

<b>Reference:</b> 17/00224/FUL	<b>Site:</b> Goshems Farm Station Road East Tilbury Essex
<b>Ward:</b> East Tilbury	<b>Proposal:</b> Proposed jetty comprising pontoon and access bridge.

<b>Plan Number(s):</b>		
Reference	Name	Received
1100.P1	Other	20th February 2017
1110.P1	Other	20th February 2017
1111.P1	Other	20th February 2017
1210.P1	Other	20th February 2017
1200.P1	Other	20th February 2017
PA01	Location Plan	20th February 2017
1010.P1	Other	20th February 2017
1000.P1	Proposed Site Layout	20th February 2017

The application is also accompanied by: <ul style="list-style-type: none"> <li>- Intertidal Invertebrates Report</li> <li>- Jetty Construction Method Statement</li> <li>- Winter Bird Report</li> <li>- Winter Bird Survey Report Final</li> </ul>	
<b>Applicant:</b> Ferrovia Agroman UK Ltd and Laing O'Rourke Construction	<b>Validated:</b> 28 February 2017  <b>Date of expiry:</b> 4 <sup>th</sup> September 2017 [Extension of time agreed with applicant]
<b>Recommendation:</b> Approve, subject to conditions.	

This application is scheduled for determination by the Council's Planning Committee because of the scale and strategic implications of the proposal.

**1.0 DESCRIPTION OF PROPOSAL**

- 1.1 The application seeks planning permission for a temporary jetty comprising a new pontoon and access bridge.
- 1.2 The jetty is sought for a period of a maximum of 5 years. The applicant advises that the jetty would be initially used to import additional material for the land restoration scheme at Goshems Farm (originally granted consent under planning reference 98/00773/MIN and latterly varied in 2015 under planning reference 15/00475/DVOB). Thereafter, the Jetty would be used to import material to assist the land restoration scheme at Tilbury Power Station (approved under planning reference 17/00412/FUL).
- 1.3 An existing jetty serves Goshems Farm, but the applicant requires a further jetty to allow additional fill material to be provided. The applicant indicates that the additional jetty is urgently needed to take material from the early part of the construction of the Thames Tideway Tunnel project.

**2.0 SITE DESCRIPTION**

- 2.1 The site lies on the north bank of the River Thames and the site can be accessed from Goshems Farm, which is on Station Road. The site is also accessible from Public Footpath 146.

**3.0 RELEVANT HISTORY**

Reference	Description	Decision
<u>Goshems Farm</u>		
98/00773/MIN	Restoration of former waste disposal site by spreading spoil from civil engineering works transported to site via the River Thames and the diversion of footpath no 146 along a new route to be constructed beside river (ESS/20/97/THU).	Approved
11/50352/TTGCND	Section 73 Application - Modify the conditions attached to planning permission ref: 98/00773/MIN 'Restoration of former waste disposal site by spreading soil from civil engineering works transported to site via the River Thames and the diversion of footpath no 146 along a new route to be constructed beside river (ESS/20/97THU); Condition 2 - change to the approved Phasing plan; Condition 5 - amendment to the sequencing of works; Condition 6 - change to the timescale for completing importing of material (to 31st October	Approved

	2017) and completing restoration (to 31st October 2018); Condition 9 - change to include unloading of barges within the definition of operations not subject to hours control.	
15/00475/DVOB	Variation of the section 106 from approved applications 98/00773/MIN & 11/50352/TTGCND (to allow the quantity of material to be imported to be increased from 830,000 cubic metres to 1,010,000 cubic metres)	Approved
<u>Land Adjacent Tilbury Power Station</u>		
17/00412/FUL	Continued re-profiling of the site to 9 metres AOD using inert reclamation material imported by river, in place of Pulverised Fuel Ash from the adjacent now redundant Power Station	Approved

#### 4.0 CONSULTATIONS AND REPRESENTATIONS

4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: [www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)

##### PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters, press advert and public site notice which has been displayed nearby. No responses have been received.

##### HIGHWAYS:

4.3 No objections

##### HIGHWAYS (PUBLIC FOOTPATHS):

4.4 No objections.

##### ENVIRONMENT AGENCY:

4.5 No objections, subject to conditions.

##### PORT OF LONDON AUTHORITY (PLA):

4.6 No objections, subject to conditions.

ENVIRONMENTAL HEALTH:

4.7 No objections, subject to conditions.

LANDSCAPE AND ECOLOGY ADVISOR:

4.8 No objections, subject to conditions.

## **5.0 POLICY CONTEXT**

### **National Planning Guidance**

#### National Planning Policy Framework (NPPF)

5.1 The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

5.2 The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- Building a strong, competitive economy
- Promoting sustainable transport
- Protecting Green Belt land
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

#### Planning Practice Guidance

5.3 In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains 42 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Conserving and enhancing the natural environment
- Determining a planning application
- Flood risk and coastal change
- Making an application
- Natural environment
- Use of planning conditions
- Waste

## **Local Planning Policy**

### Thurrock Local Development Framework (2015)

5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (as amended) in January 2015. The following Core Strategy policies apply to the proposals:

#### Spatial Policies:

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)<sup>1</sup>

#### Thematic Policies:

- CSTP14 (Transport in the Thurrock Urban Area: Purfleet to Tilbury)<sup>3</sup>
- CSTP27 (Management and Reduction of Flood Risk)<sup>2</sup>
- CSTP28 (River Thames)
- CSTP29 (Waste Storage)
- CSTP30 (Regional Waste Apportionment)

#### Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)<sup>2</sup>
- PMD2 (Design and Layout)<sup>2</sup>
- PMD6 (Development in the Green Belt)<sup>2</sup>
- PMD9 (Road Network Hierarchy)
- PMD15 (Flood Risk Assessment)<sup>2</sup>

[Footnote: <sup>1</sup>New Policy inserted by the Focused Review of the LDF Core Strategy. <sup>2</sup>Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. <sup>3</sup>Wording of forward to LDF-CS Policy amended either in part or in full by the Focused

Review of the LDF Core Strategy].

#### Focused Review of the LDF Core Strategy (2014)

- 5.5 This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

#### Draft Site Specific Allocations and Policies DPD

- 5.6 This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

#### Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

- 5.7 The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough’s Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy ‘Broad Locations & Strategic Sites’ to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the ‘parking’ of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan

#### Thurrock Local Plan

- 5.8 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an Issues and Options (Stage 1) document and simultaneously undertook a ‘Call for Sites’ exercise. It is currently anticipated that consultation on an Issues and

Options (Stage 2 Spatial Options and Sites) document will be undertaken later this year.

## 6.0 ASSESSMENT

The assessment below covers the following areas:

- i. Principle of development
- ii. Design and layout
- iii. Traffic impact and access
- iv. Noise and other environmental issues

### I. PRINCIPLE OF THE DEVELOPMENT

- 6.1 The jetty would be located within the river and foreshore of the Thames. Whilst the majority of the structure would be found offshore, part of the landing stage and ramp connecting the pontoon to the land would be within the Green Belt.
- 6.2 The construction of a jetty does not fall easily into any of the categories of 'appropriate development' set out in the NPPF. However, paragraph 90 of the NPPF sets out that other forms of development are not necessarily inappropriate in the Green Belt *'provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt'*
- 6.3 In this case only a very small part of the structure would fall within the Green Belt and it is not considered that the proposal conflicts with any of the five purposes of including land in the Green Belt detailed at para 80 of the NPPF. An assessment against the 5 purposes of the Green Belt is set out below;
  - The development would not give rise to unrestricted sprawl of large built-up areas;
  - The development would not give rise to neighbouring towns merging into one another;
  - The development relates to an existing site which has not been restored. It is not considered that the development would give rise to further encroachment of the countryside;
  - The development would not impact upon the setting and special character of historic towns; and
  - The development would not impact upon urban regeneration, by discouraging the recycling of derelict and other urban land.

- 6.4 In terms of its impact on the openness of the Green Belt, the ramp and landing stage would be inconspicuous and given that the structure would be viewed alongside another existing jetty on the riverfront it is not considered the development would have any demonstrable impact.
- 6.5 In conclusion under this heading, given that the proposal would help facilitate the previously consented restoration of land at Goshems Farm and Tilbury Power Station to appropriate Green Belt purposes (agriculture and recreation), and in the absence of any demonstrable harm to the openness of the Green Belt the proposal is considered to constitute appropriate development in the Green Belt and no objection is raised under Policies PMD6 and CSSP4 of the Core Strategy or the NPPF.

## II. DESIGN AND LAYOUT

- 6.6 Jetties are typical features of the working riverfront. The proposed jetty would not appear incongruous or out of keeping with the riverfront in this location. The Port of London Authority (PLA) does not object to the provision of the jetty but recommended certain conditions be applied if permission were to be granted.

## III. TRAFFIC IMPACT AND ACCESS

- 6.7 The applicant has indicated that during the construction of the jetty there would be approximately 60 HGVs entering the site over a 10 week period, 30 of which would comprise cement mixers delivering during a single day. There would be no waiting on the highway as there is suitable space within Goshems Farm for the vehicles to be held off the public highway.
- 6.8 Planning conditions could be applied to limit the destination of material and routing of vehicles transporting material from the jetty to either Goshems Farm in the immediate short term and land adjacent to Tilbury Power Station in the longer term. This would provide sufficient control to prevent the onward movement of material on the public highway.
- 6.9 The proposal for the jetty would reduce the necessity for material being brought to fill either site via road, through the provision of an alternative facility.
- 6.10 In light of the above, the highways officer does not raise any objections.

## IV. NOISE AND OTHER ENVIRONMENTAL ISSUES

- 6.11 Neither the Council's Landscape and Ecology advisor or Environmental Health officer has raised any objections to the development proposed that could not be addressed by planning conditions. Relevant and necessary conditions are set out in the recommendation section below.

## 7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL



- 7.1 The proposed jetty is considered to be acceptable development which would help facilitate the restoration of two areas of land within the immediate location of the jetty. The proposal would reduce the need for HGV movements on the public highway in connection with the restoration of the two consented areas of land in question. Subject to conditions, the recommendation is one of approval.

## 8.0 RECOMMENDATION

Approve, subject to the following conditions:

### Condition(s):

#### 1 Standard Time

The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

**Reason:** In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

#### 2 Temporary Consent

The jetty hereby permitted shall be removed on or before 24<sup>th</sup> August 2022 in accordance with a scheme, details of which have been previously submitted to and approved in writing by the Local Planning Authority. This scheme shall include a Monitoring Report which demonstrates the recovery of the foreshore once the jetty has been removed.

**Reason:** In the interests of the wildlife and ecology value of the site.

#### 3 Protected Species Survey

Within 3 months of commencement of the development a Protected Species Survey Plan must be submitted to the Local Planning Authority for approval. It should contain the following:

- Surveys for lagoon sea slug and tentacle lagoon worm (using methodologies approved by the Environment Agency)
- Any recommendations for mitigation and monitoring.
- Recommendations for restoration of the project site following the cessation of the temporary use, regardless of whether any protected species are found, to ensure no net loss of inter-tidal habitat.

Any mitigation and monitoring, and the restoration of the site following cessation of the temporary use, must all be carried out as detailed. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority.

**Reason:** In the interests of the wildlife and ecology value of the site

#### 4 Construction Methods

Development of the jetty hereby permitted shall be carried out in accordance with the details contained in the "Jetty Construction Method Statement" entitled "Proposed Jetty at Goshems Farm, East Tilbury, Construction Method Statement" unless previously agreed in writing by the Local Planning Authority. For the avoidance of doubt any piling operations shall take place at low tide (except in an emergency situation) and not outside the hours of 08:00 – 19:00 Mondays to Fridays or 08:1300 on Saturdays and at no time whatsoever on Bank or Public Holidays (unless in an emergency situation) to reduce the impact of the works on sensitive nearby receptors.

**Reason:** To minimise the impact of noise on the amenities of nearby occupiers and comply with Policy PMD1 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD 2015.

#### 5 Jetty Demolition

Prior to the demolition phase, a method statement for the demolition phase of the Jetty must be prepared and submitted to the Local Planning Authority to demonstrate how the demolition will protect the Thames estuary. Thereafter, development shall be carried out strictly in accordance with the details approved.

**Reason:** In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD 2015 and in the interests of wildlife and ecology value.

#### 6 Lighting

The following measures to mitigate light pollution shall be operated at any time during which lighting is used on the jetty:

- Lighting will be limited to only the areas which are essential during both construction and operational periods.
- Luminaires will be installed low in the vertical plane where possible to minimise obtrusive light
- Intense lighting or clustered solutions to be avoided where possible.
- Automated control (Timers, Dimmers, Switching) to be used to minimise unnecessary out of hours use.
- Luminaire shields and guards to control light spill.

**Reason:** In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD 2015 and in the interests of wildlife and ecology value.

## 7 Programme of Works

If development is not commenced and completed between 1<sup>st</sup> June and 31<sup>st</sup> August (Metrological Summer), prior to the commencement of development a Programme of Works shall be submitted to the Local Planning Authority demonstrating that the timing of the works has been designed to reduce the impacts on overwintering birds and migrating fish. Thereafter once approved development shall be carried out strictly in accordance with the details approved.

**Reason:** In the interests of amenity and to ensure that the proposed development is integrated within its surroundings as required by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD 2015 and in the interests of wildlife and ecology value.

## 8 Development in accordance with plans

The development hereby permitted shall be carried out in accordance with the plans detailed in the table below and subject to the conditions attached to this permission.

<b>Plan Number(s):</b>		
Reference	Name	Received
1100.P1	Other	20th February 2017
1110.P1	Other	20th February 2017
1111.P1	Other	20th February 2017
1210.P1	Other	20th February 2017
1200.P1	Other	20th February 2017
PA01	Location Plan	20th February 2017
1010.P1	Other	20th February 2017
1000.P1	Proposed Site Layout	20th February 2017

**Reason:** For the avoidance of doubt as to the nature of the development hereby permitted and to ensure development is carried out in accordance with the approved application details.

## 9 Hours of construction

The development and operations associated with the construction of the jetty hereby permitted shall only be carried out during the following times:

- Monday to Friday; 07:00 – 18:00 (10 hours)
- Saturday; 07:00 – 13:00 (6 hours)
- and at no other times or on Sundays, Bank or Public Holidays. (Except for emergency operations).

**Reason:** In the interest of local amenity, to control the impacts of the development. In accordance Core Strategy Policy PMD1 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD 2015.

## 10 HGV Movements

The maximum number of Heavy Goods Vehicle (HGV) (a vehicle of more than 7.5 tonnes gross weight) movements associated with the construction and development of the jetty hereby permitted shall not exceed 60 vehicle movements (30 and in and 30 out) in any one day. Thereafter, following the construction period there shall be no HGV movements except in an emergency.

**Reason:** In the interests of highway safety and protecting local amenity, in accordance with Policies PMD1, PMD9 and PMD11 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD 2015.

## 11 Deposit of material

Any material imported via the jetty hereby approved shall be used only for consented fill operations on land at Goshems Farm (15/00475/DVOB – or any subsequent applications for the same development) or Land Adjacent to Tilbury Power Station (17/00412/FUL – or any subsequent application for the same development).

**Reason:** To prevent vehicles moving material via the public highway in the interests of highways capacity, safety and amenity

## 12 Onward movement of material

There shall be no onward movement of imported material outside of the red line site areas of the applications referred to in condition 12 above.

**Reason:** To prevent vehicles moving material via the public highway in the interests of highways capacity, safety and amenity.

## 13 Recording measures

Within 3 months of the date of this decision a Scheme of Recording Measures shall be submitted to the Local Planning Authority for approval. Thereafter the development shall be carried on strictly in accordance with the details approved. The Scheme of Recording Measures shall include proposed measures and procedures to:

- 1 Accurately record the date, origin, tonnage and type of all material entering and leaving the Site. Allow for the verification of such date through weigh ticket data;
- 2 Provide the Local Planning Authority with information as to materials entering and leaving the site on a quarterly basis (and verification if requested) or for alternative periods at the Local Planning Authority's request;

- 3 Provide the Local Planning Authority with details of the percentage of materials imported that are recovered and exported and the percentage to be disposed of to on-site landfill.

From the date the commencement the operator(s) shall maintain records of their monthly output and input and shall make them available to the Local Planning Authority in accordance with the agreed scheme of recording measures or upon request. All records shall be kept for the duration of the importation and extraction and shall be available to the Local Planning Authority upon request.

**Reason:** To allow the Local Planning Authority to monitor adequately activity at the site and to ensure compliance with the permission.

**Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant/Agent, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

[www.thurrock.gov.uk/planning](http://www.thurrock.gov.uk/planning)



Application No: 17/00224/FUL

New Jetty Goshems Farm

Station Road, E.Tilbury

Scale: 1:2,500 Date printed: 16/08/2017

THIS PLAN IS PRODUCED FOR  
PLANNING & BUILDING CONTROL  
REGULATION PURPOSES ONLY.  
NO FURTHER COPIES MAY BE MADE.

