



Havering
LONDON BOROUGH

Strategic Planning Committee

8 June 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 The purpose of this second report is to brief Committee on the process through which this proposal will be further explored.

2 PROPOSAL AND LOCATION DETAILS

- 2.1 To recap, details regarding the site and it's surrounding plus details of the proposals are set out below:

Site and Surroundings

- The site is located to eastern site 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
 - 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.

3 PLANNING PROCESS

- 3.1 There are three routes through which this proposal could be considered. The making of a Local Development Order (LDO) by the Council, application by the developer for planning permission in the usual way, and finally, using the Local Plan refresh to designate the subject site for development in the manner proposed followed by the submission of a planning application.
- 3.2 A decision has been reached by Officers to explore the proposal through the lens of a LDO. 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.

What is a LDO?

- 3.3 A LDO is a legally binding document which provides permitted development rights for specified types of development. The power to make a 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. LDO's were first introduced by the Planning and Compulsory Purchase Act 2004. The provisions were subsequently amended by the Planning Act 2008.

- 3.4 Making a 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. A LDO is usually time limited, although it can be permanent.
- 3.5 A LDO can apply to specific site or to a wider geography. It can also apply to a specific type or types of development. The benefit of a LDO is that provides certainty to a developer or landowner by defining what development is acceptable on a site and therefore, what can take place on a site without planning permission being required. LPAs can use LDOs to enable growth by positively and proactively shaping development in their area. LDOs can play an important role in incentivising development by simplifying the planning process and making the investment more attractive.
- 3.6 It is important to note that a making a 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.
- 3.7 It is also important to note that in the same way conditions can be attached to a planning permission to make sure a development is acceptable in planning terms, conditions can be attached to a LDO. Conditions could cover the type(s) and scale(s) of the development permitted, require compliance with design criteria (such as a design code) or require actions to be undertaken prior to development, such as highways improvements. Attaching conditions ensures that the Order is robust and comprehensive as possible.
- 3.8 A Section 106 Obligation cannot be required under a LDO, as the LDO constitutes the grant of planning permission. However, this does not prevent an obligation being offered by the developer and negotiated with the LPA, including in order to satisfy a condition of the LDO. Development may still be liable for Community Infrastructure Levy (CIL) monies depending on the land use permitted and the CIL charging schedules in place.
- 3.9 Where development within the site of the LDO falls outside the scope of the Order, or the conditions attached to it, a planning application would need to be submitted in the normal way.

What is the process for making a LDO?

- 3.10 A simple summary of the process is outlined below:

Stage 1 - LDO Preparation: the LPA prepares a draft of the Order and a statement of reasons which includes the description of the development to be permitted and a definition of the area it effects, together with the case for making the Order plus other supporting documents.

Stage 2 - LDO Consultation and Publicity: the LPA consult on the Order. Consultation is undertaken with those that would have been notified/engaged with had a planning application been submitted. This includes local residents and statutory consultees. A site and press notice would be published. The

draft Order, statement of reasons and other supporting documents would be made available for review online and in key, in person, locations.

Stage 3 - Consideration of Representations: Following a review of the representations received, 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.

What is the role of Strategic Planning Committee in the LDO process?

3.11 The Committee has an important role in the consideration and ultimate making of any LDO for this particular project. It is proposed to report to SPC at key milestones to seek agreement to progress to the next stage.

3.12 The intended reporting intervals are as follows (SPC nos. 1 and 2 reflect the introductory briefing to the project on 20th April and the LDO process briefing on 8th June). Dates for these meetings are to be confirmed as the project progresses:

SPC 3

Decision to be sought: agreement to begin informal consultation. Informal consultation would take place under the umbrella of Stage 1 described at paragraph 3.9 above.

SPC 4

Briefing: Initial feedback on informal consultation

SPC 5

Decision to be sought: agreement to begin formal consultation, as per Stage 2 at paragraph 3.9 above.

SPC 6

Briefing and Decision: feedback on formal consultation responses and decision on whether any modifications to the draft Order, and any re-consultation, is required. This falls under Stage 3 as described by paragraph 3.9 above.

SPC 7

Decision to be sought: making of the LDO, as per Stage 4.

3.13 For a report to be presented at the SPC 3 milestone, there is a considerable amount of further work needed. In seeking the Committee's agreement to begin informal consultation, it will be important for Officers to be broadly comfortable that there is justification for pursuing matters via the LDO process. This will enable the recommendation to begin informal consultation to be made to the Committee.

4 CONCLUSION

- 4.1 The purpose of this report is to provide explanatory detail on what a Local Development Order is and the role the Strategic Planning Committee will have in taking such a matter forward.
- 4.2 The Committee is asked to note the content of this report.