



Havering
LONDON BOROUGH

**Strategic Planning
Committee
28 September 2023**

Location:	LAND NORTH OF FEN LANE, NORTH OCKENDON, UPMINSTER
Ward:	UPMINSTER
Description:	PROPOSED DATA CENTRE CAMPUS AND ASSOCIATED DEVELOPMENT

1 BACKGROUND

- 1.1 Members will recall that an initial developer presentation was made to Strategic Planning Committee on 20th April 2023 to introduce the proposal. Within the report, it was stated that the exact planning vehicle or process to bring the proposal forward had not been decided.
- 1.2 A second briefing was made to the Strategic Planning Committee on 8th June 2023 to explain the three routes through which this proposal could be considered and to advise that a decision had been reached by officers to explore the proposal through the lens of an LDO. The briefing explained what an LDO is and set out the process for making an LDO. The report clarified that this is not to say that a LDO will be made, because that decision can only be reached at the end of a detailed process which fully considers all of the material planning issues. Rather, the decision which has been taken results in efforts now being channelled into a particular process.
- 1.3 The purpose of this third report is to update the committee on the work undertaken since the previous briefing.

2 PROPOSAL AND LOCATION DETAILS

- 2.1 To recap, details regarding the site and its surroundings plus details of the proposals are set out below.

Site and Surroundings

- The site is located to the eastern side of the Borough, beyond the M25 and adjoins the boundary with Thurrock.
- The site measures approximately 200 hectares in area consisting mainly of open farmland.
- The site is located to the north of Fen Lane and east of Ockendon Road. The site is mainly surrounded by similar open farmland, although opposite Fen Lane is Top Meadow Golf Course and there is sporadic residential/commercial including a care home and sewerage treatment works close to the site. Approximately 450m north to the closest part of the site is the Warley Electricity Substation.
- The site is in an area designated as Green Belt. Other on-site designations on parts of the site include Mineral Safeguarding, Flood Zones, Site of Importance for Nature Conservation and Archaeological Priority Zones.
- A public footpath runs through the site. A high pressure gas pipeline also runs across the site.
- The North Ockendon Conservation Area and associated listed buildings are to the west of the site

Proposal

- The proposal is for a data centre campus comprising a number of buildings containing information technology infrastructure. It is envisaged that the total floorspace of the data centre buildings would be in the region of 330,000 sq m, which at the time of writing would be the largest data centre in Europe.
- The proposal also includes the following:
 - Technology-led horticulture/research facility in building(s) of circa 40,000 sq m.
 - 50,000 sq m of battery storage or grid balancing infrastructure o Green open space, including visitor facilities, biodiversity, research areas - in total covering about half of the site (105 hectares)
 - New vehicular accesses to the site would be formed.
 - The level of parking is to be confirmed, but each building would have its own parking and loading areas. Details of cycle parking provision are to be confirmed.

Local Development Orders

2.2 To recap, a summary of the LDO process is set out below.

- 2.3 An LDO is a legally binding document which provides permitted development rights for specified types of development. The power to make an LDO rests with the Council in its capacity as Local Planning Authority (LPA), under the provisions contained in the Town and Country Planning Act 1990, as amended.
- 2.4 Making an LDO removes the need for a planning application to be made by a developer or landowner. In effect, the 'permission' is granted upfront by the making of the Order.
- 2.5 The process for making on LDO is
- Stage 1 - LDO Preparation: the LPA prepares a draft of the Order and a statement of reasons and other supporting documents
 - Stage 2 - LDO Consultation and Publicity: the LPA consult on the Order. Consultation includes local residents and statutory consultees.
 - Stage 3 - Consideration of Representations: The LPA considers whether any revision is needed to the draft LDO and as a consequence, any re-consultation is needed.
 - Stage 4 - LDO Adoption: The LDO is formally made by the LPA through a resolution to do so. The LDO (and all of its documentation) is sent to the Secretary of State and placed on the Planning Register.
- 2.6 The Committee has an important role in the consideration and ultimate making of any LDO for this particular project. If an LDO were to be progressed SPC would be required to approve the statutory consultation on the draft LDO and approve the final making of the LDO.
- 2.7 It is important to note that making an LDO does not obviate the need to meet the requirements of environmental legislation. The LPA is responsible for making sure that requirements under the Environment Impact Assessment Regulations and Habitats Regulations are satisfied.

3 UPDATE ON PROGRESS

- 3.1 It is important to re-iterate that this report does not mean that an LDO will be made. As stated previously, that decision can only be reached at the end of a detailed process which fully considers all of the material planning issues. However, as set out in the report to committee in June 2023, the decision that has been taken results in efforts now being channelled into the LDO process. A summary of the progress is set out below for information.

Environmental Impact Assessment (EIA)

- 3.2 In June 2023, screening and scoping requests were submitted to the LPA on behalf of Digital Reef on the basis of whether a planning application, if submitted for the development would need an EIA (reference numbers Z0003.23 and Z0002.23 respectively)
- 3.3 On 18th August 2023 the LPA issued a screening opinion that the proposed development would constitute EIA development in light of the likely possible impacts which the development would have on environmental resources in the locality and on a wider scale, mitigation of which should be set out in an Environmental Statement accompanying any planning application.
- 3.4 In accordance with Regulation 15 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), where a proposal is EIA development, the local planning authority may state in writing its opinion as to the scope and level of detail of the information to be provided in the environmental statement (a 'Scoping Opinion').
- 3.5 The LPA is currently consulting statutory consultees and following consideration of the consultation responses will issue a scoping opinion in due course. If an LDO is progressed it will have to be subject to its own screening opinion, the scoping process is optional.

Appointment of specialist advisors

- 3.6 At the previous SPC meeting, Members were keen to understand how this project would be resourced within the Planning Team.
- 3.7 The LPA has since appointed a number of specialist advisors who will work with the LPA to progress key aspects of the project.
 - Ramboll – a global engineering, architecture and consultancy company have been appointed to undertake the Environmental Impact Assessment for the project on behalf of the LPA. Ramboll are highly experienced and qualified EIA specialists.
 - Adams Hendry Consulting Ltd – a chartered town planning consultancy have been appointed as planning advisors. Adams Hendry have extensive LDO experience and will support the LPA in fully considering all of the material planning issues. If an LDO is progressed, Adams Hendry will work with the LPA to prepare the LDO documentation.

- 3.8 Alongside the specialist advisers, programme management resource has also been made available to the Planning Team. It is the intention to appoint a dedicated planning case officer to the project. Until such time as this person is in post, duties and responsibilities are being carried out by those Officers within the team already familiar with the project.

Informal engagement

- 3.9 The 8th June 2023 report set out the role of the SPC in the LDO process, indicating that it was the intention to report to SPC at key milestones to seek agreement to progress to the next stage. The next milestone envisaged at that time was a decision to begin informal consultation.
- 3.10 Since that report, Officers have carefully considered the level of information that would be needed to be available to ensure that the consultation, despite its informal status, would still be meaningful for stakeholders and residents. The conclusion reached is that it is more appropriate to concentrate efforts on analysis and document production ahead of any formal consultation rather than consult prematurely, within limited information, on an informal basis. This also means that SPC would have more detail available at the point at which the decision to begin formal consultation is sought.

Next Steps

- 3.11 Now that consultants have been appointed, the next step is to formulate a draft Statement of Reasons, informed by all the current information about the proposal, including survey work together with a policy assessment of the scheme and identified further survey information. The draft Statement of Reasons will allow a decision to be made whether to follow the LDO route. Running parallel to that will be the preparation of the Environmental Statement described above.

4 CONCLUSIONS

- 4.1 The purpose of this report is to update the committee on the work undertaken on this project since the previous briefing.
- 4.2 The committee is asked to note the content of this report.