

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Councillor Nick Worth, Deputy Leader of the Council and Portfolio Holder for Growth and Commercialisation

To: Cabinet – Tuesday 20 November 2018

(Author: Paul Jackson, Executive Programme Manager – Infrastructure and Housing Delivery)

Subject Holbeach Food Enterprise Zone Local Development Order

Purpose: To formally agree to adopt the Holbeach Food Enterprise Zone Local Development Order and to subsequently notify the Secretary of State to the Ministry for Housing, Communities and Local Government (MHCLG), through the National Planning Casework Unit (NPCU), of the Council's decision.

Recommendation(s):

- a) That the Cabinet formally agrees to adopt the Holbeach Food Enterprise Zone Local Development Order 2018;
- b) That within 28 days of adoption the Council notifies the Secretary of State to the Ministry for Housing, Communities and Local Government (MHCLG), through the National Planning Casework Unit (NPCU), of the Council's decision;
- c) That within 14 days of adoption a copy of the Holbeach Food Enterprise Zone Local Development Order 2018, and its Statement of Reasons, is placed on the Planning Register.

1.0 INTRODUCTION AND SUMMARY

- 1.1 The Holbeach Food Enterprise Zone (FEZ) site extends to 17 hectares and is located at the intersection of the A17/A151. It is partly owned by the County Council and is in part privately owned.
- 1.2 The entire Holbeach FEZ site is formally allocated in the emerging South East Lincolnshire Local Plan (SELLP) for employment purposes; and specifically for use as a Food Enterprise Zone. The purpose of the FEZ is to be the centre for Agri-Food industry support in South Holland and the surrounding area. Its aim is to offer a spectrum of accommodation, business support, technology, training and networking for Agri-Food in order to maximise the positive impact of this key sector on the local economy and act as a focus for future development.
- 1.3 Access to the FEZ site, and formally allocated residential land opposite, has already been facilitated via the provision of a new roundabout located on the A151, this accessed directly from the new roundabout at Peppermint junction on the A17. Further, detailed planning permission has been granted for the University of Lincoln to erect a Centre of Excellence in Agri-Food at the entrance to the FEZ, this accessed from the new roundabout on the A151. Work is expected to start on this building as soon as is practicably possible. Orders have recently been placed for the provision of on-site utilities.

2.0 BACKGROUND

- 2.1 The Council, working in conjunction with both the County Council and the Greater Lincolnshire Local Economic Partnership (GLLEP), has long been promoting the delivery of a Food Enterprise Zone at Holbeach. The potential for promoting either an Enterprise Zone or a Local Development Order to support the growth of existing food clusters in South Lincolnshire was identified in the Greater Lincolnshire Agri-Foods Sector Plan 2014-2020. The Council has, in effect, promoted both. The FEZ has been promoted through the formal Local Plan process. The LDO has been promoted following the receipt of funding support from the Department for the Environment, Food and Rural Affairs (DEFRA).
- 2.2 In straightforward terms, the purpose of the Food Enterprise Zone is to be the centre for Agri-Food industry support in South Holland. The quite separate purpose of the LDO is to facilitate planning freedoms across the whole of the FEZ site for businesses specifically associated with the Agri-Food sector.

3.0 THE PROPOSED HOLBEACH FEZ LDO

- 3.1 LDO's are planning tools that grant planning permission for classes of development specified in the Order. They are designed to streamline the planning process by removing the need for developers to make separate planning applications for development within a specifically defined site or area.
- 3.2 The process of confirming an LDO is legislatively defined and fairly lengthy. The formal steps require the preparation of significant background material and the drafting of the Order. The background documentation includes the full range of environmental considerations normally associated with the submission of a formal planning application. Public consultation and widespread publicity is necessary, as is the need to formally take into account any representations received prior to adoption. These processes have been concluded, save for formal adoption.
- 3.3 Members should note that a report was submitted to Planning Committee on 25 July 2018 providing a full update on both the proposed Order and the results of formal public consultation. This report is attached at Appendix One. Planning Committee agreed to adopt the Order following ratification by the Council.
- 3.4 The required Statement of Reasons in support of the Order, and the Draft Order itself, are attached in full at Appendix A to the July 2018 report to Planning Committee.
- 3.5 For clarity, if confirmed the proposed Holbeach FEZ LDO will grant outline planning permission, with all matters reserved, for employment and education-led schemes on the whole of the FEZ site for the following range of uses:
- 20,000 square metres B1 Business Use (offices/research and development)
 - 20,000 square metres B2 General Industrial Use
 - 9,500 square metres D1 Non-Residential Institutional Use (education and training)
 - 1,500 square metres D2 Conference Facilities
 - 1,500 square metres A2 Financial and Professional Services Use
 - 3,000 square metres C1 Hotel or Motel Use
 - and ancillary B8 Storage & Distribution and A3 Restaurant/Café Uses

- 3.6 The Order will also grant permission in principle for associated infrastructure and site preparation works.
- 3.7 As the purpose of the Holbeach FEZ is to support and promote the Agri-Food industry in South East Lincolnshire, B1 and B2 Uses are not permitted by the Order unless they are related to Food, Farming and Agri-Business. B8 Storage & Distribution Uses are only permitted where they are ancillary to a primary Agri-Business Use and the C1 Hotel/Motel, D1 Institutional, A2 Financial Services and A3 Food and Drink Uses must support the Agri-Food Industry and the wider operation of the Food Enterprise Zone. Freestanding uses of these types will not be permitted by the Order.
- 3.8 The Order itself is accompanied by a set of planning conditions. These take the usual form. They require details of reserved matters (access, appearance, landscaping, layout and scale) and that the development is carried out in accordance with the site-wide Flood Risk Assessment. They also require the prior installation of circulation routes, the provision of car parking, details of surface water drainage and foul water discharge, pollution control, site and floor levels, construction management and demolition control.
- 3.9 The Statement of Reasons in support of the Holbeach FEZ LDO (attached at Appendix A to the report to Planning Committee) includes the Draft Order itself (at Appendix 1) and the development permitted by the Order (Schedule 1). The conditions that need to be complied with when undertaking development permitted by the Order are also set out (Schedule 2).

4.0 RECOMMENDATION

- 4.1 Members are invited consider this report and the supporting background papers and to:
- a) formally agree to adopt the Holbeach Food Enterprise Zone Local Development Order 2018;
 - b) agree to notify the Secretary of State to the Ministry for Housing, Communities and Local Government (MHCLG), through the National Planning Casework Unit (NPCU), of the Council's decision; and
 - c) agree to place a copy of the Holbeach Food Enterprise Zone Local Development Order 2018, and its Statement of Reasons, on the Planning Register within 14 days of its adoption.
- 4.2 Members should note that, as a consequence of earlier legislative change, there is no longer a requirement to consult with the Secretary of State prior to adopting the Order. The adoption of the Order is therefore a matter for the Council to determine. Once adopted by the Council the Order would become effective immediately subject to the need to notify the Secretary of State, through the NPCU, within 28 days.
- 4.3 Members should also note that, from the date of adoption, Agri-Food development on the wider Holbeach FEZ site would no longer require formal planning permission so long as it conforms to the requirements of the Order. This will have the effect of creating development certainty and would facilitate and speed up the development of Agri-Food related businesses on site. On-site delivery across the wider FEZ site will continue to be promoted by the Council in conjunction with the County Council, the GLLEP and the University of Lincoln working collaboratively with both landowners and businesses.

5.0 OPTIONS

- 5.1 As a consequence of the requirements of the formal statutory process there are really only two options available to Members. These are to agree the recommendations or to not agree the recommendations.
- 5.2 The first option, Option 1, is recommended - and particularly so as the highways infrastructure associated with the Holbeach FEZ & LDO is already in place and the University of Lincoln is expected to commence work on the Centre of Excellence in Agri-Food as soon as the utilities are in place. Confirmation of the Order will deliver developer certainty and planning freedoms. It would also facilitate site promotion, widen funding opportunities and accelerate the potential delivery of Agri-Food development across the wider site.
- 5.3 Option 2 is not recommended. It would fail to promote the delivery of the expected benefits set out in paragraph 7.1 below.

6.0 REASONS FOR RECOMMENDATION

- 6.1 The LDO will provide an incentive for food and related businesses to locate on the Food Enterprise Zone, will contribute to the delivery of the Council's Corporate Plan, will mesh with the over-riding vision and ambitions of the emerging South East Lincolnshire Local Plan, and will meet with the wider economic objectives of the Greater Lincolnshire Local Enterprise Partnership as set out in the Greater Lincolnshire Agri-Foods Sector Plan.

7.0 EXPECTED BENEFITS

- 7.1 Confirmation of the LDO will deliver planning freedoms across the whole of the FEZ site. These freedoms are designed to make the site attractive to businesses and a wide range of related activities supportive of the Agri-Food sector in South Holland and the surrounding area. Confirmation of the LDO will directly facilitate the on-site delivery of a spectrum of accommodation, business support, technology, training and networking for Agri-Food. This will enable the FEZ as a whole to act as a hub capable of maximising the positive impact of this key sector on the local economy and to provide a focus for future development. The ambition is to consolidate and grow Agri-Food related businesses to the direct benefit of not only the sector but also the District and wider economy.

7.0 IMPLICATIONS

- 7.1 In preparing this report, the author has considered the likely implications of the decision, and particularly so in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; and Other. Where the report author considers that there may be positive implications under one or more of these headings, these have been set out in the main body of the report and identified below. Where the report author considers that the implications are neutral or have been mitigated as a part of the statutory or due diligence process associated with the preparation of the Holbeach FEZ LDO the consequences of these implications are implicit.

7.2 Corporate Priorities

- 7.2.1 The Holbeach Food Enterprise Zone LDO relates to the following corporate priorities:

- To encourage the local economy to be vibrant with continued growth;
- To have pride in South Holland by supporting the district and residents to develop and thrive.

7.2.2 The Corporate Plan 2015-19 identifies that the Council has worked in collaboration with the County Council, the GLLEP and the University of Lincoln to develop an economic case to deliver a Food Enterprise Zone in Holbeach to deliver new jobs and boost the local economy. The formal adoption of the Holbeach FEZ LDO would represent a significant step forward towards achieving this ambition to build on a key sector strength, Agri-Food, and retain and attract business investment.

7.2.2 The Corporate Plan also identifies that the Council has worked with partners to develop the SELLP, this setting out our vision to develop housing and employment options in the District. The adoption of the Holbeach FEZ LDO would mesh with our clear ambition to develop and implement a local planning and development framework capable of achieving substantial and continued growth.

7.3 **Constitutional and Legal**

7.3.1 As detailed in the report, the Council as local planning authority may by Local Development Order grant planning permission for such development as may be specified in the Order, either unconditionally or subject to such conditions or limitations as are specified in the Order. The procedure for making a Local Development Order is set out in the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.3.2 A Local Development Order is of no effect unless it is adopted by resolution of the local planning authority.

7.3.3 The Local Development Order is not defined in the Council's local development scheme as a development plan document, and is therefore not a statutory or discretionary part of the Council's policy framework. A Local Development Order is also not specifically required by regulation to be either an executive or non-executive function. By default, therefore, adoption of the Local Development Order is a Cabinet function.

7.4 **Financial**

7.4.1 The direct implication of confirming the LDO is that the fees normally associated with submitting planning applications for Agri-Food related development on the wider FEZ site will no longer be required. This will result in the loss of a potential source of revenue to the Council via its planning department. These losses should be more than offset through the receipt of business rates associated with development that, as a consequence of the LDO, is likely to occur much earlier and at scale. Consequential employment gains are also likely to be achieved to the benefit of not only the Districts residents but also its wider economy.

8.0 **WARDS/COMMUNITIES AFFECTED**

8.1 Immediately, Holbeach Town, Holbeach Hurn and Fleet although all Wards and communities are likely to be positively affected.

9.0 **ACRONYMS**

9.1 DEFRA - Department for Environment, Food and Rural Affairs
FEZ - Food Enterprise Zone
GLLEP - Greater Lincolnshire Local Enterprise Partnership
LCC – Lincolnshire County Council
LDO - Local Development Order
MHCLG - Ministry for Housing, Communities and Local Government

NPCU - National Planning Casework Unit
Order – Local Development Order
SELLP - South East Lincolnshire Local Plan

Background papers: Planning History of the wider FEZ site
Background documentation associated with the preparation of the emerging South East Lincolnshire Local Plan
Report, Minutes and background papers from Planning Committee dated 8 November 2017
Report, Minutes and background papers from Planning Committee held on 25 July 2018

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Key Decision: No

Exempt Decision: No

This report refers to non-statutory function. If the LDO is adopted its administration would form part of the statutory function of a Mandatory Service.

APPENDICES:

Appendix One:

Report to Planning Committee dated 25 July 2018 and Appendices, including Statement of Reasons in support of Holbeach Food Enterprise Zone Local Development Order 2018; Draft Holbeach Food Enterprise Zone Local Development Order 2018 (Schedule 1); and Condition set (Schedule 2).