

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Executive Programme Manager – Infrastructure and Housing Delivery

To: Planning Committee 6 September 2023

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Subject Extension of the Local Development Order covering the South Lincolnshire Food Enterprise Zone at Holbeach.

Purpose: To provide an update on the results of the recent public consultation exercise on proposals to extend the 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 the proposed minor changes to the Order and agrees to extend the timeframe to the South Lincolnshire Food Enterprise Zone Local Development Order for a further 15 years;**
- 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 be aware that the Local Plan adopted in 2019 allocated a prestige employment site to the north west of Holbeach. This site extends to 17 hectares (42 acres) and is located at the intersection of the A17 and the A151. It is accessed via a relatively new roundabout on the A151. This roundabout was installed at the same time as the larger roundabout on the A17 replaced the former Peppermint junction.
- 1.2 Members will also be aware that the entirety of this site, now known as the South Lincolnshire Food Enterprise Zone, is owned by the District Council in partnership with the County Council. In essence, the first phase of the site is owned by the County Council. The much larger second phase is jointly owned by both Councils.
- 1.3 The whole of the Food Enterprise Zone (FEZ) site is currently covered by a Local Development Order (LDO). The LDO was formally adopted by the District Council in November 2018 and grants permission in principle for the development of the Food Enterprise Zone (FEZ). It needs to be noted that in its current form the LDO will expire in November 2023.
- 1.4 The existing LDO grants planning permission in principle for a range of uses on the FEZ site. This range of uses is aimed at stimulating the growth and development of the Agri-

Food sector and covers business, general industrial, institutional, financial, conference and storage uses together with ancillary hotel, restaurant and café use.

- 1.5 It is noteworthy that the LDO came into force in 2018, a few years prior to the National Lockdown in response to the Covid Pandemic. Despite the unique economic circumstances created through the Pandemic a not insignificant amount of development has been delivered on site to date.
- 1.6 Unless renewed, the existing LDO will expire in November 2023. Given this scenario, the Council as local planning authority needs to consider whether or not to extend the timeframe of the LDO beyond that date. When considering whether or not to renew the LDO, there is an additional requirement to consider whether or not to expand the flexibilities contained within it and/or the area covered by it. Prior to making a decision on determining how to proceed the Council has a duty to undertake formal public consultation. This report provides a background to the existing LDO, examines the development on site to date, and outlines the results of recent public consultation. It concludes by making a series of recommendations regarding the desirability of renewing and extending the existing site-wide Local Development Order.

2.0 THE EXISTING LOCAL DEVELOPMENT ORDER

- 2.1 The existing 2018 LDO covers the whole of the site known as the South Lincolnshire Food Enterprise Zone. Whilst the purpose of the FEZ is to promote and support the Agri-Food sector within South Holland and beyond, the purpose of the LDO is rather more specific. In simple terms, the quite separate purpose of the LDO is to facilitate site-wide planning freedoms across the whole of the FEZ site for businesses operating within the Agri-Food sector.
- 2.2 LDO's are in effect 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.
- 2.3 The processes associated with confirming an LDO are legislatively defined and fairly lengthy. The initial 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 any representations received prior to adoption. These processes were all carried out in relation to the existing LDO prior to its formal adoption.
- 2.4 The existing site-wide LDO was confirmed and formally adopted at Full Council held on 28 November 2018. The then Secretary of State for the Ministry of for Housing, Communities and Local Government was thereafter formally notified and the Statement of Reasons placed on the Planning Register. There is also a dedicated page on the Council's website, which remains available at:

<https://www.sholland.gov.uk/article/7697/Holbeach-FEZ-LDO>
- 2.5 The formal effect of the existing LDO is that it grants 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 - Offices/Research and Development - Class E (c)

- 20,000 square metres - General Industrial Use - Class B2
- 9,500 square metres - Non-Residential Institutional Use (education and training) - Class F.1
- 1,500 square metres - Conference Facilities - Class F.1
- 1,500 square metres - Financial and Professional Services Use - Class E (c)(i) and Class E (c) (ii)
- 3,000 square metres - Hotel or Motel Use, and - Class C1
- Ancillary Storage and Distribution (Class B8) and Restaurant/Cafe Uses (Class E(b))

2.6 The Order also grants permission in principle for associated infrastructure and site preparation works.

3.0 DEVELOPMENT ON SITE TO DATE:

- 3.1 As set out above, LDOs provide permitted development rights for specified types of development in defined locations. They are flexible and locally determined tools that LPAs can use to help accelerate the delivery of appropriate development in the right places. LDOs can help enable growth by positively and proactively shaping sustainable development in their area. They can play an important role in incentivising development by simplifying the planning process and making investment more attractive. In order to determine whether or not the existing site-wide LDO has been effective, we need to examine what has taken place on site since it was first introduced in 2018.
- 3.2 The existing LDO has been in place since November 2018, or for nearly five years. During this period the nation has experienced the National Lockdown and the unique set of economic circumstances associated with both it and the current Ukraine war. Despite this perhaps unique set of economic circumstances, a not insignificant amount of development has taken place on site.
- 3.3 The first development, accessed from the spur road delivered as part of the Peppermint Junction development, was the National Centre for Food Manufacturing, part of the University of Lincoln. Since that time the delivery of key infrastructure, including a pumping station and an internal distributor road has allowed the delivery of the “Hub” building by Lincolnshire County Council together with the new base of local company AJS and the submission of further proposals for small business units.
- 3.4 To date, over 4,000sq m of development has been delivered on the FEZ. Detailed proposals for a further 1,700sq m are currently under consideration. Key infrastructure has also been provided to facilitate the delivery of further development as part of the first, southern, phase of the FEZ. All the delivered and proposed uses fall within the scale and scope of uses promoted by the LDO.
- 3.5 The rate of development on the LDO is picking up as consequence of the delivery of key infrastructure. The LDO has, throughout, provided an appropriate framework for delivering development and supporting investment. The LDO term ends in November 2023, however, and consideration needs to be given to exploring appropriate mechanisms for supporting future investment on the FEZ.
- 3.6 It is your officers view that the conditions imposed on the original LDO have continued to function appropriately and that, subject to minor amendments, these conditions remain relevant. Furthermore, the uses promoted through the LDO remain key to the overall ambition to continue to promote the further development of Agri-Food uses on this increasingly important site.

4.0 UPDATING THE LOCAL DEVELOPMENT ORDER

4.1 The legislative regime makes provision for the extending the timeframe of an LDO and for making amendments to the range of planning freedoms an LDO permits. Prior to doing so, there is a need to prepare a Monitoring Report and to update the range of background documents which supported the original Order. There is additionally a need to prepare a draft Order and to undertake formal public consultation. This work has all been undertaken.

4.2 A copy of the Monitoring report is attached at Appendix One. This provides an overview of the LDO, examines in detail the development that has taken place on site to date, reviews the conditions imposed on the original LDO, and comments upon its effectiveness. The Monitoring Report concludes that LDO has provided an appropriate framework for delivering development and supporting investment and that, as it expires in November 2023 consideration needs to be given to exploring appropriate mechanisms for supporting future investment on the SLFEZ. The Monitoring Report is also available at:

https://www.sholland.gov.uk/media/22912/Monitoring-Report/pdf/1202-5_Monitoring_report.pdf?m=638235612120800000

4.3 The Monitoring Report is supported by a Statement of Reasons which clarifies that the current LDO is due to expire in November 2023 but not all the site will have been developed by that time. It clarifies that South Holland District Council have decided, in light of the progress set out in the monitoring report, to review the LDO to support growth beyond November 2023. The review provides an opportunity to update the document to ensure it reflects policy current at the time of its adoption, including changes to the National Planning Policy Framework, the Use Classes Order and the adopted Local Plan policies. A copy of the Statement of Reasons in support of reviewing and renewing the LDO is attached at Appendix Two. The Statement of Reasons is also available at:

https://www.sholland.gov.uk/media/22915/SELFEZ-Holbeach-SoR/pdf/SLFEZ_Holbeach_SoR.23.06.27.pdf?m=638235611469230000

4.4. The full range of documents supporting proposals to renew the LDO, including all the necessary background reports, comprise the following;

- Monitoring Report
- South Lincolnshire FEZ Holbeach Statement of Reasons
- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Arboricultural Report
- Surface Water Drainage Strategy
- Flood Risk Mitigation Strategy
- Preliminary Ecological Appraisal
- Preliminary Geo-Environmental Risk Assessment
- Transport Technical Assessment

4.5 The above documents are all available on the Council's dedicated webs page at:

<https://www.sholland.gov.uk/article/7697/Holbeach-FEZ-LDO>

5.2 THE RESULTS OF PUBLIC CONSULTATION

- 5.1 The formal consultation on proposals to extend the LDO commenced in the week beginning 19 June 2023. All statutory and other stakeholders were invited to provide formal views to the Council. Site Notices were erected and individual consultation letters despatched by the planning department. In addition, Notices were inserted in the press as required by statute. Furthermore, two separate consultation events were held in Holbeach. These were held at The Hub (on the FEZ site itself) on 22 June and at the Holbeach Reading Rooms on 29 June 2023
- 5.2 The formal consultation period ran until 31 July 2023. The results of the formal consultation exercise are set out in full at [Appendix Three](#).
- 5.3 No formal objections to the Council's proposals to extend the timeframe of the LDO were received.
- 5.4 Letters of specific support were received from the Greater Lincolnshire Local Economic Partnership; Lincolnshire County Council; Holbeach Parish Council; the University of Lincoln; LCC Highways and SHDC Inward Investment. The general consensus was that the LDO provided focus to the aims of the FEZ and supported inward investment. The development to date was perceived as being successful.
- 5.5 Letters confirming no objection were received from a range of other statutory consultees, these including National Gas, the Water Management Alliance, the Environment Agency and Historic England. Some additional comments were received which can be dealt with by condition.
- 5.6 Whilst no objections were received from Natural England during the initial consultation, they did express that they wish to see the provision of appropriate mitigation. These comments were followed up with Natural England directly and can be appropriately addressed by condition. The matters in respect of the Habitats Regulation Assessment have been omitted within Natural England's most recent amended consultation response and as such, the summary of their consultation has changed to 'No Objections'. The additional mitigation measures, besides the Habitats Regulations Assessment, can be appropriately addressed by condition as stated.
- 5.7 Overall, there is wide ranging support for the renewal of the South Lincolnshire Food Enterprise Zone LDO. The results of public consultation are testament to the success of the FEZ to date and the support for the extension of the LDO highlights the positive role it continues to play in both promoting the FEZ and attracting further investment to this prestige employment site.
- 5.8 It is notable that no objections were received to the Council's proposals to renew and extend the LDO.

6.0 NEXT STEPS

- 6.1 Members are invited to note the responses received to the consultation exercise undertaken in respect of the Council's proposals to extend the LDO. In essence, the Council's proposals to extend the timeframe of the LDO by 15 years have received support from consultees, as have proposals to make minor changes to the Order to better reflect the existing legislative regime.

- 6.2 As a result of the consultation exercise, a number of minor changes will be made to the proposed draft Order to better reflect current practice.
- 6.3 Members are invited consider the proposed draft Order and Statement of Reasons and, on the basis that they are satisfied, to endorse the Order with or without amendment.
- 6.4 There is no longer a requirement to consult with the Secretary of State prior to adopting the renewed 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 renewed Order, Agri-Food development on the wider Holbeach FEZ site would continue to benefit from deemed consent so long as it conforms to the requirements of the Order. This will have the effect of creating development certainty and will continue to 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 developers and businesses.

7.0 ADDITIONAL CONSIDERATIONS

7.1 Public Sector Equality Duty

- 7.2 In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.3 Human Rights

- 7.4 In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 OPTIONS

- 8.1 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.
- 8.2 The first option, Option 1, is recommended - and particularly so given the success of development of the FEZ site to date.
- 8.3 Option 2 is not recommended as it would hamper the continued delivery of the expected benefits of further economic investment and development on an important prestige employment site. It would also hamper the aims of continuing to promote the wider benefits of the Agri-Food sector both within South Holland and beyond.

9.0 RECOMMENDATIONS

- 9.1 **That Planning Committee considers the content of this report and:**

- a) notes the results of public consultation;**
- b) endorses the proposed minor changes to the Order and agrees to extend the timeframe to the South Lincolnshire Food Enterprise Zone Local Development Order for a further 15 years;**
- c) agrees to adopt the Order, with or without amendment; and**
- d) recommends that the Order is ratified at Full Council.**

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. 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
SELLP - South East Lincolnshire Local Plan

Background papers: Planning History of the wider FEZ site
Report and Minutes from Planning Committee dated 8 November 2017
Report and Minutes from Full Council dated 28 November 2018

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APPENDICES:

- Appendix One: South Lincolnshire Food Enterprise Zone, Holbeach Local Development Order Monitoring Report
- Appendix Two: Statement of reasons in support of a review of the South Lincolnshire Food Enterprise Zone, Holbeach Local Development Order 2018
- Appendix Three: Summary of public consultation responses and recommendations