

DELEGATED REPORT

Reference: 19/01534/FUL	Site: Land at far east of Stanhope Industrial Park, Wharf Road, Stanford Le Hope, Essex.
Ward: Stanford Le Hope West	Proposal: The installation of gas engine generators, a gas house, DNO building for transformers and associated vehicular access roads for a gas-fired electricity generation facility with associated infrastructures and fencing around the compound.

Plan Number(s):		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
L(200)01 Rev N	22No 2MW Engines Proposed Site Plan	19 May 2022
L(200)02	Site Location Plan	5 November 2019
L(200)03	Existing Site Plan	9 October 2019
L(200)-ILP Rev A	Indicative External Lighting Strategy	15 August 2022
L(300)01 Rev B	Elevations	5 April 2022
(300)02	Containerised Generator 1 of 2	9 October 2019
(300)02	Containerised Generator 2 of 2	9 October 2019
(300)03	Welfare Cabin	9 October 2019
(300)04	UK Power Network Substation	9 October 2019
(300)05	12m Long Switch Room	9 October 2019
(300)06	Spare Parts Container	9 October 2019
(300)07 Rev A	Double Hit and Miss Timber Fence	15 August 2022
(300)08	Control Room	9 October 2019
(300)09	Gas Governor Kiosk	9 October 2019
H8306-001	Conceptual Drainage Layout	5 April 2022
BG20.276-BRGR-ZZ-ZZ-DR-L-00001 Rev.P01	Landscape Mitigation Plan	17 August 2021

The application is also accompanied by:

- Preliminary Ecological Assessment (November 2018)
- Planning Statement (October 2019)
- Air Quality Impact Assessment (October 2019)
- Flood Risk Assessment (February 2020)
- Q-Flood Asymmetric details
- Transport Statement (March 2020)
- Air Quality Assessment response to Natural England comments (April 2020)
- Transport Statement (April 2020)
- Great Crested Newt Survey Report (September 2020)
- Reptile Survey Report (September 2020)
- Phase 1 Habitat Survey (September 2020)
- Ecological Management Plan (October 2020)
- Ecology Target Notes and Plan – Lewis Ecology, (October 2020)
- Noise Assessment (October 2020)
- Stanford Industrial Park Invertebrate Survey 2020
- Draft Construction & Environmental Management Plan v.4 (September 2021)
- Malibu LED Architectural Bollard
- Eclipse Bulkhead details

Applicant:

FPC (Haverhill) Limited
c/o Agent

Validated:

6 November 2019

Date of expiry:

16 August 2022 (Extension of time
agreed with applicant)

Case Officer: Lucy Mannion – Senior Planner

1.0 DESCRIPTION OF PROPOSAL

This application seeks planning permission to construct a gas-fuelled standby electricity generation plant to supply the National Grid at times of high demand.

The main elements of the proposal are:

- Generators – 22 gas engine generator in individual containers with 10m high combined flue stacks
- Transformers
- Gas Governor
- Switch Gear Container
- UKPN Substation Building
- Welfare Cabin

Access to the site will be taken from Wharf Road to the west of the site. A second point of access would be provided to the south-western corner of the site and provide access to the Open Terminal Compound and DNO station.

2.0 SITE DESCRIPTION

The application site is located at the eastern-end of the Stanhope Industrial Park and comprises a roughly triangular-shaped land parcel extending to c.0.56ha in area. The site presently comprises a mix of scrub vegetation and cleared areas. The site comprises previously developed land which was previously used for a combination of industrial and warehousing uses. The site is allocated as Secondary Industrial and Commercial Area within the Core Strategy.

The site is to the eastern edge of Stanhope Industrial Park, which comprises a mix of commercial employment generating uses. To the south-west of the site is an area of vegetation, pond and the tidal defence bund. To the south of the bund is the Stanford Wharf Nature Reserve (RSPB). To the south-east is the Mucking Flats SSSI / Thames Estuary & Marshes SPA / Ramsar site.

3.0 RELEVANT HISTORY

Application Ref.	Description of Proposal	Decision
04/00765/OUT	Outline application for 28,095 square metres of B1(c), B2 and ancillary B1(a) and B8 uses, landscaping and access improvements.	Approved
04/00793/OUT	Outline application for mixed use development of residential B1, Community and retail uses, landscaping and access. Improvements to included demolition of existing buildings other than water tower	Refused and dismissed on appeal

09/50023/TTRGREM	Reserved matters pursuant to outline consent 04/00765/OUT. Proposed development of 24,863 sq.m of B1(C), B2 and ancillary B1(A) & B8 floorspace, access and landscaping.	Approved
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As shown above, outline and reserved matters permission were granted for comprehensive redevelopment of the wider site. However, this was never commenced, development of plots has been achieved by standalone applications for full planning permission.

4.0 CONSULTATIONS AND REPRESENTATIONS

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

PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, press notice and public site notice which has been displayed nearby. There was one letter of objection referring to traffic, pollution and noise.

HIGHWAYS:

No objections, subject to a condition to secure an updated Construction Environment Management Plan (CEMP) with details of vehicles to be used and their suitability to the route proposed.

LANDSCAPE & ECOLOGY:

No objections, subject to conditions regarding an updated CEMP and details of piling.

NATURAL ENGLAND:

Confirmed they have no statutory role in relation to the application site. Nonetheless, raise their concerns with the proposal.

FLOOD RISK MANAGER:

No objection, subject to conditions for a detailed surface water drainage scheme and maintenance.

ENVIRONMENTAL HEALTH:

No objections, subject to a condition regarding operational noise.

ENVIRONMENT AGENCY:

No objections.

ESSEX COUNTY COUNCIL ARCHAEOLOGY:

Recommend a planning condition securing fieldwork.

EMERGENCY PLANNING:

No comments.

ESSEX FIELD CLUB:

Object on basis of lack of ecological information to enable an informed planning decision.

5.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

The revised NPPF was published on 20 July 2021. Paragraph 11 of the Framework sets out a presumption in favour of sustainable development. This paragraph goes on to state that for decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date¹, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed²; or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

¹ This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites ...

² The policies referred to are those in this Framework relating to: habitats

sites and/or SSSIs, land designated as Green Belt, Local Green Space, AONBs, National Parks, Heritage Coast, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 2. Achieving sustainable development
- 6. Building a strong, competitive economy
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

National Planning Practice Guidance (PPG)

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 subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Air quality;
- Appropriate assessment;
- Design: process and tools;
- Light pollution;
- Natural environment;
- Noise; and
- Renewable and low carbon energy.

Local Planning Policy: Thurrock Local Development Framework (as amended) 2015

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

OVERARCHING SUSTAINABLE DEVELOPMENT POLICY

- OSDP1 (Promotion of Sustainable Growth and Regeneration in Thurrock)

THEMATIC POLICIES

- CSTP6 (Strategic Employment Provision)
- CSTP19 (Biodiversity)

- CSTP22 (Thurrock Design)
- CSTP26 (Renewable or Low Carbon Energy Generation)

POLICIES FOR MANAGEMENT OF DEVELOPMENT

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD7 (Biodiversity, Geological Conservation and Development)
- PMD13 (Biodiversity, Geological Conservation and Development).

Thurrock Local Plan

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. In December 2018 the Council began consultation on an Issues and Options [Stage 2 Spatial Options and Sites] document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing a new Local Plan.

Thurrock Design Strategy

In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD), which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

The assessment below covers the following areas:

- I. Principle of the development
- II. Traffic impact, access, car parking and transport issues
- III. Layout / design issues
- IV. Noise
- V. Air quality
- VI. Landscape and ecology
- VII. Archaeology

I. PRINCIPLE OF THE DEVELOPMENT

The application site is an undeveloped area of land located to the north east of the Stanhope Industrial Park. The site is allocated as being part of a Secondary Industrial

and Commercial Area within Core Strategy. The NPPF promotes renewable and low-carbon energy development. Whilst the proposals do not constitute renewable energy generation, they play a vital role in supporting the nation's transition towards and increasing reliance upon renewable energy sources by providing sufficient back-up supply. This ensures the increased use of intermittent renewable sources does not lead to a grid network which cannot adequately balance supply and demand leading to power shortages. CSTP6 *Strategic Employment Provision* states that Secondary Industrial and Commercial Areas will be safeguarded for employment and sui generis uses. Economic development that includes non-B Class uses within Secondary Industrial and Commercial Areas will be supported provided that the proposals support and complement existing Class B uses and there is a demonstrable need and there are no other reasonable sites within the Borough. Additionally, the introduction of the non-B Class Use would not compromise the supply of Class B land in the borough or adversely affect the existing and future economic structure. Given that the positioning of the site, its designation as part of a Secondary Industrial Area and its location on land that is not designated as Green Belt. Local and national policies support the transition to a low carbon future and identify that utility and infrastructure provision is an important component of achieving sustainable development.

II. TRAFFIC IMPACT, ACCESS, CAR PARKING AND TRANSPORT ISSUES

There would be minimal traffic generated by the development once operational, so the concerns are regarding the construction period. The Council's Highway Officer has raised no objection to the proposal subject to an updated CEMP regarding the precise nature of the route along Wharf Road. This is necessary to identify whether this causes issues for transport and manoeuvring of HGVs. Currently large vehicles have difficulties accessing Corringham Road and Wharf Road due to the on-street parking and traffic islands used as traffic calming. As the applicant is unable to resolve this matter at this stage, a condition be added requesting an update to the CEMP with details of vehicles to be used and their suitability to the route proposed. Therefore, with addition of an updated CEMP condition the proposal is acceptable in terms of traffic impacts.

III. LAYOUT / DESIGN ISSUES

The site is located adjacent to an area that is characterised by industrial buildings and areas of extensive hardstanding that are enclosed by fencing. This gives the area the appearance of a functional nature that has architecture of limited refinement. The proposed development is on the edge of Stanhope Industrial Park, the development would be in common with the surroundings to the west and is considered acceptable.

IV. NOISE

No noise assessment has been provided therefore the Environmental Health Officer requires a condition for a noise report with an environmental background sound monitoring exercise carried out at two locations representative of the nearest residential receptors. The operational sound rating level should not exceed the prevailing background sound level during daytime periods, at any residential receptor, assessed in accordance with BS 4142:2014. The noise generated should not exceed 5 dB above the typical background sound level during night-time periods at any residential receptor. The representative background sound level deemed to be the typical LA90,T, measured over the relevant time period. Subject to a condition for compliance with the above, the noise levels associated with the development are considered acceptable.

V. AIR QUALITY

An air quality assessment has been submitted as part of the application. The Council's Environmental Health Officer has reviewed this document and concluded they agree that the air quality impact will not be significant for human and ecological receptors, even under worst-case conditions for operations. Therefore, there are no objections on air quality grounds.

VI. LANDSCAPE AND ECOLOGY

The site is within 59m of the Thames Estuary and Marshes Special Protection Area (SPA) /Ramsar and is adjacent to the Stanford Wharf Nature Reserve which is considered functionally linked habitat. Therefore, the extent to which the development is likely to have a significant effect on European sites needs to be assessed under the Conservation of Habitats and Species Regulations 2017 (as amended), by Thurrock Council in its capacity as the competent authority.

The Council's Landscape and Ecology Advisor is fully qualified to carry out this Habitat Regulations Assessment (HRA). A Stage 1 analysis demonstrated that the scheme is not concerned with the management of these designations and therefore a Stage 2 HRA Screening assessment is required.

A Stage 2 HRA screening was undertaken to identify likely significant effects arising out of the construction and operation of the scheme. This considered that in the absence of mitigation the scheme could result in:

- Disturbance of qualifying bird species, including visual and noise and light disturbance during the construction period
- Degradation of supporting habitats from hydrological pollution during construction

The Council's Landscape and Ecology Advisor has confirmed there would be no likely significant effects were identified for either the SPA/Ramsar or adjacent functionally linked habitat.

A Stage 3 Appropriate Assessment has been carried out which sets out avoidance and mitigation measures which can be controlled by condition. These include:

- a comprehensive Construction Environmental Management Plan (CEMP) to detail measures to minimise noise, lighting and potential pollution during construction as well as timing of key operations such as use of cranes
- a detailed scheme for the piling

The Appropriate Assessment finds that in the view of the designations' conservation objectives, and with the implementation of avoidance and mitigation set out above, the scheme would have no adverse effect on the integrity of the designations, either alone or in combination with other plans and projects.

Therefore, with conditions for a CEMP and details of the piling, there are no objections to the scheme on landscape or ecology grounds.

VII. ARCHAEOLOGY

The Council's Archaeology Advisor has advised that the Essex Historic Environment Record shows that the proposed development lies in a highly sensitive area to the north of the Thames. Large-scale excavations immediately to the south of the development area has identified extensive salt-making sites of Late Iron and Roman date. An area of approximately 30 hectares was investigated with large areas extensively excavated. Two salt-production sites with associated buildings were located at each end of these excavations (Biddulph, Foreman, Stafford, Stansbie and Nicholson 2012), both with potential of extending into the development area. Immediately to the north of the site lies extensive cropmark complexes of multi period date (EHER 47050) including enclosures, field systems and remains of burial mounds. Therefore, it is necessary that a condition is added

7.0 CONCLUSIONS AND REASON(S) FOR APPROVAL

The proposed development would help support the switch to low carbon solutions for energy supply. It would not result in a significant adverse impact upon the character of the area or the adjacent Green Belt. Whilst there are matters which needed to be assessed in terms of ecology, the Habitat Regulations Assessment (HRA) considers the development in acceptable. It is considered to be acceptable in terms of highways, noise and archaeology.

8.0 RECOMMENDATION

Approve, subject to the following conditions:

TIME LIMIT

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of The Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

APPROVED PLANS

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Number(s):		
<u>Reference</u>	<u>Name</u>	<u>Received</u>
L(200)01 Rev N	22No 2MW Engines Proposed Site Plan	19 May 2022
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Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN [CEMP]

3 No construction works shall commence until an updated Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The updated CEMP, in addition to those matters already included, shall also contain or address the following matters:

- details of vehicles to be used and their suitability to the route proposed.
- detailed measures to minimise noise, lighting and potential pollution during construction
- timing of key operations such as use of cranes

Works on site shall only take place in accordance with the approved updated CEMP.

Reason: In order to minimise any adverse impacts arising from the construction of the development in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

NOISE

4 The development shall be carried out and operated in accordance with the details and recommendations within *Noise Assessment of the proposed gas generator scheme, Wharf Lane, Stanford-Le-Hope*, Report Reference No. J003112-4641-ECE-02 October 2020, PDA Consulting.

Reason: In the interests of the amenity and to mitigate the impact of development in accordance with by policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ECOLOGY REPORT

- 5 The development shall be undertaken and operated in accordance with the terms and specifications including all mitigation measures contained within the ECOLOGICAL MANAGEMENT PLAN Land at Stanford Industrial Park, Wharf Road, Stanford-Le-Hope, Report Reference: BG20.276, October 2020, which is attached to and forms part of this permission.

Reason: In order to ensure that the interests of ecology and biodiversity or protected species are addressed in accordance with policy PMD7 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

PILING

- 6 Piling operations shall not commence unless a report has first been submitted to, and agreed in writing by, the local planning authority demonstrating that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment in accordance with policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

ARCHAEOLOGY

- 7 No development or preliminary groundworks shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that investigation and recording of any remains takes place prior to commencement of development in accordance with Policy PMD4 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SURFACE WATER DRAINAGE

8 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include, but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in chapter 25.3 of The CIRIA SuDS Manual C753.
- Discharge rates into tidal estuary can be unrestricted for all storm events up to an including the 1 in 100 year rate plus 20% allowance for climate change.
- Demonstrate that all storage features can half empty within 24 hours for the 1:30 plus 20% climate change critical storm event.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The surface water drainage scheme shall be constructed and completed in accordance with the details as approved prior to the first operational use of the development hereby permitted.

Reason: To ensure the incorporation of an appropriate drainage scheme and to avoid pollution of the water environment and to minimise flood risk in accordance with policies PMD1 and PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

SURFACE WATER DRAINAGE MAINTENANCE

- 9 Prior to first operational use, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk in accordance with policy PMD15 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

Informative

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:

<http://regs.thurrock.gov.uk/online-applications>

	Report Author	Checked	Sign off
Name	Lucy Mannion – Senior Planner	Matthew Gallagher – Major Applications Manager	Matthew Gallagher – Major Applications Manager
Date	15.08.2022	16.08.22	16.08.22

FINAL