect locally distinctive habitats and species should be identified from the earliest stages of design, especially if this can help deliver on strategic ambitions for more connected green and blue infrastructure networks.

## 4.4 Nature-based solutions

Nature-based solutions to flood resilience, remediation, and water management should take precedent over engineered solutions, reducing overall maintenance requirements, providing new connected habitats, and reducing our reliance on major infrastructure. Examples include sustainable drainage solutions that enhance water quality and minimise flood risk, regenerative agriculture, restoration of former landfill to nature and landscapes where stewardship needs are minimal through the choice of habitat.

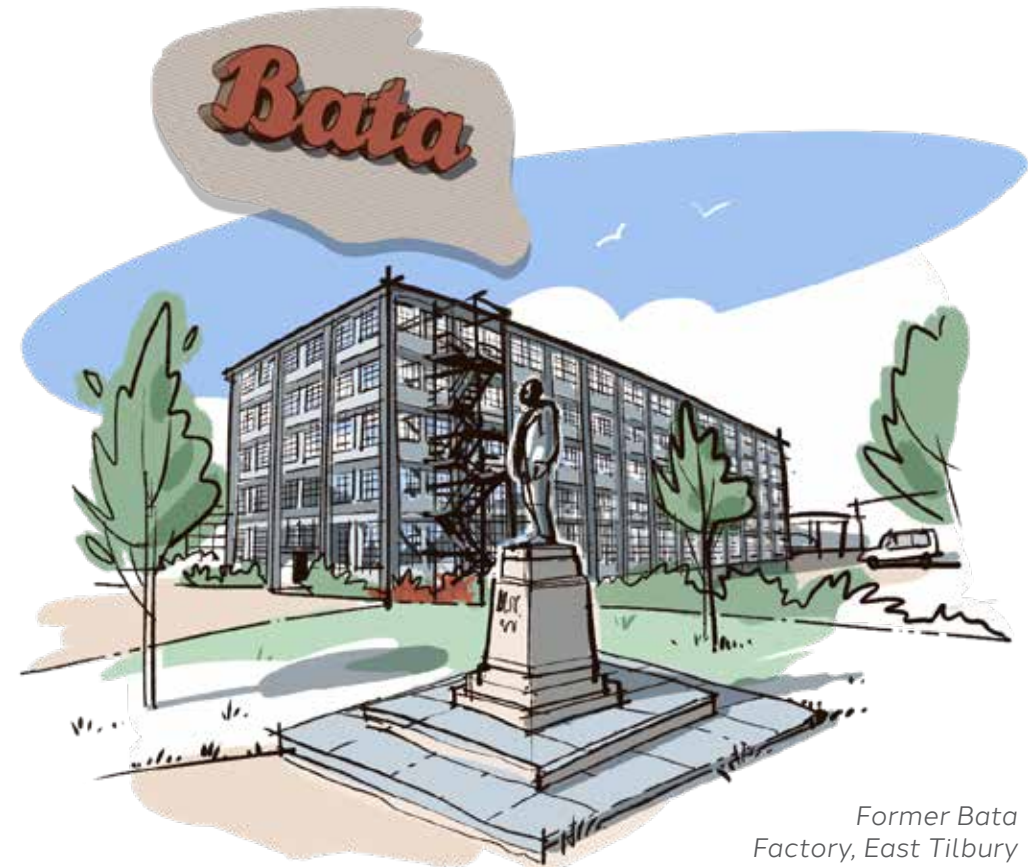
## 4.5 Embedding circular economies

The full life-cycle of material use, from construction and consumption through to re-use and disposal, must be considered as part of the design process. Proposals should show how they can re-use materials, adapt existing buildings, and provide everyone the opportunity to recycle and reduce waste. Local procurement of materials for construction will be encouraged where it reduces the embodied carbon of new construction.

# Key Design Ideas for Thurrock

This section of the Design Charter illustrates a series of potential design opportunities on seven strategic areas where a step change in design quality could deliver big differences to quality of place and overall outcomes for communities. Design teams should take inspiration from these design approaches where the areas of opportunity intersect with their proposals.

The themes and ideas of these studies will be supported by the emerging Design Code and Local Plan, and future design guidance.



Former Bata  
Factory, East Tilbury



Mardyke Valley



The Echoes, Grays © Killian O'Sullivan



Parish Church of St Peter and St Paul, Grays

# THE THAMES

## CELEBRATING THE THAMES IN THE FUTURE DESIGN OF PLACES

Proposals should recognise and respond to the profound effect the River Thames has on Thurrock, and make the most of the opportunities presented to create exceptional designs that respond to this setting in order to deliver a distinctive sense of place.

**Page 34** The river and its frontage is a place in its own right, but is fragmented by industry and infrastructure, and poorly accessible in places. Opportunities to provide further public access through footpath connections should be pursued. The Thames and other waterways are crucial to the sense of place and distinctiveness of the borough.

The diagram shows how some of the opportunities, conditions and landscapes that exist along the Thames in Thurrock could be incorporated and considered in the future design of successful places.

### DESIGN OPPORTUNITIES ALONG THE THAMES

1. Enhancing and delivering the Thames Path, addressing severance of access to the Thames due to the ports, and integrating links to town centres and settlements
2. Restoring tributary habitats to provide space for nature, leisure links and flood resilience
3. Opening up connections between the town centres, settlements, and the river front
4. Creating new vibrant public spaces and parks along the river front
5. Consider how water traffic and cross-river links such as ferries and water taxis can be integrated and future-proofed
6. Restoring wetland habitats to provide carbon sinks and sequestration, flood resilience and biodiversity net gain
7. Innovative approaches to the design of employment and national infrastructure should provide benefits and quality places for local residents, as well as acting as landmark gateways to the UK
8. Creating opportunities for clean energy generation wherever possible
9. Connect and celebrating our tangible and intangible heritage assets along the river, such as forts and our social history of the ports, helping to tell the rich history of Thurrock

## GLOBAL GATEWAYS

Trade and international connections will continue to play a vital part in the future of the Thames in Thurrock. The places and infrastructure around these uses should look to the future, and reflect the highest-quality design standards, as the UK's gateway to the world.

## NATURE RECOVERY

The tributaries of the Thames, such as the Mardyke, are vital ecosystems corridors and provide natural connections between places and the estuary. Designs should seek to restore these connected habitats and consider their role as potential green links for nature and people.

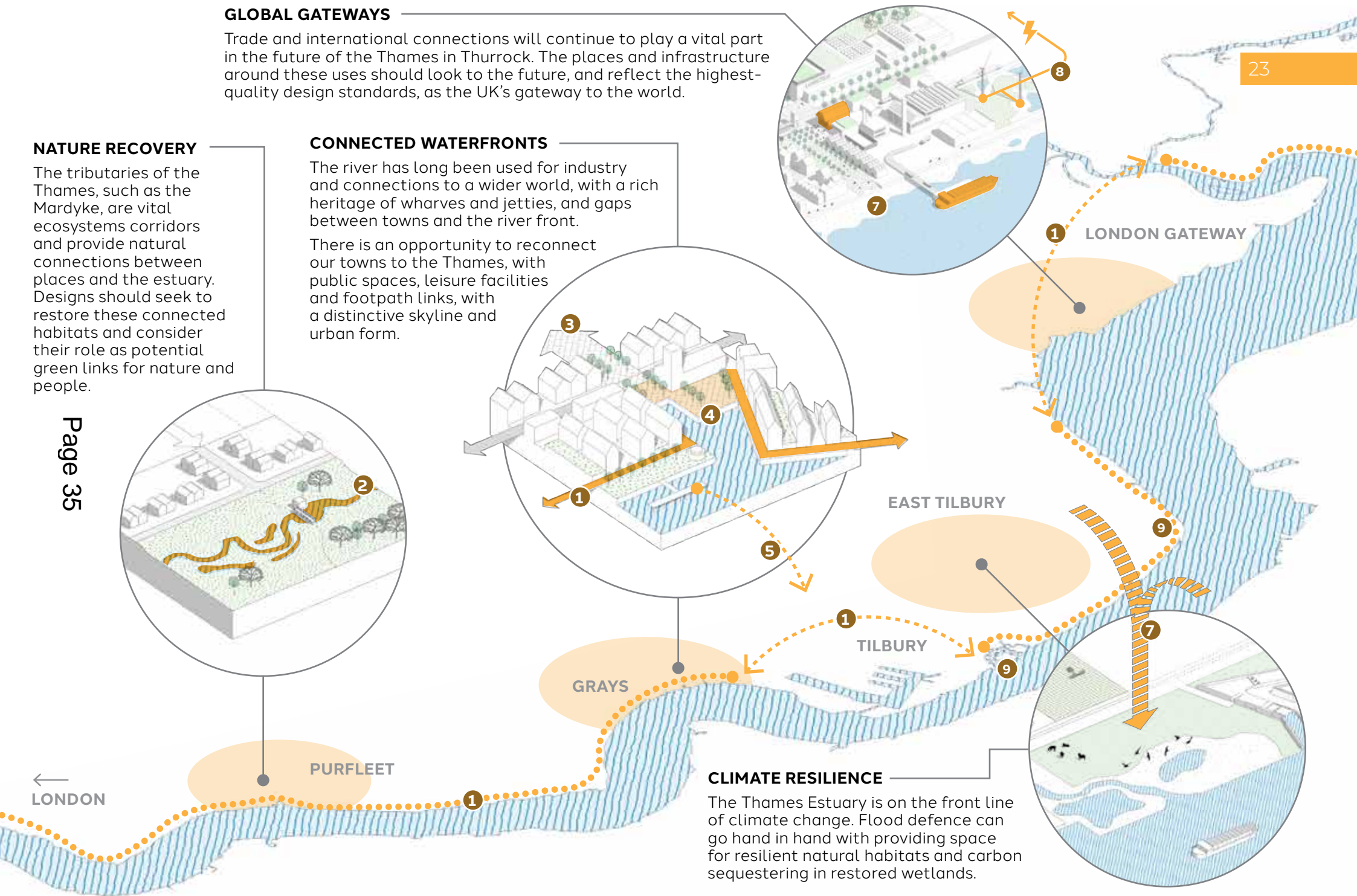
## CONNECTED WATERFRONTS

The river has long been used for industry and connections to a wider world, with a rich heritage of wharves and jetties, and gaps between towns and the river front.

There is an opportunity to reconnect our towns to the Thames, with public spaces, leisure facilities and footpath links, with a distinctive skyline and urban form.

## CLIMATE RESILIENCE

The Thames Estuary is on the front line of climate change. Flood defence can go hand in hand with providing space for resilient natural habitats and carbon sequestering in restored wetlands.



# NEIGHBOURHOODS

## IMPROVING THE QUALITY OF OUR NEIGHBOURHOODS

Bringing services, facilities, nature and green space closer to people's homes can offer everyone greater choice, a healthier lifestyle through active travel, better access to facilities, and help bring communities together socially. With ongoing changes and interventions, existing neighbourhoods can be transformed over time to offer a richer mix of facilities, spaces and access to nature, reducing inequalities and enhancing health, opportunity and quality of life for all.

Many of Thurrock's existing neighbourhoods are under-provisioned for services and dominated by highway infrastructure, making getting around without a car inconvenient, unpleasant, or unsafe. With simple interventions, this can change.

The diagram explores how a typical existing neighbourhood may change to improve quality of life and service provision in the future through investment, sensitive development and regeneration.

### DESIGN OPPORTUNITIES IN EXISTING NEIGHBOURHOODS

1. Gentle densification of development located close to public transport routes to support greater footfall and viability of new local services
2. Street transformations of major roads to include trees, generous pavements, and safe cycling networks
3. Providing opportunities for new links to improve pedestrian permeability of areas
4. Opening up and integrating existing green features, such as streams, into neighbourhoods
5. Providing community growing, such as orchards and allotments, supporting local community shops
6. Traffic calmed streets to provide alternative quiet and safer walking and cycling routes
7. Mobility hub for buses with secure bike storage, providing EV and cycle charging points
8. Regenerating smaller industrial estates in residential areas to provide a mix of new, local businesses, with improved safe pedestrian access and buffers to surrounding residential areas
9. Infill development to sensitively intensify centres and key locations, stepping down to blend with existing built form, provide affordable homes and specialist accommodation
10. Simplifying space-intensive highway arrangements, such as oversized roundabouts, to provide better junctions and public spaces
11. Linear park and trim-trail along street to school
12. Car parking better integrated within attractive streets, close to front doors but not car dominated, separated by street trees and contributing to traffic calming



Co-working hubs and local employment space

Mews-style infill development

Buffers to major infrastructure, addressing noise and air quality

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Co-located sports facilities shared between schools and the community

Day care centre and local community hub

Local shops and facilities in walking distance

New health and wellness centre

5

8

12

3

1

4

6

9

11

1

2

7

10

# COUNTRYSIDE

## RELATING SENSITIVELY TO THE THURROCK COUNTRYSIDE

Thurrock's countryside has a diverse character and provides space for agriculture, leisure, nature and many other uses. Much of it is protected by Green Belt designation and is important in preserving the openness and character of rural areas and the setting of historic villages.

Page 38 Preserving and enhancing the quality of, and access to, our Green Belt is vital. Design has a role in ensuring new development forms attractive edges to settlements, facilitates better access and use of the countryside, and considers local landscape character as well as strategic views in and out of places.

The diagram sets out how new development at the edges of towns and villages can deliver benefits to existing communities, enhance their settlement, protect rural character, and be inspired by their countryside edge setting in different contexts.

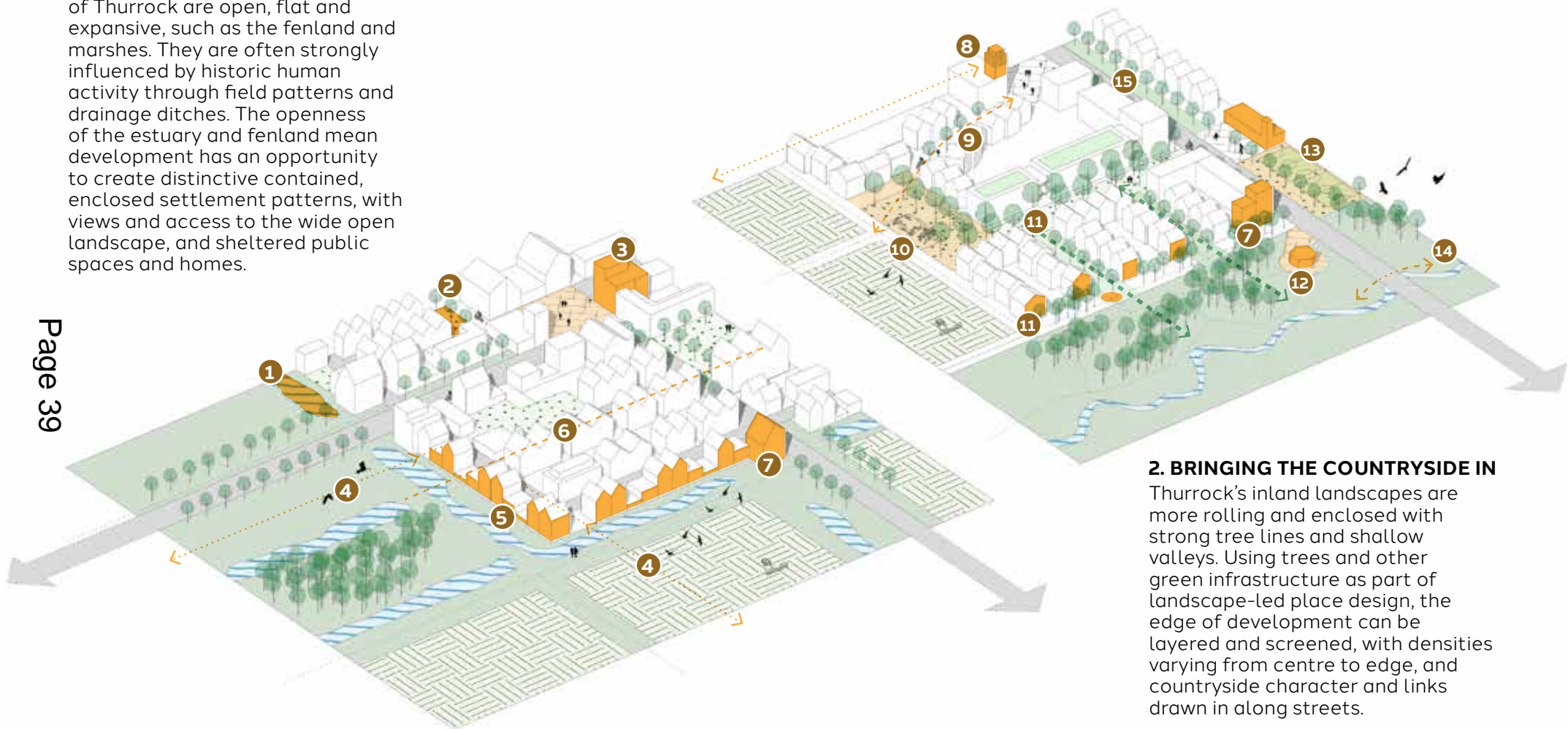
### DESIGN OPPORTUNITIES AT THE COUNTRYSIDE EDGE

1. Strategic sustainable drainage systems (SuDS) throughout, delivering wider water management benefits and draining to the countryside edge
2. Variety of public green open spaces with opportunities for biodiversity, amenity and food production
3. Varied density and built form throughout, with a clear centre and heart to places to create a memorable and distinctive townscape
4. Views out to the open countryside, from homes and public spaces
5. Distinctive, high quality built form with active frontages that form a clear and attractive edge to settlements
6. Using historic field boundaries to provide a clear structure to development and landscape
7. Architecturally distinctive buildings at key locations to articulate gateways and local landmarks
8. Considering high-quality skyline features within long views to help define a place within its context
9. Green cycling and walking links from countryside edges to centres along historic desire lines and paths
10. Well-connected parks to soften countryside edges
11. Layers of green infrastructure screen development views, providing amenity space, biodiversity net gain and a natural gradient of density towards the countryside edge
12. Access and activation of natural green open spaces, with facilities and footpaths
13. Locating school playing fields as part of green infrastructure networks
14. Drainage and nature corridors through infrastructure
15. Street trees, swales, and rain gardens within streets linked to open countryside



## 1. OPENNESS AND ENCLOSURE

Many of the countryside landscapes of Thurrock are open, flat and expansive, such as the fenland and marshes. They are often strongly influenced by historic human activity through field patterns and drainage ditches. The openness of the estuary and fenland mean development has an opportunity to create distinctive contained, enclosed settlement patterns, with views and access to the wide open landscape, and sheltered public spaces and homes.



## 2. BRINGING THE COUNTRYSIDE IN

Thurrock's inland landscapes are more rolling and enclosed with strong tree lines and shallow valleys. Using trees and other green infrastructure as part of landscape-led place design, the edge of development can be layered and screened, with densities varying from centre to edge, and countryside character and links drawn in along streets.

# GOOD NEIGHBOURS

## CONSIDERING EDGES AND CO-LOCATING DIFFERENT USES

There is a huge diversity of land uses within Thurrock, from quiet neighbourhoods, to major industry, nationally significant infrastructure, all the way to wide open natural spaces. This brings challenges as to how these different uses, including sensitive residential areas, meet and relate to each other and can create environmental issues and severance that are detrimental to communities living nearby.

Page 40

Edges between different uses and facilities are critical interfaces that present opportunities to think creatively about how different uses meet and how they co-locate, bringing overall benefits in addressing severance to ensure people have good access to local facilities, while providing space for natural habitats and networks for wildlife. Where buffers are proposed to noisy uses or busy infrastructure, these should primarily be designed to be effective screening, and not as low quality public open space, at the expense of higher-quality open space located in a more central and accessible locations within neighbourhoods.

The diagram illustrates potential approaches and opportunities for different types of edges, and places of potential co-location commonly seen in Thurrock.

### DESIGN OPPORTUNITIES AT EDGES OF DIFFERENT USES

1. Co-locating shops and centres where neighbourhoods and employment meet to serve both residents and workers
2. Opening up active travel connections between old and new neighbourhoods to create spaces and centres that serve both
3. Integrating clean local energy generation in appropriate locations
4. Creating amenity space, such as sports pitches, at edges and buffers where this is part of a considered approach to place design
5. Delivering connected habitat creation and enhancement for biodiversity net gain and nature recovery
6. Using trees and planting to screen sensitive uses, and supplemented with bunding and acoustic treatments, where necessary, to achieve functional buffers to noisy uses.
7. Addressing severance by providing new pedestrian and cycle links over major infrastructure that are safe, accessible, well-lit, and inclusive.

**INDUSTRY**

Green walls and roofs  
Solar panels on large units  
Woodland screening with habitats  
Effective green bunding and barriers

Page 41

**MAJOR ROADS**

Effective noise barrier, screened with vegetation  
Green habitat bridges, addressing severance

**RAILWAY**

Solar power roofs on stations  
Active travel bridges, addressing severance  
Screening railways through planting

**PYLONS**

Linear parks along route  
Long distance paths and green links  
Community gardens and allotments  
Planting near pylons

**AGRICULTURE**

Natural habitats & hedgerows  
New countryside walks  
Blue infrastructure, such as swales and ponds

**LOGISTICS**

Running loops & outdoor gyms  
Screening to loading bays  
Using roofs for community facilities, such as sports provision

**EXISTING NEIGHBOURHOODS**

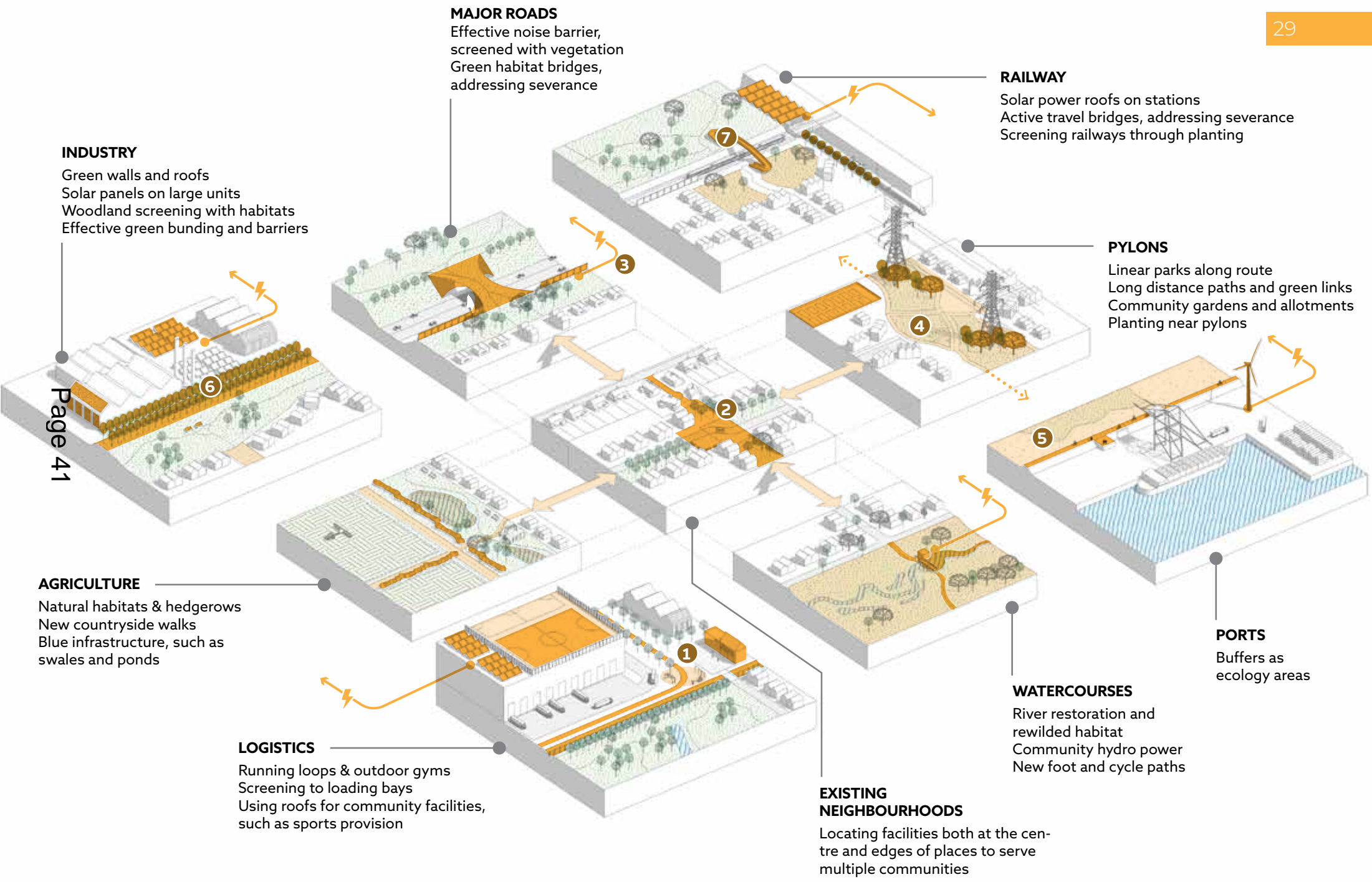
Locating facilities both at the centre and edges of places to serve multiple communities

**WATERCOURSES**

River restoration and rewilded habitat  
Community hydro power  
New foot and cycle paths

**PORTS**

Buffers as ecology areas



# TOWN CENTRES

## VIBRANT, ACCESSIBLE, AND WELL-CONNECTED CENTRES

We have the potential to strengthen our local and town centres, as the nuclei around which transport hubs, mixed-use development, and distinctive public spaces can grow more sustainably. By creating denser, walkable, more compact centres based around active travel, public transport, and the co-location of new services and facilities, urban sprawl can be limited and precious green spaces and countryside better protected. These approaches provide the foundation for the economic prosperity of our centres, helping increase footfall and local population, supporting the vitality of the local economy and its ability to deliver new uses, including evening and night-time uses, cultural and community functions.

Vibrant centres such as at Grays, Lakeside, and within the future of Purfleet, must host a wide variety of uses and be brought together through high quality public realm. Uses should be both for those living in the immediate area, and for those in a wider catchment who will be able to access them via sustainable transport options.

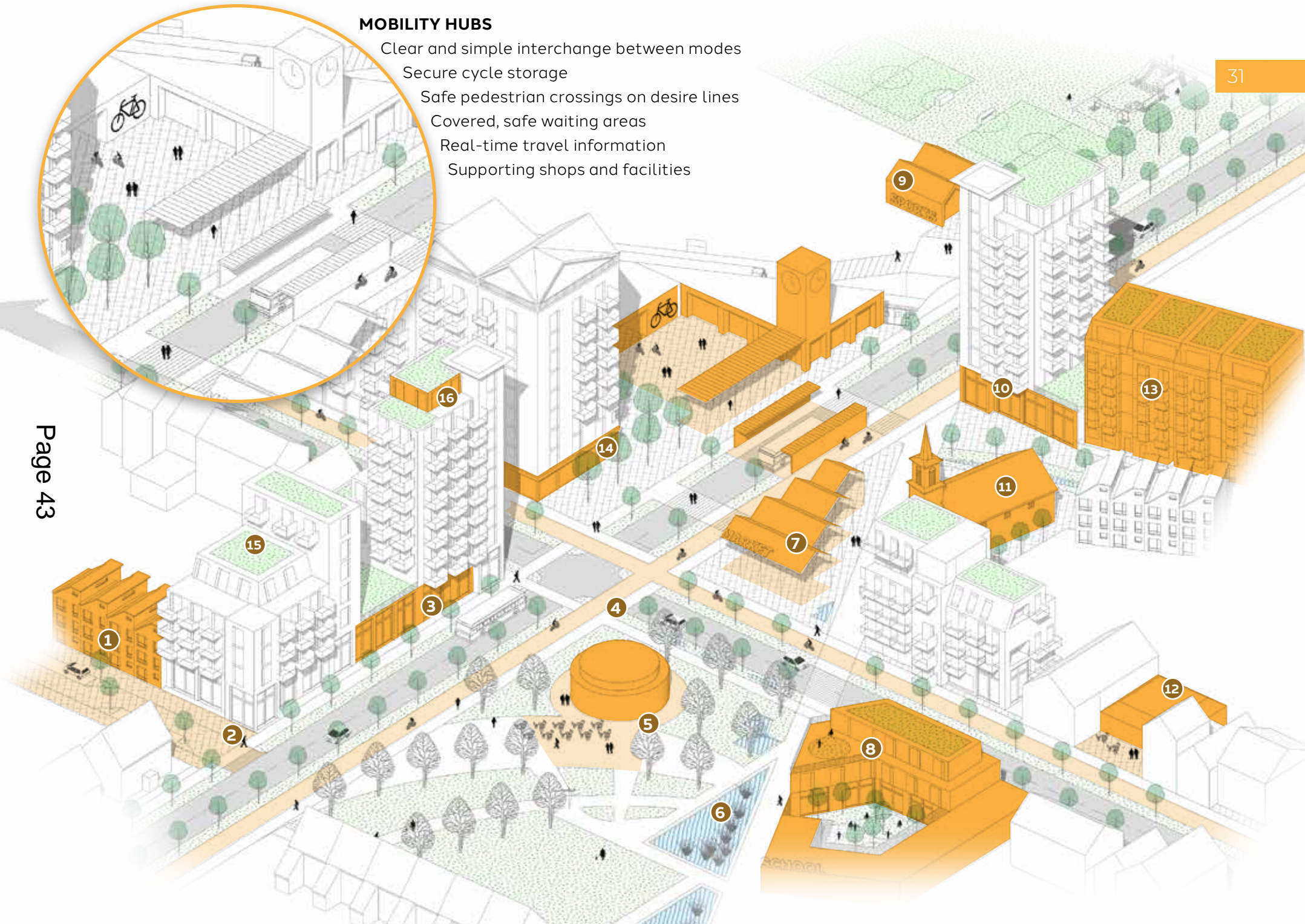
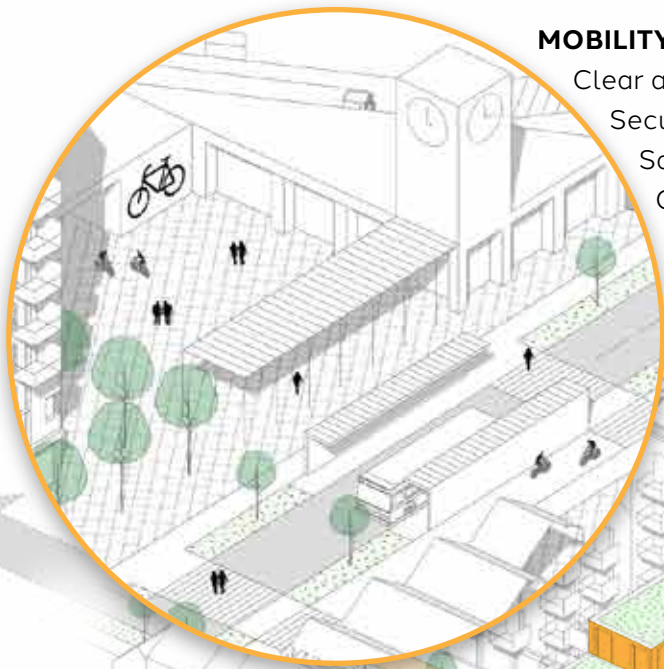
The diagram shows how the ingredients of a connected place based around a transport interchange can come together successfully.

### DESIGN OPPORTUNITIES FOR VIBRANT CENTRES

1. Providing a mix of new houses and apartments within comprehensive mix of uses, supporting a diverse new town centre community
2. Streets designed for people first with continuous footways at junctions
3. Active frontages, along ground floors with opportunities for 'spill-out space' to activate streets
4. Continuous, connected safe cycling network
5. Focal points created around community and cultural spaces
6. Natural habitats and surface water management integrated into public green spaces
7. Flexible spaces for community events and markets in high quality public realm for all seasons and uses
8. Co-locating wider social infrastructure within new typologies of schools in central locations
9. Sports and leisure provision in accessible locations close to existing communities and public transport provision
10. Offices, workshops and co-working spaces providing a mix of different employment types
11. Enhancement and reuse of distinctive local heritage to become key landmarks in our town centres
12. Reuse and retrofit of existing buildings to new uses
13. Design-led densification that delivers sustainable development, supporting local services and better public transport, while being sensitive to local character
14. Space for night-time / evening economy uses
15. Balconies, roof terraces and podiums to provide a range of communal amenity space for new residents
16. Step-backs and height variations on taller buildings, to integrate with existing built form

## MOBILITY HUBS

- Clear and simple interchange between modes
- Secure cycle storage
- Safe pedestrian crossings on desire lines
- Covered, safe waiting areas
- Real-time travel information
- Supporting shops and facilities



# EMPLOYMENT AREAS

## CREATING PLACES FOR GROWTH AND PROSPERITY

Thurrock is an economic powerhouse, with a wide variety of employers, with very different space needs. There is an important logistics sector, dominated by large warehousing needs, reflected in our Ports and associated employment areas. Employment areas should be well-designed, efficient, functional, and considered as environments where design adds value to economic growth, well-being of staff, better integration with the surrounding community, and benefits the environment.

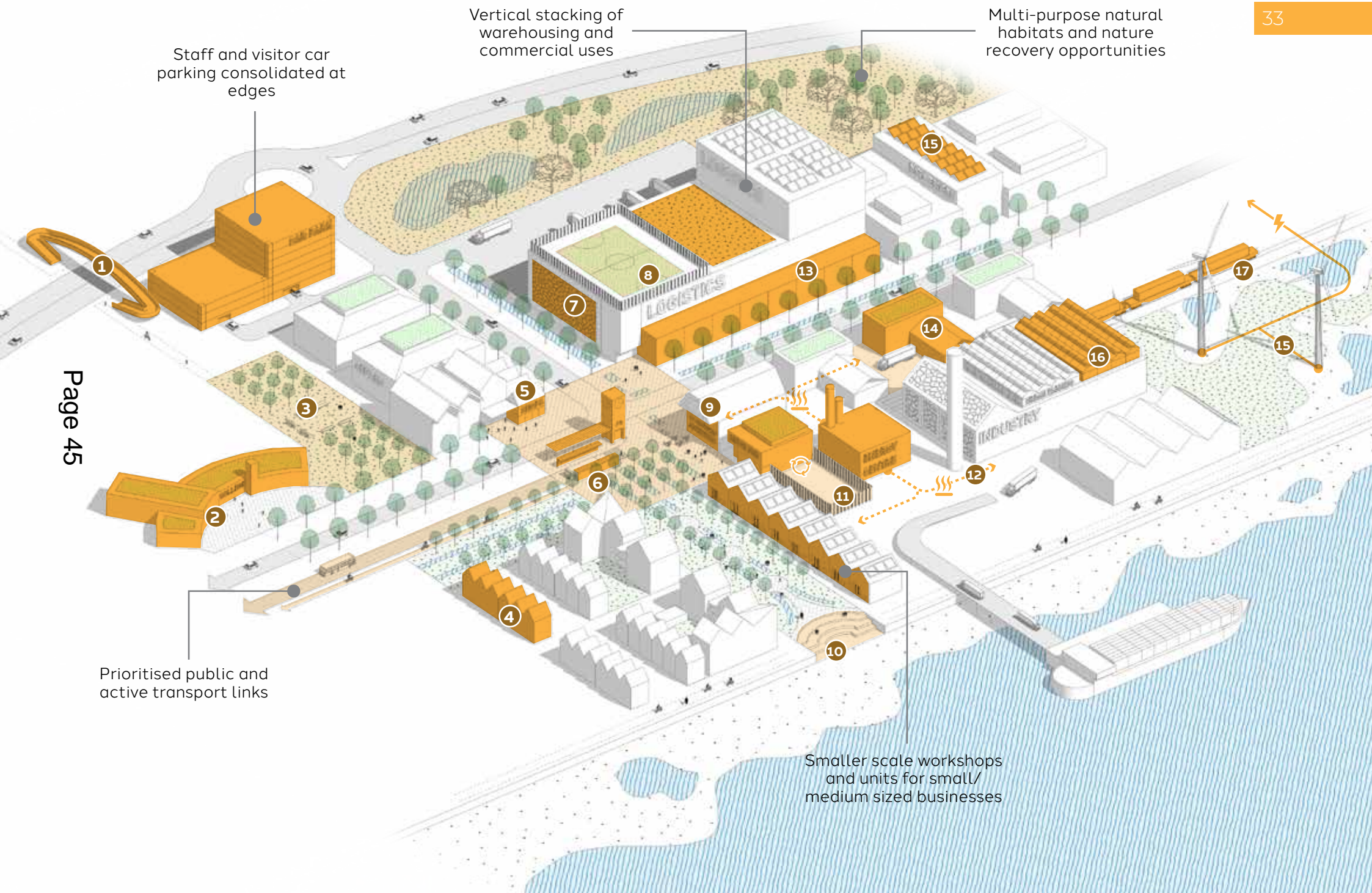
Employment areas need to be responsive to change, flexible and practical, but also need to be attractive for people to work in, and support healthy lifestyles, an increasingly important consideration for employers and investors. This can contribute to employee retention, reduced sickness rates and improved job satisfaction.

Design must recognise and respond to changes in working patterns such as working from home, and shift work. It should ensure spaces are well-designed for their purpose and context, i.e., co-working spaces, business centres, flexible units, small workshops, as well as last-mile logistics. The public realm should bring places together and provide safe environments at night for shift workers.

The diagram imagines how the components in a mixed employment area might work together in Thurrock.

### DESIGN OPPORTUNITIES FOR PLACES OF WORK

1. Active travel connections into employment sites, connecting communities to jobs and addressing severance
2. Opportunities for incorporating learning spaces, including skills academies, to better integrate educational opportunities with employment
3. Gardens and orchards for staff breaks and meetings
4. Effective buffers with nearby residential uses, providing mitigation while reducing severance.
5. Shops and facilities for workers at accessible locations
6. Mobility hub within a central meeting space
7. Green walls and roofs
8. Sports, recreation, health and well-being facilities
9. Opportunities for co-working hubs
10. Focal point public spaces with potential for improved access to the river around the ports
11. Shared reuse and recycling hub to limit waste
12. Heat sharing networks and energy centre recovering heat from nearby uses
13. Small units 'sleeving' larger buildings
14. Multi-purpose flexible units facing street
15. Solar and wind power opportunities
16. Urban and vertical agriculture
17. Maximising sustainable freight transport opportunities



Staff and visitor car parking consolidated at edges

Vertical stacking of warehousing and commercial uses

Multi-purpose natural habitats and nature recovery opportunities

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Prioritised public and active transport links

Smaller scale workshops and units for small/medium sized businesses

# LANDSCAPES

## ECOSYSTEM CONNECTIONS BETWEEN NATURE, LANDSCAPE AND PEOPLE

The hardworking landscapes of Thurrock are intensively used and are the source of the borough's environmental quality and biodiversity. They provide environmental protection, flood mitigation, agriculture, amenity space for a large local population, infrastructure provision and space for nature.

**Page 46** The connected ecosystems of Thurrock must be considered as a fundamental part of the design of places, and all opportunities to connect and enhance them taken. Incorporating nature-based solutions and habitats within towns and urban areas, as well as in the countryside.

The diagram explores some of the many ways that healthy, connected ecosystems can work with each other and provide essential, sustainable services to people. Good design should enhance and work with nature to ensure connected ecosystems can continue to provide these benefits.

### DESIGN OPPORTUNITIES FOR LANDSCAPE

1. Creating and connecting into long-distance paths and regional parks
2. Green bridges providing habitat links over major roads and railways
3. Opportunities for community growing and urban food production
4. Making space and safeguarding marginal green spaces for wildlife refuges and 'sinks'
5. Integrating opportunities for children and young persons' play in imaginative and creative ways
6. Celebrating our heritage and their setting
7. Delivering urban nature restoration through regeneration
8. Integrating leisure and sport activities while preserving the ecological value of green open spaces
9. Integrating opportunities for allotments and local growing in residential areas
10. Surface water management and natural water filtration through sustainable urban drainage systems
11. Doorstep access to nature from residential areas
12. River re-wilding and restoration
13. Long-distance green corridors for nature and people
14. Space for clean, renewable, local energy production
15. Procuring local extracted material for local construction materials, and ensuring former quarries are restored
16. Designing new habitats as effective carbon sinks
17. Enhancing access along the Thames, integrating with new flood defences
18. Wetland habitats for biodiversity and natural flood protection



**SOURCE**

Habitat restoration and restoring links severed by infrastructure is the priority to ensure healthy ecosystems downstream.

**COUNTRYSIDE**

Land is intensively used across Thurrock's countryside for agriculture, leisure and industry.

**TOWNS AND COMMUNITIES**

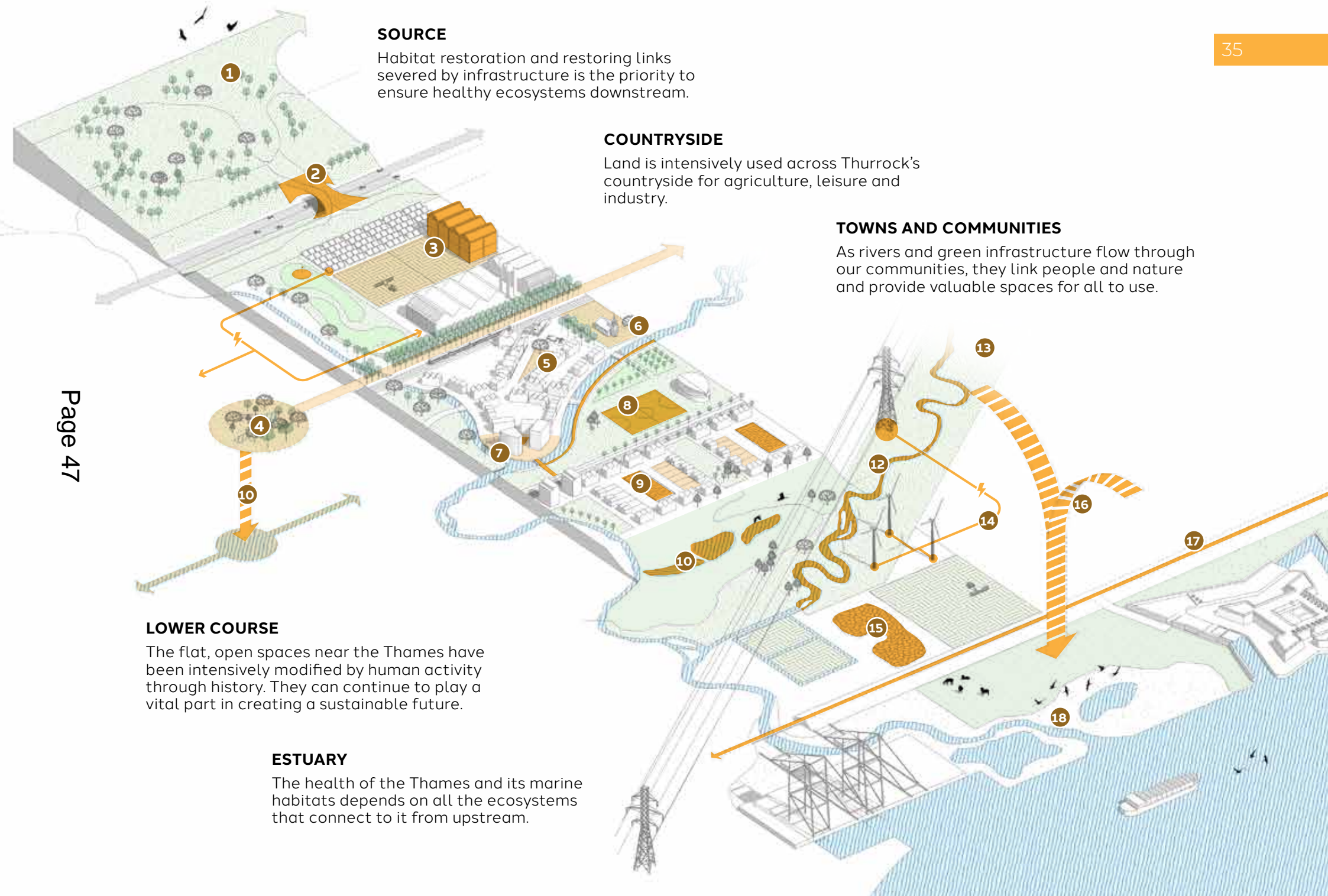
As rivers and green infrastructure flow through our communities, they link people and nature and provide valuable spaces for all to use.

**LOWER COURSE**

The flat, open spaces near the Thames have been intensively modified by human activity through history. They can continue to play a vital part in creating a sustainable future.

**ESTUARY**

The health of the Thames and its marine habitats depends on all the ecosystems that connect to it from upstream.



# Making it happen

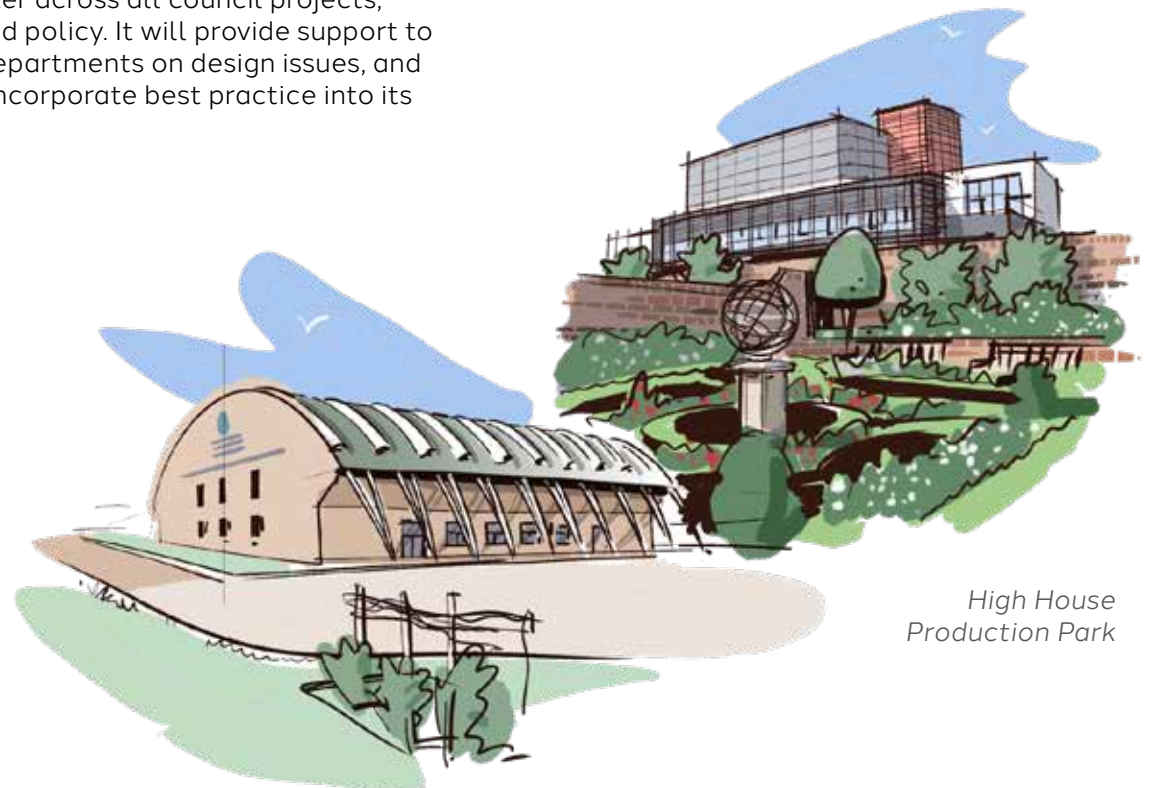
**Thurrock Council is committed to delivering good design, and to working with partners, applicants and stakeholders collaboratively to support and enable good design.**

This section sets out:

- How communities should be placed at the heart of the design process, steering good design through continuous engagement
- How Thurrock Council will take forward the Design Charter throughout its future work
- What we expect from partners, applicants and stakeholders working on development proposals, and the tools and processes we will offer to support our partners

Thurrock Council will support ambitious developers to deliver high-quality design and place-making, through a comprehensive design process that considers the places and people of Thurrock, and delivers on the principles set out in this Charter.

The Place & Design Team at Thurrock Council is a dedicated team with the remit of improving design quality and fulfilling the aims of the Design Charter across all council projects, strategies and policy. It will provide support to all council departments on design issues, and continually incorporate best practice into its work.



*High House  
Production Park*

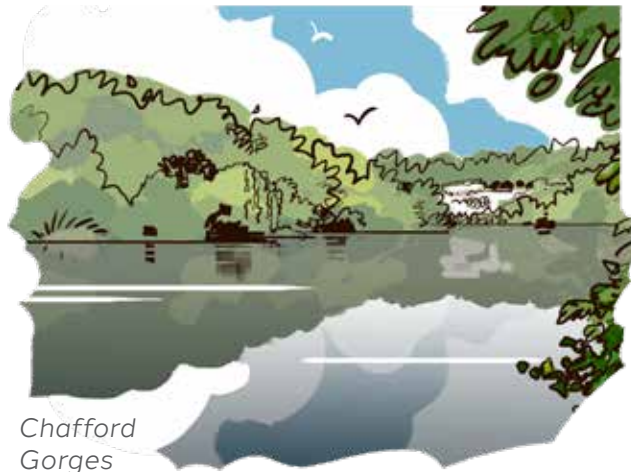
## WORKING TOGETHER TO DELIVER GOOD DESIGN

**Collaboration is critical, and we want to support applicants and stakeholders through the design process to deliver better design outcomes for Thurrock.**

To this end, we have set out how clear expectations as to what we expect to see within a comprehensive design process as part of any development proposal.

We will encourage everyone involved in the design of our places to embrace the following principles in the way they go about design and development of proposals:

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Chafford Gorges

### Getting the right design team in place

- Putting together the right skills and team to best respond to the particular constraints and challenges of each project, making the most of the opportunities of each site
- Embracing multi-disciplinary and collaborative working, to create complete places that are designed by a holistic team that deliver the wider benefits to the area
- Ensuring design teams reflect the diversity of experience and identity of Thurrock's communities, bringing in local knowledge, experience and skills where possible.

### Site and context appraisal as the starting point of design

- Thinking beyond the application boundary, understanding the strategic role of the site, its local setting, and key views to and from
- Integrating with wider strategic green and blue infrastructure and landscape opportunities
- Appreciating the distinctive character and features of the wider area, and considering how these can be integrating into a memorable design
- Thinking carefully about site boundaries and how the proposals relate to adjacent land uses
- Understanding local community needs and priorities (including health, well-being, equalities and inclusion)

### Engagement with Thurrock's communities at all stages

- Identifying and engaging meaningfully with a wide range of stakeholders and the local community from earliest stages to post-occupancy
- Using engagement as a critical tool to understanding places, acknowledging that local communities and stakeholders are experts in their areas
- Recognising that engagement can take any number of methods, but must be wide, frequent, accessible and tailored to each unique site and project.

### Following a clear, structured, iterative, and robust design process

- Developing a clear concept and vision, considering how the design can deliver wider benefits
- Justifying design decisions through evidence
- Demonstrating a range of options and assessing them transparently against a clear criteria
- Factoring in multi-disciplinary pre-app discussions and Design Reviews

### Demonstrating how proposals deliver on the Charter's principles

- Aligning design proposals to the outcomes across all principles in the Charter
- Discussing and agreeing at an early stage how sites and projects can most effectively deliver good outcomes for Thurrock's communities
- Communicating clearly with Thurrock's communities on how the design of proposals will deliver on the Charter's principles

## PLANNING & DESIGN SUPPORT SERVICES

**The council offers the following services to support applicants, developers, and communities in securing the best design outcome for development proposals.**

### *Local Plan & Design Code*

The forthcoming Local Plan and Design Code will set out formal design policy for application determination, building on the vision of the Design Charter. They should form the basis of an initial review of design quality expectations.

The Local Plan will set out strategic and detailed design policies, as well as specific design principles to allocations. The Design Code will set out a set of simple, concise, illustrated design requirements that provide specific, detailed parameters for all development. The Code will also provide more guidance on the design process itself, including what we would expect from a site appraisal, and guidance on undertaking effective community consultation.

Local Plan design policies, this Design Charter, and the Thurrock Design Code will align with national guidance (encapsulated within the National Design Guide and National Model Design Code), and established best-practice (including Building for a Healthy Life and Building for Nature standards).

### *Pre-application advice*

Pre-application discussions should be the starting point for all proposals. Come to us at an early stage to discuss your proposal and we will advise you on what you would need to do to have the best chance of achieving planning permission. We will be able to ensure that wider council teams, such as public health, transport, and others are able to feed into early discussions to ensure integrated thinking and better design outcomes.

Although there is a cost to applicants, you will benefit from a better-quality application and a clearer route to the determination of your planning application. The iterative nature of design means that, particularly for larger applications, a number of pre-application reviews are advised as you progress your design proposals.

### *Planning Performance Agreements (PPAs)*

These are voluntary agreements between the applicant and the Thurrock Council that set out the actions, resources and time-scales for handling a particular planning application. They can be used to support good design through a continuous and iterative process of officer engagement across the council, and will include dedicated design workshops.

They can be used for any type of planning application but usually for large-scale, complex proposals. They can be used at any stage from early brief development through to conditions and reserved matters.

Fees for PPAs depend on size and complexity of the proposal, and are regularly updated and published on Thurrock Council's website.

### *Design Review*

Design Review is an independent and impartial evaluation of proposals best undertaken at pre-application. It is a collaborative process, where constructive feedback can be given to improve the design quality of proposals. Design review panel comments have formal weight in determining applications.

We require that Design Review is undertaken for proposals that have significant impacts in relation to design or public interest. Further guidance and detail on the criteria for projects we expect to go to Design Review would be included within the forthcoming Design Code.



Lakeside Shopping Centre

## PUTTING COMMUNITIES AT THE HEART OF PLACES

**People are at the heart of places, and their engagement at all stages of the design is critical to ensuring places deliver benefits to local people, meet their needs and wishes, and promote a sense of belonging. This goes beyond tick-box consultation and should be integrated comprehensively into the design process. A good design and engagement process encompasses:**

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Thameside  
Nature  
Discovery Park

- Use engagement to inform the initial brief, collaborating with local communities and stakeholders to properly investigate the site and its context, highlighting issues and opportunities that may not be immediately visible.
- Building out a design and project team that responds to this initial engagement and reflects the diversity and experiences of the local communities where development is proposed.
- Using co-design opportunities, such as design charettes, workshops, and digital tools, to explore what is desired and needed by local communities, and how this can be integrated within emerging designs.
- Testing and iteration of options with communities and stakeholders, and ensuring views are factored into a transparent and robust assessment of those options.
- Discussions and engagement with local communities and groups around the potential for long-term community management and stewardship of places and spaces.
- Demonstrating at the application stage how the community have meaningfully shaped the designs through submitted planning applications materials.

Engagement should include all groups equitably and should reach beyond groups that typically get involved in planning issues. Involving these under-represented groups, especially younger people and those with learning disabilities or mental health needs, will yield a better and more representative design solution that is more widely owned by its community.

Thurrock Council is committed to following comprehensive and deep consultation when developing policies and regeneration proposals, based on the principles of engagement, empowerment and equality. This includes the use of a range of methods, including digital process, and the recent Design Charettes undertaken by the Princes Foundation in support of the developing Local Plan. These consultations remain critical to ensuring Thurrock continues to develop into a great and inclusive place.



RSPB Rainham Marshes



<b>28 September 2023</b>		<b>ITEM: 5</b>
<b>Planning, Transport &amp; Regeneration Overview and Scrutiny Committee</b>		
<b>Stanford-le-Hope (SLH) Station/ Interchange Update</b>		
<b>Wards and communities affected:</b> Stanford Le Hope West	<b>Key Decision:</b> N/A	
<b>Report of:</b> Kevin Munnely, Assistant Director, Regeneration and Place Delivery		
<b>Accountable Assistant Director:</b> Kevin Munnely, Assistant Director, Regeneration and Place Delivery		
<b>Accountable Director:</b> Mark Bradbury, Director of Place.		
<b>This report is Public</b>		

## Executive Summary

The delivery of the new Stanford- le-Hope Train station has faced many challenges and expenditure to date on the project has been considerable, whilst progress on delivery had been disappointing. This report provides Cabinet with an update on progress in delivering the Stanford-Le-Hope Train Station and Transport Hub project. The report sets the key issues that have impacted on the delivery of the scheme, provides an update on the current programme, funding and budget situation.

In the light of the financial challenges the Council is facing the Senior Leadership Team have prioritised the completion of the design and obtaining planning permission for Phase 2 – SLH Transport interchange. Work is underway to secure the interchange design and costs which will support the submission of a planning application in October 2023. This work will also inform the production of a Business Case for consideration by the SELEP Accountability Board in February 2024 needed to secure the retention of the SELEP funding.

### 1. Recommendation(s)

- 1.1 That Planning, Transport and Regeneration Overview and Scrutiny Committee note the outcomes of the project review process and funding options set in Paragraph 8.8.**
- 1.2 That Planning, Transport and Regeneration Overview and Scrutiny Committee note the Phase 2 SLH Transport Interchange design option and the submission of the planning application.**

## 2. Introduction and Background

2.1 For the Members benefits the main aims of the Project are set out below:

- Develop a Transport interchange that will connect bus, rail, cycle, taxi, and pedestrian modes of transport at Stanford-le-Hope Train station.
- Expand capacity at Stanford-le-Hope Train Station.
- Implement a package of works that meets the requirements of travel plans for London Gateway and unlocks the next phase of development at London Gateway.
- Provide improvements to public transport infrastructure and service reliability to new housing developments and to the major employment growth sites at London Gateway/Coryton.
- Help curb traffic growth and minimise growth in transport emissions in the area through this new transport interchange.

2.2 There are several stakeholders involved in the project including UK Power Networks, SELEP, Train Operating Company - c2c, Network Rail and DP World. The Council has actively promoted the redevelopment of the SLH train station building and was instrumental in the demolition of the old station building on the proviso that a new station building would be procured. This is still the expectation of both Network Rail and train operator c2c. Failure to procure the new station building could result in separate financial claims from both Network Rail and c2c seeking redress. Increasing passenger and intermodal capacity at Stanford-le-Hope station was also seen as key investment unlocking employment growth at the ports.

2.3 The Stanford-le-Hope train station has been subject to significant design changes since it was originally promoted and costed using a design and build contract in 2018. This followed an assessment of the original design which identified significant project complications and financial risks. This was linked initially to a technical design solution that sought to deliver the infrastructure requirements of the scheme on a relatively small land area of land, in order not to build over the adjacent Mucking Creek and keep the station building away from neighbouring residential properties. Costs also increased because of significant changes being made to the design of the station following completion of site investigations (floodplain), consideration of environmental constraints and the practicalities of construction. During this period the original station buildings were demolished and temporary structures for ticketing and staff accommodation were put in place.

2.4 Following concerns over the proposed design and the associated costs, a project review terminated the design and build contract and an alternative procurement approach was adopted. The total projects cost incurred up to this change of delivery strategy (31/03/2020) stage were £6,534,411.

2.5 The revised delivery strategy involved the Council undertaking the management of the design phase, using a team of external consultants with



MACE providing the direct project management of the project. To manage the delivery of this complex scheme, the new delivery strategy proposed to split the project into two stages: Phase 1 the delivery of a replacement train station building and; Phase 2 covering the wider facilities including car and cycle parking, bus interchange on the footprint to the north of London Road.

- Station building - with passenger toilets, widened platforms, level access to building and station platforms, staff welfare facilities, real time customer information systems (Phase 1).
- Transport Multi-modal interchange – 2 car passengers drop off positions with landing island, 2 taxi rank positions with landing island and shelter, 84 secure cycle parking spaces, 2 drop off positions and 1 pickup position for a bus with waiting facilities, protected pedestrian walking routes and desire lines (Phase 2).

2.6 To expedite the delivery of the station, land was acquired to the north of the station site (former Daybreak Windows site). This was intended to assist with the development of a more strategic approach to area-wide regeneration including the opportunity for future improvements to sustainable movement and access. This land would also assist the construction of the new SLH Train station facilities whilst maintaining operability of the station.

2.7 Planning approval was granted in July 2021 for the Phase 1 (SLH train station) building revised design, followed by the commencement of a fixed price tender process between September 2021 and March 2022. The costs associated with the scheme have increased as the design process has evolved alongside inflationary pressures. As a result, the provisional assessment of the revised budget increased and additional funding was sought from the Council in July 2021. The 2017 cost estimate of £29.09m is the forecasted budget for both phases of the Project. This budget forecast will be subject to confirmation of future costs through tender processes and final completion audits of both phases of the Project.

### 3. **Progress to Date**

3.1 Work to execute the SLH train station building construction contract was hindered by the issues around soaring inflation, national procurement lead in times, the allocation of liabilities and risks between the parties to satisfy the fixed price contract and rail possession availability.

#### **Phase 1 Station building Upgrade.**

3.2 Contract award for Phase 1 of the Project (the new station building) to the successful contractor - Volker Fitzpatrick Limited - was made in early March 2022. Whilst this was subject to further clarifications, to ensure mobilisation as quickly as possible a Letter of Intent was issued pending formal contract execution.

- 3.3 The planned Contract with Volker Fitzpatrick Limited was a NEC4 Engineering and Construction Contract June 2017 main Option A. This was a fixed priced contract with an activity schedule where the risk of carrying out the work at the agreed prices is largely borne by the contractor. Execution of the contract was initially delayed due to continued concerns regarding cost inflation, national supply chain for manufactured goods issues, scope change risk with Network Rail and c2c as design approvers and rail possession availability impacting the contractors risk liability.
- 3.4 Volker Fitzpatrick Limited proposed alternative or changed terms and conditions to execute the contract, which Thurrock Council rejected as they are outside the corporate procurement rules. In September 2022, Thurrock Council and Volker Fitzpatrick Limited developed a proposal that could allow the parties to execute the contract and manage the risks step by step and incrementally within the existing contract terms and conditions.
- 3.5 It was planned to execute the contract by 31 October 2022, subject to further clarifications of detail and agreement on matters such as the treatment of inflation, possession availability, prolongation and increased costs. The parties were not able to agree terms and conditions on the detailed elements and Thurrock Council terminated the procurement process as it was clear that both parties could not agree satisfactory terms.

## **Phase 2 : SLH Transport Interchange**

- 3.6 This has led the Council to review the programme in the light of the above financial challenges. In December 2022, SLT prioritised the completion of the design and planning for Phase 2 the interchange element and the provision of a new business case to secure the retention of £7.5m of SELEP LGF Grant.
- 3.7 As work on Phase 2 has progressed some initial work preceding reactivating Phase 1 is now being undertaken.:
- Design review with c2c the train operators taking into consideration changes in travel trends post covid, employee behaviours, increased automation and the government decision to remove ticketing offices.
  - Liaison with Network Rail and c2c on concluding Governance for Railway Investment Projects-Single Option Development (GRIP 4) and progressing to (Governance for Railway Investment Projects-Detailed Design Stage) (GRIP 5) splitting the entire project into work packages starting with the restoration of the missing gateline.
  - Working with the councils legal and procurement teams to identify procurement options for the design and construction of Phase 1.

## **Phase 2: SLH Transport Interchange:**

3.8 AECOM have completed Stage 1 of the design process by submitting 3 design options (attached as Appendix 1) which were reviewed by internal/external stakeholder group and Option 2, was selected as the preferred.

**Option 1:** A mobility Hub with no onsite bus turnaround facilities which does not meet most of the technical requirements and benefits in the original business case.

**Option 2:** A multi- modal transport interchange with onsite bus turnaround facilities, car parking, cycle parking, bus shelter etc. Most of the technical requirements and benefits in the original business case are met within the lower flood risk zone area and a more affordable option compared with Option 3.

**Option 3:** A multi-modal transport interchange with a combined single entrance and onsite bus turnaround facilities. Some of the technical requirements are in the high flood risk areas and intrude into the higher level of land making it undeliverable construction wise due to difference of about one floor height. It also requires land owned by Network Rail (NR) which cannot be transferred as replacement land is not available for statutory operational requirement use.

3.9 AECOM are now progressing the preferred design option for the submission of a planning application in October 2023. The existing stakeholder group, Project Board meet monthly to provide oversight of this design development.

3.10 In parallel to the design development by AECOM, a supplier has been appointed to produce a revised Business Case required for consideration by the SELEP Accountability Board in February 2024. The programme below sets out the timeline for delivering the planning submission for Phase 2 of the Project.

The key milestones and dates are set out in Table 1 below:

Milestone	Timeline	Status
Submission of design Options by AECOM to Thurrock Council	June 2023	Complete
Appointment of consultants for preparation of the revised Business Case	June 2023	Complete
Options selection workshop with Stakeholders	7 June 2023	Complete
Preparation of preferred option for planning	July 2023 - October 2023	Ongoing
Pre-Planning Application Meetings	July 2023/August 2023	Complete
Production of Draft Business Case	August 2023	1 <sup>st</sup> draft submitted

Early consultation with statutory consultees to de-risk the planning process.	August 2023	Ongoing discussions with Environment Agency.
Scheme sign off by Thurrock Council Cabinet	11 October 2023	
Submission of Full planning application for Phase 2	October 2023	Target date
Submission of Business Case to SELEP for ITE evaluation	29 November 2023	Target date
Business Case considered by Accountability Board	February 2024	Target date

Table 1: Key Milestones



### Next Steps


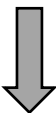



#### Phase 1: Station Building

- 3.11 Option selection of procurement route to reactivate Phase 1 with the consideration of splitting the work packages into enabling works/construction design and main contract works.

### RAG Risk Rating

- 3.12 The Project Risk log has been updated below:

Risk	RAG rating (June 2023)	Change since last cabinet meeting	Current RAG rating (October 2023)	Progress & Actions
Delay in deciding the option for Phase 2 will delay the costings required for inclusion in the updated Business Case	Red		Green	Option 2 selected at stakeholder meeting in June 2023 and AECOM progress
Existing funding is insufficient to deliver the design for Phase 2 and construction of Phase 1	Red		Red	Preliminary costs estimate for the project have been received and Phase 1 design identifying gap funding and alternative funding sources are being explored.

Delays from getting sign off for statutory approvals from Network Rail and c2c for proposed works on their land, The knock-on effect would be delays to the delivery programmes of Phases 1 & 2.	Amber		Amber	Ongoing early engagement with c2c to ensure timely grant of any approvals.
Increasing costs of project delivery due to further delays and inflationary pressures.	Red		Amber	Completion of the Phase 2 pre planning will enable the team to u costs. Phase 1 project delivery/ cost saving/value engineering c seek additional funding options.
Some stakeholders object to Phase 2 planning application.	Amber		Amber	Early and ongoing stakeholder e
Managing the interdependency of the construction phases 1 & 2 due to existing site constraints.	Amber		Amber	Construction Planning starting wi in Phase 2 so Phase 1 can u transport Interchange as constr Phase 1 is completed then Pha can progress to completion
The risk of not starting construction of Phase 1 before planning permission expires in July 2024 resulting in the need for a new planning application to be prepared.	Amber		Amber	Work with c2c and Network R ensure planned phased constru before July 2024

#### **4. Reasons for Recommendation**

- 4.1 The Council has actively promoted the redevelopment of the SLH Train station building and was instrumental in the demolition of the old station building on the proviso that a new station building would be procured. This is still the expectation of both Network Rail and train operator c2c. Failure to procure the new station could result in separate financial claims from both NR and c2c seeking redress. Increasing passenger and intermodal transport capacity at Stanford-le -Hope station was also seen as key investment unlocking employment growth at the ports.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 Consultation was undertaken as part of planning process and further stakeholder engagement is continuing. This includes meetings with the residents of Chantry Crescent and local Councillors.

#### **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 The Stanford-le-Hope scheme supports the Place corporate priority, in particular:
- roads, houses, and public spaces that connect people and places.

#### **7. Implications**

##### **7.1 Financial**

Implications verified by: **Mark Terry**  
**Finance**

The SELEP Accountability Board approved an LGF allocation of £7.5m of the estimated £29m project cost. The allocation has been applied to the project and have been used in supporting design development, ground investigation, site de-risking, planning process and demolition works. SELEP have required that an updated Business Case is produced to reflect the revised full design costings and delivery programme. This will need to be done for the SELEP funding to be continued to be allocated to this project. If the project was to be stopped or put on hold, the £7.5m from SELEP is at risk of needing to be repaid. If this was to happen, those costs previously funded from the SELEP grant would need to be converted to Thurrock Council borrowing. This may have an impact on increasing the Council's current capital financing requirement and increase associated costs.

The current budget forecast of £29m is for both phases of the Project. A new budget estimate will be subject to confirmation of future costs emerging from the Interchange design work.

To date approximately £13,460,000 has been spent out of a budget of £29m, with the Council being the largest financial contributor to this project (£17.2m). The expenditure breakdown in Table 2 below sets out project spend to date. Future profiling is currently estimated and will be subject to review in the Business Case to reflect any revised forecasted cost and build programme.

Financial Profile (£m)					
Source of Funding	Actual Spend to end 2022/23	Expected Spend 2023/24	Expected Spend 2024/25	Expected Spend 2025/26	Total
Thurrock Council Capital	3.453	4.007	5.26	3	15.72
LGF	7.5	0	0	0	7.50
C2c/NSIP	0.74	2	1.047	0	3.79
DP World	0	0.55	0	0	0.55
S.106	1.533	0	0	0	1.53
<b>Total</b>	<b>13.226</b>	<b>6.557</b>	<b>6.307</b>	<b>3</b>	<b>29.09</b>

*Table 2. Breakdown of expected expenditure by provider*

Should the programme not go ahead, the spend to date of £13.5m would be required to be charged to revenue, and there would be clawback of LGF by SELEP of £7.5m. Consent for any proposed funding changes, which have capital borrowing implications will also need to be secured from both DLUHC and the Treasury (HMT).

### Revised Costings

The remaining budget to deliver the design costs for Phase 2 and the complete build costs for both Phases is £15.6m. An internal project team review has concluded that the remaining budget allocation will not be sufficient to deliver the whole scheme outputs and additional funding will be required to complete the scheme in its entirety. As part of the Phase 2 design work and the production of the revised business case officers have used an external cost consultant to provide costing for the Phase 2 options. The cost consultant has also reviewed the Phase 1 (Train Station) costings based on the revised tender price received in August 2022 as part of the Phase 1 tender. As these costing related to commercially sensitive tender information the full detail is contained in exempt paper attached as Appendix 2. These revised cost estimates at this stage are high level and are provided for guidance only to illustrate the potential construction costs and the level of additional funding required to deliver the revised scheme.

Based on the selection of Option 2 by the stakeholder group and the uplifted cost estimate for Phase 1, officers estimated that the current budget will need to be increased by a further £5.6m to complete the scheme in its entirety. The forecasted scheme costs are based on design options and contain all

necessary and risk and contingency provisions needed for a scheme interfacing with the railway. Officers are exploring options for meeting the funding gap. These include : the use of unallocated Active Travel funding from Thames Freeport Seed Fund; and the reallocation of SELEP Local Growth Fund monies from Grays Underpass Scheme. An update on funding options will form part of the next update report.

## 7.2 Legal

Implications verified by: **Kevin Molloy**  
**Principal Lawyer / Manager- Contracts & Procurement Team**

There are no new legal implications arising in this report.

## 7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project Monitoring Officer**

There are no direct implications arising specifically from this update report. Station improvements will adhere to any accessibility requirements.

## 7.4 Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

- Not applicable.

## 8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

## 9. Appendices to the report

- Appendix 1: Phase 2 Transport Interchange design options
- Appendix 2: Exempt ( August 2023 Costs for Phases 1 & 2)

## Report Author:

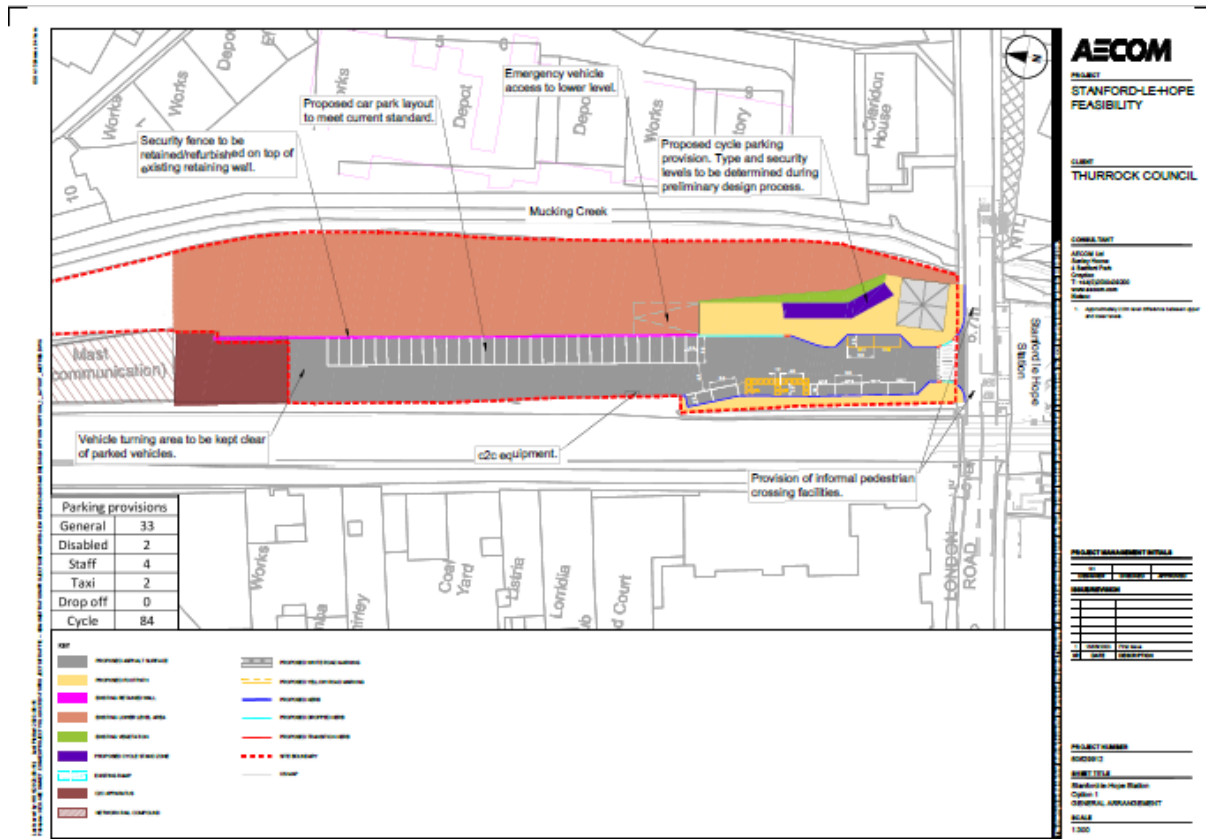
Kevin Munnely, Assistant Director, Regeneration and Place Deliveryd



# STANFORD-LE-HOPE TRANSPORT INTERCHANGE

## DESIGN OPTIONS

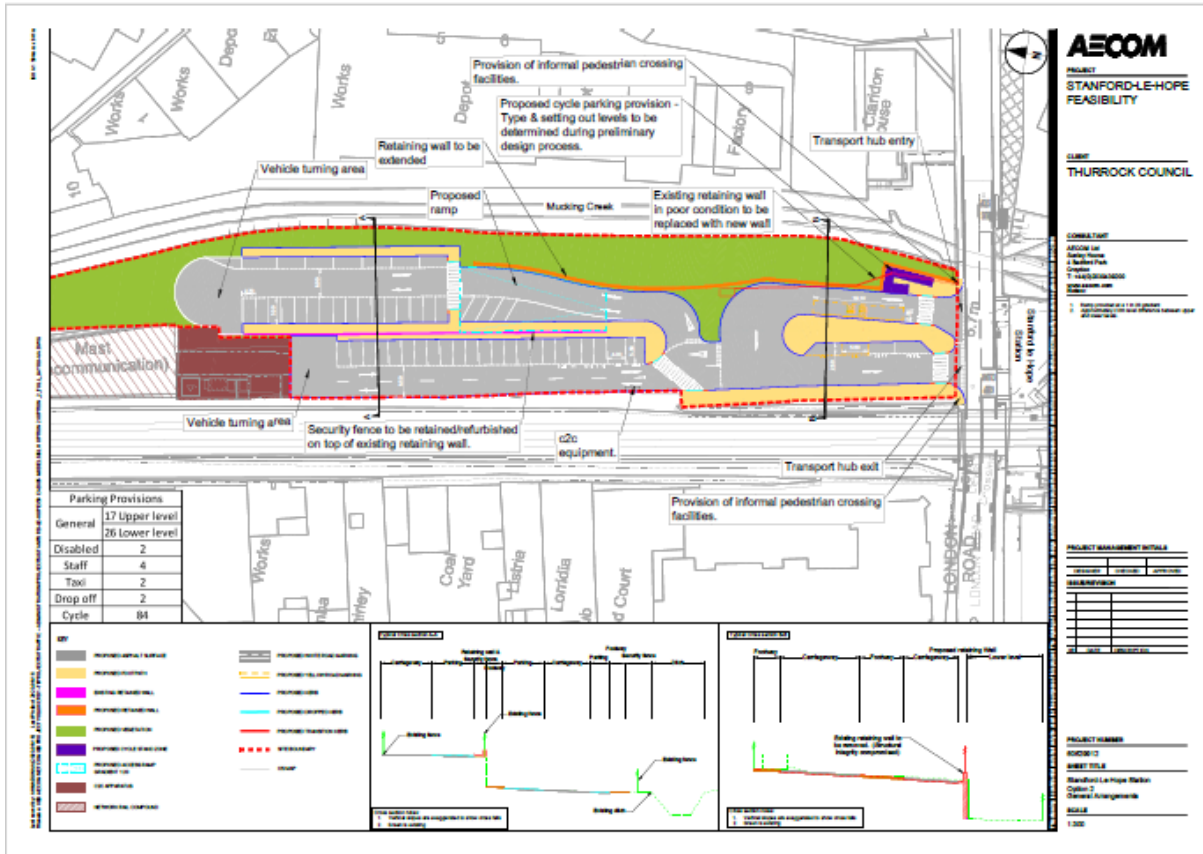
### OPTION 1



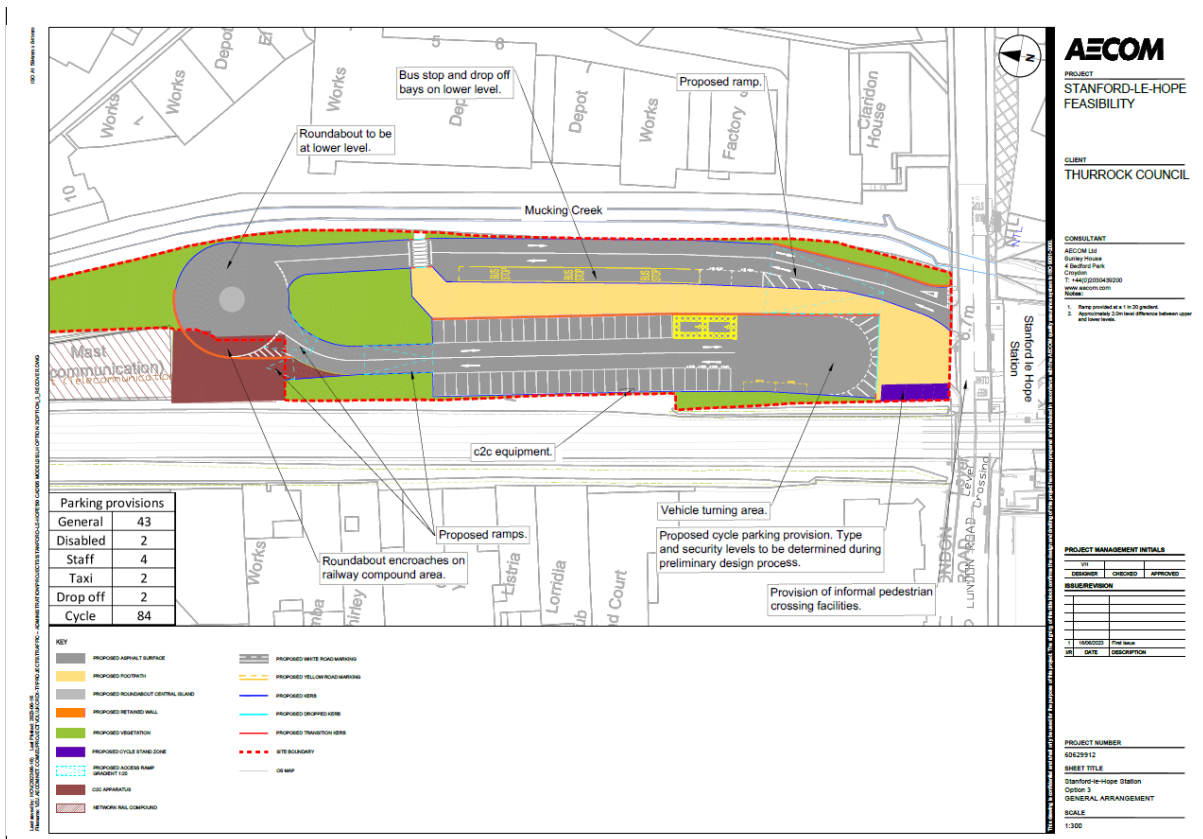
### OPTION 2

# STANFORD-LE-HOPE TRANSPORT INTERCHANGE

## DESIGN OPTIONS



## OPTION 3



<b>28 September 2023</b>	<b>ITEM: 6</b>
<b>Planning, Transport &amp; Regeneration Overview &amp; Scrutiny Committee</b>	
<b>Grays Underpass Update Report</b>	
<b>Wards and communities affected:</b> Grays Riverside, Grays Thurrock	<b>Key Decision:</b> Key
<b>Report of:</b> Kevin Munnelly, Assistant Director Regeneration and Place Delivery.	
<b>Accountable Assistant Director:</b> Kevin Munnelly, Assistant Director Regeneration and Place Delivery.	
<b>Accountable Director:</b> Mark Bradbury, Director of Place	
<b>This report is Public</b>	

## Executive Summary

The forecasted project costs for the selected Underpass Design have increased significantly since the original budget of £27.4m was approved by Cabinet in 2017. Cabinet approved a further increase in the forecasted budget to £37.3m in 2021. The current budget forecast is £46m, based on the latest costings from Network Rail (GRIP 4) design. Forecasted cost estimates have consistently increased as the detailed design for the Underpass have been developed and greater certainty around the implementation impacts on the operational railway. This has resulted in a significantly longer build programme and more expensive technical solutions required to deal with utility diversions, track possessions and changes required for planning. The main increases on the 2021 forecast relate to a revised construction programme of works, changed construction methodology and works sequencing. Additional costs have been incurred in developing a revised rail access strategy, accommodating design changes proposed as part of the planning process and taking account of the inflationary impact of 15.4% due to revised pricing base dates.

The project review process has highlighted that in addition to the spiralling forecasted costs there have been significant issues with the management of the programme, with reference to design process management, planning and utility diversion planning. The findings of the review process are that the Underpass scheme in its current form is not in a technical state to move forward, and it does not continue to represent value for money. In addition, it is considered that the Council is holding too much of the financial risk on this project given current funding imbalance and benefits arising. The recommendation of the review process is that the

Underpass design should not be pursued and that the current planning application for the Underpass be withdrawn.

However, the Review did acknowledge that the existing level crossing continues to represent a clear safety risk and whilst there have been no fatalities or serious injuries the number of 'near misses' has increased significantly. The review recommends that an alternative design and delivery approach is examined based on the development of the Station Quarter concept. This would seek to deliver the new pedestrian crossing over the railway, potentially as part of a new station and mixed-use residential development. It is proposed that Cabinet approve the adoption of this approach and instruct officers to examine the potential for the establishment of a strategic partnership with Network Rail and others, including the drafting of an initial Memorandum of Understanding (MOU) covering possible design options, partnership arrangements for delivery and roles and responsibilities. A further report on development options, including funding options will be brought back to Cabinet for consideration before the SELEP (Southeast Local Enterprise Partnership) Accountability Board meeting in February 2024.

## **1. Recommendations**

**1.1 That Planning, Transport and Regeneration Overview and Scrutiny Committee notes the action to cease further development work on the Underpass scheme and withdraw the planning application.**

**1.2 That Planning, Transport and Regeneration Overview and Scrutiny Committee notes the delegation to the Director of Place, in consultation with the Portfolio Holder for Regeneration, Strategic Planning and External Relationships and Commissioners authority to implement the development strategy set out in Paragraphs 4.1- 4.3 and to negotiate the terms of a Memorandum of Understanding cover a potential Station Quarter development partnership with Network Rail and other strategic partners.**

## **2. Introduction and Background**

- 2.1 The Grays South project forms part of the Grays South Regeneration Area (GSRA) scheme which consists of a number of interventions designed to support the economic and social vitality of Grays Town Centre. The main aims of the Underpass project are to: Improve public safety through replacing the existing level crossing with a fully compliant and unimpeded route under the railway line; improve connectivity; and create a series of public squares designed to provide active urban spaces suited to a wide range of events.
- 2.2 Members will be aware of the safety concerns related to the level crossing in Grays and of the way in which the gate closures create a barrier to movement between the town centre and the southern side of the level crossing towards the riverfront. In response to these issues, in July 2013 Cabinet agreed to work

up a scheme to replace the level crossing with a high-quality pedestrian underpass.

- 2.3 Historically the Council has taken a leading role in delivery and has entered a series of contracts with Network Rail to progress the design work. The Council is also the largest funding partner to the scheme (£26.3M), followed by the SELEP LGF grant (£10.8m) and Network Rail contributing a relatively small amount (£700k). There have been a number of design iterations which have resulted in a review of costings in November 2021 which saw total costs increase from £28.7m to £37.9m. A planning application for the Underpass scheme was submitted in May 2022 and this has been held in abeyance subject to the outcome of the review process.

### **3. Issues, Options and Analysis of Options**

#### **Thurrock Improvement and Recovery Plan**

- 3.1 The Improvement and Recovery Plan (IRP) was formulated out of the initial review report produced by the Essex Commissioners. As part of the Improvement and Recovery Plan, the Council was required to review all of their major capital projects, including those that make up the Regeneration programme. This was with a view to ensuring delivery capacity and financial control and to ensure that robust governance arrangements were in place going forward. This was to enable Thurrock Council to clarify what aspects of the IRP it is going to enable or facilitate, and which major projects the Council will continue to deliver directly, recognising the financial constraints it is operating under and the need to facilitate more and directly deliver less.
- 3.2 In the light of the Improvement and Recovery Plan, it is important to assess whether the Underpass Scheme in its current form is still the right one to pursue or if the current design proposal could be either scaled back or delivered in a different form to achieve the same outputs, outcomes and benefits, whilst reducing further financial exposure to Thurrock Council. Key to this engagement have been discussions with SELEP, Network Rail and c2c on the current design, delivery, and funding options.
- 3.3 To support this reassessment a number of reviews have been completed and the findings arising from these reviews have informed the recommendations for this Cabinet report.

#### **Inner Circle Strategic Review**

- 3.4 This review by Inner Circle Consulting reassessed the current strategic regeneration priorities in Grays Town Centre. Strategic stakeholders were interviewed for their input in reassessing the strategic priorities. These stakeholders included Network Rail; c2c; New River Retail; Morrisons Supermarket; South Essex College; Thurrock Adult Community College

(TACC); the Association of South Essex Local Authorities (ASELA); Grays Business Partnership; and key community and civic stakeholders.

- 3.5 The IC review concluded that many of projects that make up the current Grays regeneration programme were not supportive of future growth forecasts. The review findings concluded that projects, especially the Underpass project, were conceived in a different economic climate and assessed against a different appetite for risk, which is not sustainable going forward. The IC Review found that the Underpass project lacked strategic rigour and was not aligned with the development plans of strategic partners, Network Rail and New River Retail. The review concluded that in its current form the Underpass solution was not the right project to pursue as it did not represent value for money or deliver the quantum of regeneration benefits required for an investment of this scale.
- 3.6 The IC review recommendation is that the design process for Underpass scheme should not be pursued and the current planning application should be withdrawn. As part of a wider reassessment of options the IC review recommends examining options for an alternative strategy focused around a more ambitious Station Quarter concept. This would involve examining a potential strategic partnership with Network Rail and others focused on the delivery of the new crossing as part of a wider regeneration redevelopment. Utilizing both Council and Network Rail controlled land the focus would be a new bridge crossing potentially as part of a new rail station and delivered as part of a mixed-use scheme. The design would require less third-party lands, be less technical challenging and costs and risks could be shared equitably between stakeholders.

### **Internal Gateway Readiness Review**

- 3.7 An internal gateway readiness review has been completed; this type of review is routinely carried out at key decision points in a project's lifecycle to provide assurance that it can progress successfully to the next stage when assessed against: Time; Cost; Benefits; and Quality. The gate readiness review of the Underpass project was carried in March 2023 and was assessed with a RED RAG Rating. The review found that the initial budget forecasting for the Underpass scheme was based on preliminary design work and whilst project contingency was included, these were inadequate given the level of change required to accommodate the detailed design.
- 3.8 A key problem with the project was the interface between the rail facing (Network Rail) works and the non-rail (Council) works relating to utility design and planning. Poor internal project management controls led to extensive design changes, required for planning, not being relayed to the Network Rail team responsible for the technical design and build programming. Prolonged delays in getting into contract with Network Rail on the GRIP Stages 3 and 4 works, resulted in technical work having to be redone as Network Rail had in the interim changed term contractors and this additional work was required by

the new term contactors for cost and design assurance. The review found that there was a poor understanding on how to deal with the complex utility diversions required both rail side and outside of the rail corridor. Significant funds (£7.5m) had been allocated to this project element and design work had not been progressed to the point where the design and costs could be rationalised. Equally the land acquisition strategy and costs (£7.4m) supporting the scheme had ballooned as more land was required to accommodate an increasing ambitious public realm approach. It is acknowledged that there should have been more rigorous gateway challenges of these design elements to manage the forecasted budget increases.

- 3.9 The readiness review findings were that the project should not proceed to the next stage, as the review identified major flaws with the project scope, design, and buildability. To address the significant technical and operation difficulties identified with the Underpass design, the readiness review recommended considering design solutions that span over the railway and approach roads as opposed to technically challenging and costly Underpass solution.

### **Network Rail Design & Cost Review**

- 3.10 The forecasted project costs for the selected Underpass Design have increased significantly since the original budget of £27.4m was approved by Cabinet in 2017. This forecasted budget was based on concept designs, and these were reassessed following receipt of a detailed cost plan from Network Rail in 2021 that reflected further design work and a better understanding of the proposed construction methodology. As a result, the forecasted costs of the infrastructure elements of the scheme increased significantly, as did the build programme.
- 3.11 In July 2021 Cabinet was advised that the Network Rail cost plan forecasted a cost estimate between £22.2 and £25.2m for the infrastructure elements of the project (i.e., the elements proposed to be delivered via a contract with Network Rail). Additionally, land assembly and public realm costs, required to be delivered separately by the Council, brought the forecasted total project costs to between £34.9m and £37.9m, with option C 'The Plaza' as the option being taken forward.
- 3.12 The findings of the recent GRIP4 design and costings commissioned from Network Rail have highlighted further forecasted cost increases in the construction and associated costs. The GRIP 4 report has provided a revised cost range for the construction costs which increases from £18m to £26m.

### **Table 1. GRIP 4 Forecasted Infrastructure Cost Range**

<b>Revised Cost Range</b>				
<b>Group Element</b>	<b>NR Baseline ES3 2Q21</b>	<b>ES3 Inflated to 1Q23</b>	<b>Revised NR Cost Range</b>	
			<b>Low</b>	<b>High</b>
<b>POINT TOTAL (Excluding Utilities)</b>	10,966,195	12,650,254	16,100,000	16,100,000
Utilities Cost	-	-	1,300,000	1,300,000
Risk Total	3,003,475	3,464,713	1,300,000	3,300,000
<b>POINT + RISK TOTAL</b>	13,969,670	16,114,967	18,700,000	20,700,000
Total Inflation	1,073,490	-	2,000,000	2,200,000
<b>Project Cost (Less COWD)</b>	15,043,160	16,114,967	20,700,000	22,800,000
COWD	3,049,084	3,198,942	3,200,000	3,200,000
<b>Cost Range (Including COWD)</b>	<b>18,092,244</b>	<b>19,313,909</b>	<b>23,900,000</b>	<b>26,000,000</b>

3.13 The current budget forecast is £46m, based on the latest costings from Network Rail (GRIP 4) for the infrastructure element. Forecasted cost estimates have consistently increased as the detailed design for the Underpass has been developed and there has been greater certainty around the implementation impacts on the operational railway. This has resulted in a significantly longer build programme and more expensive technical solutions required to deal with utility diversions and track possessions. The main increases on the 2021 forecast relates to a revised construction programme of works, changed construction methodology and works sequencing. Additional costs have been incurred in developing a revised rail access strategy, accommodating design changes proposed as part of the planning process and taking account of the inflationary impact of 15.4% due to revised pricing base dates.

3.14 A Full Business Case (FBC) for the project was produced in 2019 to secure the allocation of the SELEP Local Growth Fund grant allocation of £10.8m. With forecasted costs at £27.4m, the benefit-cost-ratio (BCR) for the project was assessed at this time as 2.4:1. A revised value for money assessment was undertaken in March 2022 based on the increased forecasted costs of £37.9m. This value for money assessment calculated the BCR for the total remaining project costs at 2:1. As a general rule to secure SELEP LGF funding schemes are expected to generate a BCR of at least 2:1. There is a real danger that with forecasted cost now projected to be at £46.1m that any further value for money assessment would generate a BCR below the threshold figure and the scheme would become marginal and challenging to continue to justify proceeding with the scheme at this stage in its design development.

3.15 The SELEP Accountability Board have placed the Underpass LGF grant on hold pending the outcome of the current review process. The Accountability Board are aware of the technical and cost issues and are keen to support the project through the review process. However, the Accountability Board will need to consider any alternative design option being developed that significantly change the nature of the project outcomes or any revision could be treated as a new project. In the event of a new Business Case or updated Business Case being required it is considered that this could not be completed,



assessed, and considered by the Board prior to the February 2024 Board meeting. That being the case and with the current uncertainties around the LEP's future, it proposed that if the alternative delivery option is approved by Cabinet a report will need to be brought to the February 2024 SELEP Accountability Board meeting that includes an explanation as to how the project will be managed going forward in respect of the LGF spend and its compliance with the SELEP Assurance Framework.

### **Review Recommendations**

- 3.16 The project review process has highlighted that there are significant issues with the current scheme design in terms of budget, escalating costs, land acquisition and buildability of the Underpass. The recommendation of the review process is that the Underpass scheme in its current form should not be pursued. One option available is to recommend to the Cabinet to cancel the Underpass scheme in its entirety, return the £10.8m LDF grant to SELEP and reallocate the funding and/or reduce borrowing. However, removing the scheme's current allocation within the Capital Programme could be viewed by stakeholders, particularly SELEP, as a lack of commitment to the strategic project and adversely impact on SELEP's and Network Rail's consideration of alternative options.
- 3.17 The strategic review did continue to identify addressing the severance issues caused by the current level crossing as strategic priority. Moreover, the Network Rail operations team have continuously raised the issue of the safety of the current level crossing arrangements. There is significant risk that a failure to agree a feasible and affordable design could result in Network Rail Operations taking a unilateral decision to close the level crossing without providing an appropriate alternative means of pedestrian crossing.

### **4. Alternative Design Approach - Station Quarter**

- 4.1 The review process has highlighted the technical and cost issues that have been encountered with the Underpass design. Given these issues it is not considered practical to pursue this design option and the review process has highlight an alternative route forward. Through stakeholder engagement, undertaken as part of strategic review, contact has been made with the Network Rail Strategic Property team, who have expressed a strong interest in exploring the development of Station Quarter concept. This would see a crossing solution being delivered potentially as part of an integrated design for a new Rail station and a wider mixed use residential scheme.
- 4.2 To progress this design solution for the Station Quarter will require clear leadership by the Council, acting as a catalyst major stakeholder, with significant leverage through land ownership and stewardship obligations. This will require revisiting the art of the possible in design terms and move up a level or two in terms of ambition – scaling up the potential station redevelopment and integrating the rail crossing, looking at a more managed and less land hungry solution. Key to this approach will be establishing strategic partnership with

Network Rail and others and entering into Memorandum of Understanding (MOU) covering possible partnership arrangements for delivery and roles and responsibilities.

- 4.3 Given the lack of staff with the requisite experience it is proposed that this work is commissioned from an external development consultancy, using an appropriate Procurement Framework. The initial output of this stage of the design development will be an outline design and delivery option with a high-level appraisal and recommendations as to the partnership delivery structure for driving the scheme forward. It is anticipated that this phase of work could take up to 6 months to complete and would include engagement with stakeholders to crystallise appetite, scale, barriers, contribution, potential delivery options in terms of structure.

## **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 This report will be considered by a special meeting of the Planning, Transport & Regeneration Overview and Scrutiny Committee before the September Cabinet meeting.
- 5.2 The recommendation is to withdraw the current planning application for the Underpass and provide a written explanation to consultees of the decision following the Cabinet consideration of the report. It is also proposed to contact landowners, businesses and residents who have been contacted for land referencing purposes as part of the land acquisition strategy, to similarly advise them of the proposed change of approach.

## **6. Impact on corporate policies, priorities, performance, and community impact**

- 6.1 The adopted Thurrock Local Plan identifies Grays as a Growth Hub where economic regeneration and housing growth are to be focussed. The Grays Town Centre Framework Refresh was approved by Cabinet in November 2017 and out a vision for Grays town centre along with objectives aimed at regenerating the town centre economy. The new local will be one of the Council's key strategy documents and the new town centre strategy will be an integral part of this strategy.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Mark Terry**  
**Senior Accountant**

Cabinet approved the Grays Station programme November 2021, the total budget of £37.3m, this was an updated design and increased budget from the cabinet approval in 2017 of £27.4m. This was primarily an increase due to a

redesign of the programme. The funding of the programme is set out in the table below.

To date approximately £6.007m has been defrayed on design costs and site acquisitions and there are £353k in outstanding contractual commitments.

#### Funding Structure & Current Spend

Budget	TC Funds through S106, Capital Contributions	26,359,726.00
	SELEP	10,840,274.00
	Network Rail	700,000.00
		37,900,000.00
Spend	2016/17	23,939.00
	2017/18	99,877.00
	2018/19	268,944.00
	2019/20	3,659,317.00
	2020/21	831,404.00
	2021/22	650,882.00
	2022/23	472,641.00
		6,007,004.00
	<i>Note: 19/20 spend includes costs relating to CO3 land purchases</i>	

The current budget is underpinned by a Local Growth Fund (LGF) allocation of £10.8m from SELEP. In line with CIPFA rules the LGF Grant has been applied first to cover project costs. The SELEP Accountability Board at their April 2023 meeting placed the scheme on hold subject to the outcome of the internal Thurrock reviews.

The review has concluded that this current design should not go ahead. The council will need to agree with SELEP alternative use if the funding or risk clawback of the £10.8m LGF funding.

The spend of £6.007m will need to be treated as revenue should no revised scheme go ahead.

It is proposed that the costs for the initial phase of the Station Quarter design review will be funded from allocated Regeneration budgets, and this will be subject to the current expenditure control in place.

Any future capital contribution on a redesigned programme will require Thurrock Council funding through prudential borrowing. The borrowing will incur an annual charge to revenue (Minimum Revenue Provision (MRP))

representing the repayment of the loan over the life of the asset, and interest payable on the amount borrowed and using the current average rate of 4.5%. This will be calculated once the costs of any redesign are known. Consent for any proposed funding changes, which have capital borrowing implications will also need to be secured from both DLUHC and the Treasury (HMT).

## 7.2 Legal

Implications verified by: **Kevin Molloy**  
**Principal Lawyer Contracts & Procurement Team**

None for the purposes of this report provided the grant monies referred to are returned as outlined.

## 7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project Monitoring Officer**

There are no diversity implications arising from this report. Any future design proposal will consider accessibility needs.

## 7.4 Other implications (where significant) – i.e., Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children

- None

## 8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

## 9. Appendices to the report

- None

### Report Author:

Kevin Munnelly

Assistant Director Regeneration & Place Delivery

<b>28 September 2023</b>	<b>ITEM: 7</b>
<b>Planning, Transport &amp; Regeneration Overview &amp; Scrutiny Committee</b>	
<b>Purfleet-On-Thames Regeneration</b>	
<b>Wards and communities affected:</b> West Thurrock and South Stifford	<b>Key Decision:</b> Key
<b>Report of:</b> Kevin Munnelly, Assistant Director Regeneration and Place Delivery.	
<b>Accountable Assistant Director:</b> Kevin Munnelly, Assistant Director Regeneration and Place Delivery.	
<b>Accountable Director:</b> Mark Bradbury, Director of Place	
<b>This report is Confidential</b>	

## Executive Summary

In order for Purfleet Centre Regeneration Limited (PCRL) to fulfil its role as lead developer and deliver the planned programme set out in the Development Agreement (DA) they are required to access sufficient additional levels of funding (equity, debt and grant) to bring the project forward and a well-resourced team able to effectively manage all workstreams. PCRL has insufficient equity funding and have sought investment from a number of third parties.

The persistent failure by PCRL to secure additional funding and advance the delivery programme has resulted in a sixth Reservation of Rights letter (RoR) to be issued by Homes England (HE) to Thurrock Council and the Back to Back Agreement with PCRL, in relation to the Grant Determination Agreement (GDA), covering the £75m Housing Infrastructure Fund grant.

The Council is concerned that there is a material risk that the development milestones as set out in the GDA cannot be achieved. Given the prolonged and continued default position there is a real possibility that Homes England will invoke provisions with the GDA and withdraw the HIF funding and commence legal proceedings against the Council to clawback grant expenditure to date. Officers have assessed, with external legal support, all legal remedies available to the Council to address this default situation and minimise any financial exposure to the Council. Following this assessment it is recommended that the Council agree to mutually withdrawal, with Homes England, from the GDA. This effectively terminates the Purfleet HIF Grant Determination Agreement with Homes England and the Back to Back HIF Grant Determination Agreement with PCRL. Homes England have confirmed in writing that it will not demand or seek repayment of any funding in

connection with the Funding Agreement. This is subject to the Council agreeing to the mutual withdrawal and entering into the appropriate deed to enact this.

PCRL have continued to attempt to address the funding situation and the Council is mindful to examine alternative funding options; the latest being a proposal involving the English Cities Fund, a consortium of Homes England, Legal & General and Muse. Whilst encouraging, the response from PCRL to the current RoR letter does not contain sufficient detail for the Council to realistically conclude that the scheme can be delivered within the terms or timeframe of the current Grant Determination Agreement. However, following early engagement with PCRL and representatives of the English Cities Fund, officers believe there is merit in examining further the current proposal. Officers are therefore recommending that that the Council work with PCRL and ECF, over a period of up to 3 months, to establish whether there are firm proposals that could be taken back to cabinet with a recommendation to proceed. Any proposal would need to be developed and delivered outside of the terms of the current GDA and within the terms of the current Development Agreement.

## **1. Recommendation**

**1.1 That Planning, Transport and Regeneration Overview and Scrutiny Committee notes the written legal opinion, and the financial risk assessment and delegates authority to the Director of Place, in consultation with the Director of Law and Governance and the Portfolio Holder for Regeneration, Strategic Planning and External Relationships and Commissioners (1) to endeavour to negotiate a tripartite exit agreement with Homes England and Purfleet Centre Regeneration Limited and if that is not a viable option to agree a mutual withdrawal, with Homes England, from the Purfleet Housing Grant Determination Agreement which will lead to the determination of the Back to Back GDA with Purfleet Centre Regeneration Limited and (2) to take all steps necessary to terminate the Development Agreement and other associated agreements following the termination of the Grant Determination Agreement and the Back to Back GDA.**

**1.2 That Planning, Transport and Regeneration Overview and Scrutiny Committee notes the development option being proposed by PCRL and English Cities Fund and delegates authority to the Director of Place, in consultation with the Director of Law and Governance and the Portfolio Holder for Regeneration, Strategic Planning and External Relationships to negotiate and bring back to Cabinet an alternative development proposal no later than 13<sup>th</sup> March 2024 Cabinet Meeting.**

## **2. Background**

2.1 The Purfleet regeneration scheme is regulated by a number of legal documents which set out the obligations of the various parties. In summary the key agreements are

- Homes England/Council Grant Determination Agreement ("GDA Agreement"). This is the grant funding agreement under which Homes England has committed c.£75m of HIF grant funding to the Project of which we over £25m has already been spent;
- Council/PCRL Back to Back Funding Agreement ("GDA Back to Back Agreement"). Under this agreement the Council is under an obligation to pass through the HIF funding it receives under the GDA Agreement;
- Purfleet Development Agreement ("Development Agreement"). This is the development agreement under which PCRL has contracted to undertake the development of the Project.
- Council/PCRL Phase 1 Agreement for Leases ("Phase 1 Agreement for Leases"). Under this agreement the Council agrees to grant PCRL building leases over Phase 1 of the site subject to the satisfaction of certain conditions precedent. The majority of these conditions precedent remain outstanding.
- Swan New Homes Limited's funder Step In Agreement ("Swan Step In Agreement"). Swan, now owned by Sanctuary, has step in rights under the Development Agreement and the Phase 1 Agreement for Leases in the event that the Council seeks to terminate those agreement.

2.2 Thurrock Council entered in a Development Agreement with PCRL to deliver more than 2,650 new homes around a new town centre, including a new primary school and integrated medical centre. To date it is probable that only 34 homes will be completed by the end December 2023. It was the intention of PCRL in the role of lead developer, to directly build out all/most of the scheme themselves. They would have constructed the site wide infrastructure and built out the residential and commercial elements of the scheme and sold the completed units to individual purchasers. The Council was to receive its financial return via a sales overage from individual housing units on the completion of each phase. The Council and Homes England are the only parties to the GDA. However, the Council also entered into a back to back Grant Determination Agreement with PCRL which governs the contractual expenditure of £75m of Housing Infrastructure Fund (HIF) grant which had been allocated to the project in December 2020.

2.3 As part of obligations set within the current GDA and to enable the continuation the HIF claim process, Homes England have provided the Council and PCRL with a number of conditions contained within the Grant Determination Agreement that need to be addressed. The main condition being that PCRL are required to procure private sector equity development funding for the Purfleet scheme to continue to the next development phase. However, the Council remains the accountable body under the GDA and if Homes England terminated the agreement it would look to the Council and not PCRL if it wishes to clawback any of the funding already provided. When

the Council's section 151 Officer issued the Notice under section 114 of the Local Government Finance Act 1988, that placed the Council in fundamental breach of the GDA and as a consequence Homes England could terminate the agreement at any time.

- 2.4 The current scheme covers approximately 58Ha (140 acres) of brownfield land, around c60% of which is in Council ownership. In June 2012 Cabinet delegated authority to officers to continue acquiring sites in support of the project set within obligations under the Development Agreement. The majority of the Council landholdings are concentrated in Phases 1-3 of the phased programme. This is made up of: historic land interests, heavily concentrated in Phase 3 industrial sites; legacy land transferred from the Thames Gateway Development Corporation; and subsequent land purchase funded from the Council (£5m), SELEP grant (£5m) and HIF grant (£27m).

### **3. Current Position**

- 3.1 PCRL has consistently struggled to obtain funding (debt and additional equity) for the project and this has been its main obstacle to unlocking delivery. In 2020 the Council restructured the delivery route for Phase 1 by entering into the Phase 1 Agreement for Leases to accommodate the HIF funding and make it easier for PCRL to secure the funding it needed but it has still not managed to obtain funding. It is important to note that a major shareholder in PCRL, Swan Housing, has faced significant financial challenges in recent years which have impacted on their ability to continue to engage effectively and have now merged with Sanctuary Housing.
- 3.2 PCRL appointed Knight Frank Capital Advisory in August 2021 to source an equity investment partner for the Purfleet regeneration project. Owing to viability challenges within the project this exercise was unsuccessful. Legal & General (L&G) were subsequently approached to consider bidding on the project and Heads of Terms were agreed in June 2022 for L&G to acquire the entire issued share capital of PCRL. Following a period of due diligence and against a background of adverse economic conditions L&G withdrew from the proposed sale in December 2022. They have however indicated that they would be willing to consider forward funding a certain percentage of affordable housing in a progressed scheme, but no further details have been offered.
- 3.3 As Grant Recipient and in order to protect Thurrock Council's contractual position within the Grant Determination Agreement between Homes England and Back to Back Agreement with PCRL and the Development Agreement, the Council has sought legal advice regarding how to proceed with mutually dissolving the Grant Determination Agreement between Homes England and the Council and potentially ending its relationship with PCRL.

#### **Default**

- 3.4 Homes England (HE) have issued to the Council a sixth Reservation of Rights letter in respect to the Purfleet HIF Grant Determination Agreement



- (GDA). HE has expressed significant concerns about the deliverability of the Programme and the failure of PCRL to secure the necessary funding to deliver the project. A general default has occurred in terms of missed milestones and funding conditions, and HE have indicated that they are proposing to exercise their rights under Clause 12 (Events of Default) of the Grant Determination Agreement. However the point made in paragraph 2.3 on the Council being in fundamental breach of the GDA remains material.
- 3.5 Given the severity of the situation HE previously requested in the fifth RoR letter a detailed proposal from PCRL for delivering the Project, which had to be returned to them by 9<sup>th</sup> April 2023. The information provided by PCRL did not identify an equity funder or address the programme issues and this did not accord to the requirements set out in section 2.7 of the Reservation of Rights letter deadline.
- 3.6 The Council understood from PCRL that the equity funder would be identified prior to the submission to Homes England in response to the fifth Reservation of Rights letter. Failure to do so only highlights the concerns raised over the ability to secure funding. Historically, the specific milestone date to procure equity funding was 31<sup>st</sup> December 2021 and this was subsequently extended to 30<sup>th</sup> April 2022 via a Deed of Variation without success.
- 3.7 Homes England (HE) have issued to the Council a sixth Rights of Reservation letter in respect to the Purfleet HIF Grant Determination Agreement (GDA). HE continues to express significant concerns about the deliverability and the failure of PCRL to secure the necessary funding to deliver the project. However, since the last Reservation of Rights letter the Council has received letters from PCRL dated 19 June 2023, which indicate that the English Cities Fund (which is backed by Homes England, Muse and Legal & General) has expressed material interest in funding the Project. The Council have reviewed the letters and the expression of interest from the English Cities Fund, with specific reference to the need to provide a detailed proposal to address the outstanding development funding issues. Whilst encouraging, the response from PCRL does not contain sufficient detail for the Council to realistically conclude that the scheme can be delivered within the terms or timeframe of the current GDA.
- 3.8 The Council is concerned that there is a material risk that the development milestones as set out in the GDA cannot be achieved. Given the prolonged and continued default position there is a real possibility that Homes England will invoke provisions with the GDA and withdraw the HIF funding and commence legal proceedings against the Council to clawback grant expenditure to date.
- 3.9 Even if funding is achieved it is unlikely that the scheme can be delivered within the time frame and structure of the present set of documents. If any changes are proposed, they would need to be considered against the procurement framework set out in the Public Sector Contracts Regulations 2015.

- 3.10 If the GDA and Back to Back agreement are terminated that will not automatically lead to the termination of the Development Agreement. If an event of default does occur and the Council seeks to rely on this ground to terminate the Development Agreement, the Council's right is contingent on Swan (Sanctuary) not exercising its rights to step in under the Swan Step In Agreement to perform the development obligations in the Development Agreement and Phase 1 Agreement for Lease.

#### **4. Reasons for Recommendations**

- 4.1 PCRL were appointed by Thurrock Council (TC) to deliver the Purfleet Centre. After several years, PCRL had not secured a funder, other than 34 units of the Phase 1A. In the sixth RoR letter the Council has been given until 30<sup>th</sup> June 2023 to indicate whether it wishes or is able to deliver the project in accordance with the GDA. The information PCRL have provided to date on funding and the build programme is considered inadequate to address the contractual requirements of HE and there is no realistic chance this position will change.

#### **5. Consultation (including Overview and Scrutiny, if applicable)**

- 5.1 This report will be considered by a special meeting of the Planning, Transport & Regeneration Overview and Scrutiny Committee before the September Cabinet meeting.
- 5.2 Early engagement will be required with the Purfleet On Thames Community Forum, Ward Councillors and residents to provide an update and reassurance that the critical social infrastructure to be provided by the scheme is considered in any alternative options. This engagement will also extend to the providers of the infrastructure, including the NHS, Gateway Academy and Network rail.

#### **6. Impact on corporate policies, priorities, performance and community impact**

- 6.1 Purfleet Centre is referenced in the Council's Economic Development and Regeneration Strategies and the Local Development Framework. The receipt of HIF is making a significant contribution to achieving the Council's vision for Purfleet and is of great benefit in bringing the programme forward.

#### **7. Implications**

##### **7.1 Financial**

Implications verified by: **Mark Terry**  
**Senior Service Accountant**

The invoking of the default provision in the GDA and the withdrawal of funding will collapse the GDA and could expose the Council to clawback provisions with the GDA. The table below sets out the HIF Claim spend to date: 03/04/2023

**Table 1 HIF Claim spend to date: 03/04/2023**

	<b>Overall Claim Value (Net)</b>
<b>1. Land Assembly - Tennants Ltd 2. Land Assembly NRW Tranche 1</b>	£15,862,323
<b>3. Enabling Works, Remediation &amp; Land Reprofilng Package 1 (Sub-Phase 1A)</b>	£2,095,961.59
<b>4. Subsurface Hydrocarbon Remediation &amp; removal (Phase 1) 2</b>	£93,379.87
<b>5. Enabling Works, Remediation &amp; Land Reprofilng Package 2 (Phase 1)</b>	£1,160,149.42
<b>6. Infrastructure Works Package 1 (Sub-Phase 1A)</b>	£522,262.69
<b>7. Infrastructure Works Package 2 (London Road &amp; Bridge, Civil Works) Design- fees &amp; Planning</b>	£563,490.95
<b>8. Infrastructure Works Package 3 (Phase 1 North Civil Works)</b>	£506,201.20
<b>9. Temporary Rail Station Works Design fees - aborted</b>	£195,826.31
<b>10. Permanent Rail Station Works Design fees GRIP 5</b>	£2,051,577.34
<b>Historic Expenditure By PCRL Site / Ground Investigation work Engineering fees Gleeds / Waterman</b>	£4,106,349.80
<b>Total by Claim</b>	<b>£27,157,523.80</b>

- Homes England have confirmed in writing that should the Local Authority decide to proceed with the withdrawal of the Project by mutual agreement, Homes England:

- will not demand nor seek repayment of any funding and/or sums paid to the Local Authority to-date pursuant to the Funding Agreement; and
- will make payment of further claims to the Local Authority (up to a maximum aggregate amount of £1,000,000) in respect of the costs that it has incurred directly in relation to the Infrastructure Works (as defined in the Funding Agreement), provided that supporting evidence is provided satisfactory to Homes England that the relevant costs claimed have been incurred by the Grant Recipient directly in relation to the Infrastructure Works.

The above is conditional on:

- the Local Authority confirming that it wishes to mutually withdraw the Project by mutual agreement, in writing, within 10 Business Days of its Cabinet meeting on 11 October 2023; and
- the Local Authority and Homes England entering into and completing a deed providing for the withdrawal and the ancillary matters outlined in this email by 30 November 2023

## 7.2 Legal

Implications verified by: **Mark Bowen**  
**Deputy Monitoring Officer**

### **Legal Remedies Assessed.**

Homes England are in a position where they could terminate the agreement at any time. As is set out in paragraph 2.3 above the issue of Notice under Section 114 Local Government and Finance Act 1988 amounted to a fundamental breach of the agreement. There are also other breaches which mainly rest with PCRL. However the Council are the accountable body under the agreement and it is against the Council that Homes England would seek to “clawback” any funding. Termination of the GDA would lead to termination of the Back to Back agreement but it would not automatically lead to the termination of the Development Agreement and associated agreements.

If the GDA Agreement is terminated for Council breach, including Fundamental Default PCRL may have a claim in damages against the Council under the GDA Back to Back Agreement. If Homes England claws back any funding, the GDA Back to Back Agreement allows the Council to claw this back from PCRL. However, if the agreement is terminated for Fundamental Default PCRL would likely be able to prevent any such claw back by making a counterclaim against the Council for causing the breach triggering the Fundamental Default. Homes England has an absolute discretion as to how it chooses to terminate the GDA Agreement.

Rather than risk termination for fundamental default the Council would be best trying to reach a negotiated settlement. If Homes England and the Council conclude the scheme is not deliverable, then the best course of action would be to try to persuade PCRL to agree with this and negotiate a tripartite

withdrawal from all agreements. The Council could seek to negotiate an exit from the GDA by mutual agreement with Homes England and not include PCRL. This is not without risk. Leading Counsel has advised that if the Council agrees to termination of the GDA Agreement without PCRL's consent, which could place the council in breach of its duties to PCRL under the GDA Back to Back Agreement. There are also risks in the Council encouraging Homes England to terminate the GDA Agreement for a PCRL General Default (to the exclusion of any Council breach). Therefore, in the absence of a tripartite agreed termination of the GDA Agreement and GDA Back to Back Agreement, this would be the preferred option in managing the termination of the GDA, it would carry risk of challenge from PCRL .

If it is concluded that the scheme is not deliverable and the Council is not able to negotiate a tripartite exit then given the serious consequences for the Council of Homes England terminating the Council could seek to negotiate a mutual withdrawal from the GDA with Homes England . This would carry risk of challenge from PCRL but would effectively terminate the Purfleet HIF Grant Determination Agreement with Homes England and the Back to Back HIF Grant Determination Agreement with PCRL. It would not terminate the Development Agreement and related agreements and there would need to be breaches of those agreements which carry the sanction of termination to allow this to happen.

### 7.3 **Diversity and Equality**

Implications verified by: **Roxanne Scanlon**  
**Community Engagement and Project**  
**Monitoring Officer**

The Development Proposals for this Project support long-term achievement of the Council's equality objectives and specifically those associated with resident's access to services in addition to supporting community integration and cohesion. Through construction to delivery, employment opportunities will be introduced along with the provision of new community facilities and a diverse mixture of housing types in Purfleet. The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different group.

These duties are considered as part of the decision making process and delivery of services.

### 7.4 **Other implications (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children**

- None

**8. Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

**9. Appendices to the report**

- None

**Report Author:**

Kevin Munnely, Assistant Director Regeneration & Place Delivery

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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