

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Executive Programme Manager – Infrastructure and Housing Delivery

To: Planning Committee 25 July 2018

(Author:) Paul Jackson

Subject Holbeach Food Enterprise Zone Local Development Order

Purpose: To provide an update on the results of the public consultation exercise surrounding the proposed Holbeach Food Enterprise Zone Local Development Order and to agree to adopt the Order following ratification at Full Council.

Recommendation:

That Planning Committee considers the content of this report and:

- a) notes the results of public consultation;
- b) endorses proposed minor changes to the Holbeach Food Enterprise Zone Local Development Order;
- c) agrees to adopt the Order, with or without amendment; and
- d) recommends that the Order is ratified at Full Council.

1.0 INTRODUCTION AND SUMMARY

- 1.1 Members will recall that, on 8 November 2017, Planning Committee approved the Draft Holbeach Food Enterprise Zone Local Development Order (and Statement of Reasons in Support) for publication and comment.
- 1.2 The public consultation exercise has now been undertaken. The results and conclusions are summarised below. Members are invited to confirm the final version of the Order, with or without amendment, for adoption.
- 1.3 Members should note that, in the context of the proposed Holbeach Local Development Order (LDO), the Growth and Infrastructure Act 2013 removed the requirement to consult with the Secretary of State to the Ministry for Housing, Communities and Local Government (MHCLG) prior to adoption. In effect, this enables this Council in its role as Local Planning Authority to approve the LDO immediately. There does, however, remain a requirement to notify the Secretary of State, through the National Planning Casework Unit (NPCU), as soon as practicable after adoption.
- 1.4 The Order will become effective from the date on which it is adopted by the Council. If Members of the Planning Committee agree to adopt the Order this evening a short report

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 Holbeach FEZ). 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.
- 2.2 Firstly, the emerging South East Lincolnshire Local Plan (SELLP) has concluded its Examination stage and now embeds a policy framework for improving South East Lincolnshire's employment land portfolio. Within South Holland, a 17.0 hectare site has been formally allocated at Holbeach for use as a Food Enterprise Zone. The purpose of the Food Enterprise Zone (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.
- 2.3 The Holbeach FEZ site is located at the intersection of the A17/A151. It is partly owned by the County Council and is in part privately owned. Access to this site has recently 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. Furthermore, 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. This new Agri-Food building is of contemporary design, extends to two floors, has a gross internal floorspace of 1,381 square metres, and provides for 82 car parking spaces and associated landscaping. It is part-funded from the European Regional Development Fund (ERDF). Work is expected to start on this building in October this year.
- 2.3 Secondly, and in tandem with the above, the Council has been promoting a Local Development Order for the entire 17.0 hectare Holbeach FEZ site. This initiative has received funding support from the Department for the Environment, Food and Rural Affairs (DEFRA). Whilst the purpose of the Food Enterprise Zone is to be the centre for Agri-Food industry support in South Holland, the purpose of the proposed LDO is to facilitate site-wide planning freedoms for businesses operating in the Agri-Food sector.

3.0 THE PROPOSED HOLBEACH FEZ LDO

- 3.1 LDO's are a planning tool. They 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 and usually relate to a specific defined site or area. LDO's help to create certainty for developers and save time and money in the development process. In effect, an LDO operates in the same way as a planning decision notice - setting out the level of development and the uses to be approved (the development permitted by the Order) and by identifying those conditions to be attached which must be discharged prior to any development taking place. Development proposals that do not conform with an LDO or that cannot satisfy the conditions of an LDO will require planning permission in the usual way.
- 3.2 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

3.3 The Order will also grant permission in principle for associated infrastructure and site preparation works.

3.4 Crucially, given that 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. In similar vein, 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.

3.5 It also needs to be noted that the Order 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.

3.6 The Statement of Reasons in support of the Holbeach FEZ LDO is attached at Appendix A. This includes the Draft Order itself (at Appendix 1); the development permitted by the Order (Schedule 1); and the conditions that need to be complied with when undertaking development permitted by the Order (Schedule 2).

4.0 THE CONSULTATION EXERCISE

4.1 The required consultation process associated with the proposed Holbeach FEZ LDO has now been undertaken. In effect, this consultation exercise mirrors that associated with a major planning application for a site of this size. Given that the wider consultation process is integral to establishing a Local Development Order, the consultation exercise is set out below.

4.2 On Thursday 15 and Tuesday 20 February 2018 Notices, under Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, were published in, respectively, the Spalding Voice and the Lincolnshire Free Press.

4.3 At the same time, copies of the Draft Order, the Statement of Reasons for making the Order, and a Screening Opinion undertaken under the Environmental Impact Assessment Regulations were made available for public inspection at:

- South Holland District Council Offices, Priory Road, Spalding
- Holbeach Library, Co-Op Store, 5 Fleet Street, Holbeach; and
- Holbeach Parish Council Office, Coubro Chambers, 11 West End, Holbeach

These documents were also made available for inspection on the Councils web-site at www.sholland.gov.uk.

- 4.4 Direct consultations were undertaken with interested parties, these including normal statutory consultees, landowners and near neighbours. Site Notices were displayed in the immediate environs of the site. This process began on 15 February and concluded on 29 March 2018.
- 4.5 In addition, and specifically planned to coincide with the wider consultation exercise, a public consultation Drop-In Event was held on 13 March 2018, from 3:00 pm to 7:00 pm, at the Methodist Church Hall, Albert Street, Holbeach, Lincolnshire, PE12 7DR. The FEZ site and LDO proposals were displayed on boards and officers were in attendance throughout to explain the purpose of the proposed LDO and respond to questions.
- 4.6 The formal consultation exercise outlined above extended beyond the 28-day minimum period required by statute. It was supplemented with the Drop-In event and received additional coverage in the local Press. Anyone wishing to make representations was invited to either write to the Councils Development Management Team at Priory Road or respond to a dedicated email address at holbeachldo@sholland.gov.uk.

5.0 CONSULTATION FEEDBACK

- 5.1 As a result of the wider consultation exercise, a number of formal responses were received by the Council. These are recorded in Appendix B.
- 5.2 In large part, the consultation exercise provided for an extremely positive response. The over-riding consensus seems to be that the FEZ and LDO together offered the opportunity for the area to sustain and consolidate its position at the centre of food production in South East Lincolnshire and promote inward investment. General concerns were expressed regarding wider infrastructure demands and the impact on the town and existing services. These are matters that are being addressed through different workstreams. Traffic concerns were highlighted but it needs to be noted that the FEZ site has provided its own traffic impact assessment and that this is acceptable in highways terms. In the context of the wider town, major new development will provide for its own infrastructure demands – and it is prescient that the Council is currently working directly with County Highways to formulate a robust transport strategy for Holbeach. Traffic surveys commenced on 9 July 2018 and this work is ongoing.
- 5.3 A number of comments were received from the landowner of part of the FEZ site and the businesses currently occupying part of it. These comments were generally supportive of the wider ambition but raised concerns regarding the potential impact on the existing businesses and the need for both certainty and flexibility of approach. The parties expressed a general desire to engage with the process and the Council. Should the Order be confirmed the Council, in conjunction with the County Council, will continue to liaise with these respondents and arrange to meet with them in order to take matters forward positively.
- 5.4 The Environment Agency (EA) reviewed the Flood Risk Mitigation Strategy and raised objections on Flood Risk grounds. The EA sought confirmation that there would either be no ground floor sleeping accommodation within any hotel/motel development or that finished floor levels would be raised. They also strongly recommended that a Flood Warning and Evacuation Plan is produced. As a consequence of these concerns the Flood Risk Scoping Assessment has been updated. Issues relating to the Flood Risk Mitigation Strategy have been taken on board in the proposed revised Order. It should also be noted that the wider South East Lincolnshire Strategic Flood Risk Assessment (SFRA) and

Hazard Mapping has also been updated since the preparation of the technical background work to the proposed Order. As the Order itself requires detailed drainage and flood risk strategies to be prepared in the advance of detailed development these concerns can be adequately addressed at that time.

- 5.5 Finally, no objections were received from Historic England or Natural England. No adverse comments were received from National Grid. Anglian Water provided technical comments regarding surface water disposal, foul water drainage and trade effluent. They also provided support for the proposed SUDS approach. These are matters that can be accommodated within the Order and addressed through condition discharge. The Lincolnshire Wildlife Trust were generally supportive whilst providing some technical commentary. Their concerns can be addressed in the Order. The County Council, in their role as Highways Authority and Lead Local Flood Authority, confirmed that the highways and drainage proposals were satisfactory

6.0 NEXT STEPS

- 6.1 Members are invited to note the responses received to the consultation exercise undertaken in respect of the proposed Holbeach FEZ LDO. These responses are summarised at Appendix B, with the responses of officers set out alongside the comments received and a recommendation made in each instance.
- 6.2 As a result of the consultation exercise, a number of proposed minor changes have been made to the draft Order considered at Planning Committee held on 17 November 2017. These changes are highlighted in the proposed amended Order and accompanying Schedules included at Appendix A.
- 6.3 Members are invited consider the proposed changes and, on the basis that they are satisfied, to endorse the Order with or without amendment.
- 6.4 As set out above paragraphs 1.3 and 1.4, 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. On the basis that Planning Committee is minded to agree to adopt the Order a short report will be prepared for Full Council. This report will seek formal agreement to the adoption of the Order. Once adopted by the Council, the Order would become effective immediately. In these circumstances there would simply remain a requirement to notify the Secretary of State, through the National Planning Casework Unit, that the Council had adopted the Order.
- 6.5 From the date of adoption of the Order, 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.

7.0 OPTIONS

- 7.1 There are really only two options available to Members. These are to agree the recommendations, with or without amendment, or to not agree the recommendations.
- 7.2 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 in October this year.

7.3 Option 2 is not recommended as it would not serve to promote the delivery of the expected benefits set out in paragraph 8.1 below.

8.0 REASONS FOR RECOMMENDATION

8.1 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 Local Enterprise Partnership.

9.0 IMPLICATIONS

9.1 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.

9.2 Corporate Priorities

9.2.1 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.

9.2.2 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 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.

9.2.2 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 structure that achieves substantial and continued growth.

10.0 WARDS/COMMUNITIES AFFECTED

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

11.0 ACRONYMS

- 11.1 DCLG – Department for Communities and Local Government
DEFRA - Department for Environment, Food and Rural Affairs
DMPO - Town and Country Planning (Development Management Procedure) (England) Order 2015
EA – Environment Agency
ERDF – European Regional Development Fund
FEZ - Food Enterprise Zone
FRA – Flood Risk Assessment
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
SELLP - South East Lincolnshire Local Plan
SFRA – Strategic Flood Risk Assessment

Background papers: Planning History of the wider FEZ site
Report and Minutes from Planning Committee dated 8 November 2017
Updated Holbeach FEZ Flood Risk Scoping Assessment dated 11 July 2018

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Key Decision: No

Exempt Decision: No

This report refers to a Discretionary Service

APPENDICES:

Appendix A:

Statement of reasons in support of Holbeach Food Enterprise Zone Local Development Order 2018, including Draft Holbeach Food Enterprise Zone Local Development Order 2018 (Schedule 1) and Condition set (Schedule 2).

Appendix B:

Responses to consultation on Proposed Holbeach FEZ LDO