

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

This meeting will be recorded and the video archive published on our website

Prosperous Communities Committee

Tuesday, 6th June, 2017 at 6.30 pm

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

Members:

Councillor Mrs Sheila Bibb (Chairman)
Councillor Mrs Gillian Bardsley (Vice-Chairman)
Councillor Steve England (Vice-Chairman)

Councillor Owen Bierley
Councillor Christopher Darcel
Councillor Michael Devine
Councillor Paul Howitt-Cowan
Councillor Mrs Pat Mewis
Councillor John McNeill
Councillor Mrs Maureen Palmer
Councillor Mrs Lesley Rollings
Councillor Trevor Young

1. Apologies for Absence

2. Public Participation

Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.

3. Minutes of Previous Meeting

- a) Meeting of the Prosperous Communities Committee (PAGES 1 - 8) held on 2 May 2017
- b) Meeting of the Prosperous Communities Committee (PAGES 9 - 10) held on 8 May 2017 (at the Conclusion of Annual Council)

4. **Matters Arising Schedule** (PAGES 11 - 16)
Setting out current position of previously agreed actions as at 26 May 2017.
5. **Members' Declarations of Interest**
Members may make any declarations at this point but may also make them at any time during the course of the meeting.
6. **Public Reports**
- a) Amendment to Independent Living Policy (PAGES 17 - 34)
 - b) Broadband Survey Results (PAGES 35 - 68)
 - c) Section 106: Process and Monitoring (PAGES 69 - 72)
 - d) Central Lincolnshire LDO (PAGES 73 - 158)
 - e) Appointment of Member Champions (PAGES 159 - 162)
 - f) Work Plan (PAGES 163 - 166)

7. **Exclusion of Public and Press**

To resolve that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

8. **Exempt Reports**

- a) Caistor - Hill Crest Park Rural Enterprise Development (PAGES 167 - 212)

M Gill
Chief Executive
The Guildhall
Gainsborough

26 May 2017

Prosperous Communities Committee- 2 May 2017

Subject to Call-in. Call-in will expire on Wednesday 31 May 2017 at 5pm

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Prosperous Communities Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 2 May 2017 commencing at 6.30 pm.

Present: Councillor Mrs Sheila Bibb (Chairman)
Councillor Mrs Gillian Bardsley (Vice-Chairman) and
Councillor Steve England (Vice-Chairman)

Councillor Owen Bierley
Councillor Michael Devine
Councillor Paul Howitt-Cowan
Councillor Mrs Jessie Milne
Councillor Thomas Smith

In Attendance:

Manjeet Gill	Chief Executive
Karen Whitfield	Leisure and Cultural Services Team Manager
Michelle Howard	Home Choices Team Manager
Katie Coughlan	Governance and Civic Officer

Apologies:

Councillor Malcolm Parish
Councillor Mrs Diana Rodgers
Councillor Mrs Lesley Rollings
Councillor Trevor Young

Membership: No substitutes appointed.

99 PUBLIC PARTICIPATION

There was no public participation.

100 MINUTES OF PREVIOUS MEETING

(a) Meeting of the Prosperous Communities Committee – 21 March 2017

RESOLVED that the minutes of the Meeting of the Prosperous Communities Committee held on 21 March 2017 be confirmed and signed as a correct record.

101 MATTERS ARISING SCHEDULE

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at Monday 21 April 2017.

In the absence of the Chief Operating Officer, the Chief Executive sought to update Committee in respect of the green action entitled "Contact County Commissioner", which related to the extension to the Wolds AONB.

Members were advised that the Joint Committee of Greater Lincolnshire Leaders had met and discussed this matter early in the New Year. All authorities had been supportive of the extension proposal and thus the matter would now be going through the necessary formal processes.

Regarding the black action entitled "CIL training, parish council attendance" whilst Members welcomed the fact that a training session would now be held, some Members were of the view that this should be very much of a workshop style, and gave reasons. CIL offered a new potential source of income to local councils. Local council's finances continued to be pressured as tasks and services devolved. Members were of a view that CIL was a central element of the Localism agenda and Central Government had consistently expressed a view that the beneficiaries of monies generated through CIL should be those communities where development had taken place.

Members were of the view that the District Council had a proven record of adopting the spirit of localism, having offered communities invaluable help through Neighbourhood Planning Support and a raft of community grants scheme, and therefore the District Council's approach to CIL should reflect this. It was important local councils expectations were understood and taken into consideration so that the best outcome for all residents could be achieved, hence the suggestion of a workshop style session being the preference. There was concern that the suggested approach would not deliver such.

The Chief Executive requested that the CIL training item remain on the schedule, as amber status until such time as the training had a confirmed date. The Lead Officer would be made aware of Members' comments.

The Chief Executive also sought to update Members on the action entitled "Market Rasen Car Parking Consultation". The Chief Executive had been working with the Chairman regarding the methodology for engaging stakeholders. The Lead Officer for this work was now the Commercial and Economic Growth Director and she had been requested to ensure the Committee had sight of the project plans which related to Parking as a whole, for oversight and monitoring purposes. This would be the subject of a report in the future.

Councillor Smith, as Local Ward Member, indicated that he had been made aware that the parking meters in Market Rasen had been removed over the weekend and sought indication as to why and by whom. Officers undertook to feedback outside of the meeting.

RESOLVED that progress on the Matters Arising Schedule, as set out in the report, together with the verbal updates detailed above, be received and noted.

102 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest made at this point in the meeting.

103 PROGRESS AND DELIVERY - PERIOD 4

The report was introduced by the Chief Executive who noted that it reflected the performance of the Council over the 2016/17 municipal year (April 16 – March 17). In opening, the Chief Executive indicated that Council was now on the cusp of a major delivery phase in a number of complex areas and it was important that Committee had an oversight of these major projects and focussed on risk areas. The Chief Executive further advised that an area which closely needed to be monitored was that of capacity. Concerns were being raised by both Members and Officers yet on the other hand, through enthusiasm, new projects and initiatives were regularly being suggested. A broader conversation needed to be had following annual council to ensure that priorities were agreed and that these were the focus.

The report summary was structured to highlight those areas that were performing above expectations, those areas where there was a risk to either performance or delivery and those areas where further work was required for next year's report.

Areas described as performing well included: Economic Development with good progress made with the Gainsborough Growth Investment Plan, Hemswell Cliff, Business Growth and Employment and Skills; Development Management; the Benefits Services, despite extensive changes to legislation; Land Charges; and Contract management.

Those areas described as risks included: Enforcement; Homelessness and Corporate Governance.

Further information was given on each of the above.

Data relating to Complaints, Comments and Compliments was being reconsidered to present a more sophisticated way of monitoring and the Chief Executive drew Members' attention to the information contained in Section 4.3 of the report and indicated that she intended to make a presentation to the Committee that evening regarding this area.

The Home Options Team Manager was also present to further expand on the challenges currently facing the homelessness service and the work which needed to be undertaken over the coming months.

The Chief Executive then addressed the Committee, by way of presentation, regarding her vision for consistent quality customer services explaining why this should be a priority for the Council, the present situation and solutions.

Complaints had become a priority for the Chief Executive following escalation by Members, escalation was encouraged and was a positive action. Complaints were a way to learn for the future, and offered an opportunity to take actions to prevent similar issues in the future. The Chief Executive had spent time reviewing 3 months' worth of Planning and Planning Enforcement complaints analysing the issues in detail and any learning to be taken from them.

Fundamentally the best way to resolve complaints was by making use of good governance systems. Historically cases had been reviewed on a case by case basis rather than a holistic overview of the common issues and learning. There was an absence of an overall

strategy. This had been made more difficult by the often ad hoc approach to reporting and trying to resolve complaints, examples were given. It was important that Members made use of the formal complaints process, this would enable all information to be logged and treated in the same way, ensuring the “overall picture” was available. It was important the Council started to view complaints differently and should encourage more complaints. Complaints should be used to build positive relationships with communities and result in positive actions. Responses needed to be open and transparent, demonstrate that the Council had listened and where required, learned from complaints and made changes to the process. Where the Council could not take the action requested, again it was important that the response was open and transparent and offered reasoning as to why action could not be taken and managed expectations. Committee focus should not be on reducing complaints, this was viewed as an adverse target. The approach being suggested may see complaints increase but this was important for learning.

The Chief Executive also indicated that cultural issues may be present and thus escalation had been the correct action. Through her detailed analysis, issues with tone and empathy had been evident. Officers needed to “put themselves” in the customers shoes.

The Chief Executive outlined the work she had undertaken to date with Group Leaders and Committee Chairs and some of the immediate changes that needed to be made. The Customer Services and complaints management needed to be strengthened immediately. The current complaints process was under review, its staged approach built in significant delay during which time the customers often became frustrated, more parties got involved and the situation became more complex. Independent review did not happen until stage 3 and this needed to change. Options from streamlining this were being explored and Members would be provided with more detail at a future meeting. All complaints needed to be logged through the complaints system, Members were encouraged to make greater use of this as opposed to making direct approaches to relevant Service Leads or Directors. Every service was being encouraged to receive feedback on all transactions to improve learning.

The Chief Executive set out a number of actions she considered needed to be undertaken and sought Members endorsement to the suggestions including: -

- * The need for all Councillors, businesses and parishes to be advised of the compliments and complaints procedure.
- * All service requests and complaints received to be provided with a customer satisfaction and feedback request.
- * Each Team Manager and the Chief Operating Officer would be requested to make a report on: -
 - All requests – customer feedback plus arising actions
 - All complaints – plus actions
 - All compliments and thanks – plus actions
 - Overall summary of SMART actions agreed in the period.
- * Prosperous Communities Committee would receive a report at each meeting comprising an overall Chief Executive view, which each of the Services’ report on

complaints in their areas.

- * The need to review the complaints process, a further report would be submitted to the next meeting, outlining the current process and the proposed revision for agreement by Members.
- * A need to address empathy, tone and culture using the Dr Batra message of understanding causes, rather than treating the symptoms.
- * A need for everyone receiving complaints to log them using the formal governance process, including Elected Members, as all information needed to be captured in one place. If the process didn't work Members needed to escalate this direct with the Chief Executive. Facts and Figures would be needed as evidence to address culture.

The Chairman thanked the Chief Executive for her presentation. A Member whilst accepting the approach the Chief Executive had outlined, did express concern that as an elected Member, when you receive a complaint from the public that has remained unresolved for a period of time, their wish and desire was to rectify this by whatever means possible as soon as possible. The Member outlined his experiences. Furthermore whilst accepting all the work that had been undertaken in planning to meet Government targets and realise the adoption of the Local Plan, this had been at the cost of customer service to residents. Councillors shared the Chief Executive's concerns regarding culture again citing examples and were of the view that this needed addressing urgently.

In response the Chief Executive reaffirmed the reasons why the governance process needed to be used. The Council needed to understand what elements of the process worked and which did not and this could only be achieved if all issues were documented through a single process. This, in turn, would generate evidence which would be used to enforce and inform changes. What was clear was that the current approach was not working and it was important this changed and Members and Officers did not take on adversarial roles.

Other Members cited examples where the Council could have taken steps to better inform the public and put them at the forefront. It was suggested that complaints should be issued with a trackable number. The Challenge and Improvement Committee were monitoring customer services closely. Staff training was considered vitally important. On the whole, Members welcomed the work being undertaken and were supportive of the approach

The Chief Executive responded again outlining the benefits recording all data on the system would achieve, the information which would be gained from this and how it could be used to drive service improvement, staff training and ultimately improved customer care.

Members commented on the usefulness of the recently launched complaints reporting form for Members, their experience to-date had been positive. Members were accepting of the need to use the system and gain the evidence. Some were of the view that in the event of continued failings Members should be able to hold Services Managers to account through the Committee process.

The Chairman welcomed the report and the work being undertaken and acknowledged the

need to address cultural habits of both Members and Officers.

The Home Options Team Manager was then invited to address the Committee regarding significant changes within the Homelessness service and potential risks to the service this posed.

The Homeless Reduction Bill which received Royal Assent earlier in the week, would come into force between January and April 2018 and would see a major overhaul to legislation and the way in which the service needed to be delivered. This would affect all policies and operating procedures and, with a change in emphasis, and shift in focus, a need for resources to be restructured.

The Act fundamentally changed the focus to Homelessness prevention, as opposed to its current legal duties to quite a limited number of cohorts. It would place a legal duty for the Council to help and prevent anybody from becoming homeless. This was the current culture within the Team at West Lindsey and was feasible given the case numbers, and was often not the case for some of the larger city councils due to capacity. However, the current legal duty to intervene was for those cases where a person would become homeless in 28 days, the Act extended this to 56 days and this would have an impact on the number of cases the authority would likely need to handle. Priority need groups would be removed by the Act and the Council would have to act in all cases to prevent homelessness. Greater engagement would need to take place with the private sector housing landlords. The Act was based on changes to homelessness legislation made in Wales, whilst the number of prevention cases had risen, the number of people reaching crisis point had also significantly reduced. The predicted rise was therefore based on this experience. However, concerns had been raised that this could be a conservative estimate, as the Act in Wales had not included a public duty to refer, something which was included in English legislation. The "duty to refer" was explained to Members and the additional impact this could have on case numbers. There was, however, no "duty to co-operate" placed upon those agencies who had a duty to refer. The Council would be required to provide written advice on all cases referred, create and monitor an action plan. The Council would have the ability to refuse cases where people were not engaging but as yet the details of this were still being understood.

Processes and systems would need to be reviewed as they were simply not sophisticated enough to store information at the required level of detail regarding prevention activity. This again would be a focus for Officers over the coming months. Grant funding for the homelessness service would be entirely based on prevention performance from 19/20. Monitoring and analysing capacity would need to be increased to meet the funding requirements. A small amount of Government funding had been available to local authorities to help with the transition, West Lindsey's allocation being £43k.

The Transitional period would pose an area of risk for the Council as during that time, the team would need to handle cases both post and pre legislation change, in effect running dual systems.

There was a considerable amount of work to undertake and Officers would be working on ensuring all activities and measures used across all Council services were pooled together to demonstrate the actions the Council had taken to prevent homelessness. Consideration needed to be given as to how the value of these could be demonstrated and captured and this would become a requirement of future funding allocations.

Members would continue to receive detailed briefings as Officers worked through the changes required as a result of the impending legislation.

In response to questions, Officers confirmed that partnership arrangements would be explored where suitable in order to make the maximum use of the limited resources available.

RESOLVED that having reviewed the performance information contained in the Progress and Delivery Report, the report be accepted and the verbal updates given in respect of ongoing work around the Homelessness Services and Customer Services be noted.

104 WORK PLAN

Members gave consideration to the Committee Work Plan.

RESOLVED that the Work Plan as set out in the report, be received and noted.

105 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

106 LEISURE CONTRACT

Consideration was given to a report which sought to update Members with progress made in respect of the leisure contract procurement.

Section 2 of the report outlined to Members a number of potential factors within the contract opportunity that had the ability to affect the market interest in it.

Section 3 of the report outlined a number of recommended actions the Council could take to mitigate against these by way of amending the contract opportunity.

Debate ensued and in response to Members' questions, Officers confirmed that all contracts had a "get out clause" and the Council had considerably upped its resource in terms of contract monitoring, regular inspections and financial penalties for poor performance, this would continue. Profit generation would always be sought.

A recent condition survey had highlighted no concerns.

Members were supportive of the proposed amendments and on that basis it was

RESOLVED that:

- (a) the contents of the report be noted; and
- (b) in order to achieve the best financial result for the Council, the length of the new contract be amended to be a minimum of 15 years with an opportunity to extend to a further five should this be beneficial to the Council.

Note: Councillor Tom Smith declared a personal interest as the Ward Member for Market Rasen, a potential area for investment.

107 CLOSING REMARKS

This being the last meeting of the Civic Year, the Chairman thanked all Members and Officers for their contribution to the Committee's work over the past year. The Committee in turn paid tribute to the Chairman for the fair, reasonable and professional approach she had applied when chairing committee.

The meeting concluded at 7.45 pm.

Chairman

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Prosperous Communities Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 8 May 2017 commencing at 8.30 pm.

Present: Councillor Angela Lawrence (Council Chairman (in the Chair))

Councillor Mrs Gillian Bardsley
Councillor Mrs Sheila Bibb
Councillor Owen Bierley
Councillor Christopher Darcel
Councillor Michael Devine
Councillor Steve England
Councillor Paul Howitt-Cowan
Councillor John McNeill
Councillor Mrs Pat Mewis
Councillor Mrs Maureen Palmer
Councillor Mrs Lesley Rollings
Councillor Trevor Young

In Attendance:

Dinah Lilley Governance and Civic Officer
Alan Robinson SL - Democratic and Business Support

1 TO ELECT A CHAIRMAN FOR THE CIVIC YEAR

RESOLVED that Councillor Sheila Bibb be appointed Chairman of the Committee for the 2017/18 civic year.

Councillor Bibb took the Chair for the remainder of the meeting.

2 TO AGREE TO THE APPOINTMENT OF TWO VICE CHAIRMEN

RESOLVED that the appointment of two Vice-Chairmen to serve on the Prosperous Communities committee be agreed.

3 TO ELECT A VICE CHAIRMAN FOR THE CIVIC YEAR

RESOLVED that Councillor Gillian Bardsley be appointed Vice-Chairman of the Committee for the 2017/18 civic year.

4 TO ELECT A FURTHER VICE CHAIRMAN FOR THE CIVIC YEAR

RESOLVED that Councillor Steve England be appointed Vice-Chairman of the Committee for the 2017/18 civic year.

5 TO DETERMINE THE NORMAL COMMENCEMENT TIME OF MEETINGS

RESOLVED that the normal commencement time for meetings of the Committee be 6.30 pm.

The meeting concluded at 8.33 pm.

Chairman

Prosperous Communities Matters Arising Schedule

Purpose:

To consider progress on the matters arising from previous Prosperous Communities Committee meetings.

Recommendation: That members note progress on the matters arising and request corrective action if necessary.

Matters arising Schedule

Active/Closed	Active				
Meeting	Prosperous Communities Committee				
Status	Title	Action Required	Comments	Due Date	Allocated To
Amber					
	CIL training P attendance	extract from mins of mtg 21/3/17: - Reference was made to some pending CIL consultation and training and the Committee were of the view that Parish Council's should be invited to take part in this. The Chief Operating Officer undertook to look into this matter further.	<p>please investigate and feedback .</p> <p>A separate session will be arranged for parish councils on this matter.</p> <p>extract from mins of meeting 2/5/17</p> <p>The Chief Executive requested that the CIL training item remain on the schedule, as amber status until such time as the training had a confirmed date. The Lead Officer would be made aware of Members comments.</p> <p>info received from Oliver Fytche Taylor following the meeting advising that date of 13 June for District Councillors training. however this is subject to the CIL adoption date. The PC sessions would be around Oct/Nov 2017 and this is being co-ordinated with all Central Lincs Authorities, but no firm commitment around this dependent upon CIL adoption.</p>	01/05/17	Mark Sturgess

Black					
	contact county commissioner	extract from mins of mtg 31/1/17: - Members also mentioned the support the authority had offered to North Lincolnshire, through the Devolution work, in seeking a review to the Wolds AONB, with a view to extending it to the Humber, which would further complement the tourist offer available in this District. An update was sought and the Chief Operating Officer undertook to contact the County Commissioner for the Environment to ascertain progress to date and would update the Committee through the matters arising report.	<p>it is hoped the officer will be in a position to update the committee verbally on this matter at the meeting on 2 may 17 .</p> <p>extract from mins of mtg 2/5/17 In the absence of the Chief Operating Officer, the Chief Executive sought to update Committee in respect of the green action entitled “Contact County Commissioner”, which related to the extension to the Wolds AONB.</p> <p>Members were advised that the Joint Committee of Greater Lincolnshire Leaders had met and discussed this matter early in the New Year. All authorities had been supportive of the extension proposal and thus the matter would now be going through the necessary formal processes.</p>	02/05/17	Mark Sturgess
	broadband survey results report	extract from mins of mtg 21/3: - RESOLVED that Officers be requested to set up and run the survey and speed test to identify the current position of superfast broadband services within the District and submit a further report to the Committee in June 2017 outlining the results.	<p>please add to fp.</p> <p>report added to fp 11/4 (kjc) for june mtg</p>	11/04/17	Ian Knowles
	parking meters in market rasen	extract from mins of mtg: - Councillor Smith, as Local Ward Member, indicated that he had been made aware that the parking meters in Market Rasen had been removed over the weekend and sought indication as to why and by whom. Officers undertook to feedback outside of the meeting.	<p>councillor smith has been provided with the information.</p> <p>The meters were temporarily removed for remedial works to the power sources and to ensure they were theft proof. All work has been completed and all machines are back in situ.</p>	12/05/17	Julie Heath
Green					

	<p>market rasen car parking consultation</p>	<p>extract from mins of mtg 13/9 Referring to the workplan item entitled "Market Rasen Car Parking" Councillor Smith sought and received assurance from Officers that consultation with Ward Members would be undertaken prior to the Committee receiving the report.</p>	<p>please ensure requested consultation is built into report prep.</p> <p>25/10/16 Cllr Smith requested that stakeholders be included in the consultation.</p> <p>extract from mins of mtg 2/5/17: -</p> <p>The Chief Executive also sought to update Members on the action entitled "Market Rasen Car Parking Consultation". The Chief Executive had been working with the Chairman regarding the methodology for engaging stakeholders. The Lead Officer for this work was now the Commercial and Economic Growth Director and she had been requested to ensure the Committee had sight of the project plans which related to Parking as a whole, for oversight and monitoring purposes. This would be the subject of a report in the future.</p>	<p>06/06/17</p>	<p>Eve Fawcett-Moralee</p>
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	<p>CIL PARISH COUNCIL TRAINING</p>	<p>extract from mins of meeting 2/may/17 Regarding the black action entitled” CIL training, parish council attendance” whilst Members welcomed the fact that a training session would now be held, some Members were of a view that this should be very much of a workshop style, and offered reason. CIL offered a new potential source of income to local councils. Local council’s finances continued to be pressured as tasks and services devolved. Members were of a view that CIL was a central element of the Localism agenda and Central Government had consistently expressed a view that the beneficiaries of monies generated thorough CIL should be those communities where development had taken place.</p> <p>Members were of the view that the District Council had a proven record of adopting the spirit of localism, having offered communities invaluable help through Neighbourhood Planning Support and a raft of community grants scheme, and therefore the District Councils approach to CIL should reflect this. It was important local councils expectations were understood and taken into consideration so the best outcome for all residents could be achieved, hence the suggestion of a workshop style session being the preference. There was concern that the suggested approach would not deliver such.</p> <p>The Chief Executive requested that the CIL training item remain on the schedule, as amber status until such time as the training had a confirmed date. The Lead Officer would be made aware of Members comments.</p>	<p>Oliver i am forwarding these comments made by PC cttee re the approach to CIL with parishes, as requested. Please discuss with Chief Operating Officer as required</p>	<p>06/06/17</p>	<p>Oliver Fytche-Taylor</p>
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	<p>work plan - age uk item</p>	<p>extract from mins of mtg 13/9/16 Referring to the workplan item entitled "Presentation by Age UK", currently scheduled for October, Councillor Bierley requested that an invitation be extended to all Members of the Council to attend for this.</p>	<p>This matter has been further discussed at briefing and it has been agreed that a workshop style session open to all members (and also parish councils will be arranged) – the session will look at the new four year strategic plan and extended services on offer in the District. Proposed date identified 15 Feb 17 . Afternoon and evening session. Invite letters drafted. - chair has indicated she may wish to invite another speaker, therefore matter to be discussed further at chairs brief in Jan . Item currently on hold whilst Chairman liaise with Speaker. Likely presentation will be held in June 2017 now.</p> <p>this matter has been further discussed at chairs briefing. There are number of events already planned for June/July. In light of the ongoing health commission . the chairman has proposed that the commission contact age uk direct in the first instance and receive information . This may be followed by workshop in the autumn if appropriate</p>	01/09/17	Katie Coughlan
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	<p>well being service future reports</p>	<p>extrcat from mins of mtg 21/3/17: -</p> <p>(c) a report on the final arrangements be submitted to the Prosperous Communities Committee for approval prior to implementation;</p> <p>(e) an update report be submitted to Prosperous Communities Committee at the end of the PQQ phase and at key milestones thereafter, agreed in consultation with the chairman of the Prosperous Communities Committee; and</p> <p>(f) Subject to being shortlisted, following the outline solution stage, a further report be submitted to the Prosperous Communities Committee in July 2017 for approval to progress formally to the competitive dialogue stage.</p>	<p>please can you add these reports to the FP.</p> <p>The July 2017 report has been added (KJC) the other two require dates identifying please</p>	01/05/17	Michelle Howard
Grand Total					



**Prosperous Communities
Committee**

6 June 2017

Subject: West Lindsey Independent Living Policy 2017-2019 – Policy Amendment

Report by:

Chief Operating Officer

Contact Officer:

Andy Gray
Housing and Communities Team Manager
01427 675195
Andy.gray@west-lindsey.gov.uk

Purpose / Summary:

To propose a policy amendment to the West Lindsey Independent Living Policy 2017-2019

RECOMMENDATION(S): Elected members are asked to

1. Approve the amendment in relation to discretionary grants as detailed in Section 3

IMPLICATIONS

Legal: DFG's are undertaken within the Housing Construction and Regeneration Act 1996 and this policy is in line with this legislation.

Financial: FIN/17/18 The amendment includes a discretion for WLDC to cover the cost of a client contribution through the DFG budget. The level of financial contribution required can vary, however these will not impact greatly upon the overall budget for delivering DFGs. The approach to discretionary grants will be reviewed annually to ensure that it is deliverable within the current budget.

Staffing : None

Equality and Diversity including Human Rights :

The policy details customer service improvements for those both eligible and ineligible for disabled facilities grants. It does not discriminate or seek to doubt applicant's disabilities.

Risk Assessment: The additional funding that is to be offered will be fully covered through the DFG budget and makes use of the discretionary powers available under the legislation.

In circumstances where the budget could not cover the additional cost of a discretionary grant, the grant will not be offered.

Climate Related Risks and Opportunities : N/A

Title and Location of any Background Papers used in the preparation of this report:

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 Background

- 1.1 West Lindsey Housing Independent Living Policy 2017-2019 was approved in October 2016. This policy replaced the West Lindsey Housing Assistance Policy 2014-2016.
- 1.2 West Lindsey have never utilised the powers available for a Discretionary Disabled Facilities Grant policy due to a high demand for the service and a lack of funding to cover the demand. No discretion is currently offered under the existing policy.
- 1.3 Since 2014 when DFG's were brought back in house, work has been undertaken to ensure we are offering grants to customers that meet their needs in a timely and cost effective manner. We have brought in many new procedures and the service has improved significantly.
- 1.4 Funding is received from the Better Care Fund for Disabled Facilities Grants and the 2017-2019 Policy Framework for this states that *"areas have flexibility in how the fund is spent over health, care and housing schemes or services, but need to agree how this spending will improve performance in the following four metrics: Delayed transfers or care: Non-elective admissions (general and Acute): Admissions to residential and care homes: and effectiveness of re-ablement"*
- 1.5 Currently a means test is undertaken to determine the financial eligibility of a client. This calculates whether or not a client would be eligible for a grant and if they have a financial contribution to make towards the grant. This is calculated based on income, disability, family make-up, tenure, age and capital and a figure is then produced which is the amount that is deemed affordable for the client. The client would be expected to cover this with either the capital they have, or by obtaining a loan.
- 1.6 The expenditure of the client, any debt or financial difficulty is not taken into account when calculating the means test and can lead to a disabled person being without an adaptation due to personal financial hardship.

2. Case example

- 2.1 WLDC are currently working with an applicant who is married with 2 children, and owns their own home. The applicant is 34 and her husband works 50 hours a week to support their family. They are not entitled to any income-related benefits as his wages are too high. The applicant receives Disability Living Allowance, both the care and mobility components. A means test has determined they are required to pay a contribution of £2,685.47. The family have no capital and their income only just covers their expenditure.
- 2.2 When the family were informed that this contribution would need to be paid, the client explained they have no funding to cover this and no means to borrow due to their credit history and if it had to be paid then the adaptation would not be able to go ahead.

- 2.3 The recommended works from the Occupational Therapist at the property are a level access shower and a stairlift. Due to the applicants disabilities, both bathing and accessing the upstairs for sleeping are unsafe to undertake independently leaving her in a vulnerable position.
- 2.4 The applicant cannot make this contribution due to their financial circumstances and if a discretionary grant could not cover the contribution, they would be left to remain unsafe in her own home.

3. The Policy Amendment

- 3.1 High financial contributions can be the reason applicants do not proceed with their application for a grant. Currently, if their contribution is too high and they cannot meet it, then their grant application would be closed. This will then lead to essential adaptation at their homes not being undertaken, which would leave the applicant without a solution and put them at a greater risk of injury or ill health in the future.
- 3.2 As mentioned in 1.4 above, the Better Care Fund give flexibility in regards to this funding, so long as that flexibility can demonstrate how it could improve performance in the 4 areas stated. Helping disabled people become safe and independent in their homes is a proven way of ensuring risk of hospitalisation is kept as low as possible. Assisting people who could not afford to undertake essential adaptations is where the flexibility can be utilised to reduce risk of future assistance being required.
- 3.3 The suggested amendment to the policy is as follows:
- Clients who have a contribution to make towards their grant can apply to have this paid through a grant.
 - Each discretionary application will contain a financial assessment. A decision will then be made as to whether the client can afford to cover the contribution.
 - If it is deemed that the applicant cannot pay the contribution, this will be paid from DFG budget. The full amount of the discretionary grant will then be placed on the property as a land charge for 10 years (if the property is owner occupied) or until the property is sold.
 - If a contribution is still higher than the average cost of their recommended adaptation, the client will still be ineligible and their case closed as normal. The proposed discretion only applies where a person is eligible for a grant but has a contribution to make towards it.

For example:

1. Financial contribution £700, recommended adaptation is a level access shower, average cost £3850, the client is eligible for a grant and therefore eligible to make an application for the discretionary grant.

2. Financial contribution £7000, recommended adaptation is a level access shower, average cost £3850, the client is not eligible for a grant and their case would be closed.

3.4 This does not affect the works that are being undertaken and it will remain that no discretion can be offered in relation to this. Only works recommended by an OT and deemed necessary and appropriate and reasonable and practicable will be funded under a DFG.

4. Financial implication

4.1 Disabled Facilities Grants will continue to be financed through a grant received from the Better Care Fund for 2017/2018. This allocation is year on year, with the allocation not determined until the beginning of the financial year. It is thought this funding will continue in this way for the near future.

4.2 Below shows the number and cost of client contributions to adaptations for the last 3 years.

	2014/2015	2015/2016	2016/2017
Number of Contributions	19	6	1
Average Contribution	£913	£1376.54	£266.35
Total cost of contribution	£17,689.32	£8259.25	£266.35

4.3 There is no mechanism for estimating how many contributions will be made each year, this is purely on a case by case basis. Not all applicants will apply for this discretionary grant to cover their contribution so even though the above table indicates that this could potentially fund up to £18,000, there again is no mechanism for determining which of these clients would have been eligible for a discretionary grant.

4.4 The current budget available in 17/18 to deliver DFGs will be able to accommodate this level of discretion within the policy. The discretionary grant will not be offered where the existing budget cannot meet the statutory requirements to deliver DFGs.

5. Recommendations

Elected members are asked to:

5.1 Approve the policy amendment.

**West Lindsey District Council- Independent Living Policy
2017 - 2019**

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Further information regarding this policy can be obtained by contacting:

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Introduction

‘We want people in West Lindsey to be able to choose a home and community that meets their needs and aspirations’

This Independent Living Policy sets out the forms of assistance that are available from West Lindsey District Council to assist people to remain living independently in their home.

Funding for Disabled Facilities Grants is now received from Lincolnshire County Council through the Better care Fund.

The Better Care Fund (BCF) is a program spanning both the NHS and local government. It has been created to improve the lives of some of the most vulnerable people in our society, placing them at the center of their care and support, and providing them with ‘wraparound’ fully integrated health and social care, resulting in an improved experience and better quality of life.

The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 removed most of the prescriptive housing renewal grant legislation in the Housing Grants, Construction and Regeneration Act 1996, and introduced new wide ranging discretionary power to local housing authorities to develop different forms of financial assistance to meet local needs.

To be able to give financial assistance under the Act, the local housing authority must adopt and publish a policy setting out how it intends to use this general power to give assistance.

Policy objectives

This policy aims to assist disabled people to live safely and independently in their own home.

This Policy sets out how this will be done in line with the legislation, good practise guidance and through offering good value for money.

West Lindsey District Council will work with the following key partners in order to deliver this policy.

- Housing Associations
- Occupational Therapist and Customer Care officers
- Private Landlords
- Home Owner
- Local contractors and specialist equipment providers

Disabled Facilities Grant

Disabled Facilities Grant (DFG) is a mandatory entitlement to help fund the provision of adaptations, to enable people with disabilities to achieve independent living in their own home. The primary legislation covering Disabled Facilities Grants is the Housing Grants, Construction and Regeneration Act 1996.

DFG is a means tested grant and the amount that is awarded depends on:

- Household income. and;
- Household savings over £6,000

The maximum grant amount that can be awarded will be worked out using a means test, but is subject to a maximum of £30,000. Depending on the outcome of the means test an applicant may be required to pay towards some, or all, of the work carried out.

Under the current legislation, applications for disabled children are not subject to a means test. All other aspects of the DFG application process remain the same for both child and adult applications.

Awarding a DFG will not affect any other benefits that the applicant is in receipt of.

Eligible Applicants:

- **An applicants is only eligible for a DFG if a recommendation is received from an Occupational Therapist which will state what is required for the disabled person to remain living independently in the property.**
- Homeowners – an application can be made by the homeowner if the disabled person is living in their house, for example, partner, child, sibling etc.
- Private and socially rented – an application can only be made by the person who holds the tenancy, this can be on behalf of the disabled person. The landlord or owner of the property must give consent for the adaptation.

Eligible properties:

- Dwellings, houseboats and park homes on authorised permanent sites are eligible for assistance. Grants will only be awarded to adapt the only or main residence of the disabled person.
- The council must be satisfied that the work is necessary and appropriate for the disabled person's needs. It must also be deemed reasonable and can be carried out given the age and condition of the property.
- If the property is not considered to be a suitable home to adapt or the adaptations are not technically possible or feasible, the council will not offer grant assistance but can support the applicant in identifying suitable alternative housing, if this is something the applicant wishes to do.
- The council must be satisfied that the disabled person is living suitably within the home (i.e. has permanent use of a suitable bedroom and washing facilities) before allowing any grant work to commence. Grants will not be provided if the council considers that the disabled person would remain at risk, even with adaptations being provided. In such cases the reasons will be provided by the council in writing.

- Where the cost of the adaptations is less than £1,000 (usually minor adaptations, such as installing hand rails) the work will be completed by Social Services and the grant application closed.
- Where the cost of the adaptations requested is extensive and beyond what can reasonably be provided within the scope of DFG then the application will also be referred back to social services and the DFG application closed.
- A condition of the grant is that the disabled person must intend to occupy the property for at least the full grant period, which is currently 5 years from the date works are completed. This applies to **all** properties. For landlords, this means that they must accept this 5 year term as a condition of permitting the adaptations. Landlords should consider either long-term leases or how to make effective use of the adaptations if the disabled tenant moves away from the property, before accepting the grant.
- Grants for tenants in rented properties (including social rented properties) cannot be awarded if the relevant landlord does not consent to the property being adapted.
- No grant funding will be awarded if work has started at a property **before** the council has approved an application.

Key Facts about DFGs in West Lindsey:

All applications for Disabled Facilities Grants are determined by West Lindsey District Council. All applicants must have their medical needs assessed by an Occupational Therapist, appointed by Lincolnshire County Council, for a grant application to be considered.

Grant funding can only be provided to cover the cost of adaptations that are deemed to be *essential* for meeting the disabled person's needs. These are typically any adaptations that the disabled person is wholly dependent upon in order to remain living independently within the property. The council will determine how best to carry out any adaptations, considering both Occupational Therapist recommendations and an assessment of the applicant's home.

The council will always seek the most cost effective solution to meeting the disabled person's essential needs. Adaptations will be designed, and grants offered, on this basis. If an applicant makes a specific request for additional work that is not considered to be essential by the council, or makes a request for adaptations to be carried out in a different way to that proposed by the council, the council will limit the amount of grant offered to cover only the essential elements of the request.

Where the value of any grant awarded to a home owner exceeds £5,000 a local land charge will be applied to the property. The land charge will be up to a maximum charge of £10,000 and will remain in place for a 10 year period. If the house is sold during this period, the land charge will be required to be paid until the land charge is paid in full (usually when the property is sold) or after a period of ten years. Anyone wishing to purchase the property in this time would be made aware of the charge when they, or their solicitor, undertake a Local Land Charge property search.

Examples of Eligible Works:

The works must be for at least one of the following purposes:

- a) Facilitating access to and from the dwelling, houseboat or park home
- b) Making the dwelling, houseboat or park home safe
- c) Facilitating access to a room used or usable as the principal family room
- d) Facilitating access to, or providing, a room used or usable for sleeping

- e) Facilitating access to, or providing, a room in which there is a lavatory, or facilitating the use of a lavatory
- f) Facilitating access to, or providing, a room in which there is a bath or shower (or both), or facilitating the use of a bath or shower
- g) Facilitating access to, or providing, a room in which there is a wash hand basin, or facilitating the use of a wash hand basin
- h) Facilitating the preparation and cooking of food
- i) Providing or improving any heating system in the dwelling, houseboat or park home
- j) Facilitating the use of a source of power, light or heat by altering the controls or the position of the control, or providing additional controls
- k) Facilitating access around the dwelling, houseboat or park home for a disabled occupant to enable them to provide care for another person
- l) Facilitating access to and from a garden
- m) Making access to a garden safe
- n) Such other purposes as may be specified by order of the Secretary of State.

Extensions – Extensions can be offered under the following circumstances:

- All other possible avenues to adapt the home have been exhausted. Rooms within the home can be converted to make additional bedroom space for a disabled person, however, essential provision must still be available for cooking, dining and living. Studies, play rooms, utility areas and spare bedrooms are not classed as ‘essential living’
- It would be expected the following applies when looking at current space available. 2 Children under 10 any sex can share a bedroom. 2 same sex children under the age of 18 can share a bedroom. Depending on room size, 3 children under the age of 10 could be expected to share a bedroom. If this criteria is being utilised to not provide additional bedroom space, the 5 year grant period must be taken into account.
- The applicants are unable to move home due to financial reasons. Their health and property suitability must be prioritised when determining whether or not a move is feasible.

All alternative means of providing assistance within the home must be trialled before a DFG application will be considered. As a minimum this will include asking for evidence that equipment has been trialled (and is no longer a suitable long term solution) and that the suitability of the property for the disabled person has been assessed.

All adaptations arranged by West Lindsey will be carried out by the council's approved contractor list. This list is updated annually and requires the contractors to provide the following information:

- Insurance Policies
- CRB checks for all employees
- Certificates for membership of any professional bodies
- Signed application forms which details company information
- References
- Signed form agreeing to timescales for providing quotes and undertaking work.

West Lindsey reserves the right to withdraw any contractor from this list at any point throughout the year if there is just reason to do so.

Under the terms of the grant there are limitations on the amount of grant that can be awarded if the applicant wishes to use a family member to complete the work for them. Applicants must discuss this with the council before any work commences and obtain consent in writing if they wish to appoint a family member, to complete the work for them. Failure to do this may result in a grant offer being refused or withdrawn.

Professional technical fees, up to a maximum of 10% of the total value of the adaptation/building work requested, can be included in the grant application. This amount can cover items such as the production of technical drawings, completing applications for any additional permissions that are needed (such as Planning or Building Control applications) and other professional fees for surveys etc. that are agreed in advance with the council.

Applicants should consider purchasing or negotiating extended warranties for any work carried out in their properties or for any specialist equipment installed. This is a matter for the applicant to discuss directly with the contractor and will not affect the council's decision on whether or not to offer grant assistance. The council will not cover the cost of additional warranties under the DFG scheme.

The council cannot meet the costs of any additional work that is requested by an applicant unless this has been agreed with the council in advance of the work taking place. Where an applicant asks a contractor to carry out any additional work on-site, the applicant will become fully responsible for both the cost and quality of that work. Contractors are aware that any additional work or agreements to alter an approved scheme must be cleared by the council.

The council will pay the grant directly to the contractor once all work has been completed to the satisfaction of both the council and the grant applicant.

In line with the terms of accepting a DFG, once an adaptation has been completed the applicant will assume responsibility for all future maintenance and repairs. In addition, the council is not responsible for returning a property to its original condition in the event that any adaptations are removed or no longer required. Applicants and landlords are advised to consider how they will meet any future maintenance and repair costs when applying for and accepting a DFG.

Works which are ineligible for DFG assistance:

The following works are generally not eligible for assistance:

- Any works that can reasonably be expected to be normal maintenance issues for home owners or landlords
- Repair works that result from the misuse or have arisen due to the lack of regular maintenance by the property owner or landlord
- Work outside of the main property, including improving or installing driveways
- Works which would normally be covered by a household insurance policy
- Repairs to sheds, outbuildings, conservatories, fences, porches and similar items
- Cosmetic items, such as internal or external decoration, cleaning, gardening or landscaping
- Replacement of doors and windows which are in reasonable repair

- Replacement of any sanitary wear that is not required for a medical purpose
- Conversion of barns or outbuildings
- Completion or rectification of DIY work
- Loft conversions
- Installation of intruder alarm systems
- Work that is required following the serving of any enforcement notice(s)

Adaptations different to what is recommended

If an applicants would like a different adaptation to what is recommended by an OT, there is a procedure for undertaking this.

West Lindsey will have the scheme recommended by the OT drawn. The OT will then have to agree that this plan will meet the needs of the disabled person. At this point, the applicant will then need to submit to West Lindsey, 3 quotes for this work from 3 different contractors. West Lindsey will make a financial grant offer based on the quotations received within the limitations of DFG. This grant offer will last for 1 year. Within that year, it is up to the applicant to provide West Lindsey with the following information in order for the grant to be approved:

- Drawings for the adaptation they wish to undertake along with OT approval of these drawings
- All relevant building regulation and planning approval
- Quotation for the work
- Details of the contractor undertaking the works to include company name, address, and registration number (it is down to the applicant to do all relevant checks on the contractor as West Lindsey will accept no responsibility for their work)
- Consent from the landlord if applicable
- CDM action plan

Once all the above has been received, West Lindsey will formally approve the grant. This grant will be directly paid to the contractor once the works are complete and the following information received:

- Invoice
- A building control completion certificate
- Signed consent from the applicant that they are happy with the works
- Any relevant electrical completion certificates
- Asbestos removal confirmation if applicable

West Lindsey will not assist in providing quotes for adaptations being undertaken in this way.

Discretionary contribution grant

WLDC can offer a discretionary grant to an eligible applicant where they have a contribution to pay that the applicant cannot cover. A discretionary grant cannot be offered to applicants who are not financially eligible for a grant, for example where the contribution is higher than the cost of the grant.

Applicants will be informed of the contribution that is required once a means test has been undertaken. At this point, the applicant will be able to apply to have the contribution or part of the contribution covered by a discretionary grant.

A discretionary grant will be awarded in circumstances where it is evident that the applicant cannot make the required financial contribution, which would then result in the adaptation not going ahead. If the contribution required is higher than the average cost of their recommended adaptation, the client will still be ineligible and their case closed as normal.

If the applicant is a home owner, the full amount of the discretionary grant will be placed on the property as a land charge. The land charge will remain on the property for a maximum of 10 years or until the land charge is repaid or the property is sold in line with standard policy for DFG land charges under the Housing and Construction Act.

No discretion is offered for the works being undertaken, the discretionary grant cannot cover additional works that are not recommended by the OT.

Discretionary grants will not be offered if there is insufficient budget available at the point of application.

Further DFG information:

Adaptations will be considered to have been completed when the necessary work has been completed to an acceptable standard, appropriate for the user. The customer must sign to confirm they are happy with the works that have been undertaken.

On accepting a DFG, the applicant will not be eligible for inclusion on the Housing Register in West Lindsey for at least the full grant period (5 years). Any applicant already on the register will be removed once their DFG application is complete. If the grant application is refused, an applicant's housing register status is not affected.

The council will always seek to recover in full any grants that are obtained with false or incorrect information. Applicants are responsible for ensuring that the council is made aware as early as possible if they believe that any information they have submitted contains errors or omissions. If the council becomes aware that any false or incorrect information has been supplied before work commences the grant offer may be withdrawn, or put on hold pending additional investigation.

Grant applications will only be considered to be 'valid applications' when all of the requested information has been supplied to the council. Failure to provide the necessary financial information, or any other supporting evidence as requested by the council, will result in the closure of a DFG application and applicants will be referred back to their Occupational Therapist to discuss alternative means of support.

Applicants that experience a change in their financial circumstances during the application process or after a grant amount has been approved must notify the council immediately. This is to ensure that a reassessment of resources (a revised means test) can be carried out to ensure that the applicant remains eligible for the grant.

Applicants wishing to submit a complaint about the service, challenge a decision issued or to raise a dispute about any work completed, will be referred to the

adopted corporate complaints procedure.

Further details for applicants on how to apply for a grant and what a grant can be used for is set out in the council's *DFG Guidance for Applicants*.

Delivering Stairlifts through Independent Living – 1 year Pilot 2017

Background

Stairlifts are an essential part of the home for people who rely upon them to access upstairs facilities. When upstairs facilities cannot be safely accessed it can put the person in very high risk of falling both up and down the stairs. This can often result in hospitalisation.

Stairlifts can currently be delivered under DFG's. This process has been streamlined and is now delivered in an efficient way, however, the DFG process can still be time consuming as the delay comes from the customer completing and returning required information.

WLDC are proposing a scheme that will be under Independent Living and therefore fall outside of the DFG system as it is now while still being compliant of the legislation.

It is expected this will ensure stairlifts are fitted into people's homes who need them as soon as possible to reduce the risk of falls and hospitalisation. This will also ensure that everyone is able to access stairlifts whether they are eligible for DFG funding or not, reducing the risk of people who are identified as having a need for a stairlift, not having that installed due to the cost.

The financial determination of eligibility will be undertaken once the stairlift has been installed. If it is determined they would have been able to afford to install the stairlift themselves, WLDC will seek to recover the cost with the customer with an agreed payment schedule.

Aims and advantages of the scheme

- Quicker installation of stairlifts for customers who are identified as needing them.
- One stop shop for all people who require a stairlift whether eligible for a DFG or not
- Warranties offered for all stairlifts (currently not offered under DFG)
- Reduced risk of falls due to fast installations
- Help and advice for all people in West Lindsey seeking a stairlift. (not just those with an OT recommendation)

The process

The referrals will come from OTs in the same way they are received for DFG applications. If a referral made includes other adaptations, the stairlift will be completed through this route and the other adaptations will be completed via the DFG process, the customer will be made aware of this.

A very basic information gathering form will be completed by the customer during a home visit arranged within 48 hours of receiving the referral. This will include name, address, date of birth, property tenure and also information they must read and consent to for this process regarding the possibility of them having to fund the stairlift themselves based on their financial circumstances.

WLDC will be required to obtain consent for a stairlift to be fitted from the landlord, this will be done as soon as the referral is received. WLDC will seek to secure consent from all social landlords to allow stairlifts in their properties. Private landlords will be required to sign a consent form, verbal consent will be sufficient to start the process, written consent will still also need to be obtained.

Once the above is received, a request for the stairlift to be quoted for will be sent, this will be to the company who have the contract to provide stairlifts in West Lindsey. They will receive instruction from WLDC to quote for and arrange installation of the stairlift with the customer. Timescales for this will be set in the contract.

At this point, another application will be posted out to the customer, this will form the financial assessment. This will determine whether or not they are required to pay for the stairlift or if it will be funded by WLDC. This process is based around DFG legislation and will have the same eligibility criteria of pass-porting benefits and also the same requirements for financial information required.

If it is determined they would have been eligible for a DFG, the customer will receive a letter stating they are not required to pay anything towards their stairlift. If it is determined they would have been required to pay a contribution towards the stairlift, or to cover the full amount, WLDC will agree a payment schedule, and there are 3 options for this:

- Pay in full on completion
- Pay monthly (agreed amount based on what is determined as affordable)
- Pay annually (agreed amount based on what is determined as affordable)

If monthly or annual payment schedule is agreed, a local land charge will be placed on the property to cover the full amount until payment has been made at which point it will be removed.

For all stairlift provided, there will be an admin fee of £120 added to the cost. This is to cover the time of the all officers involved in administering the scheme.

Obtaining a stairlift without an Occupational Therapist recommendation

If no referral has been received from an OT stating that there is a need for a stairlift, West Lindsey residents can still take advantage of the stairlift scheme. This however cannot be funded through a DFG and all stairlifts will be required to be paid for with no financial assessment being undertaken. The fees for stair lifts delivered in this way will also be £120.

Appendix A:

Preliminary and Ancillary services and charges

Preliminary and ancillary services and charges which can be included in applications for assistance are determined by the Housing Renewal Grants (Services and Charges) Order 1996 (S.I. 1996/2889):

- Confirmation that you have an owner's interest in the property
- Technical and structural surveys
- Design and preparation of plans and drawings
- Preparation of schedules of the relevant works
- Assistance in completing forms
- Advice on financing the cost of the relevant works which are not met by grant
- Applications for building regulations approval or planning permission including the application fee and the preparation of related documents)
- Obtaining estimates for the relevant works
- Advice on contracts
- Consideration of tenders
- Supervision of the relevant works
- Disconnection and reconnection of electricity, gas, water or drainage utilities where this is made necessary by the relevant works (but not charges arising from non-payment of bills)
- Payment of contractors
- Services and charges of an occupational therapist in relation to the relevant works **

** Only eligible for mandatory Disabled Facilities Grant and Discretionary Disabled Facilities Assistance Applications and prior agreement with the Council

Appendix B:

Exemptions to Repayment

The Council will demand the repayment of the assistance in the circumstances outlined within this Policy, except in any of the following events:

- Where the recipient would suffer financial hardship if they were to be required to pay all or any part of the assistance. In this circumstance the Council will give consideration to whether the demand for repayment should be waived or delayed
- Where the disposal is made for reasons connected with the physical or mental health or well being of the recipient or a disabled occupant of the dwelling. In such cases evidence must be provided to support this.
- Where the property is sold or transferred compulsorily, or by agreement, to a public body with compulsory purchase powers

Delays to Repayment

The Council will consider an application to delay a demand for repayment of the assistance in the circumstances outlined within this Policy, in any of the following events:

- Where the recipient is deceased and the spouse, partner or family member who was living with the recipient for at least 12 months prior to the death continues to occupy the dwelling
- In the course of a domestic breakdown where the applicant sells or transfers the property to their spouse, partner or family member who was living with the recipient for at least 12 months prior to the domestic breakdown and continues to occupy the dwelling

Where an application to delay the repayment of assistance is approved, the Council will specify a time or an event in the future when the assistance must be repaid.



**Prosperous Communities
Committee**

6 June 2017

**Subject: Broadband Provision Across the District – Current Position
and Future Options**

Report by:

Director of Resources

Contact Officer:

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Purpose / Summary:

To provide Members with an up to date position with regard to Broadband Provision across the District. The report also sets out high level options for future consideration.

RECOMMENDATION(S):

That Members are requested to consider the next steps and ask officers for a further paper in July to set out a full proposal.

IMPLICATIONS

Legal:

Financial :
Financial Implications: FIN/108/17
A Capital Budget of £555k was approved as part of the 2013/14 Capital Programme to support the BDUK roll out within West Lindsey as detailed within the report. This was to be funded from Capital Receipts. Any reduction in the amount paid will result in capital receipts being available for future capital investment.

Staffing :

Equality and Diversity including Human Rights :

Risk Assessment :

Climate Related Risks and Opportunities :

Title and Location of any Background Papers used in the preparation of this report:

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1. Introduction

- 1.1 In December 2016 a decision was made by the Prosperous Communities Committee for a survey to be developed that would test out the extent of the issue of broadband throughout West Lindsey. West Lindsey were not part of the Onlincolnshire Phase 2 and we therefore need to consider how to support residents in delivering the last 10-15% of coverage across West Lindsey.
- 1.2 To undertake this work we undertook a dual approach to gain the maximum information possible and to include those with broadband and those without it. This was be through an online speed test and a manual survey. There was 1536 responses to the survey and over 900 to the online speed test which were both split evenly across the district.

2. Survey results

- 2.1 Out of the 1536 respondents to the survey 92% of those do currently have broadband while only 8% don't. From mapping this data there is no correlation between those who do not have broadband and any specific area in the district. From the 8% who do not have broadband, 52% of those do not have it due to it being unavailable, too slow or too expensive.
- 2.2 The respondents were asked who their supplier is and 40 suppliers were named as being used within the district. However 55% of those who gave the name of their supplier said it was BT.
- 2.3 When asked if respondents have had issues with availability of broadband, 923 out of the 1536 said that they had with the top 2 reasons being too slow and losing connection.
- 2.4 The results indicate better coverage than reflected on earlier report. However it is clear that the consistency of coverage can be problematic.

3. Speed test results

- 3.1 Thinkbroadband.com is the company which run the speedtest for WLDC. The link was attached to our broadband survey web page and also the online surveys took the respondents directly to the speedtest upon completion. During the time the survey was running there was more than 900 results uploaded to the speedtest.
- 3.2 These results were spread across the district and attached to postcodes. From these postcodes the results were averaged if more than 1 test was received for the postcode. There was 34 locations which had an average speed of less than 10 Mbps.

4. Next steps

- 4.1 There are 3 options which are possible for West Lindsey DC being:

1 – Work with Onlincolnshire and BDUK to remove the barrier to providing funding in West Lindsey

Members and Officers have attempted to engage with the officers and Members with this portfolio at the County without success. The potential to use this option would depend entirely on being able to change the view of BDUK with regards their ability and hence the ability of Onlincolnshire to provide funding in the West Lindsey district.

2 – Direct support by the Authority

Whilst there is no allocated funding for this purpose, it maybe an option if members wished, subject to appropriate legal advice.

As there is an underspend within the BDUK Phase 1 members may wish to consider withholding the West Lindsey share of the underspend for use within West Lindsey should it be legally possible. A higher level of withholding amount maybe justifiable given the current assessment of coverage is below the target 90%.

However, it is unlikely there would be sufficient funds to treat all areas equally and therefore this option is not recommended for being taken forward.

3 – Provide Broadband expertise to support local neighbourhoods

One of the issues for localities is obtaining appropriate advice on the options available to them, given their individual and specific difficulties. Each neighbourhood is likely to have different challenges where broadband is concerned and will need a tailored solution.

The Authority may wish to consider providing specialist support using tools such as The Rural Broadband Partnership to localities in a similar way that we support Neighbourhood plans. This would require additional funding.

In addition, it is proposed that the Council uses its influence with MP's and through Local Authority networks to lobby for further government support for the District and rural areas more generally.

5. Recommendations

- 5.1 It is recommended to the Prosperous Communities Committee that WLDC undertake a mixture of option 1 and 3 due to having no additional funding available to undertake any work in house. By signposting communities to an external expertise to support the work this would enable to the communities to progress at their own speed while having an expert who understands the issues and can ensure the correct route is undertaken.
- 5.2 That officers are asked to work up a proposal for consideration at the next meeting of Prosperous Communities Committee.

Broadband Survey and Speed Test 2017

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1 Introduction

1.1 Background and method

This report summarises the views of residents, parish councils and West Lindsey Councillors that a survey which was either online or in a paper format. West Lindsey residents, Parish Councillors, Parish Meetings and West Lindsey District Council Members were invited through either a direct invite or by visiting the website.

In December 2016 a decision was made by the Prosperous Communities Committee for a survey to be developed that would test out the extent of the issue of broadband throughout West Lindsey. West Lindsey were not part of the Onlincolnshire Phase 2 and we therefore need to consider how to support residents in delivering the last 10-15% of coverage across West Lindsey.

To undertake this work we undertook a dual approach to gain the maximum information possible and to include those with broadband and those without it. This was through an online speed test and a manual survey.

Manual Survey

To ensure we got a wide variety of residents completing the survey and speed test we asked all Parish Councils and Parish Meetings to inform their residents of this survey and pointing them to the website where they can complete it, we asked all West Lindsey Councillors to distribute up to 100 surveys in their area and we also asked all members of the West Lindsey Citizen Panel to complete it. A copy of the survey can be seen at appendix A.

Number of Citizen Panel responses - 737

Number of resident responses - 799

Total number of surveys returned – 1536

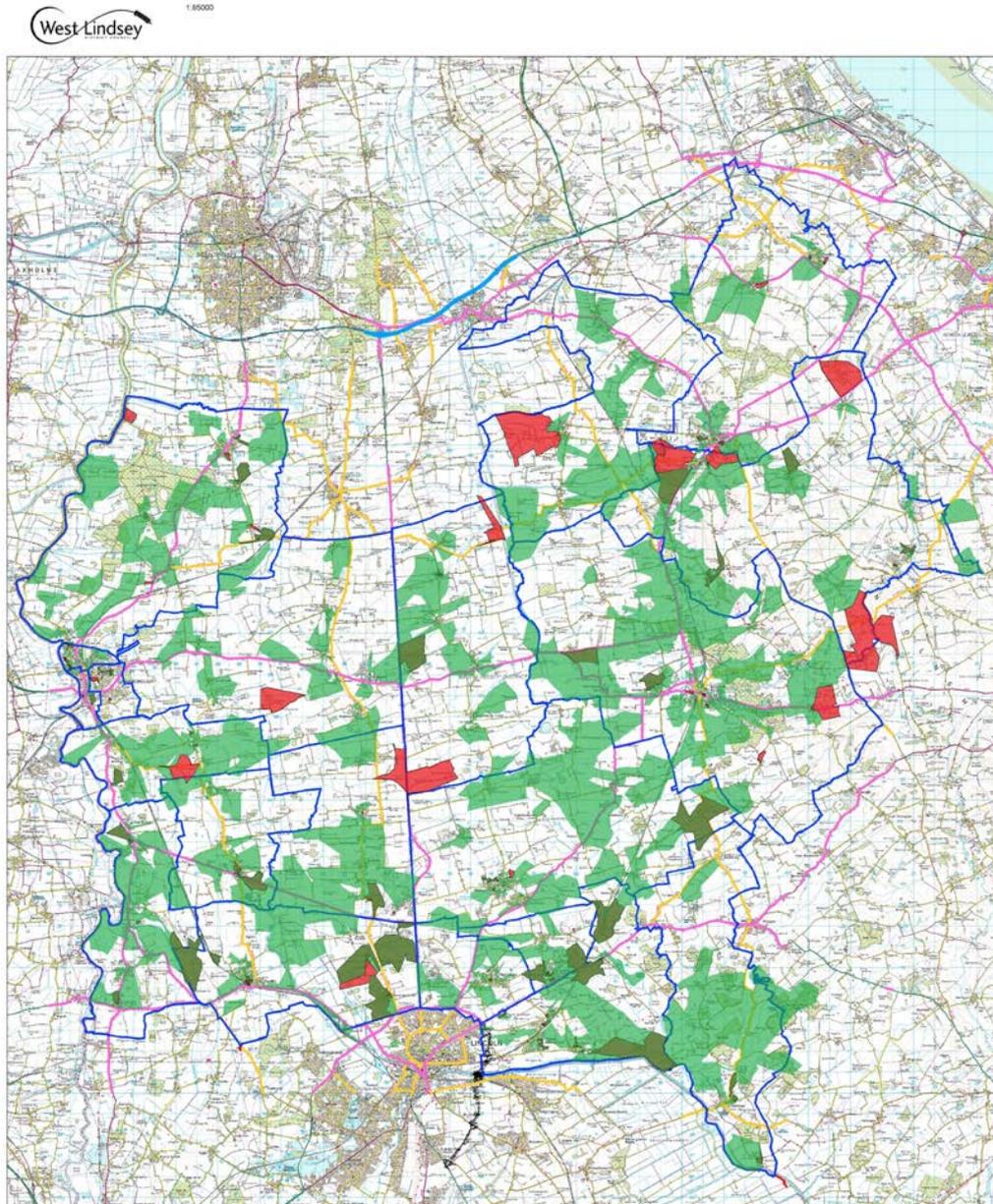
Speed test

The speed test was added to the West Lindsey website and all survey respondents were asked to also complete. This speed test is run by ThinkBroadband who gather the information together. This information can be found on their website but specific information has been sent specific to this report. This can be found in section 3.

2 Manual Survey

2.1 Profile of responders

The responders have covered the area of West Lindsey and can be seen in map 1. This map shows that there was a good spread across the district of respondents to the survey.



Map 1: Location of respondents

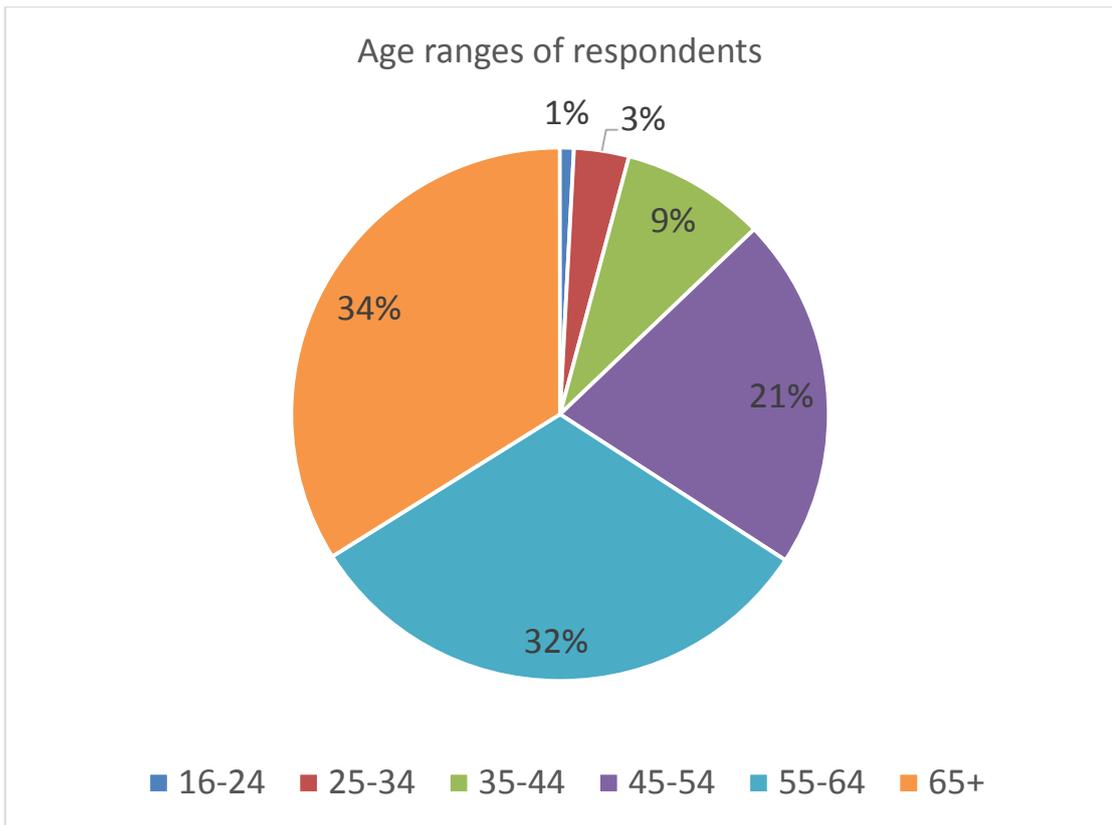


Figure 1: Age range of Citizen Panel respondents

This data can be seen compared to the 2015 population estimates in figure 2. This data is slightly skewed as the panel can only be joined if 16 or over while the population percentages include all ages.

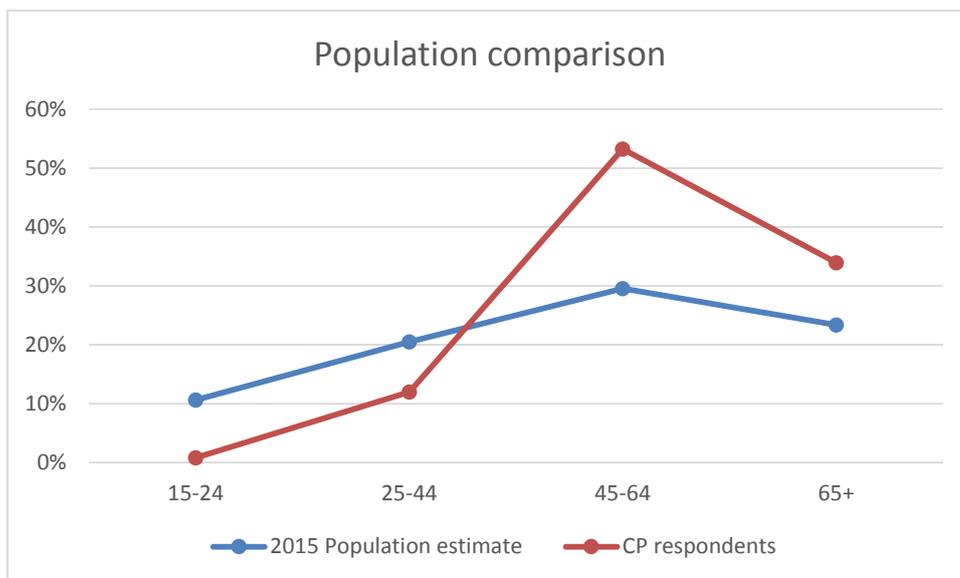
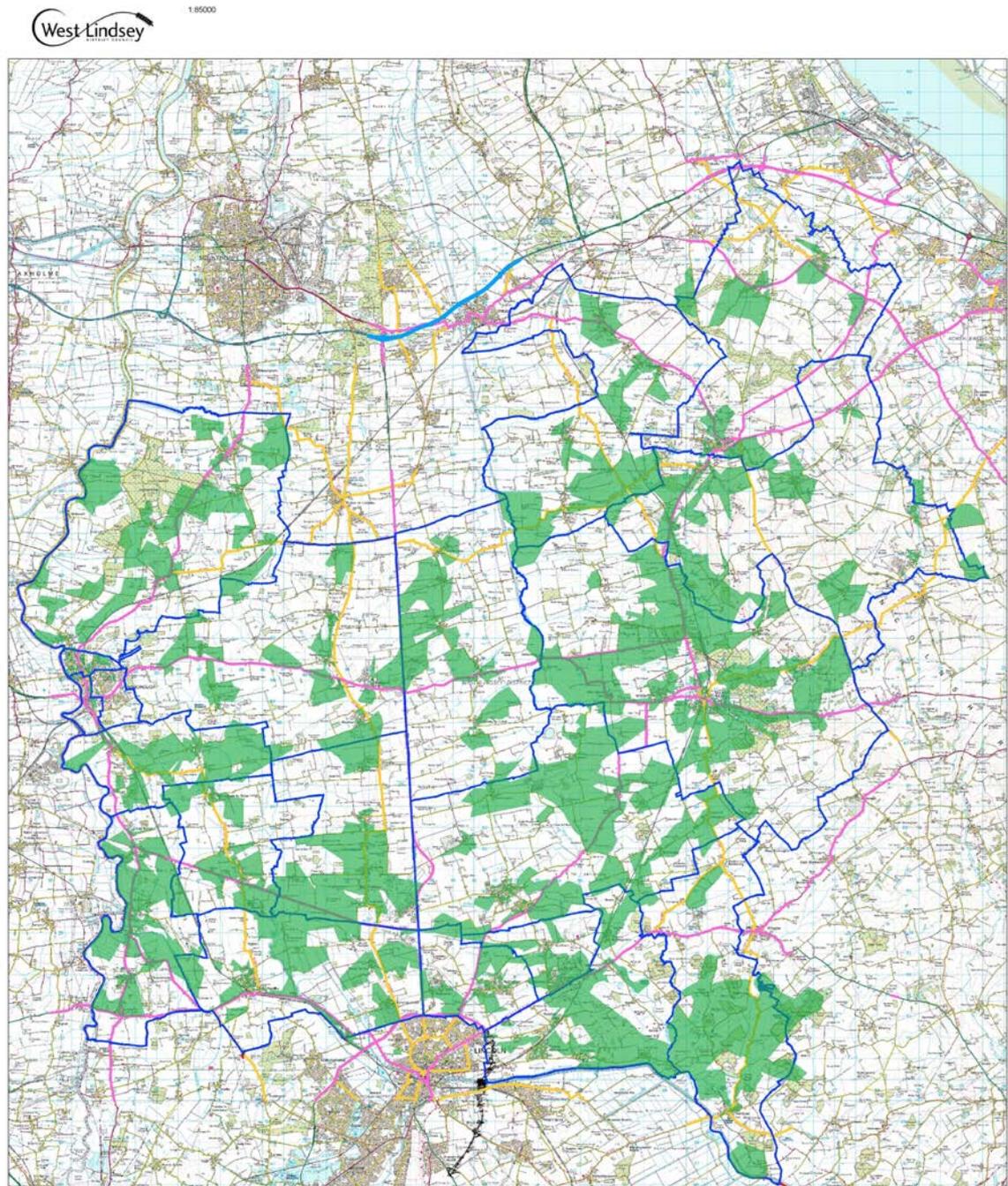


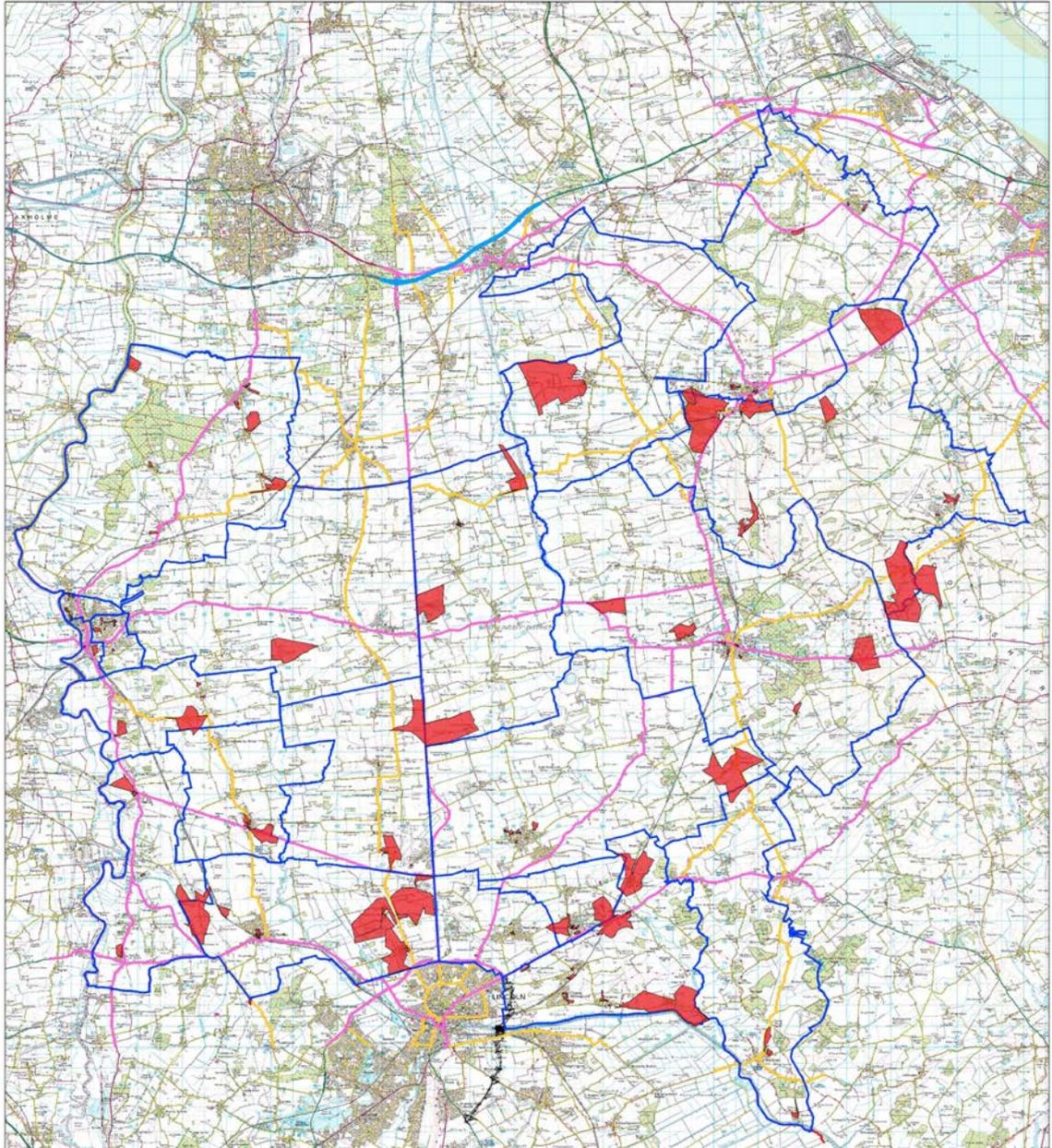
Figure 2: Population comparison

2.2 Broadband currently in home

Out of the 1536 respondents to the survey it showed that 92% of those do have broadband. However 8% do not have broadband. Map 2 shows who currently has broadband and map 3 shows those without broadband.



Map 2: Broadband locations



Map 3: No broadband locations

These 2 maps show that there is a spread across the district for both those with and those without broadband and not specific to 1 part of the district.

The following chart shows why they do not have it; with 48% not wanting broadband or not needing it and 52% not being able to have broadband due to it being unavailable, too slow or too expensive.

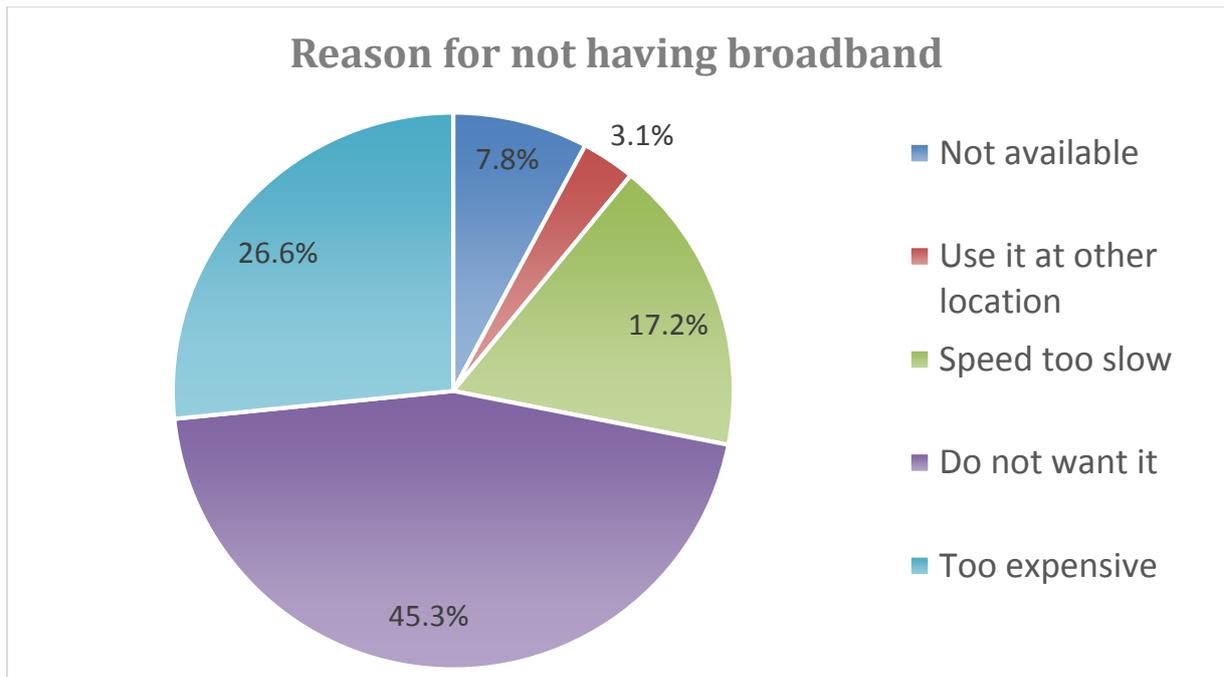


Figure 3: Reason for not having broadband

2.3 Suppliers currently used

Table 1 shows the 40 suppliers which the respondents stated to currently using. The highest percentage was with BT at 55%.

Supplier	Number	Percentage
BT	786	55.3%
TalkTalk	136	9.6%
Sky	114	8.0%
Plusnet	98	6.9%
Virginmedia	60	4.2%
EE	52	3.7%
Quickline	43	3.0%
Post Office	26	1.8%
Utility Warehouse	18	1.3%
Fleur	15	1.1%
SSE	11	0.8%
Vodafone	11	0.8%
John Lewis	8	0.6%
Zen	6	0.4%
Poptelecom	4	0.3%
Three	3	0.2%
XLN Telecom	3	0.2%
Fuel Broadband	2	0.1%

Supplier	Number	Percentage
NowTV	2	0.1%
Supanet	2	0.1%
Unicom	2	0.1%
.Satelite	1	0.1%
AOL	1	0.1%
Avanti Satellite	1	0.1%
Ayrtel	1	0.1%
Chilli telecom	1	0.1%
Daist Group	1	0.1%
Demon	1	0.1%
Eclipse	1	0.1%
EemPSN/embc	1	0.1%
Entanet	1	0.1%
Hive	1	0.1%
Just Telecomms	1	0.1%
Orange	1	0.1%
Origen	1	0.1%
Phone cooperative	1	0.1%
Primus	1	0.1%
Sparta Telecom	1	0.1%
Titan Telecom	1	0.1%
Vispa	1	0.1%

Table 1: Suppliers currently used

2.4 Issues with availability of broadband

Section 3 of the survey was asking respondents if they had encountered any issues with the availability of broadband. Out of the 1536 respondents to the survey, 923 of those have had issues with broadband availability. Figure 2 shows this breakdown.

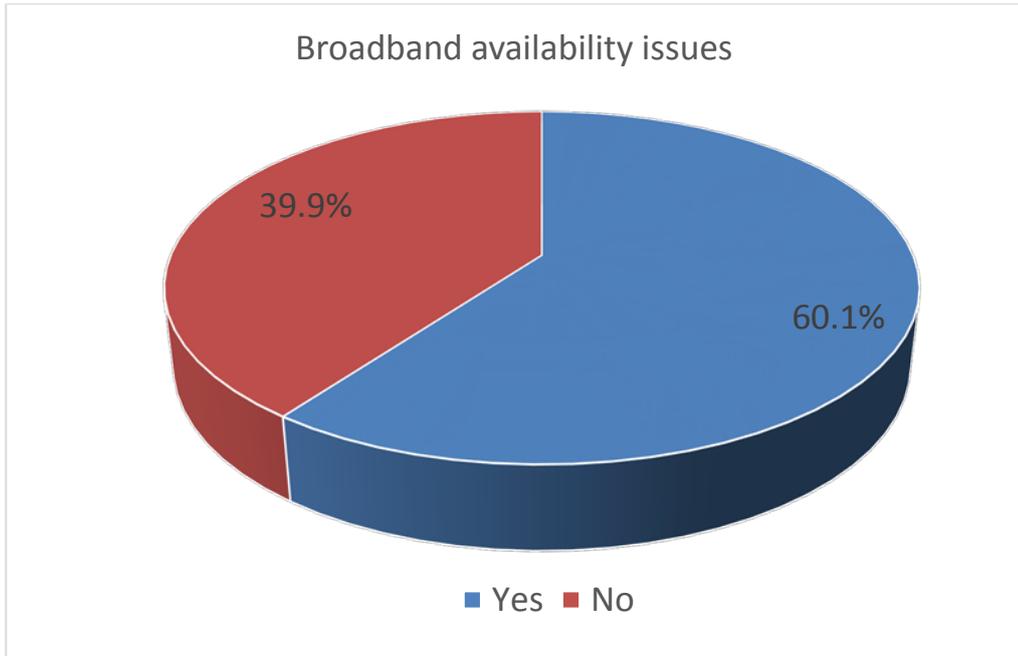


Figure 4: Broadband availability issues

These figures include both those who currently have broadband and those who don't. To show a different between those who have broadband and issues and those who don't have broadband and issues the split can be seen in figure 3. This chart shows that nearly 2 thirds of those with broadband have incurred availability issues of some kind.

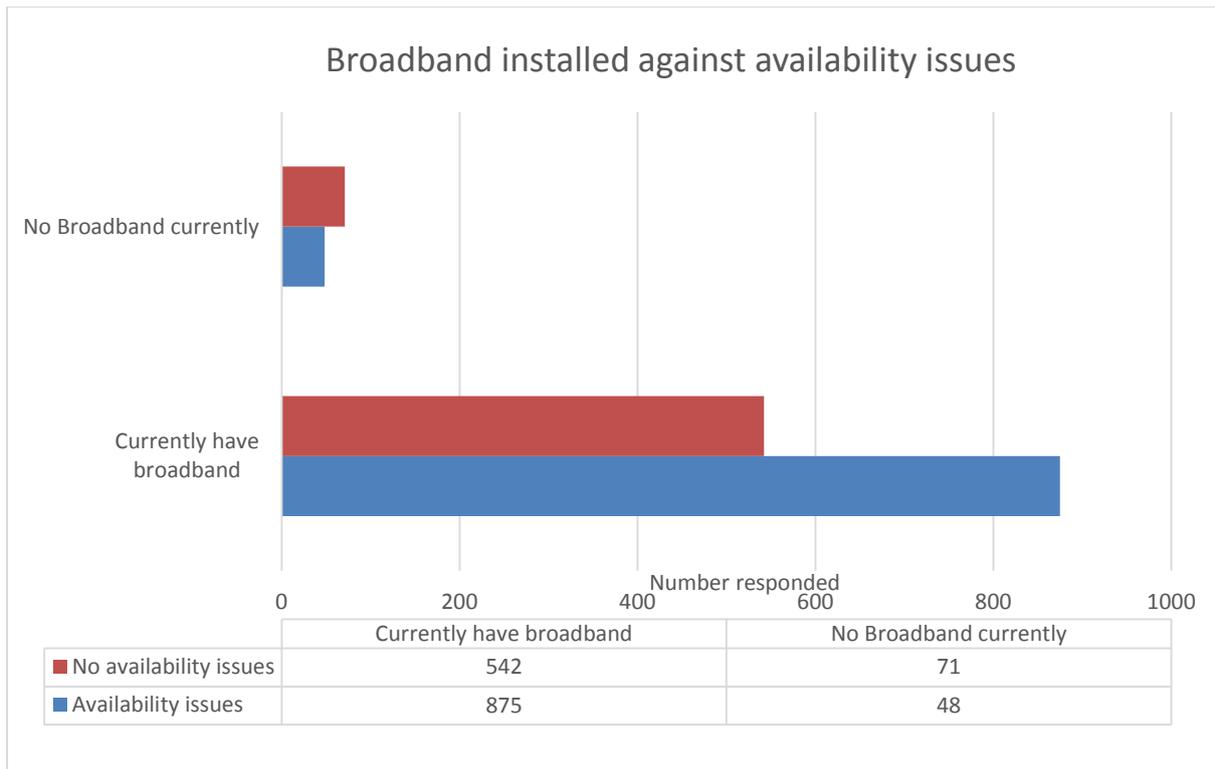


Figure 5: Broadband installed against availability issues

There was 1504 comments around these availability issues that respondents had found with getting or having broadband, please note that respondents were able to mark more than 1 issue. The top 5 can be seen in figure 4 with the rest being shown in figure 5.

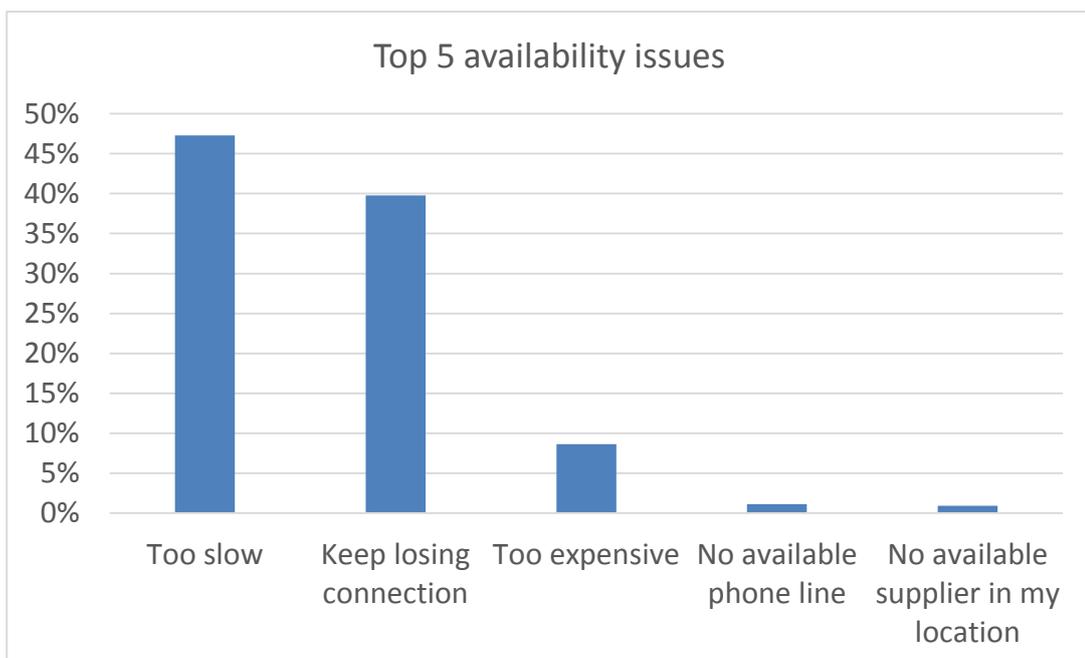


Figure 6: Top 5 availability issues

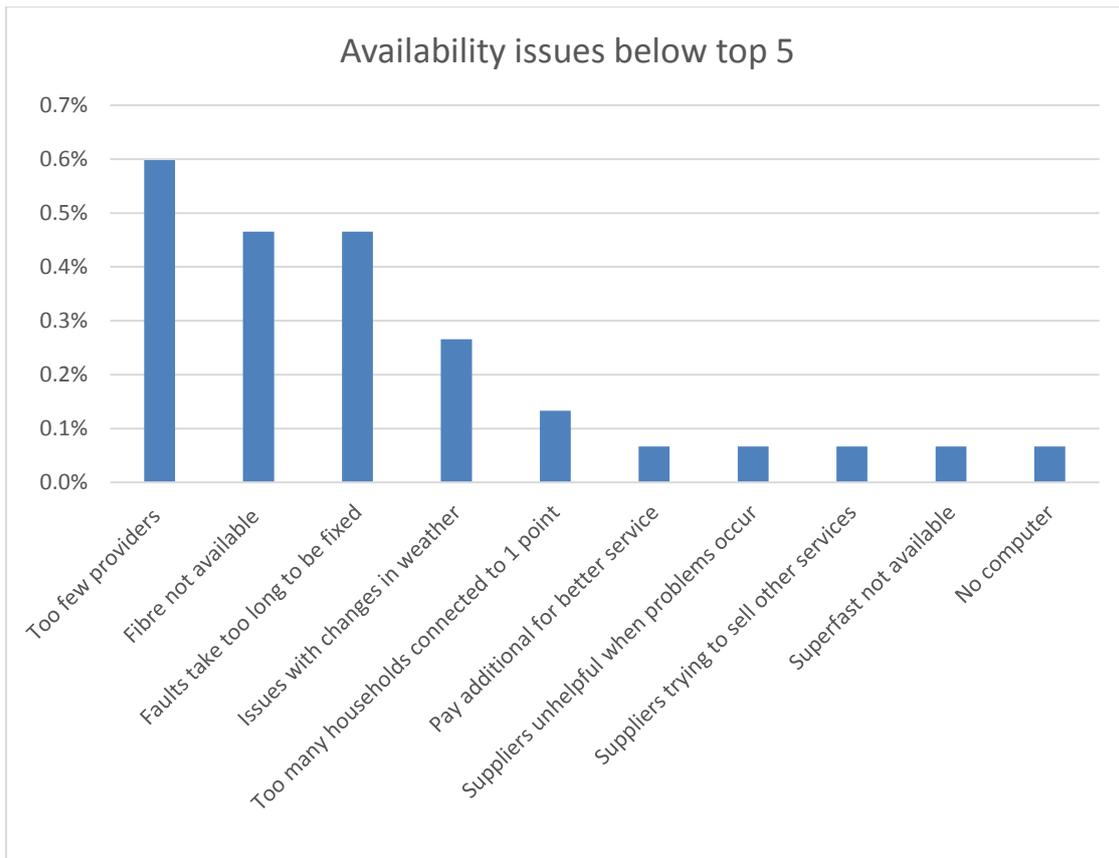


Figure 7: Availability issues below top 5

2.5 Comments made

Out of the 1536 responses to the survey there was 772 comments in this section. Therefore the only comments that have been pulled out are those which do not repeat what has already been stated in the survey such as the broadband being too slow or losing connection.

These additional comments are:

- Cabinet too far away
- Too many on the same cabinet
- No mobile signal
- You get what you pay for
- Speedtests give different speeds on wifi compared to Ethernet cable
- Purchased more equipment to make broadband work
- Pay extra for extra speed
- Pay the same as those who get an excellent service
- Level of service changes at different times

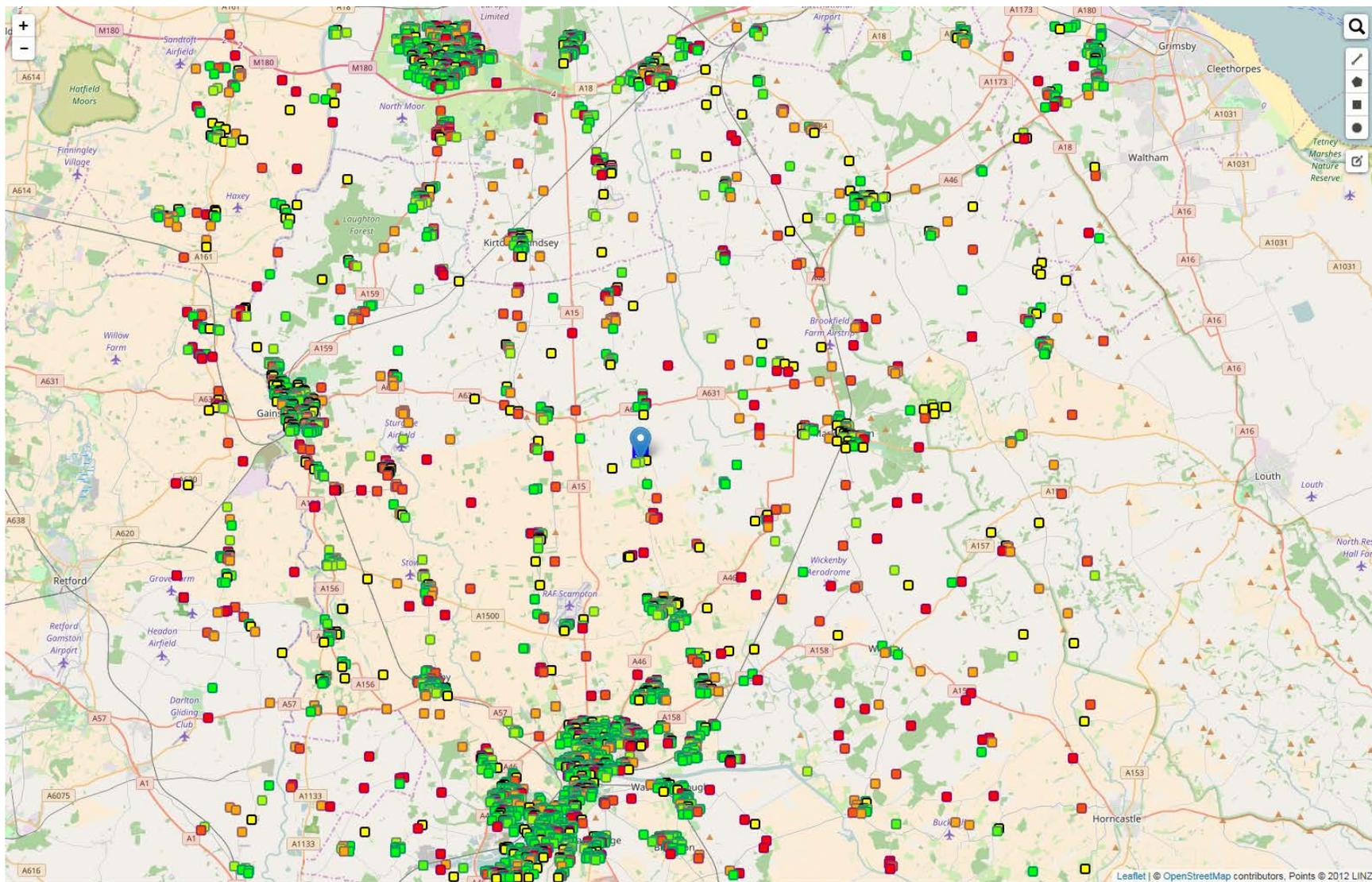
- Fibre/Cable not accessible
- Infrastructure too old
- Village Hall broadband not even supplied here
- Community contacted Quickline for better service
- WLDC responsible for BT not doing more
- Weather affects service
- Suppliers not interested in faults
- Fibre should be to house
- Rural villages need fast internet service to survive
- No good for businesses
- Some villages have good broadband and others very poor
- Cable laid but not connected
- Listed houses not allowed dish on outside so reduces the suppliers
- No room at junction box for phone or broadband
- Cable old and not able to deliver service
- No suppliers available
- Superfast broadband was scheduled in but has never happened
- Freeview poor
- Unable to get broadband without getting a home phone
- Been told by suppliers that we will stop getting broadband soon
- Use the library but closing soon

3 Speed test

3.1 Information from reports

Thinkbroadband.com is the company which run the speedtest for WLDC. The link was attached to our broadband survey web page and also the online surveys took the respondents directly to the speedtest upon completion. During the time the survey was running there was more than 900 results uploaded to the speedtest.

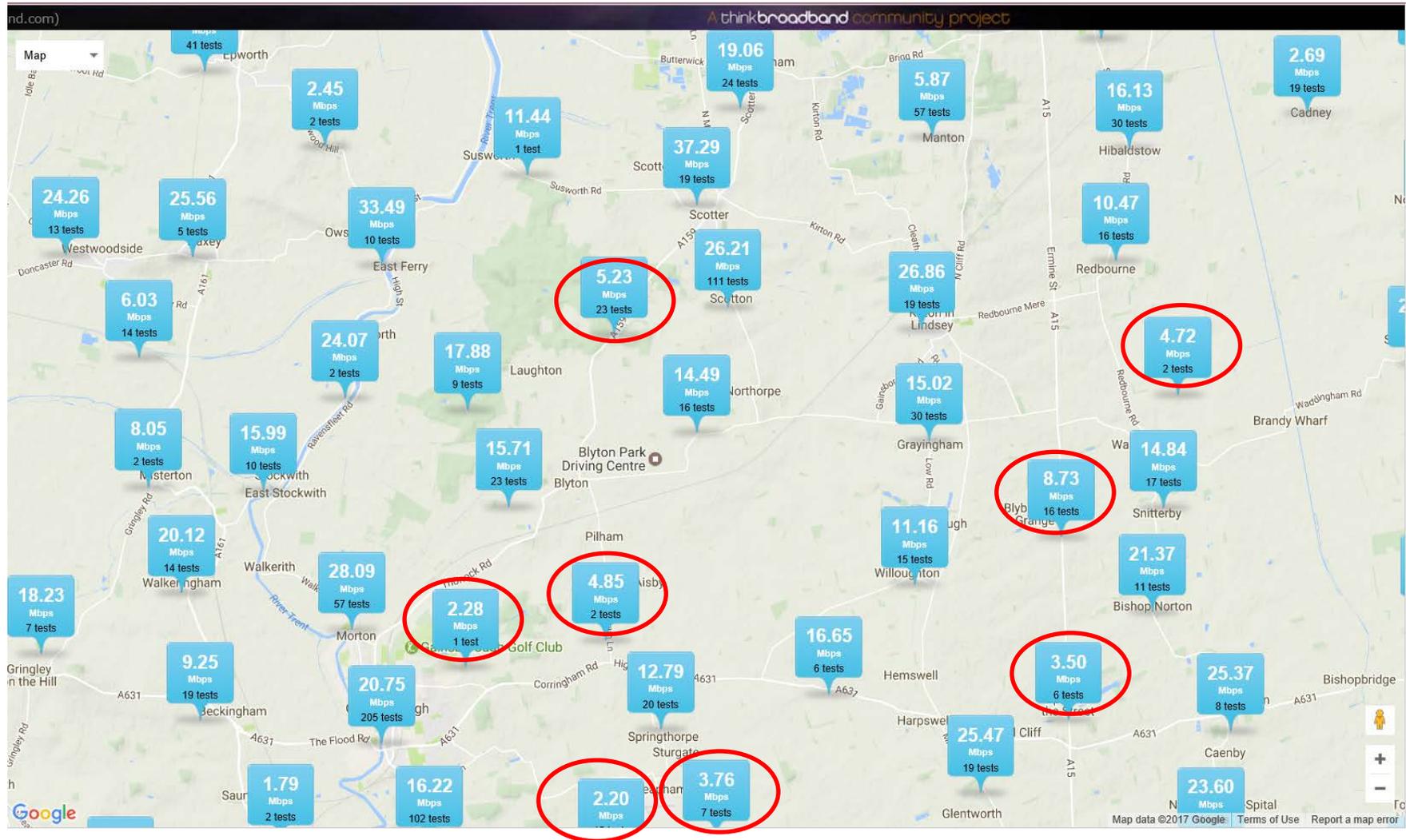
Map 1 shows the points which the speedtest was completed through our website only while map 2 shows the full data which Thinkbroadband hold for West Lindsey on speedtest completed through all routes including our website, the thinkbroadband website and the onlincolnshire website. Please note that these results are by postcode so therefore the location may vary slightly from that shown on the map. The colours on the map relate to the scale of speed where 2 Mbps is solid red through to higher than 30 Mbps being solid green.



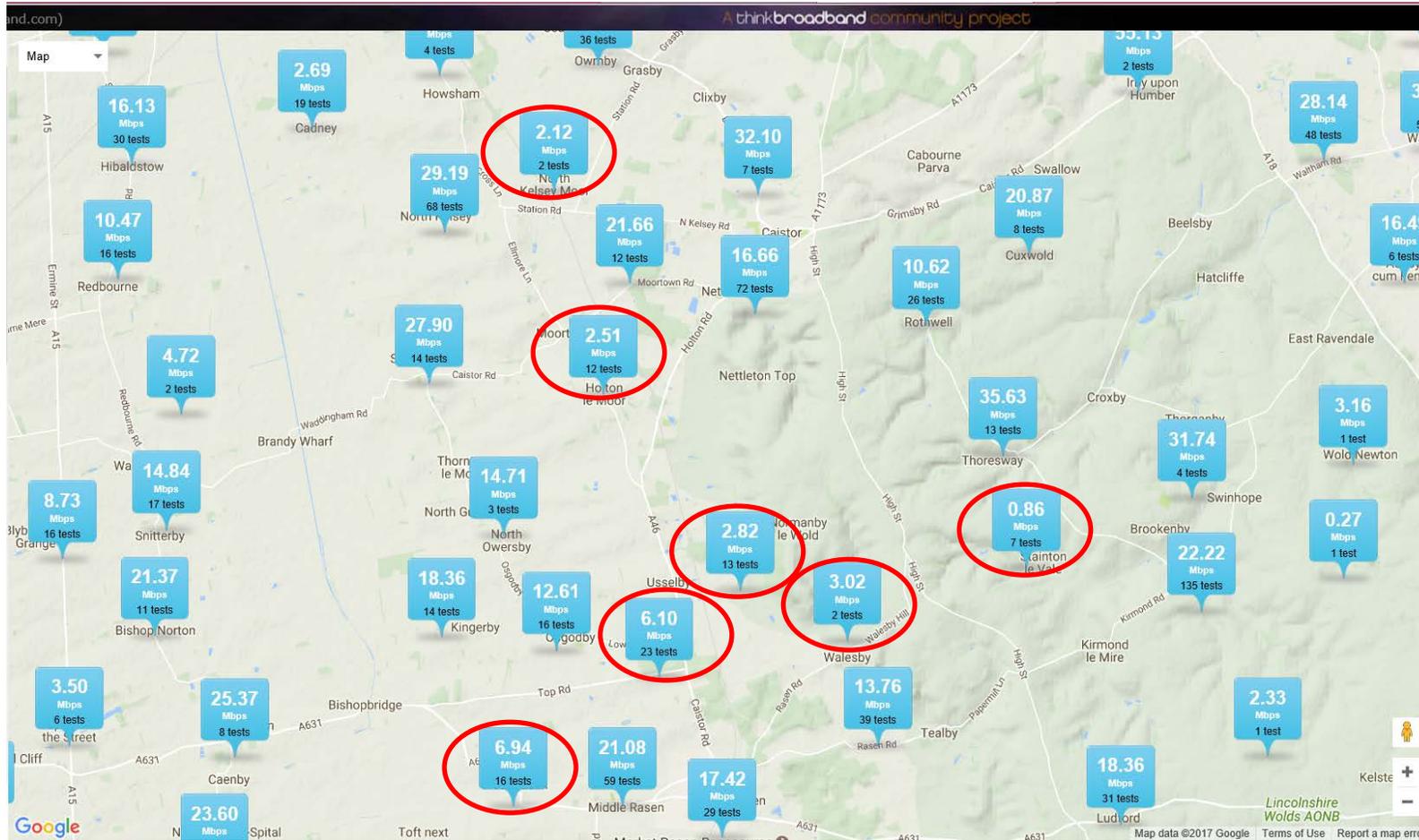
Map 5: Speed test locations through all routes

The following 4 maps show the speeds gained from the speed test in locations. These have been averaged and show the number of speed tests making up that average. To try to get a reasonable picture of the district this has been split into 5 sections with the A15 and A631 giving the natural split and Bardney and Southrey being section 4. More information on any specific location can be found at <http://maps.thinkbroadband.com/#!lat=53.319583214727665&lng=-0.6391574685159163&zoom=11&type=terrain&speed-cluster>.

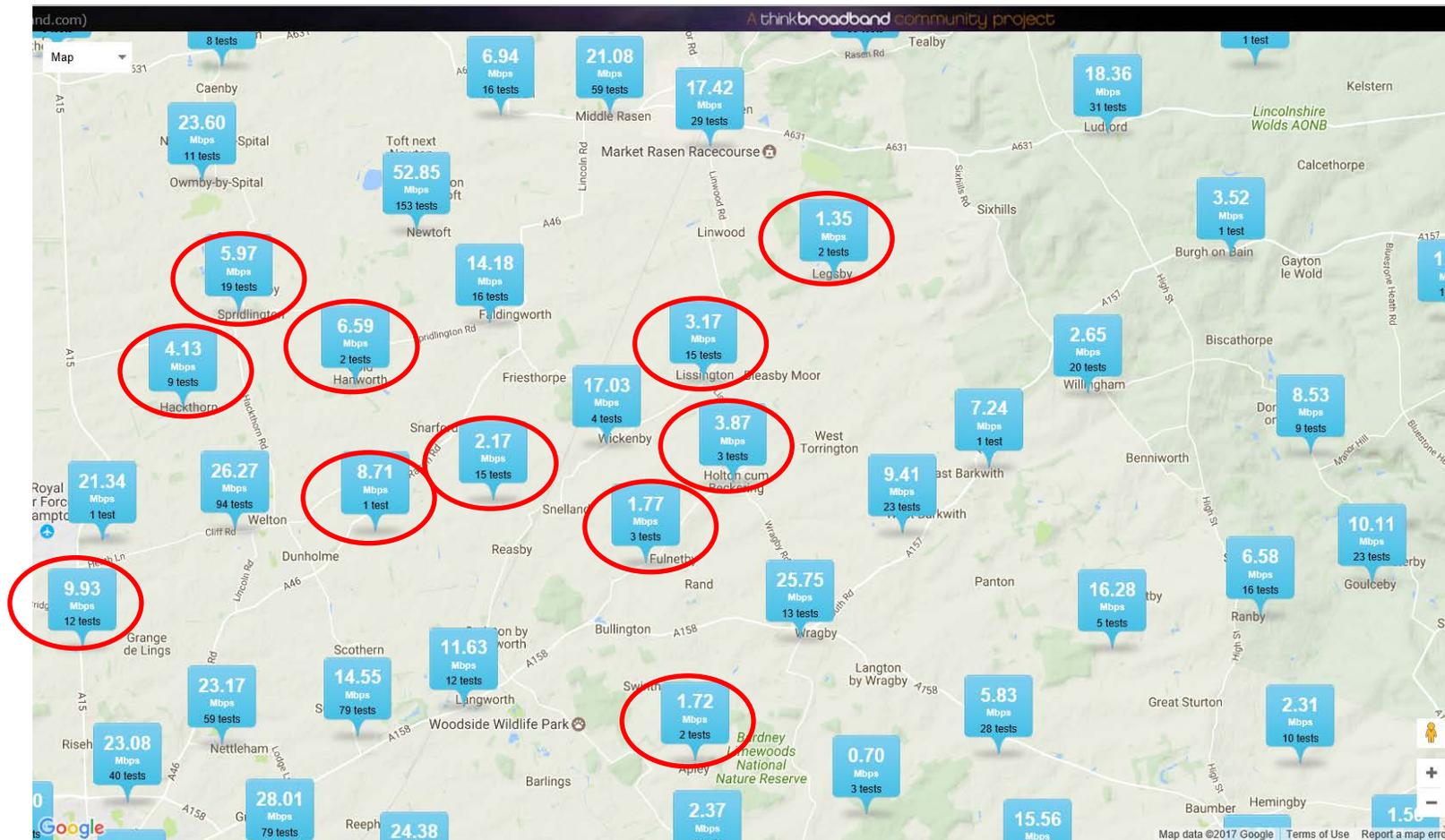
Looking at these maps the areas within West Lindsey which are highlighted as being below 10mbps on speeds are circled in red. It is worth noting that this only shows the locations where speed tests have been undertaken and it also highlights the number of tests taken in those areas to get an average speed. There are 34 locations in the district which are noted as being below the 10 Mbps.



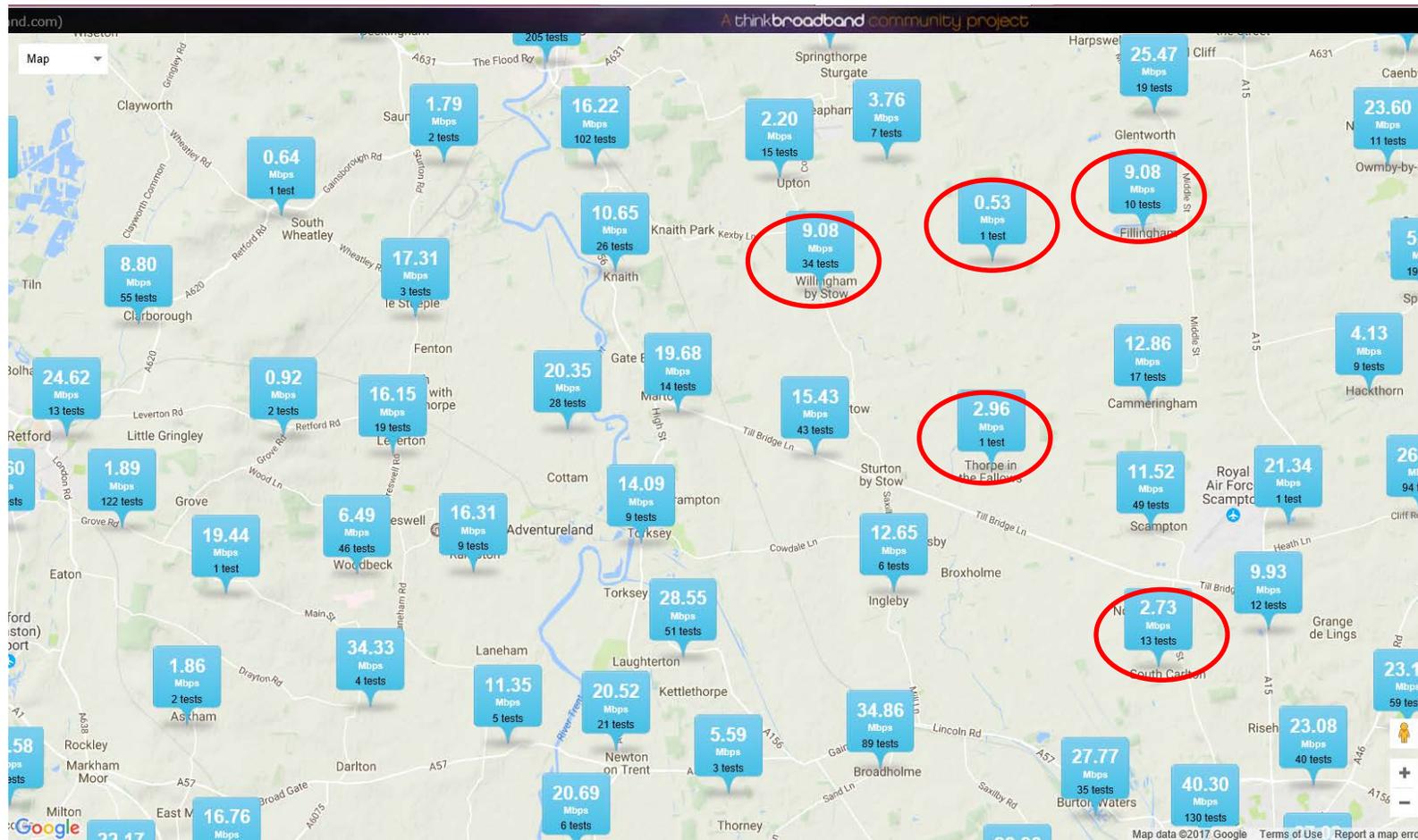
Map 6: District split 1



Map 7: District split 2



Map 8: District split 3



Map 10: District split 5

4 Next Steps

4.1 BT Community Partnership

BT have set up a dedicated team which focus on helping communities understand what can be done to support bringing faster broadband to parts of the UK not covered by existing rollout plans.

This co-funded model helps with hard-to-reach communities and smaller business parks. BT would work with the community to see if a community project could be best and provide them with the tools to understand and establish local demand.

A number of factors can impact the price of the infrastructure upgrades needed to provide the superfast broadband including if there is an existing infrastructure (the cabinet) in place, who owns the land, how long the lengths of fibre needed are, the geographical area and the number of premises being included.

There are 8 steps to this process which are:

- Checking the current and planned availability using the line checker
- Registering an interest in the community fibre partnership
- Assign a single point of contact
- Indicative costing
- Engage community support
- Detailed quote
- Generation of funding (50% due by community)
- Plan and build of the infrastructure

To aid the community in finding the 50% funding there is a Community Fibre Partnership Grant Scheme where BT have dedicated £2 million to support the communities which have an eligible school in the community. To be eligible to apply for the grant the proposal for the new co-funded infrastructure must serve a school that has no access to broadband or low broadband speed (typically <10Mbps). This grant would be up to £20,000 and must be match funded and the contract must be signed within 3 months of the date of the offer letter. This funding is available on a first come first served basis.

4.2 Better Broadband Subsidy Scheme

The Better Broadband Subsidy Scheme has been developed by the Department for Culture Media and Sport to provide access to a subsidised broadband installation to homes and businesses that are unable to access a broadband service with a download speed of at least 2 Mb per second and who will not benefit from the superfast broadband roll out.

Applications for the voucher can be made until the end of 2017 and will not prevent premises from being considered for a superfast broadband upgrade in the future.

The scheme gives help with the cost of installation and any equipment needed to supply a basic broadband service at an affordable price but will not cover the monthly subscriptions costs. This voucher will pay up to the first £350 of the costs and will go towards a satellite, wireless or fibre broadband service and must be for a contract of 12 months or more.

4.3 Quickline Commercial Offer

Quickline have subscribed to the better broadband subsidy scheme which can be used in areas where they can build the infrastructure to enable a broadband provision.

Where Quickline can put a repeater in a village to enable broadband they will if there is a commercial business case to do so. This is on a case by case basis however as it depends on the landscape, where the repeater needs to link to and how many properties sign up.

4.4 The Rural Broadband Partnership

The Rural Broadband Partnership (RBP) was created by Lloyd Felton, founder of County Broadband Ltd, following nearly ten years experience in the delivery of rural broadband networks. The aim was to provide a national resource for individuals, communities, suppliers and government bodies that would encourage and promote the roll-out of broadband in areas of traditional market failure and in so doing bring to an end the “digital divide”.

While many organisations were willing to support the project, none were prepared to underwrite the cost. Unperturbed and convinced by the need for such a resource to exist, the decision was made to develop the resource independently.

Some 18 months later BDUK, the Department of Media, Culture and Sport responsible for the roll-out of broadband in the UK recognised the potential for RBP to support its deployment strategy and provided a grant to assist in the further development of the website, processes and collateral material. This was following recognition from BDUK that a means to communicate, co-ordinate and support the activities of all stake-holders was integral to the roll-out of broadband in the hard-to-reach rural areas previously considered uneconomical to service. In so doing, the site is now closely aligned to Government policy and designed to integrate with the funding criteria required from Local Authorities and LEPs by BDUK.

Beyond this initial grant, the RBP has not received any external funding and must determine its sustainability on standard commercial terms.

The partnerships aim is to support rural broadband projects.

RBP want to:

- Help individuals connect to community broadband projects in their area.
- Help communities create, fund, manage and run their own broadband projects.

- Help suppliers and funding sources connect with the projects that need them.
- Provide information and resources that help you get the community broadband service you want.

The Rural Broadband Partnership website is a signposting agency to those broadband projects already completed or under way. As well as providing a comprehensive database of Community Broadband Projects, they aim to help Individuals, Communities, Businesses and Local Authorities with a process of joined-up thinking.

By ensuring the needs of residents, commerce and Government are aligned the Rural Broadband Partnership are able to considerably increase the Government's chances of meeting the target of universal coverage throughout the country.

4.5 Next steps

Options might include:

1 – Work with Onlincolnshire and BDUK to remove the barrier to providing funding in West Lindsey

Members and Officers have attempted to engage with the officers and Members with this portfolio at the County without success. The potential to use this option would depend entirely on being able to change the view of BDUK with regards their ability and hence the ability of Onlincolnshire to provide funding in the West Lindsey district.

2 – Direct support by the Authority

Whilst there is no allocated funding for this purpose, it maybe an option if members wished, subject to appropriate legal advice.

As there is an underspend within the BDUK Phase 1 members may wish to consider withholding the West Lindsey share of the underspend for use within West Lindsey should it be legally possible. A higher level of withholding amount maybe justifiable given the current assessment of coverage is below the target 90%.

3 – Provide Broadband expertise to support local neighbourhoods

One of the issues for localities is obtaining appropriate advice on the options available to them, given their individual and specific difficulties. Each neighbourhood is likely to have different challenges where broadband is concerned and will need a tailored solution.

The Authority may wish to consider providing specialist support using tools such as The Rural Broadband Partnership to localities in a similar way that we support Neighbourhood plans. This would require additional funding.

5 Appendices

Appendix A



West Lindsey District Council Broadband availability

HELPFUL HINTS FOR COMPLETING THIS QUESTIONNAIRE

- Please read each question carefully. In most cases you will only have to tick one box but please read the questions carefully as sometimes you will need to tick more than one box, or write in a response.
- Once you have finished please take a minute to check you have answered all the questions that you should have answered.
- If you have any questions about this survey please email Katy Allen on katy.allen@west-lindsey.gov.uk or ring on 01427 675149.

Section 1: Location

1. Full postcode:

Section 2: Current availability

2. Do you currently have broadband in your home?

- Yes
 No

3. If not, why not?

- Not available
 Use it at other location i.e. work and therefore don't need it at home
 Speed too slow
 Do not want it
 Too expensive

4. If yes, who is your supplier?

- BT
 Virginmedia
 TalkTalk
 Sky
 Plusnet
 EE
 Vodafone
 NowTV

Other - please specify

Section 3: Issues

5. Have you had any issues with availability of the broadband? **Please tick one box only**

- Yes
- No

6. If yes, what are these?

- Too slow
- Keep losing connection
- No available phone line
- No available supplier in my location
- Too expensive

Other, please specify

7. Are there any comments you wish to make about broadband in your area?

Section 4: Speed test

We are interested in finding out data on the speed of your broadband if you have it. If you are happy to complete the speed test please go to www.west-lindsey.gov.uk/speedtest

Thank you very much for your time completing this survey.

Please return your completed survey in the prepaid envelope by Friday 28th April 2017.

**If you would like a copy of this
in large, clear print, audio,
Braille or in another language,
please telephone
01427 676676**

**Guildhall, Marshall's Yard
Gainsborough, Lincolnshire DN21 2NA
Tel: 01427 676676 Fax: 01427 675170
DX 27214 Gainsborough**

www.west-lindsey.gov.uk





Prosperous Communities

6 June 2017

Subject: Planning Obligations (s.106) Update – Process and Monitoring

Report by:

Rachael Hughes

Contact Officer:

Rachael Hughes
Developer Contributions Officer
rachael.hughes@west-lindsey.gov.uk

Purpose / Summary:

Members of the Prosperous Communities Committee requested an update in relation to planning obligations, often known as s.106 agreements to promote a better understanding of the process and to recognise when and how monies may be requested and used.

RECOMMENDATIONS: That members;

1. This report is for information only. Members are therefore asked to note the contents of the report

IMPLICATIONS

Legal: This report is for information only and therefore has no legal implications

Financial : fin ref 18/18 This report is for information only and therefore has no legal implications

Staffing : This report is for information only and therefore has no staffing implications

Equality and Diversity including Human Rights : n/a

Risk Assessment : n/a

Climate Related Risks and Opportunities : none

Title and Location of any Background Papers used in the preparation of this report:

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1.0 Background

- 1.1 The position of Developer Contributions Officer was recruited to in July 2016 in response to demand for a dedicated resource. The previous post responsible for planning obligations had been deleted as part of a restructure.

2.0 Purpose of Planning Obligations

- 2.1 Planning obligations are required when it is considered that a development will have significant impacts on the local area that cannot be moderated by means of conditions attached to a planning decision.
- 2.2 For example, a new residential development can place extra pressure on the social, physical and economic infrastructure which already exists in a certain area. A Planning obligation will aim to balance the pressure created by the new development with improvements to the

surrounding area ensuring that where possible the development would make a positive contribution to the local area and community.

- 2.3 A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 2.4 The Central Lincolnshire Local Plan provides the policy context for West Lindsey in determining likely planning obligations for developments in the district. The obligations required will vary depending on the nature of the development and based on the needs of the District. The most common obligations West Lindsey have include:
- Affordable Housing
 - Education
 - Highways
 - Health
 - Public Open Space

3.0 Current Position in West Lindsey

- 3.1 Since appointment, focus has been very much on preparation for the CIL examination and potential implementation. As well as developing links with the planning team to establish effective working practices to deal with current workload demands.
- 3.2 From the information that is held it can be confirmed that the authority has collected £840,409 in offsite contributions for affordable housing within the last 3yrs. This money can only be spent on the provision of affordable housing in the District of West Lindsey.
- 3.3 As stated above other contributions usually requested in historic s.106 are for highways and education which are monitored and paid directly to Lincolnshire County Council and those for the NHS which West Lindsey District Council collect put pass directly to the NHS to monitor and spend.
- 3.4 There has been no formal monitoring of the provision of public open space for many years due to the resource implications this would have on the Council. However, once the monitoring officer post has been established this will fall within their remit to monitoring and record provision.

4.0 Future

- 4.1 In the short term the introduction of CIL remains a priority as well as advising the planning team on viability and supporting negotiations of current planning obligations.
- 4.2 It is accepted that there are a number of opportunities to enhance the Council's approach to monitoring and publicising information in relation planning obligations is key.
- 4.3 In order to implement any changes it will first be necessary to rationalise and collate where possible all current and historic planning obligation agreements into a single list. GCLT recently approved the recruitment of a monitoring officer who will be available to assist with elements of this review and reconciliation of this data. It is however anticipated that this exercise will take a number of months due other work priorities for this post.
- 4.4 Once this work has been undertaken and the new IT system has been implemented, planning obligations will be integrated into the planning process. This will provide an auditable central area for recording and monitoring and enable agreements to be publicised once completed and during negotiations. These changes will give greater transparency on future agreements for both members and the public.
- 4.5 Despite this, there still remains a longer term question around resources for reporting and monitoring both in relation to planning obligations but also the implementation of the Local Plan and the delivery of growth. This is something that will need to be considered strategically in the wider context of Development Management and will not be dealt with as part of this report.
- 4.6 Finally, training has been planned this year for members in planning obligations. This will look at the legislative framework, viability across the district and will also provide an opportunity for members to present their 'frequently asked questions' on planning obligations with a view to influencing future process and procedures.



**Prosperous Communities
Committee**

6 June 2017

**Subject: Central Lincolnshire Food and Enterprise Zone Local
Development Order (LDO) adoption**

Report by:

Eve Fawcett Moralee - Commercial and
Economic Growth Director

Contact Officer:

Marina Di Salvatore
Growth and Projects Officer
01427676635
marina.disalvatore@west-lindsey.gvo.uk

Purpose / Summary:

West Lindsey District Council proposes a Local Development Order (LDO) be made to support the development of a Food Enterprise Zone at Hemswell Cliff. Following a six week public consultation period, this report seeks endorsement for the adoption of the LDO and for a copy to be sent to Secretary of State.

RECOMMENDATION(S):

- (1) That members agree to endorse the Central Lincolnshire Food Enterprise Zone LDO for adoption; and**
- (2) To send a copy of the Local Development Order to the Secretary of State.**

IMPLICATIONS

Legal:

The draft Local Development Order (LDO) will, if adopted, grant outline planning permission for the development of an “agri-food business cluster” at Hemswell Cliff that would support the government’s national agenda to driving the growth of food and farming. The LDO requires further future submission of Reserved Matters applications to provide details of development and this will be carried out using Council’s existing statutory powers in planning.

Financial : FIN/25/18

£50,000 grant award was received in 2015 by Defra to support additional resources for the delivery of the LDO.

The Council is currently seeking funds from the GLLEP to help enable the delivery of the LDO/FEZ development and the scheme has secured - together with the other two Enterprise Zones in Holbeach and Grimsby proposals – a total investment of £6.5m as part of the Growth Deal 3 submission.

The Capital Programme includes £3.05m funded by £0.405m of earmarked reserves and subject to £2.6m of grant funding being forthcoming.

Staffing :

In terms of resources the Council has had full capacity both internally and externally to progress the LDO. Colleagues in the Spatial Planning Team are providing support and expertise to represent the Local Planning Authority (LPA) throughout the LDO process. The Growth Team has also a dedicated LDO and Major Projects Officer in addition to the FEZ Project Lead Officer. Completion of the LDO/Statement of Reasons and EIA associated work included support from specialist consultants.

Equality and Diversity including Human Rights :

This report has no direct equality and diversity implications.

Risk Assessment :**Implementation**

Sustainability and Environmental effects –

An Environmental Impact Assessment (EIA) was produced to support this LDO, and the conclusions and findings of the EIA have contributed to the formulation of the development parameters and conditions. The conditions and development parameters have been further refined following public/statutory consultation in order allow for sufficient control and mitigation whilst retaining flexibility where appropriate.

New mechanism – Reserved Matters applications pursuant to the Outline planning permission granted by this LDO will be assessed in terms of their conformity to the development parameters detailed in the LDO Statement of Reasons document, and will need to satisfy detailed planning considerations, including those specified in the conditions attached to this LDO.

Delivery Strategy – A technical solution to delivering the LDO/FEZ is being formulated with land owners and this will determine the cost plan in line with the emerging local Utilities strategy. In turn this will enable analysis of the required gap funding to substantiate the required business case for consideration by the GLLEP Investment Board on the 26th June. The Council considerations around the delivery strategy are resource related and will secure delivery in compliance with this committee's policy stance. CP and R Committee will consider this on the 15th June 2017, to support the submission of the business plan and this will be reported to this committee in July.

Climate Related Risks and Opportunities :

Proposed development at the Hemswell Cliff LDO/FEZ site lies within Flood Zone 1, and is therefore considered to be at low risk of flooding from fluvial and tidal sources.

Title and Location of any Background Papers used in the preparation of this report:

Hemswell Cliff FEZ Local Development Order and Statement of Reasons (Appendix 1)

Figure 6 (Parameters Plan (Appendix 2)

Figure 7 (Indicative Layout) (Appendix 3)

Technical Background Information (available through marina.disalvatore@west-lindsey.gov.uk)

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

x

Executive Summary

On 12th February 2015 the government announced proposals for 11 Food Enterprise Zones across the country, including 3 within Lincolnshire, with a view to attracting investment and encouraging closer ties between food and farming businesses to boost the domestic food and farming sector. The Central Lincolnshire Food and Enterprise Zone Local Development Order (LDO) seeks to capitalise on the opportunities associated with the existing businesses/premises at Hemswell Cliff and the availability of adjacent land to support the development of an 'agri-food cluster' located within the A15 growth corridor.

The Hemswell Cliff FEZ site extends to approximately 30ha in total and comprises arable field at the location of a former RAF base. The FEZ area is located immediately north of the A631 and west of the existing Hemswell Cliff Business Park.

The purpose of an LDO is to simplify and speed up the planning process by providing certainty about the types of development which are permitted within a specific area, and reducing the potential risks associated with the formal planning process, encouraging development to come forward in that area.

The LDO, if granted, will facilitate development of new premises and facilities for businesses in the agri-food sector, thereby providing a location for new and expanding businesses and encouraging inward investment. Investment in the agri-food sector in this location will also contribute to the Council's regeneration and socio-economic objectives through the creation of employment opportunities and integration with the existing businesses and residential areas of Hemswell Cliff.

Following a six week public/statutory consultation period, amendments have been made to the draft LDO and will now seek the Prosperous Communities Committee's endorsement for adoption (to grant Outline Planning Permission for an agri-food led commercial development), prior to submitting to the Secretary of State.

It is therefore recommended that the LDO be endorsed by committee for adoption.

1 Background

1.1 Previous Decisions

A Masterplan for Hemswell Cliff, including the proposed LDO site was completed in 2016. The intention of this document was to “guide the future growth and development of Hemswell Cliff as a strategic employment area and establish a more sustainable residential settlement” supporting strategic economic policy (as set out in the Greater Lincolnshire Local Enterprise Partnership’s Strategic Economic Plan (2014) and the promotion of Hemswell Cliff FEZ.

In June 2016 Members approved the adoption of the Hemswell Cliff Masterplan report along with the Emerging Regeneration Delivery Programme to drive forward the social, economic and environmental regeneration of the wider settlement.

The LDO plans were presented at Prosperous Communities Committee on 31 January 2017 and approved for consultation. The consultation period commenced Friday 3 March and concluded Friday 14 April. The LDO was also presented at Planning Committee in April 2017 during the public consultation period and was generally well received with no substantive objections.

The FEZ site corresponds broadly to a Strategic Employment Site allocation (site ref. E6) under Policy LP5 of the Central Lincolnshire Local Plan (adopted 24th April 2017) with an additional tract of land within the existing business park area included to the northeast.

Policy LP5 – Delivering Prosperity and Jobs in the Adopted Central Lincolnshire Local Plan - states that the site is reserved for B1, B2 and B8 uses, adding that the presumption will be for Strategic Employment Sites to meet the needs for large scale investment which requires significant land take.

1.2 Consultation Undertaken

Officers had preliminary engagement and consultation with various statutory consultees prior to the drafting of the LDO as part of the work to inform and support the Environmental Impact Assessment (EIA) process. The official consultation period commenced Friday 3 March 2017 and concluded Friday 14 April for a period of 6 weeks. Prior to the consultation, the Council issued press release on its website, which has been reported by local press such as BBC Lincolnshire, Gainsborough Standard and the Lincolnshire Echo to generate local interest.

7 notices were displayed on site as per normal planning procedure and adjoining neighbours were advised of the proposal via letter. Landowners were served a notice in accordance with Regulation 38 of

The Town and Country Planning (Development Management Procedure)(England) Order 2015. Statutory consultees were consulted via email. A copy of the LDO, Statement of Reasons and all supporting documents were available both via the Council's website and in the Council's main office in Guidhall, Gainsborough.

In addition to the statutory requirements, one drop in session was also held at Hemswell Cliff Primary School on the 13 March 2017 from 3:45pm to 7.15pm. This consultation event ran in conjunction with the Neighbourhood Planning consultation event, the purpose of which is to show the results of the recent neighbourhood planning questionnaire. The event had displays on the Hemswell Cliff Masterplan. A joint consultation event was deemed necessary to display all the planning functions which are ongoing in the Hemswell Cliff area. Although the LDO, Masterplan and the Neighbourhood Plan are separate functions, all are inherently linked to the wider strategic regeneration of the area.

2 Proposed LDO

The principle of the LDO remains the same.

The Hemswell Cliff LDO will, when formally adopted, grant outline planning permission for an "Agri-food Business Cluster" comprising business (Use Class B1), industrial (Use Class B2) and/or storage and distribution (Use Class B8) uses which are part of, or immediately related to the Agri-food sector.

Permitted overall maximum commercial floor space will be up to 70,000 sq m gross whilst ancillary office development will be permitted up to a maximum of 5,000sq m.

The LDO will take effect on the date it is adopted by the Council, and will be valid for a period of ten years, (due to the large scale of the project) following which the LDO will expire.

Development pursuant to the LDO will require approval of 'reserved matters' which are anticipated to be sought by developers on a plot or phase specific basis. Upgrades to the site's access and infrastructure will also require submission of details for the Council's approval.

Detailed design is to be submitted to the Local Planning Authority for approval in the form of reserved matters applications, which will give landowners/developers the ability to work up their own designs for development. Reserved matters applications will have to conform with the specified parameters, categories and exclusions as outlined on the Parameters Plans (Appendix 2) which will ensure that the LDO proposals will be developed in an acceptable way.

3 Consultation Responses

The following statutory and technical bodies were consulted on the draft LDO:

Statutory Consultees

Consultee	Comment
LCC Highways	No objection to access as proposed and associated infrastructure works. Requires satisfactory completion of access and road infrastructure.
Anglian Water	Objects to potential use of private foul water treatment plants. Requires phased development to allow upgrade to mains infrastructure. Supports surface water management plan and use of SUDS. Requests incorporation of rainwater recycling facilities
Environment Agency	Objects to potential use of private foul water treatment plants and risk of groundwater contamination from infiltration drainage. Provides advice regarding risk of contamination resulting from site's former use as RAF base. Requests incorporation of rainwater recycling facilities.
National Grid	No objection, requests notification prior to the commencement of works
HSE Hazardous Installations	No objection, confirms no encroachment on major accident hazard pipeline
HSE Explosives Inspectorate	No objection
Natural England	No objection, recommends best practice regarding soils.
Historic England	No objection, supports landscape buffer and consideration of non-designated heritage assets
Country Land Associates	Support

Public Responses

- 4 responses have been received from non statutory consultees, most are supportive of the development in principle but raised the following concerns and considerations:
- Uncertainty on type of animal products and food operations/processes and that will be located on site with possible detrimental effect on site's attractiveness
- Query on the requirement to have a Right Turn Lane junction at the entrance of the site

- Need of adequate buffeting zone/Landscaping Scheme along the west boundary perimeter to mitigate visual and environmental effects
- Pedestrian crossing/traffic calming measures along A631
- Request to consider amendment/extension of the LDO boundary to the west of the site
- *During public drop in session:*
 - o Concerned about odour and noise levels emanating to nearby villages generated from future operations on site (Harpswell and Hemswell)
 - o Increased congestion at the Harpswell A631 roundabout
 - o Combined and cumulative effects of loud noises and unpleasant smells in addition to existing effects of Anaerobic Digester (adjacent to proposed site);
 - o Safety issues due to increased traffic movements along the A631
 - o Positive comments about the principle of development and synergies with the Hemswell Cliff Masterplan's vision

3.1 Key Issues and Council Responses

The following key issues arose through responses received in the consultation exercise:

- Access – need for junction improvements at site access to A631
- Surface water drainage – infiltration potentially not appropriate as primary means of drainage
- Foul water drainage – existing insufficient capacity at off-site treatment works and objection to suggested use of on-site private treatment works
- Ground contamination – potential risk to groundwater and human health resulting from development of former airfield site
- Noise and odour – concern regarding potential creation of noise and odour by agri-food uses
- Gas pipeline infrastructure – located within vicinity of the site

The detail of these comments and the Council's response is discussed below.

Other key planning matters and development considerations which have not arisen as issues during the consultation exercise remain as discussed in the LDO Statement of Reasons which was subject of consideration at the Prosperous Communities Committee on 31 January 2017 and approved for consultation. Accordingly, those matters are not discussed further in this report.

Access

Lincolnshire County Council (LCC) Highways has confirmed the proposed access upgrade comprising of a ghost island right turn lane and a new footway to be appropriate and has suggested conditions to ensure acceptable design and delivery of the upgrades is achieved. Revised conditions to this effect have been incorporated into the LDO. Full details of the site access upgrade works and phasing/details of the estate roads are to be approved prior to commencement of the development.

A minor alteration to that suggested requires completion of the access upgrades prior to occupation of development (rather than prior to commencement), thereby not unduly restricting the commencement of infrastructure or construction works, whilst ensuring the necessary upgrades are in place before the development is brought into use.

The construction of the necessary estate roads shall be completed and the arrangements for road management and maintenance arrangements shall be approved prior to occupation of the development.

A member of the public related one of the land owners queried the requirement for the upgrade works to the site access given the adequate operational capacity of the existing access junction. The Statement of Reasons has been amended to clearly indicate that the upgrades are required by condition to mitigate any risk associated with stationary traffic in the highway to traffic movement or safety resulting from increased vehicle movements at the junction. The conditional requirement to provide a footway to serve the development is necessary to facilitate sustainable access to employment opportunities for residents of Hemswell Cliff.

Surface Water Drainage

The draft LDO did not prescribe a particular format of surface water drainage but indicated that drainage by infiltration was preferable in accordance with the sustainable drainage hierarchy, provision was also included for on-site attenuation prior to discharge off-site. Concerns were raised in consultation about the suitability and potential risks associated with drainage by infiltration in this location. Conditions have therefore been added to the LDO, and explained in the Statement of Reasons, to ensure that suitable flexibility and controls are in place to ensure approval and construction of appropriate surface water drainage infrastructure. In particular, provisions for site-wide drainage infrastructure are safeguarded, and scheme design and management arrangements based on specific investigations are required.

To help ensure sustainable development in a location where water resources are scarce, a condition has been added to secure a scheme of rainwater harvesting/recycling for each plot of development.

Anglian Water confirmed its support for the LDO on 25th May 2017. Anglian Water's final comments on condition wording have been fully satisfied in the final draft of the LDO and Statement of Reasons.

Foul Water Drainage

As the Statement of Reasons recognises, there is limited capacity within existing mains infrastructure (i.e. Anglian Water's Hemswell Water Recycling Centre) to accept foul water drainage from the proposed development. The draft LDO and Statement of Reasons therefore sought to facilitate the drainage and treatment of foul water by alternative means in the form of private treatment facilities on site.

Anglian Water and the Environment Agency however objected to the proposed possible use of private treatment facilities given the potential increased risk of pollution from such treatment plants. The Environment Agency indicated specifically that a permit to allow discharge from such plants would be unlikely to be granted and requested that flexibility for the potential use of these within the development be removed. In its consultation response, Anglian Water advises that it is *"obligated to accept the foul flows from development with planning permission and would therefore take the necessary steps to ensure that sufficient capacity is made available. This will require a phasing of solutions to align with the build out rate of the site"*.

The LDO conditions and Statement of Reasons have therefore been substantially amended in relation to foul drainage. A 'Development Phasing and Waste Water Drainage Strategy' prepared in conjunction with Anglian Water is required to be approved prior to the commencement of development of business premises. This strategy ensures that the development of the site and the upgrade of the foul water infrastructure are phased in a compatible manner to ensure infrastructure is in place to accommodate the development and that progression of development is not unduly restricted by infrastructure constraints.

The Environment Agency confirmed on 25th May 2017 that the revisions made to the LDO and Statement of Reasons are satisfactory and withdrew its holding objection.

Anglian Water confirmed its support for the LDO on 25th May 2017. Anglian Water's final comments on condition wording have been fully satisfied in the final draft of the LDO and Statement of Reasons.

Ground Contamination

The Council's environmental protection officer and the Environment Agency noted risks of contamination associated with the former use of the site as an RAF base, including the potential risks to health of contamination from chemical weapons and to groundwater by mobilisation of contaminants through infiltration drainage.

The LDO conditions relating to these matters have been amended to increase clarity regarding the necessary assessment, reporting and working practices relating to potential contamination.

The Environment Agency confirmed on 25th May 2017 that the revisions made to the LDO and Statement of Reasons are satisfactory and withdrew its holding objection.

Noise and Odour

Concerns were expressed by local people to the potential for the FEZ development to accommodate uses and activities which give rise to noise or odour which is detrimental to amenity at nearby residential properties. It is recognised that agri-food industry processes can generate noise and odour and that there is a risk resulting from the cumulative effect of existing and future development.

Whilst the draft LDO already includes conditions to assess and control potential noise and odour, the LDO conditions relating to odour have been amended to ensure greater protection is in place regarding the potential for cumulative impact.

Gas Pipeline Infrastructure

National Grid and the HSE have identified the location of national gas pipeline infrastructure in the vicinity of the site but confirmed that the location of this does not impose a constraint to development.

Explosives Safeguarding

As the Statement of Reasons identifies, the site is located adjacent to a licenced explosives site which requires careful consideration of the siting and format of development in its vicinity. Conditions of the LDO are proposed to manage this in conjunction with the Health and Safety Executive.

The Health and Safety Executive did not raise any objection during the consultation process. The final design and construction methodology of the buildings will be submitted with the Reserved Matters application(s) and be further assessed by the Health and Safety Executive in due course.

3.2 Development Considerations

3.2.1 Relevant Planning Policies

The draft LDO has been prepared having had regard to the following planning policies:

- Existing Policies
 - o National Planning Policy Framework (March 2012) (NPPF)
 - o The Central Lincolnshire Local Plan (Adopted April 2017)
- Guidance
 - o Planning Practice Guidance (as updated)
 - o Planning Advisory Service technical advice on preparing an LDO (September 2015)

3.2.2 Principle of Development

The Hemswell Cliff FEZ (LDO) site lies on agricultural land immediately to the west of Hemswell Cliff, a former RAF military base, which was disposed of by the Ministry of Defence (MOD) in 1985. The LDO site sits within an area of former runways, adjacent to former hangars which formed part of the original use of the site as an RAF air base. The hangars adjacent to the site are now used as business accommodation, and sit alongside new business units. Further to the east, within the old RAF base are a series of business units accommodating small businesses, including cafes/sandwich shops and vehicle repair workshops.

The LDO site is allocated as a Strategic Employment Site (ref. E6) under policy LP5 – Delivering Prosperity and Jobs in the Central Lincolnshire Local Plan (adopted 24th April 2017). Policy LP5 states that the site is reserved for B1, B2 and B8 uses, adding that the presumption will be for Strategic Employment Sites to meet the needs for large scale investment which requires significant land take.

The proposed uses on the LDO site are consistent with the allocation for the site (ref. E6) in the Central Lincolnshire Local Plan and will complement the existing uses within the Hemswell Business Park. The LDO proposes a comprehensive development solution, which seeks to maximise the attractiveness of the entirety of the site to the Agri-Food sector, providing business accommodation in a variety of formats in order to meet the requirements of Agri-Food businesses.

The Hemswell Cliff FEZ will establish a focal point for business development and support to grow the regional food and farming supply chain. The plan is to develop Hemswell Business Park to create a FEZ, supported by a LDO along the A15 growth corridor. The Hemswell Business Park will provide flexible and cost effective premises to meet the demand of expanding local agri-food businesses and inward investors.

For full and detailed guidelines to the LDO proposal please refer to Paragraph 10.1 of Section 10 (Development Considerations) of the Statement of Reasons document.

3.3 Conditions to be Imposed

The development which is proposed to be authorised by the LDO is subject to the limitations and conditions detailed in Schedule 1, Parts 1 to 3 of the LDO, and the general conditions set out in Schedule 2 of the LDO.

The conditions primarily relates to:

- Timing and phasing of development;
- The quantum of development; and

- Mitigation measures or requirement of additional information to ensure the proposed development would be acceptable in planning terms

3.4 Environmental Impact Assessment

Developments which are likely to have an impact on the environment are required to be subject to an Environmental Impact Assessment (EIA).

Regulation 29(2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (the EIA Regulations) provides that where a local planning authority proposes to grant permission by local development order for development falling within Schedule 2 of the EIA Regulations, the local planning authority should not make the LDO unless they have adopted a screening opinion and, if required, an Environmental Statement has been prepared in relation to the LDO.

West Lindsey Council adopted a screening opinion on 12th April 2016 that confirmed the proposed development may have significant environmental effects and thereby required an EIA to be undertaken. The Council then issued a scoping opinion on 15th August 2016 which confirmed the scope of the EIA to be undertaken.

In accordance with the regulations, an EIA has been undertaken and the Environmental Statement is submitted in support of the draft LDO. The findings of the EIA have influenced the development proposed to be allowed by the LDO and the associated parameters, including matters such as the access junction, site boundary alignment and ecological mitigation.

4 Next Steps

Send to Secretary of State - If adopted by the Council, the final LDO and Statement of Reasons would be sent to the Secretary of State in accordance with Article 38(11) of the DMPO.

5 Conclusions

The Hemswell Cliff LDO site would provide the potential to accommodate agri-food business premises at a range of scales, including premises which will be attractive to large scale agri-food businesses. The LDO would provide a stimulus for inward investment in the area from agri-food business in the short-medium term, and would sit alongside a Local Plan allocation, ensuring that the site would be retained for suitable uses in the longer term.

The LDO development proposals would complement the masterplan vision for the regeneration of Hemswell Cliff.

The objectives of the Hemswell Cliff LDO are to:

- Enhance the scale and socio-economic impact of the agri-food sector at a local and regional level;
- Provide developable plots capable of accommodating a range of building types and sizes, which are attractive to businesses within the agri-food sector;
- Provide flexibility by allowing the site to accommodate changing requirements (within defined parameters);
- Support the socio-economic aims and objectives of the Hemswell Cliff masterplan;
- Deliver sustainable development by minimising and mitigating any environmental impacts;

- Facilitate development for businesses which provide a substantial number and diverse range of employment opportunities;
- Enhance the attractiveness of the site to inward investors by facilitating development of uses which are complementary to the main agri-food businesses.

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Statement of Reasons

**Local Development Order
Food Enterprise Zone
Hemswell Cliff**

Prepared for

West Lindsey District Council

May 2017 DRAFTv2.3

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Quality Assurance

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Version	Prepared by	Approved by	Date
Draft v2.3	WS/HR	HR	25 May 2017

1. Introduction

1.1. Context

West Lindsey District Council (WLDC) proposes a Local Development Order (LDO) be made to support and encourage development related to the Food Enterprise Zone (FEZ) at Hemswell Cliff, Lincolnshire (hereafter referred to as 'the Hemswell Cliff FEZ site'). An LDO is a tool to simplify the planning requirements for development within a defined area and for defined parameters.

On 12th February 2015 the government announced proposals for 11 Food Enterprise Zones across the country, including 3 within Lincolnshire, with a view to attracting investment and encouraging closer ties between food and farming businesses to boost the domestic food and farming sector. The Central Lincolnshire Food and Enterprise Zone Local Development Order (LDO) seeks to capitalise on the opportunities associated with the existing businesses/premises at Hemswell Cliff and the availability of adjacent land to support the development of an 'agri-food cluster' located within the A15 growth corridor.

The LDO will facilitate development of new premises and facilities for businesses in the agri-food sector, thereby providing a location for new and expanding businesses and encouraging inward investment. Investment in the agri-food sector in this location will also contribute to the Council's regeneration and socio-economic objectives through the creation of employment opportunities and integration with the existing businesses and residential areas of Hemswell Cliff.

1.2. Hemswell Cliff Masterplan and Local Plan

The Food Enterprise Zone LDO is being produced in conjunction with a masterplan for Hemswell Cliff. The Hemswell Cliff Masterplan (prepared by OpenPlan) sets out a spatial development framework together with a programme of recommended actions and interventions to address problems associated with a lack of adequate facilities and services, and high levels of deprivation and isolation.

The masterplan vision includes the creation of a successful Food Enterprise Zone, attracting investment and becoming a centre of excellence in the agri-foods sector. The masterplan report recommends actions including attracting commercial investment to the FEZ by the creation of a special purpose vehicle to lead and manage the marketing and development of the FEZ, incorporating WLDC and the GLLEP as partners and seeking public funds to address market failure.

The FEZ site corresponds broadly to an employment allocation (site ref. E6) under policy LP5 of the Central Lincolnshire Local Plan (adopted 24th April 2017).

1.3. Local Development Orders

An LDO grants planning permission for specific types of development, subject to conditions where required. The purpose of an LDO is to simplify and speed up the planning process by providing certainty about the types of development which are permitted within a specific area, and reducing the potential risks associated with the formal planning process, encouraging development to come forward in that area.

The Council will adopt the Hemswell Cliff LDO under the Town and Country Planning Act 1990 (as amended). Once adopted, the LDO will grant Outline planning consent for an 'Agri-food Business Cluster' (see section 4), subject to a number of limitations and conditions including compliance to a parameters plan, floorspace limits, and design principles appended to the LDO.

An indicative proposal is set out on the illustrative layout plan (which supersedes that shown within the Hemswell Cliff Masterplan) appended to the LDO, which shows one way in which development could be brought forward on the site in accordance with the parameters plan.

1.4. Limitations

The LDO provides Outline planning consent for only those uses specified under 'Agri-Food sector uses' set out in part 1 of the Order. It does not remove the need to obtain other statutory consents from the Council or other organisations, such as building regulations, highways consents or environmental permits.

Development pursuant to the LDO requires approval of 'reserved matters', which are anticipated to be sought by developers on a plot or phase specific basis. Upgrades to the site's access and infrastructure will also require submission of details for the Council's approval.

The LDO does not grant planning permission for agricultural production, catering or food retail uses, or for certain food industry processes which are inappropriate to this site (see section 4). Where development pursuant to the LDO proposes appropriate food industry processes above the applicable size threshold (1,000 sqm), the developer will be required to consult the local planning authority on the possible requirement for an environmental impact assessment (EIA) relating specifically to those processes.

The LDO does not limit any person's ability to submit planning applications for alternative development on the LDO site.

DRAFT

2. The LDO Site

The site extends to approximately 30ha in total and comprises arable fields at the location of a former RAF airbase. The LDO site sits within the area of the former runways and adjacent to the former hangars which now form business accommodation.

The site is located immediately north of the A631 and west of the existing Hemswell Business Park. Access to the site will be direct to the A631 at or close to the existing access points.

The boundary of the LDO site is shown on the site location plans (ref. Aecom Figure 1 and Figure 2) provided as Appendix 2 and indicated on the aerial photograph below.



Picture 1 - LDO Boundary (from ES Figure 2)

As there are no existing or discernible boundaries to form the north and west of the LDO site, an alignment has been chosen which keeps the development as close to the existing business park as possible, whilst allowing plots of sufficient size and regularity of shape to accommodate the proposed development.

The proposed development area comprises approximately 30 ha of land and includes perimeter landscaping zones and space for sustainable drainage features and other infrastructure as shown on the Parameters Plan (see Appendix 3).

The site's configuration adjacent to the west boundary of the existing business park provides the opportunity to utilise the existing access road providing that appropriate upgrade works are undertaken, which is intended to increase the cost efficiency and space efficiency of the development. Provision is also made for a new spine road and 'infrastructure corridor' from the access junction through the centre of the site.

3. Purpose of the LDO

The government's aim in introducing Food Enterprise Zones is to attract investment, and to encourage closer ties between food and farming businesses to boost the domestic food and farming sector. The Food Enterprise Zones are based around LDOs, with a view to making the planning process simpler and easier for food and farming businesses that want to expand, in line with local priorities.

The Hemswell Cliff LDO site provides the potential to accommodate agri-food business premises at a range of scales, including premises which will be attractive to large scale agri-food businesses. The LDO will provide a stimulus for inward investment in the area from agri-food business in the short-medium term, and will sit alongside a Local Plan allocation, ensuring that the site will be retained for suitable uses in the longer term.

Accordingly, the Council is encouraging a mix of building types and sizes, subject to the limitations and conditions set out in the LDO (including the parameters plan). This is intended to allow flexibility to meet the requirements of new or expanding businesses and inward investors, and to enable responsiveness to changes within the agri-food sector. It will facilitate the development of space to meet the needs of a variety of businesses, including support services which will make the site a more attractive location for agri-food businesses. The ability to accommodate a range of unit sizes will also help to foster start-up businesses, and assist with the retention of agri-food business as they expand.

The LDO development proposals complement the masterplan vision for the regeneration of Hemswell Cliff.

The objectives of the Hemswell Cliff LDO are to:

- Enhance the scale and socio-economic impact of the agri-food sector at a local and regional level;
- Provide developable plots capable of accommodating a range of building types and sizes, which are attractive to businesses within the agri-food sector;
- Provide flexibility by allowing the site to accommodate changing requirements (within defined parameters);
- Support the socio-economic aims and objectives of the Hemswell Cliff masterplan;
- Deliver sustainable development by minimising and mitigating any environmental impacts;
- Facilitate development for businesses which provide a substantial number and diverse range of employment opportunities;
- Enhance the attractiveness of the site to inward investors by facilitating development of uses which are complementary to the main agri-food businesses.

4. Description of Development to be Permitted

This section provides a summary of the development granted planning permission by the LDO. The LDO and appendices should be reviewed in full to ascertain the precise development permitted.

The Hemswell Cliff LDO grants Outline planning permission for an 'Agri-Food Business Cluster' comprising business (Use Class B1), industrial (Use Class B2) and/or storage and distribution (Use Class B8) uses which are part of, or immediately related to, the Agri-Food sector.

Development proposals pursuant to the LDO must submit 'Reserved Matters' applications for details of appearance, landscaping, layout and scale, as well as details of the particular food industry uses and processes to be undertaken (see below).

Any submission to propose development pursuant to the LDO must demonstrate that the uses are part of the Agri-Food sector or are closely related to the every-day operations of uses which fall within the sector. See sector explanation below for further guidance.

Outline planning permission is granted for development which conforms to the following parameters, categories and exclusions. Further non-prescriptive guidance is also provided in Appendix 5 on the nature of development anticipated at the site.

4.1. Physical Parameters

As identified on the Parameters Plan (Ref. Aecom ES Figure 6), development pursuant to the LDO must conform to the following parameters:

- Development to be located wholly within the LDO site boundary as shown on plan ref. Aecom ES Figure 1.
- Buildings and structures up to a maximum height of 18m above finished ground level.
- Overall maximum floorspace of development 70,000 sqm (gross).
- Overall maximum floorspace for standalone office, business support, meeting and ancillary service premises 5,000 sqm (gross).
- Inclusion of a landscape buffer strip to the north, south and west boundaries of the site.
- Potential constraints to the scale, design and/or materials of development within the HSE safeguard 'purple zone' associated with the adjacent fireworks factory.
- Restriction to allow development of infrastructure and landscape planting only within the HSE safeguard 'yellow zone' associated with the adjacent fireworks factory.

4.2. Agri-Food Sector Uses

Businesses in the agri-food sector which are encouraged to locate at the site may be specialist agri-food businesses, specialist agri-food departments within larger or more general businesses, or businesses providing essential goods/services to agri-food sector clients. Businesses which are not dedicated to the agri-food sector or which provide goods/services only incidentally to agri-food sector clients will not be allowed to locate at the site under the provisions of this LDO.

Uses within the agri-food sector supply chain which are acceptable at the site under the LDO may be categorised as follows:

- Input suppliers – Businesses supplying ingredients, products, packaging and machinery etc. to the agri-food sector.

- Technical and support services – Businesses providing specialist support to the agri-food sector, including financial, legal, agency, IT, technology, maintenance, testing etc.
- Logistics, storage and distribution – Businesses providing storage, transportation and associated value added services for goods produced by the agri-food sector. This incorporates 'cool chain' (i.e. chilled or frozen) as well as ambient storage premises and facilities. This also includes grain storage infrastructure with associated testing, control and value added services.
- Food processing – Businesses which create and process food products, including a broad range of services and processes from cleaning and grading to processed food preparation and packaging. Excludes certain food industry processes (see below).
- Output wholesale and marketing – Businesses involved in the sale and trading of agri-food products. This includes sale into the retail and catering trade, and export of goods.
- Research and Development – Businesses involved in research and development of products and systems associated with the agri-food sector.

4.3. Food Industry Processes

The following food industry processes are anticipated to be allowed within the Agri-Food Business Cluster development at Hemswell Cliff.

- Manufacture of vegetable and animal oils and fats
- Packing and canning of animal and vegetable products
- Manufacture of dairy products
- Brewing and malting
- Confectionery and syrup manufacture
- Industrial starch manufacturing installations

Where development pursuant to the LDO proposes any processes within the above list (greater than 1,000 sqm floorspace), the developer shall consult the local planning authority (LPA) on the possible requirement for an environmental impact assessment (EIA).

Should the local planning authority's screening opinion be that the processes proposed could have a significant environmental effect, then the reserved matters application for development including the use/process must be supported by an Environmental Statement prepared in conformity to the EIA regulations.

4.4. Exclusions

The LDO does not grant planning permission for the following uses:

- agricultural production
- catering
- food retail

The LDO does not grant planning permission for development comprising the following food industry processes.

- Intensive livestock installations (including that within Schedule 1 of the EIA regulations)
- Installations for the slaughter of animals
- Fish-meal and fish-oil factories

- Sugar factories.
- Production of chemicals; including pesticides and pharmaceutical products

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5. LDO Timescales

The LDO takes effect on the date it is adopted by the Council, and will be valid for a period of ten years, following which the LDO will expire.

This period is intended to allow sufficient time for the Hemswell Cliff FEZ site to be prepared for development through infrastructure creation and upgrade, for reserved matters applications to be submitted and determined, for conditions to be discharged and construction to commence. Most importantly however, the period is to allow time for business interest in the site to emerge and the process of business planning and expansion/relocation logistics to take place.

Provided that Reserved Matters approval has been obtained, any development commenced under the LDO but not completed by its expiry is permitted to be completed. Any proposed development not commenced before its expiry will require express planning permission and therefore a formal planning application will need to be submitted to the Council.

Following the expiry of the LDO, no new uses or change of use will be permitted, unless permitted by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The Council has the power to revoke or modify the LDO at any time before its expiry or could be directed to do so by the Secretary of State. Revocation or modification of the LDO would be subject to notification via the Council's website and local press notice.

At the end of the LDO's ten-year period, West Lindsey District Council will review the effect of the LDO with a view to making a decision on whether to: renew the LDO with no revisions; or renew the LDO with new terms and conditions; or revoke the LDO.

Prospective developers are advised to submit reserved matters applications in plenty of time to enable work to start before the LDO expires.

6. Legislative Framework

LDOs were introduced in 2006 through the Planning and Compulsory Purchase Act 2004. LDOs grant planning permission for specific types of development as detailed in the Order. These primary powers were amended by section 188 of the Planning Act 2008 in June 2009.

The detailed legislative framework for LDOs is contained in sections 61A to 61D and Schedule 4A of the Town and Country Planning Act 1990 (as amended), and in Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the DMPO).

Article 38 (1) of the DMPO states that where a local planning authority proposes to make an LDO they shall first prepare:

- A draft order; and
- A statement of their reasons for making the order.

Article 38 (2) states that the 'Statement of Reasons' must contain:

- A description of the development which the order would permit; and
- A plan or statement identifying the land to which the order would relate.

This document satisfies the requirements of Article 38 (1) and 38 (2) of the DMPO.

The Growth and Infrastructure Act 2013 removed the requirement to consult the Secretary of State prior to adoption and enables local planning authorities to approve an LDO immediately. The requirement was replaced by the notification to the Secretary of State, through the National Planning Casework Unit, as soon as practical after adoption.

Where development approved by an LDO may have a significant environmental effect, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are applied. These regulations set out the requirements for an Environmental Impact Assessment to be undertaken (see Section 8).

Given that part of the LDO site lies within the safeguarding zone of a licenced explosives site, any proposals for development within this zone shall conform to the relevant aspects of the Explosives Regulations 2014 and associated requirements of the Health & Safety Executive (HSE).

7. Relevant Planning Policies

The relevant planning policies considered for the LDO are as follows:

7.1. National Planning Policy Framework

Paragraph 14	Presumption in favour of sustainable development
Paragraph 17	Core planning principles
Paragraphs 18-22	Building a strong, competitive economy
Paragraph 28	Supporting a prosperous rural economy
Paragraph 29-41	Promoting sustainable transport
Paragraphs 56-68	Requiring good design
Paragraph 93-108	Climate change and flood risk
Paragraphs 109-125	Conserving and enhancing the natural environment
Paragraphs 126-141	Conserving and enhancing the historic environment

7.2. West Lindsey Local Plan First Review 2006

Following adoption of the Central Lincolnshire Local Plan on 24th April 2017, all policies of the West Lindsey Local Plan First Review have been replaced and will not form part of the Development Plan for the determination of reserved matters applications made pursuant to the LDO. Reference to the 'replaced policies' (as listed below) is retained within the Statement of Reasons as these were applicable at the time of preparation and consultation on the draft LDO.

STRAT1	Development Requiring Planning Permissions
STRAT3	Settlement Hierarchy
STRAT15	Employment Allocations
STRAT19	Infrastructure Requirements
SUS1	Development Proposals and Transport Choice
SUS13	Hazardous Proposals
SUS15	Derelict, Under-Utilised and Previously Developed Land
ECON1	Employment Development Provision
ECON3	Protection of Agricultural Land
NBE10	Protection of Landscape Character in Development Proposals
NBE14	Waste Water Disposal
NBE15	Water Quality and Supply
NBE17	Control of Potentially Polluting Uses
NBE19	Landfill and Contaminated Land
NBE20	Development on the Edge of Settlements

7.3. Central Lincolnshire Local Plan 2017

The Central Lincolnshire Local Plan was adopted on 24th April 2017 following preparation of the draft LDO and its approval by West Lindsey Council for consultation. These policies now carry full weight as part of the Development Plan for the determination of reserved matters applications made pursuant to the LDO.

LP1	A Presumption in Favour of Sustainable Development
LP2	The Spatial Strategy and Settlement Hierarchy
LP3	Level and Distribution of Growth
LP4	Growth in Villages
LP5	Delivering Prosperity and Jobs
LP12	Infrastructure to Support Growth
LP13	Accessibility and Transport
LP14	Managing Water Resources and Flood Risk
LP16	Development on Land Affected by Contamination
LP17	Landscape, Townscape and Views
LP18	Climate Change and Low Carbon Living
LP21	Biodiversity and Geodiversity
LP26	Design and Amenity
LP55	Development in Hamlets and the Countryside
LP57	Ministry of Defence Establishments

8. Environmental Impact Assessment

Developments which are likely to have an impact upon the environment are required to be subject to an Environmental Impact Assessment (EIA).

Regulation 29 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (the EIA Regulations) provides that where a local planning authority proposes to grant permission by local development order for development falling within Schedule 2 of the EIA Regulations, the local planning authority should not make the LDO unless they have adopted a screening opinion and, if required, an Environmental Statement has been prepared in relation to the LDO.

West Lindsey Council adopted a screening opinion on 12th April 2016 that confirmed the proposed development may have significant environmental effects and thereby required an EIA to be undertaken.

The Council then issued a scoping opinion on 15th August 2016 which confirmed the scope of the EIA to be undertaken.

In accordance with the 2011 EIA regulations, an EIA has been undertaken and the Environmental Statement is submitted in support of the draft LDO.

The findings of the EIA have influenced the development proposed to be allowed by the LDO and the associated parameters, including matters such as the access junction, site boundary alignment and ecological mitigation, which are discussed in Section 10 of this statement.

9. Planning History

The statutory registers of planning applications held by West Lindsey District Council and Lincolnshire County Council have been reviewed.

This indicates that there have been no applications made or determined for development within the LDO site.

The following planning applications have recently been submitted and determined in relation to development adjacent to the LDO site and in the vicinity of Hemswell Cliff, which have been considered in the preparation and assessment of the LDO:

9.1. Expansion of Parkacre Site, Hemswell Business Park

Planning Permission was granted (ref. 133082) on 26th April 2016 for the redevelopment of land at the rear of Hangar 2, including erection of a storage building; a building link to a newly constructed production facility building, demolition of existing buildings and general alterations to existing external parking and access arrangements. This application was resubmitted on 25th November 2016 (ref. 135511), in order to alter the shape of the proposed storage building, and is currently under consideration by West Lindsey District Council.

The above applications have been made on behalf of Parkacre Enterprises Ltd (Parkacre). Parkacre manufactures and packages vitamins, minerals and supplements at the Hemswell Business Park and is proposing to expand its operations due to increased demand and growth of the business.

9.2. Hemswell Biogas, proposal to increase tonnages of waste to 90,000 tonnes per annum

An application (ref. W127/134934/16) to vary Condition 3 of planning permission W127/133701/15, relating to the Hemswell Cliff Biogas Anaerobic Digestion (AD) Facility located on the Hemswell Cliff Industrial Estate, was made to Lincolnshire County Council in August 2016. The application was approved with conditions on 7 November 2016. The development does not involve any form of new construction, given that the design and size of the AD facility already constructed is capable of handling greater than the 40,000 tonnes per annum of materials currently accepted.

9.3. Development of 40 no. Residential Dwellings on land west of Lancaster Green, Hemswell Cliff

An application for outline planning permission (ref. 133344) was made in August 2015 for up to 40 No. residential dwellings by TWD Developments Ltd. The development site is located approximately 350 m south east of the Hemswell Cliff FEZ site at Lancaster Gate and comprises approximately 1.1 ha parcel of greenfield land. Planning permission was granted on appeal on 14th June 2016, with all matters reserved apart from access.

9.4. Development of 180 no. Residential Dwellings at Land South of A631, Hemswell Cliff

An application for outline planning permission (ref. 134720) was made on 25th July 2016 for up to 180 No. residential dwellings, with all matters reserved apart from access, by Hemswell Estates Ltd. The development site is located approximately 700 m south-east of the Hemswell Cliff FEZ site and comprises approximately 7.6 ha parcel of greenfield land. The Council's Planning Committee resolved to grant planning permission subject to completion and signing of a section

106 agreement on 14th December 2016, with an additional condition imposed requiring the provision of a controlled pedestrian crossing on the A631 to serve the development.

9.5. Development of a new office block at Unit 10 Learoyd Road, Hemswell Business Park.

Planning permission was granted (ref. 134705) on 26th September 2016 for a two storey B1 (a) office block (270 square metres gross internal floorspace) on land adjacent to the existing Highfields Group operation. J.S. Highfields specialise in transport, warehousing, and distribution, with a specialism in delivering agricultural products.

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10. Development Considerations

10.1. Principle of Development

The Hemswell Cliff FEZ (LDO) site lies on agricultural land immediately to the west of Hemswell Cliff, a former RAF military base, which was disposed of by the Ministry of Defence (MOD) in 1985. The LDO site sits within an area of former runways, adjacent to former hangars which formed part of the original use of the site as an RAF air base. The hangars adjacent to the site are now used as business accommodation, and sit alongside new business units. Further to the east, within the old RAF base are a series of business units accommodating small businesses, including cafes/sandwich shops and vehicle repair workshops.

The LDO site is unallocated in the West Lindsey Local Plan Review 2006 (now replaced), however the LDO site is included as a Strategic Employment Site (ref. E6) under policy LP5 – Delivering Prosperity and Jobs in the Central Lincolnshire Local Plan (adopted 24th April 2017). Policy LP5 states that the site is reserved for B1, B2 and B8 uses, adding that the presumption will be for Strategic Employment Sites to meet the needs for large scale investment which requires significant land take.

The existing Hemswell Business Park adjacent to the LDO site is allocated for employment uses in the West Lindsey Local Plan¹ Review 2006.

Hemswell Cliff sits on the fifth tier of the settlement hierarchy outlined in Central Lincolnshire Local Plan policy LP2 – The Spatial Strategy and Settlement Hierarchy, however it is identified for a higher than usual scale of expansion due to the existence of the Hemswell Business Park within the settlement, and the importance attached to the proposals within this LDO for the local and regional economy. The Central Lincolnshire Local Plan policy LP57 – Ministry of Defence Establishments, states that the redevelopment or change of use of redundant MOD land will be supported subject to a set of stipulations, including that: the proposal would not conflict with existing land uses on neighbouring land; and in cases where large scale redevelopment of a site is planned, a holistic approach is taken to development in order to avoid a piecemeal approach.

The proposed uses on the LDO site are consistent with the allocation for the site (ref. E6) in the Central Lincolnshire Local Plan and will complement the existing uses within the Hemswell Business Park. The LDO proposes a comprehensive development solution, which seeks to maximise the attractiveness of the entirety of the site to the Agri-Food sector, providing business accommodation in a variety of formats in order to meet the requirements of Agri-Food businesses.

The Hemswell Cliff FEZ will establish a focal point for business development and support to grow the regional food and farming supply chain. The plan is to develop Hemswell Business Park to create a FEZ, supported by a LDO along the A15 growth corridor. The Hemswell Business Park will provide flexible and cost effective premises to meet the demand of expanding local agri-food businesses and inward investors.

The food chain is of critical importance to Greater Lincolnshire's economy. It is the largest employer representing 24% of jobs from field to fork and contributes £2.5 billion every year to the area's economy. The Hemswell Cliff FEZ will therefore play a vital role in helping Greater Lincolnshire LEP to achieve their vision of doubling the economic value of the agri-food sector in Greater Lincolnshire by 2030.

Together with the FEZs at Holbeach and Europarc, the three FEZs will establish a triangular hub serving the key agri-food clusters in the Greater Lincolnshire area (arable crop sector and food

¹ Replaced on 24th April 2017 by the Central Lincolnshire Local Plan.

processing in Central Lincolnshire, fish processing in the South Humber Bank and fresh produce at Holbeach). The “A15 growth corridor” links all three FEZ areas and is thus important strategically in facilitating growth of the food chain across the LEP area.

The development of the Hemswell Cliff FEZ site will help to add value to farm output produced in Lincolnshire. By creating more food processing capacity, for example at Hemswell Cliff, the area can capture more of the post farm gate added value.

Creating food processing and supply chain jobs within the Hemswell Cliff FEZ site will add value to the local economy which will in turn facilitate growth of the wider economy. As Hemswell Cliff is currently a relatively deprived community, creating these high value jobs would particularly benefit local people.

A preceding site search sought high quality, attractive sites, generally 10 ha+ in size, that would be able to accommodate international or national businesses, but also be appealing to regional or local firms. The aim was that these sites would be prioritised for businesses requiring large scale floorplans and with significant numbers of employees to avoid piecemeal development that would potentially prevent large scale development from taking place.

Criteria for selection included a location on a strategic highway network and/or sites that were well served by public transport. The Hemswell Cliff FEZ site was deemed to meet the above criteria, given its proximity to the A15, sizeable area to accommodate strategic development and existing/proposed agri-food sector uses.

Wider objectives giving weight to the selection of the Hemswell Cliff FEZ site included the regeneration of Hemswell Cliff by attracting inward investment and employment growth.

The proposed development is therefore considered to have a positive impact on the existing commercial area at Hemswell Cliff, helping to attract inward investment and supporting the vitality of the area, in addition to providing significant socio-economic benefits through providing a range of new jobs. As the land also corresponds broadly to an allocation within the Central Lincolnshire Local Plan, it is considered that the development proposed through this LDO is acceptable in principle.

10.2. Employment Uses and Economic Growth

Paragraph 18 of the NPPF sets out the Government’s commitment to supporting economic growth. The NPPF advises that local planning authorities should help achieve economic growth by planning proactively to meet the development needs of business and support an economy fit for the 21st century; that local planning authorities should support existing business sectors, taking account of whether they are expanding or contracting; and that policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances (paragraphs 20-21). Policy LP5 of the Central Lincolnshire Local Plan supports, in principle, proposals which assist in the delivery of economic prosperity and job growth to the area.

This LDO grants Outline planning permission for the uses set out in Section 4 – Description of Development Permitted (use class B1, B2 and B8), and for buildings to form business premises, provided that they are in accordance with the use and development parameters, within the LDO site. The uses and development parameters have been selected in order to provide attractive business space for the Agri-Food sector.

A degree of flexibility has been incorporated into the LDO in order to allow for an ‘Agri-food Business Cluster’ which includes a range of complementary uses focused on the Agri-food sector, and to provide the flexibility needed in order to respond to changing business needs and economic circumstances, making the LDO site a resilient employment site for the short, medium and possibly longer term. As indicated by the illustrative layout drawing, the LDO facilitates the provision of business units of a range of sizes and formats. This is to encourage new start-up

businesses, to provide capacity for their retention through provision of larger floorplate units into which they can expand, and to attract large scale agri-food businesses. The range of business units will also facilitate the inclusion of businesses which support the operations, making the site a more attractive location for the Agri-Food sector.

The Hemswell Cliff FEZ will therefore play a vital role in helping Greater Lincolnshire LEP to achieve their vision of doubling the economic value of the agri-food sector in Greater Lincolnshire by 2030. Creating food processing and supply chain jobs within the Hemswell Cliff FEZ site will add value to the local economy which will in turn facilitate growth of the wider economy. As Hemswell Cliff is currently a relatively deprived community, creating these high value jobs would particularly benefit local people.

10.3. Landscape and Setting

The LDO grants Outline planning permission, with all matters reserved. This means that layout, scale, appearance, means of access, and hard and soft landscaping will be provided in one or more reserved matters applications. The height and extent of the potential development is controlled by the parameters plan attached to the LDO. Reserved Matters applications will also be supported by a design and access statement setting out how detailed proposals comply with the parameters plan and additional guidance of the LDO.

Policy LP17 of the Central Lincolnshire Local Plan, and policy NB10 of the West Lindsey Local Plan Review² require that proposals should have particular regard to maintaining and responding positively to features within the landscape and townscape which positively contribute to the character of the area. Similarly policy LP26 – Design and Amenity, of the Central Lincolnshire Local Plan requires that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape.

10.3.1. LANDSCAPE

The Hemswell Cliff FEZ site comprises of open agricultural farmland, heavily influenced by the adjacent Hemswell Business Park, which contains the hangars and other operational buildings that were associated with the former RAF airbase, as well as newer industrial units and structures that have been built in more recent years.

Due to the arable use of the Hemswell Cliff FEZ site, there are currently few features of landscape value present on the site. Views to the Hemswell Cliff FEZ site are medium distance views and often obscured by landform. The Hemswell Cliff FEZ site will be perceived as an extension of the light industrial landscape of Hemswell Business Park.

The Hemswell Cliff LDO development is assessed to result in a minor adverse (and therefore not significant) effect on the landscape upon opening of the development. This effect further reduces as a result of the maturation of proposed landscape screen planting on the Hemswell Cliff FEZ site, resulting in a minor beneficial effect in the long term.

A landscape/planting scheme designed to provide screening is required to be incorporated as part of any plot development and is secured by planning conditions. The parameters plan precludes development from a perimeter zone (to the north, south and west boundaries) where landscape planting will be incorporated.

² Replaced on 24th April 2017 by the Central Lincolnshire Local Plan.

10.3.2. VISUAL AMENITY

Views from the wider area are limited by distance, intervening landform, small woodland blocks, hedgerows and hedgerow trees along roads. Longer range views will assimilate the Hemswell Cliff FEZ site into the backdrop of existing structures associated with Hemswell Business Park, which is often visible on the horizon.

Tree belt planting as part of the landscape scheme of the Hemswell Cliff FEZ site and the infill planting and management of existing hedgerows along the A631 will have a positive effect, by providing screening of the Hemswell Cliff FEZ site in the long term.

Prospective views of the LDO development have been assessed and concluded not to constitute a significant effect on visual amenity during construction or operation of the development. Any effect on visual amenity will reduce over time as a result of the maturation of proposed landscape planting.

Overall, it is considered that the development proposed through the LDO will respond positively to natural and man-made features within the existing landscape and townscape.

10.4. Ecology

Paragraph 118 of the NPPF states that when determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity; and Central Lincolnshire Local Plan Policy LP21 – Biodiversity and Geodiversity states that all development should minimise impacts on biodiversity and geodiversity, and seek to deliver a net gain. A Preliminary Ecological Appraisal and Breeding Bird Survey have been carried out to support this LDO, and the potential impacts of the proposed development have been assessed through the Environmental Impact Assessment which supports this LDO.

West Lindsey Local Plan 2006 policies³ relate specifically to national designations (SSSIs or NNRs) (Policy NBE11), locally designated nature conservation sites and ancient woodlands (Policy NBE12), and 'wildlife corridors' (Policy NBE13). The Hemswell Cliff FEZ site is not subject of any ecological allocation (except the Environmental Stewardship scheme relating to field boundaries – see Soils and Agriculture below), nor will any such allocation be affected by development pursuant to the LDO.

The Hemswell Cliff FEZ site comprises arable and grassland habitat, which supports locally important populations of breeding farmland birds. The loss of this habitat will result in the loss of breeding bird territories within the footprint of the development, including ground nesting Red and Amber List species of high and moderate concern. However, the assessment has concluded that the displacement of the small numbers recorded is significant at the local level only and does not require mitigation.

The creation of woodland, scrub and waterbodies within the development footprint as part of the landscape and surface water drainage strategy will create nesting opportunities for a range of bird species, as well as creating habitat suitable for terrestrial and aquatic invertebrates, small mammals and foraging bats within the Hemswell Cliff FEZ site boundary. At present the Hemswell Cliff FEZ site is of relatively low ecological value for most species, except nesting birds, due to the prevailing intensive agricultural land management regime. It is therefore reasonable to assume that the newly created habitats will be sufficient to achieve no net loss of biodiversity overall, in accordance with national planning policy.

³ Replaced on 24th April 2017 by the Central Lincolnshire Local Plan.

10.5. Transport and Access

Paragraph 29 of the NPPF acknowledges the importance of sustainable transport. Paragraph 32 of the NPPF requires all developments that generate a significant amount of movement to be supported by a Transport Assessment. Paragraph 32 goes on to state that local authorities must consider whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development; and that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.

Policy SUS1 of the existing Local Plan seeks that large scale development proposals are located in sustainable locations which can be easily and suitably accessed by existing or expandable public transport service, and where there are good local pedestrian and cycle links available or to be provided.

Local Plan policy LP12 states that development will only be allowed where it is demonstrated that there is, or will be, sufficient infrastructure capacity to support and meet all the necessary requirements arising from the proposed development.

Local Plan policy LP13 supports development proposals which contribute towards an efficient and safe transport network and which offers a range of transport choices for the movement of people and goods. Development is encouraged to minimise additional travel demand by location, travel planning and increased use of sustainable modes of transport.

The Transport Assessment prepared to support the LDO application for the proposed Hemswell Cliff FEZ site has assessed the transport impacts of the proposed Hemswell Cliff FEZ site.

In accordance with good practice, a Scoping Study was prepared which set out the parameters of the Transport Assessment. The Scoping Study was submitted to Lincolnshire County Council, whereby the scoping assessment methodology was discussed and agreed.

10.5.1. TRAFFIC GENERATION

The transport impacts arising during the operational phase of the Hemswell Cliff FEZ site have been assessed for the 'Forecast Assessment Year' of 2031, when the FEZ site is fully built out. No reduction in car driver trips, expected with the implementation of the Travel Plan, has been applied to the trip generation, therefore the assessment represents a 'worst case' scenario.

The transport impact of cumulative development has been assessed. This has included a number of committed developments including proposed Gainsborough Northern and Southern Urban Extension areas, Riverside Gateway LDO, proposed residential developments to the south of the A631 in Hemswell Cliff, and expansion of the Hemswell Biogas AD Plant and Parkacre development within the Hemswell Business Park.

Whilst the proposed development will naturally give rise to an increase in traffic on the local road network, detailed junction capacity modelling demonstrates that all junctions within the study area operate within their design capacity in both the AM and PM peak hours 'with development'. In conclusion, with the proposed mitigation of upgrade to the site's access junction, the predicted transport impacts would not have a detrimental impact on highway safety or highway capacity. The residual cumulative impacts of the proposed development are not considered 'severe' in terms of paragraph 32 of the NPPF.

10.5.2. SUSTAINABLE TRAVEL

To maximise the opportunities for sustainable transport modes, occupier Travel Plans will be secured by a condition of the LDO. As the specific occupiers of the FEZ site are not known at this stage, a Framework Travel Plan has been prepared at Outline stage to identify measures and

establish procedures to encourage employees of future occupiers to adopt modes of transport which reduce reliance on single occupancy private car use.

The Framework Travel Plan is intended to provide a template for compliance by future tenants. It also provides guidance so that businesses can develop their own final Travel Plans which, while being in line with the Framework, are customised to their individual circumstances.

The location of the site does not provide the potential for access by foot, on bicycle or by public transport in a cost effective manner, aside from access to Hemswell Cliff village. The Framework Travel Plan therefore concentrates on encouraging car sharing to reduce the number of single occupancy peak hour car trips. It also identifies the possibility of a peak hours journey to work shuttle bus to improve non-car accessibility. Such a measure would need to be the subject of a feasibility study in the first instance. As it would be a site wide resource, a mechanism for sharing the costs between occupants of the FEZ site (and potentially the existing business park) would be agreed prior to any service coming into operation.

Details such as provision of cycle parking spaces and facilities shall be provided with the submission of reserved matters applications.

10.5.3. ACCESS

The modelling of the site's access to the A631 indicates that the existing main entrance to Hemswell Business Park could accommodate the volume and movement of additional development traffic associated with the Hemswell Cliff FEZ site without any upgrade being required.

However, the increased number of vehicle movements at the site's main access to the A631 could result in an increased occurrence of stationary traffic in the highway, particularly vehicles waiting to make a right turn into the site. Given the A631 is single carriageway, this could result in minor interruptions to traffic flow and a potential detrimental impact on highway safety associated with stationary and turning traffic. Accordingly, it is proposed that this potential highway safety impact is mitigated by widening the highway to allow the creation of a ghost island right hand turn lane which will segregate traffic accessing the site from that passing the site.

Given the limited accessibility of the site by foot or cycle in the context of the overarching objective to facilitate sustainable access to employment opportunities, it is proposed to provide a new pedestrian/cycle access route between the Hemswell Cliff FEZ site and Hemswell Cliff village. This is anticipated to be either a new footway to the north side of the A631 between the site access and Gibson Road, or a new route via the existing business park.

The proposed mitigation approach has been presented to and discussed with Lincolnshire County Council as the Highway Authority. The junction upgrade works and possible footway are secured by a planning condition and are anticipated to be undertaken through a s278 agreement with the Highway Authority.

Officers of the Highways Authority have previously identified the potential for a roundabout to be created on the A631 which could serve to provide access to the FEZ site and would calm traffic running through Hemswell Cliff. The Highways Authority has confirmed that there is no requirement in terms of safety or capacity for such a roundabout to provide access to the FEZ.

Whilst the desire to calm traffic through Hemswell Cliff is recognised, the appropriate means of doing this is not considered to be the imposition of an additional cost on the FEZ development for infrastructure works not required to mitigate its impact. The cost of providing a roundabout would substantially exceed that of the adequate junction upgrades proposed and could reduce the attractiveness of the FEZ to businesses if the cost is passed on and may therefore compromise its viability.

Should any separate project relating to traffic calming within Hemswell Cliff conclude, following a cost-benefit analysis, that a roundabout is the most appropriate means to calm traffic and that the

cost of constructing the roundabout would be funded from budgets unrelated to the FEZ development, then a roundabout is considered to be compatible with the FEZ and would be supported.

10.5.4. PARKING

The car parking to be provided for the Hemswell Cliff FEZ site will be confirmed as reserved matters applications come forward for individual units. However, to ensure that the development does not encourage unnecessary car use, the number of spaces will be within maximum parking standards as identified within the Lincolnshire County Council parking standards.

10.6. Flood Risk and Drainage

Paragraph 100 of the NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk. Development at the Hemswell Cliff FEZ site conforms to this objective given that it lies within Flood Zone 1, and is therefore considered to be at low risk of flooding from fluvial and tidal sources.

Local Plan policy LP14 'Managing Water Resources and Flood Risk' sets out a series of factors which development proposals need to demonstrably meet, including that development should not increase the flood risk for existing or proposed properties within the area, and that Sustainable Drainage Systems (SuDS) are incorporated into the proposals unless they can be shown to be impractical.

Policy STRAT1 of the existing Local Plan seeks to ensure that there is sufficient availability and capacity of infrastructure to adequately serve the development. Policy NBE14 seeks to ensure that foul sewage and surface water run-off are planned for.

10.6.1. FLOOD RISK

A flood risk assessment has been undertaken in support of the LDO which concludes that:

- The risk of flooding from fluvial and tidal sources, and from artificial sources, drainage and sewer infrastructure is low.
- Whilst the risk of flooding from groundwater is low, given that the site lies in an area susceptible to groundwater flooding, a 300mm difference in ground level to floor level is to be incorporated in the development and secured by planning condition.
- Whilst the majority of the site is at 'very low' risk of flooding from surface water, there is a small area at 'low' risk of flooding at the northern extent of the site. As such, the Hemswell Cliff FEZ site is considered to be at low risk of surface water flooding.

10.6.2. SURFACE WATER DRAINAGE

A Drainage Constraints Report has been prepared to set out how surface water runoff from the Site will be managed after development. The proposed drainage design of the Hemswell Cliff FEZ site is based on providing surface water attenuation storage up to and including a 1 in 100 year event plus 30% allowance for climate change using infiltration based methods.

The drainage strategy proposes the use of infiltration basins within each plot, whereby surface water flows are attenuated within plots before infiltrating into the ground. This is the most sustainable form of surface water drainage.

The suitability of any location for infiltration may vary according to ground conditions. Whilst it is considered likely that the ground conditions across the whole site will be able to support infiltration, this is to be determined by soakaway tests and contamination assessment to be undertaken during the detailed design stage.

Should the soakaway tests or contamination assessment indicate that infiltration cannot be achieved at any given plot, then surface water from the site will be restricted to the equivalent greenfield run off rate for the site.

Provision is made within the LDO for construction of an attenuation pond and associated pipes or swales, the detail of which would be approved via a reserved matters submission if required. The ability to construct the pipes or swales is preserved by condition and the identification of an 'infrastructure zone' on the Parameters Plan, which runs immediately adjacent to the existing and proposed spine road.

An attenuation pond will be located (if required) within the northernmost extent of the site and will outfall, via a piped network and new outfall into Aisthorpe Springs to the east of the Site or other appropriate watercourse. This location is lowest lying and within the HSE safeguarding 'yellow zone' (see Section 10.12) where development of an employment use (or other use where people are present) would not be supported.

Additional attenuation storage will be achieved using a combination of swales, balancing ponds, channels, pipe network and/or underground storage within the development plots.

The Hemswell Cliff FEZ site is not likely to increase surface water runoff and therefore meets the requirements of the NPPF, regional and local planning policies. There are no anticipated off-site impacts as a result of the development of the Hemswell Cliff FEZ site.

Planning conditions will require the submission and approval of full surface water drainage details for each proposed phase or plot of development prior to commencement of development of that phase or plot.

10.6.3. FOUL WATER DRAINAGE

An assessment has been undertaken to ascertain the capacity of the foul water drainage network in the vicinity of the Hemswell Cliff FEZ site. Anglian Water's assessment of capacity of the sewer networks and foul water treatment facility located to the east of the Hemswell Cliff FEZ site indicates that there is insufficient capacity in the works and the sewer network to accommodate the flow levels anticipated to be required.

Anglian Water has confirmed its obligation to accept the foul flows from development with planning permission and that the necessary steps will be taken to ensure that sufficient capacity is made available. In particular, this relates to the capacity and upgrade requirements at both the Hemswell Water Recycling Centre and the existing sewerage network.

Anglian Water indicates that this will require a 'phasing of solutions to align with the build out rate of the site', although recognises that 'there is potential that the flows from early phases could be accommodated'.

The Environment Agency has objected to any alternative means of treatment/disposal of foul water (i.e. other than to Anglian Water's infrastructure) and in particular to any private treatment plant, given the lesser environmental sustainability of such facilities. Furthermore, it is indicated that a permit is unlikely to be granted for any discharge from such a plant to a watercourse.

The LDO therefore includes planning conditions requiring a phased strategy for upgrade to Anglian Water's mains waste water drainage infrastructure in line with the delivery of the development to be agreed with the relevant stakeholders and implemented accordingly. This will serve to identify the quantum of development which may take place prior to the upgrade of existing mains waste water drainage infrastructure and the subsequent upgrades to the infrastructure required which will be required to serve future development as it comes forward.

Planning conditions also require the submission and approval of full foul water drainage details for each proposed phase or plot of development prior to commencement of development of that phase or plot.

10.6.4. WATER RESOURCES

The Greater Lincolnshire LEP Water Management Plan 2017 recognises that *“the supply of water is clearly important for the agri-food industry, with its reliance on a plentiful and reliable supply of clean water for growing and processing foodstuffs.”*

The plan also indicates that Greater Lincolnshire is one of the driest regions of the country and suggests that whilst winter rainfall will increase, by possibly 15-20%, summer rainfall levels will fall by a similar amount, concluding that the historic reliance on summer abstraction from surface and groundwater will therefore be less sustainable in the future. This will necessitate more investment in water storage for both domestic and commercial use.

This has been recognised in consultation with the Environment Agency, Anglian Water and relevant stakeholders (see also Services and Infrastructure below). Given the increased demand for water anticipated to be required by the agri-food industry at the FEZ site, the LDO seeks to ensure that the provisions are in place both for the upgrading of water supply infrastructure and the harvesting/recycling of rainwater on site.

10.7. Services and Infrastructure

Policy STRAT1 of the existing Local Plan seeks to ensure that there is sufficient availability and capacity of infrastructure to adequately serve the development. Conditions are proposed to ensure further details on foul sewage and surface water run-off are submitted to and approved by the Council.

An assessment has been undertaken to ascertain the capacity of existing water, gas and electricity network in the vicinity of the Hemswell Cliff FEZ site. In relation to the location of existing utilities on site, constraints imposed by them and the potential for future connections or the proposed development, the following has been found:

- The extent of essential existing gas utility assets is considered adequate and has capacity to serve the proposed development at the Hemswell Cliff FEZ site;
- Consultation with the respective statutory undertakers has found that connection for gas could be facilitated for the proposed quantum of development, without the need for remedial works or any reinforcement of existing infrastructure assets;
- Whilst Northern Power Grid is able to provide an electricity supply to the site, this would require funding to allow necessary reinforcements to be made.
- The provision of clean water to the site to meet the levels required for ‘wet industry’ and the ‘domestic use’ requirement of the proposed development is only achievable with significant reinforcement which would need to be funded.

Consultation with National Grid has confirmed the location of high or intermediate pressure gas pipelines and associated equipment in the vicinity of the development site as detailed in the correspondence and plan provided at Appendix 6. An informative is attached to the LDO to require liaison with National Grid prior to the commencement of any works which may impact upon the pipelines or equipment.

10.8. Renewables and Energy Efficiency

Paragraph 93 of the NPPF supports the delivery of renewable and low carbon energy and associated infrastructure as a central element of the economic, social and environmental

dimensions of sustainable development. The Hemswell Cliff FEZ development has the potential to incorporate the generation of, and to utilise, energy generated from renewable and low carbon sources. For example, the existing anaerobic digestion facility located adjacent to the LDO site may have the potential to provide energy to businesses within the FEZ. A condition of the LDO requires details of the generation and use of renewable or low carbon energy for each plot or phase of development to be prepared, approved by the Council and incorporated in the development.

10.9. Ground Conditions

Paragraph 121 of the NPPF dictates that planning decisions should ensure the site is suitable for its new use taking account of ground conditions and land stability, and that after remediation the land should not be capable of being determined as contaminated land. Policy NBE19 of the West Lindsey Local Plan Review 2006⁴, and policy LP16 of the Central Lincolnshire Local Plan require appropriate site investigation and risk assessment to be carried out to assess risks to people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site.

Given the site's former use as an RAF airfield, initial desktop assessments have indicated the possible presence of land contamination and/or unexploded ordnance (UXO) (see below). The Phase 1 Environmental Site Assessment report therefore concludes that the construction and operational activities at the Hemswell Cliff FEZ site have the potential to impact on human health and controlled waters.

However, with the effective implementation of mitigation measures (including a ground investigation, detailed desktop UXO assessment and any necessary remediation and/or design adaptations as secured by LDO conditions), all potential geological and contamination related effects associated with the proposed Hemswell Cliff site during the construction and operational phases are considered to be removed or reduced to an acceptable level.

A planning condition attached to the LDO require further site investigation to be undertaken and approved prior to development of each phase or plot. Any further mitigation works will be undertaken accordingly.

10.9.1. UNEXPLODED ORDNANCE AND CHEMICAL AGENTS

Given the site's former use as an RAF base and airfield, it has been confirmed through the Preliminary Unexploded Ordnance Risk Assessment that there is a risk of unexploded ordnance (UXO) remaining within the LDO site.

This preliminary assessment has resulted in an overall Medium risk from UXO with a recommendation that a Detailed UXO Threat Assessment Desk Top Study is undertaken for this site. The report indicates that:

“The risk of encountering UXO at the site of an airfield is highly dependent upon the history of the site. Factors to be considered include the type of airfield and its role before, during and after WWII. Additional factors affecting the site include records of aerial attacks, test firing butts, bomb stores, remote wooded training areas, practice bomb areas, ammunition storage locations, defensive positions, aircraft crash sites etc.”

Further information obtained by West Lindsey Council from the National Archive at Kew indicates that:

⁴ Replaced on 24th April 2017 by the Central Lincolnshire Local Plan.

“Our records show that Hemswell was subjected to several enemy attacks during the Second World War, which caused craters and some damage to buildings. In one instance there is mention of unexploded bombs, but these will almost certainly have been dealt with.

In respect of chemical weapons used during the Second World War, a Category 2 risk may exist at Hemswell. The Scientific Support Branch report states:

Category 2. Sites where evidence shows storage of 65 lb. LC bombs definitely took place. The 65 lb. bombs were extremely susceptible to leaking, both during transportation and from corrosion by the mustard filling. There is a very high probability of leakers having been buried/burnt on site with consequent contamination of the ground.”

Accordingly, a condition is attached to the LDO which secures further investigation to be undertaken and risk mitigation measures to be agreed prior to the commencement of development.

The Environment Agency indicates that chemical weapons contaminated sites are potentially very hazardous and that all work related to such sites (including detection, safe handling, analysis and assessment) should be undertaken only by suitably qualified and experienced experts. See Environment Agency technical guidance document *Land Contamination: Technical Guidance on Special Sites: Chemical Weapons Sites; R&D Technical Report P5-042/TR/02*⁵.

10.10. Agriculture and Soils

The NPPF requires that local planning authorities take into account the economic and other benefits of the best and most versatile agricultural land (paragraph 112); and Central Lincolnshire Local Plan policy LP55 and policy ECON3 require that the best and most versatile agricultural land is protected. An Agricultural Land Classification and Soil Resources Assessment has been undertaken.

The area of agricultural land required permanently for the Hemswell Cliff FEZ site amounts to approximately 26.4 ha, of which approximately 18.3 ha is best and most versatile (BMV) land in Grades 2 and 3a.

The Hemswell Cliff FEZ site comprises bare agricultural land, predominantly in arable use and used for growing combinable crops. There are no farm buildings, dwellings or other significant items of fixed farm infrastructure within the site. Two fields within the centre of the site are within an Environmental Stewardship scheme (the creation and management of buffer strips and floristically-enhanced grass margins).

The permanent change of use of this land is assessed as a minor adverse effect on agricultural land, which is not considered to be significant. Similarly, with the beneficial re-use of surplus soils generated by the development, the effect on the soil resources is not considered to be significant.

The primary measures to mitigate the impacts on agricultural land and soil resources will be set out in a Soil Resources Plan, which will confirm the soil types on site; the most appropriate re-use for the different types of soils; and proposed methods for handling, storing and replacing soils on-site. The Soil Resources Plan will aim to re-use as much of the surplus soil resources on or adjacent to the site in the detailed design of the development so that they can continue their various ecosystem functions on or adjacent to the site. The Soil Resources Plan should conform,

⁵ <http://www.clare.co.uk/useful-government-legislation-and-guidance-by-country/77-risk-assessment-info-ra/183-risk-assessment-preliminary-info-ra1>.

as appropriate, to Defra's *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites* as recommended by Natural England.

Features within Environmental Stewardship can be re-created on adjacent residual land within the same farm holding.

The only impacts on the farms relate to the loss of relatively low proportions of land from the edge of each holding. There is no severance or fragmentation of holdings, and no loss of fixed farm infrastructure. The effects on farm holdings identified are not considered to be significant.

Following completion of the construction works, there will be no additional direct adverse impacts on agriculture, although the developments to be authorised by the Hemswell Cliff FEZ site potentially offer opportunities to farms in the locality to add value to their primary produce.

10.11. Archaeology and Heritage

The NPPF emphasises the importance of conserving and enhancing the historic environment (paragraphs 126-141), and that development should cause less than substantial harm to the designated heritage asset (paragraph 133). Central Lincolnshire Local Plan policy LP25 – The Historic Environment stipulates that development proposals should protect, conserve and seek opportunities to enhance the historic environment.

A cultural heritage assessment has been undertaken to ascertain whether development pursuant to the LDO could cause substantial harm to heritage assets.

The assessment concludes that the historic built environment is characterised by dispersed settlements, including the listed buildings and conservation area at Harpswell and Hemswell, the significance of which will not be adversely impacted by the development at the Hemswell Cliff FEZ site.

Impacts to the historic built environment resulting from the development of the Hemswell Cliff FEZ site are limited to those assets related to the former RAF Hemswell site. There will be a minor adverse effect on the Grade II listed Hemswell Court and the non-designated heritage assets of the former hangars and administrative buildings, as new structures on the former airfield will change the setting of these heritage assets and reduce the intervisibility between the former hangars and the airfield. The change impacts upon the setting of the assets which contribute to their significance. By reducing the visibility between the hangars and the former airfield, there will be reduced understanding of the context.

However, the preservation level of the airfield is poor and its level of heritage significance is not sufficient to merit its conservation. It has been agreed with the archaeology officer for LCC that an appropriate level of recording will be carried out and will constitute a suitable and proportionate level of mitigation. A condition of the LDO will secure the preparation of a report which documents the history and development of the former airfield.

Potential impacts to buried archaeological remains within the Hemswell Cliff FEZ site will be mitigated via a programme of archaeological fieldwork, comprising geophysical survey and targeted trench evaluation, which will inform detailed excavation and recording as necessary, thereby ensuring that evidential value is not lost. This is secured by conditions, with the details of this determined at reserved matters stage, when details of the developments proposed within the Hemswell Cliff FEZ site are known.

10.12. Noise and Air Quality

A core principle of the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17), and paragraph 123 stipulates that planning policies and decisions should avoid noise from giving rise to significant adverse impacts. Central Lincolnshire Local Plan Policy LP26 – Design and Amenity

stipulates that impacts in terms of noise and upon air quality should be considered in relation to both the construction and life of the development.

This LDO is supported by a Noise and Vibration Assessment and an Air Quality Assessment based upon the anticipated impact of construction activity and traffic generation. As occupier businesses and their operational activities are not known at this stage, further assessment will also be undertaken at the reserved matters stage.

10.12.1. NOISE AND VIBRATION

The noise assessment has included monitoring surveys to establish the existing ambient and background sound levels at the closest noise sensitive receptors to the site.

Given that there are no residential receptors within close proximity to the Hemswell Cliff FEZ site, vibration effects are considered unlikely to be significant. However, in order to minimise vibration effects at neighbouring commercial/industrial premises which may be sensitive, further identification of any significant vibration producing operations and the appropriate mitigation of any identified significant effects, once the Main Contractor is appointed for each plot, will be required and is secured by condition.

Any noise resulting from an increase in traffic on the local road network during the construction and operation of the Hemswell Cliff FEZ is predicted to result in negligible effects, which would not be significant.

With respect to the operation of development at the FEZ site, noise limits have been derived at nearby residential locations (as set out in table 7.17 of the Environmental Statement) based on the results of the baseline noise surveys.

Following the implementation of appropriate mitigation measures during the detailed design stage to meet the required noise limits (as a minimum), the residual effects of fixed mechanical plant, processing equipment and deliveries from all development plots, combined noise levels at nearby residential locations would increase, but would be below the level above which adverse effects on health and quality of life can be detected.

To ensure that any issue of noise levels increasing over time as the FEZ is developed and becomes fully operational is monitored and controlled so as to ensure an acceptable level of amenity at nearby residential and business locations, a condition is attached to the LDO which requires each proposed element of development to assess background noise level and incorporate noise control measures to ensure conformity to the accepted levels.

10.12.2. AIR QUALITY

A qualitative construction phase assessment has been undertaken to determine the potential dust impacts. Appropriate mitigation measures have been proposed and will be secured through inclusion of a Construction Environmental Management Plan as a condition of the LDO.

A quantitative operational phase assessment and detailed dispersion modelling have been undertaken to determine the impact of traffic derived pollutant concentrations at nearby sensitive receptors.

As the precise nature of activities to take place at the Hemswell Cliff FEZ site are unknown at this outline stage, it is not possible to assess the air quality effects associated with operational activities (beyond those associated with road traffic emissions). Air quality will therefore be subject of further assessment and control at the reserved matters stage as secured by a condition of the LDO.

10.12.3. ODOUR

Similarly, it is not possible at this stage to define any impact from odour which may potentially be created by the operation of development at the FEZ site. Nevertheless, it is recognised that there is potential for odour to impact on amenity at the site and in the surrounding area if not adequately controlled and mitigated.

The development parameters serve to exclude certain operations and uses from occupying the site under the LDO, which are considered to be inappropriate in terms of potential impact on amenity including by the creation of odour, such as intensive livestock installations, installations for the slaughter of animals, fish-meal and fish-oil factories, and production of chemicals.

Furthermore, a series of conditions are attached to the LDO which serve to limit and control the possible generation of odour.

10.13. Health and Safety

10.13.1. HSE CONSULTATION ZONE / EXPLOSIVES SITE

Consultation with the Health & Safety Executive (HSE) has identified the location of a licenced explosives site (fireworks factory) to the north east of the LDO site. The HSE has identified two safeguarding zones which surround the licenced site and overlap the LDO site.

The 'yellow line' encompasses the explosives site and defines the minimum permissible distance between an explosives site and inhabited buildings or assembly places. Within this line, the construction of new inhabited buildings and public traffic routes are restricted. The area within the Yellow Line is known as the Yellow Zone.

The 'purple line' encompasses the explosives site and defines the minimum permissible distance between an explosives site and inhabited buildings which are by definition of vulnerable construction. Additionally, the construction of new inhabited buildings of curtain-wall construction or high rise buildings is restricted. The area within the Purple Line is known as the Purple Zone.

Buildings of vulnerable construction are defined by The Explosives Regulations 2014 as:

“Vulnerable building means a building or structure of vulnerable construction, that is to say—

(a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5 m² and extending over more than 50% or 120 m² of the surface of any elevation;

(b) a building of more than three storeys above ground or 12 m in height with solid walls and individual glass panes or frangible panels larger than 1.5 m² and extending over at least 50% of any elevation;

(c) a building of more than 400 m² plan area with continuous or individual glazing panes larger than 1.5 m² extending over at least 50% or 120 m² of the plan area; or

(d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.”

This definition is expanded upon in the Ministry of Defence Explosives Regulations for the Safe Storage and Processing of Ordnance, Munitions and Explosives, January 2013 (JSP 482), which provides the following examples of structures susceptible to disproportionate damage:

“(i) unframed structures with limited continuity utilising non-ductile materials;

(ii) large-span, tension or other special structures with critical load-bearing elements;

(iii) unusually weak structures (typically historic or timber framed buildings);

(iv) buildings containing vulnerable elements such as pre-cast panel fixings or large span slender masonry panels which may be particularly susceptible to failure and lead to a falling debris hazard.”

Further assessment is required for ‘Large Facilities of Special Construction or Importance’ including where these are not assessed to be of vulnerable construction. Stated examples of such buildings include *inter alia*:

“(a) Large factories.

(b) Multi-storey office buildings...”

It is of paramount importance to ensure that development and use of land pursuant to the LDO is appropriate to its location in close proximity to an explosives site so as to ensure that any risks are limited to an acceptable level.

The LDO boundary includes land within the safeguard zones as it is feasible that the licenced explosives site use may change or cease during the period of the LDO, and/or that certain forms of development or land use are acceptable within the zones.

The safeguard zones (yellow and purple lines) that were provided by the HSE on 16th September 2016 have been transposed onto the parameters plan which forms part of the LDO.

Conditions of the LDO require that the HSE is consulted prior to the submission of any proposed development or use of land within the safeguard zone. This will allow the HSE to confirm the extent and details of the safeguard zone at that time and to provide guidance or instruction on the use, nature or location of development.

Any development proposal subsequently submitted for reserved matters approval must then demonstrate conformity to the HSE’s advice or requirements. Any proposal failing to do this should be refused planning permission.

Whilst the explosives licence remains in place, the effect of this is anticipated to be a limitation of any proposed use or development in the yellow zone to landscaping, planting or infrastructure such as a drainage pond. This area may therefore serve to provide a net gain in biodiversity and to optimise the development of the main plots by reducing land lost to infrastructure.

The effect within the purple zone is likely to be a limitation on building size, design and materials. It is possible that the restrictions will prevent the development of large roof-span or multi-storey buildings, or result in increased cost of development, both of which could reduce the attractiveness of this part of the site to certain forms of agri-food development. However, as this limitation is subjective to design and may change over time, it is not considered sufficient to omit the land from the LDO. See Appendix 5 – Additional Guidance.

11. Consultation Process

It is a requirement that LDOs are the subject of local consultation. LDO consultation procedures are set out in article 34 of the Town and Country Planning (Development Management Procedure) Order 2010 (Statutory Instrument 2010/2184). Consultation must include any person with whom the LPA would have been required to consult on an application for planning permission for the development proposed to be permitted by the LDO. Both informal and formal consultation procedures are being followed by West Lindsey District Council.

The approach to consultation adopted in the preparation of the LDO has built upon the work already undertaken by West Lindsey District Council for the Hemswell Cliff Masterplan.

The preparation of the Hemswell Cliff Masterplan was informed by the outputs of community consultation events, and meetings and discussions with key stakeholders, including a Key Stakeholders' Workshop on 17th February 2016 and a Community 'Drop-in' on 3rd March 2016.

West Lindsey District Council has worked closely with the key statutory consultees in the preparation of this LDO, including:

- Environment Agency;
- Natural England;
- Lincolnshire County Council;
- LCC Waste and Minerals;
- West Lindsey District Council;
- Historic England;
- Anglian Water; and
- Health and Safety Executive.

Consultation on the draft LDO proposals has been carried out during the preparation of the Environmental Impact Assessment (EIA), which supports the LDO, and notes from the Key Stakeholders' Workshop on 17th February 2016 for the Hemswell Cliff Masterplan were considered during the EIA Scoping Stage. A stakeholder scoping workshop was held on 14th June 2016, following a briefing for statutory consultees on the general scope and purpose of the LDO by West Lindsey District Council.

Thereafter, a formal request for a Scoping Opinion was made on 6th July 2016 including an EIA Scoping report, circulated by West Lindsey District Council to statutory consultees. A formal EIA Scoping Opinion was then published, together with written comments from Statutory Consultees, on 15th August 2016.

After receipt of the Scoping Opinion, further consultation with a range of stakeholders has been undertaken by technical specialists preparing the necessary assessments to support the EIA. The purpose of such consultation has been to:

- Gather additional relevant baseline data available from consultees;
- Discuss and agree specific locations of sensitive receptors for baseline monitoring and/ or assessment; and
- Confirm the proposed approach to assessment, including mitigation measures agreed as necessary.

A key aim of the consultation has been to agree assessments which address realistic worst-case assumptions and which ensure that specific relevant concerns of consultees are addressed, whilst also making sure the LDO helps to streamline the planning process for potential developers

as much as possible, by reducing the amount of additional work required at the reserved matters stage.

The LDO will be consulted on in accordance with Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. In accordance with the LDO regulations, a draft of the LDO, Statement of Reasons and Environmental Statement will be placed on consultation for a period of not less than 28 days, following approval by West Lindsey District Council. The consultation will be publicised by site notice and local advertisement. The documentation will be available for review at West Lindsey District Council's offices, on its website and, as appropriate, locally to Hemswell Cliff.

Consultation responses will be taken into account by the Council in accordance with Article 38(10) of the Development Management Procedure Order 2015, in considering what modifications should be made to the draft LDO or whether the LDO should be adopted. If adopted, the LDO will be submitted to the Secretary of State in accordance with Article 38 (11) of the Development Management Procedure Order 2015.

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12. Risk Management

Reserved Matters applications pursuant to the Outline planning permission granted by this LDO will be assessed in terms of their conformity to the development parameters detailed in this document (see section 4), and will need to satisfy detailed planning considerations, including those specified in the conditions attached to this LDO.

An Environmental Impact Assessment (EIA) has been produced to support this LDO, and the conclusions and findings of the EIA have contributed to the formulation of the development parameters and conditions. The conditions and development parameters have been refined in order allow for sufficient control and mitigation, with a view to meeting the goals of the LDO, whilst retaining flexibility where appropriate in order to maximise the attractiveness of the site for development which meets to the aims of the LDO.

The LDO will be subject to continuous monitoring in order to allow the local planning authority to respond to emergent circumstances, and changes to the development context for the site. This will inform the review and management of the LDO, if required in order to maintain the attractiveness of the site to development which meets the aims of the LDO, or to maintain the sustainability of the site. After 10 years the LDO will cease to have effect unless there is a Council resolution to extend the LDO beyond this timeframe.

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13. Monitoring

Details of all applications received through the LDO will be available on the Council's public register of planning applications. The Council monitors any changes on the ground, and should any breaches of the terms of the LDO occur, the Council will consider appropriate enforcement action.

The LDO will be subject to continuous monitoring to assess its effectiveness in delivering development in accordance with the aims established within this document, and to allow for review and management of the LDO at any point during its lifespan where it is demonstrated that this is required in order to meet the aims of the LDO as set out in this document. The local planning authority will carry out regular monitoring of planning applications, as well as regular monitoring of the attractiveness and viability of the site for development which meets the aims of the LDO.

The local planning authority will carry out regular engagement throughout the period of duration for the LDO with key stakeholders, the Local Enterprise Partnership, relevant businesses and commercial agents, in order to monitor the level of commercial interest in the site, and the functionality of the LDO in enhancing the attractiveness of the site to development which meets the aims of the LDO.

The Council will liaise with landowners and developers, and will carry out site visits on a regular basis throughout the period of duration for the LDO, in order to monitor development progress as well as the level of occupation of business premises within the LDO site.

The LDO will cease after 10 years, unless within this time period a motion is passed by the local planning authority which extends the period of duration for the LDO.

Appendix 1 Draft Local Development Order

HEMSWELL CLIFF FOOD ENTERPRISE ZONE LOCAL DEVELOPMENT ORDER (LDO) 2017

This Order is adopted by West Lindsey District Council (“the Council”) under the powers conferred on the Council as local planning authority by sections 61A-61D of and Schedule 4A to the Town and Country Planning Act 1990 (as amended) (“the Act”) and pursuant to the Town and Country Planning (Development Management Procedure) (England) Order 2015 and shall be known as the Hemswell Cliff Local Development Order 2017 (the “Order”).

1. In this Order:
 - 1.1 definitions in the Town and Country Planning (Use Classes) Order 1987 (as amended) apply to interpretation of this Order and references in this Order to “Use Class” are accordingly a reference to the relevant Use Class set out in the Town and Country Planning (Use Classes) order 1987 (as amended); and
 - 1.2 terms defined in Schedule 3 have the meaning given to them there.
2. Subject to article 3 below, planning permission is hereby granted for the development within the Hemswell Cliff LDO Site set out in all Parts of Schedule 1 subject in each case to the restrictions and conditions set out in the relevant Part of Schedule 1.
3. The grant of permission under any Part of Schedule 1 is subject to the General Conditions set out in Schedule 2.
4. Where a material operation has been initiated in respect of any development permitted by this Order at the time this Order expires, is revoked or is revised that said development may be lawfully completed.
5. This Order comes into force on the date on which it is made as indicated below and, subject to the Council’s power to revoke this Order under s.61A(6) of the Act, will remain in force for a period of 10 years from that date, expiring on the tenth anniversary thereof.

Adopted by the Council on [] 2017

By Order of the Council the Common Seal
was affixed hereunto in the presence of:

Authorised Signatory

SCHEDULE 1: PERMITTED DEVELOPMENT

PART 1 – COMMERCIAL DEVELOPMENT

Permitted Development

Outline planning permission is granted for:

1. the erection of a Buildings and associated use of land within Use Class B1;
2. the erection of a Buildings and associated use of land within Use Class B2; and/or
3. the erection of a Buildings and associated use of land within Use Class B8

only where those use fall within, or are immediately related to, the Agri-Food Sector.

Development not permitted

Development is not permitted by Part 1 if that development would result in the total amount of floorspace within Use Classes B1, B2 and/or B8 within the Hemswell Cliff LDO Site exceeding 70,000 square metres GIA.

Development is not permitted by Part 1 if that development would result in the total amount of floorspace within Use Class B1a (unless ancillary to floorspace in Use Classes B1b/B1c/B2/B8) within the Hemswell Cliff LDO Site exceeding 5,000 square metres GIA.

Development is not permitted by Part 1 if that development would result in the construction of buildings or structures greater than 18m in height above finished ground level.

Conditions

- 1A Development permitted by Part 2 must conform to the constraints and guidance of the Parameters Plan (ref. Aecom Figure 6).

PART 2 – ASSOCIATED INFRASTRUCTURE

Permitted Development

Outline planning permission is granted for:

1. the construction, extension or alternation of roads, pavements, walkways, street lighting and street furniture;
2. the construction of areas and facilities for vehicle parking, bicycle parking and servicing;
3. hard and soft landscaping, including the erection of fences, gates, walls, securing barriers and security gatehouses;

4. the construction of foul and surface water drainage infrastructure, including pumps, tanks, conduits, swales, pipes, drains, ditches, channels and ponds; and/or
5. the construction, extension or alternation of utilities infrastructure, including telecommunications, gas, electricity, water (including any substations or pumping stations).

Development not permitted

Development is not permitted by Part 2 if it is not primarily to serve the development permitted by Part 1.

Conditions

- 2A Development permitted by Part 2 must conform to the constraints and guidance of the Parameters Plan (ref. Aecom Figure 6).

PART 3 – SITE PREPARATION WORKS

Permitted Development

Full planning permission is granted for:

1. any operations or engineering necessary for the remediation of land and its preparation for development within the Hemswell Cliff LDO Site, including excavation and the construction, extension, demolition or alteration of remediation compounds for the stockpiling, sorting and treatment of excavated materials.

Development not permitted

Development is not permitted by Part 3 if it is not primarily to enable the development permitted by Parts 1 or 2.

Conditions

- 3A Prior to the commencement of development permitted by Part 3, full details of the site preparation works including existing and proposed levels shall be submitted to and approved by the local planning authority. The works shall be undertaken in accordance with the details approved.
- 3B Prior to the commencement of development permitted by Part 3, full details of any temporary access, temporary treatment of the works area and boundary shall be submitted to and approved by the local planning authority. The works shall be undertaken in accordance with the details approved.

SCHEDULE 2: GENERAL CONDITIONS

Timing / Reserved Matters

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of ten years from the date of this Order.

REASON: To conform to Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

2. No phase/plot of development shall take place until, plans and particulars of the layout, scale and appearance of the building(s) to be erected, the means of access to the site and the landscaping of the site (hereinafter called “the reserved matters”) for that phase/plot have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those details.

REASON: The Order grants outline permission only and the Local Planning Authority wishes to ensure that these details which have not yet been submitted are appropriate for the locality.

3. The development hereby permitted shall be begun either before the expiration of ten years from the date of this Order, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the sooner.

REASON: To conform to Section 92 (2) of the Town and Country Planning Act 1990 (as amended).

Agri-Food Sector and Food Industry Processes

4. Any phase/plot of development pursuant to Part 1 of the Order and proposed through the submission of reserved matters shall be accompanied by a statement to demonstrate that the nature of the development/use proposed falls within the agri-food sector as defined in Section 4 of the Statement of Reasons. Reserved matters applications shall only be determined where the proposed development/use is confirmed by the Local Planning Authority to be within the agri-food sector.

REASON: To ensure that development conforms and contributes to the objectives of the Food Enterprise Zone designation.

5. Any phase/plot of development pursuant to Part 1 of the Order and proposed through the submission of reserved matters shall be accompanied by a statement to describe the scale and nature of any food industry processes to be permitted. Where these processes fall within and exceed the threshold of Schedule 2 of the EIA regulations, the applicant shall seek the screening opinion of the local planning authority as to whether the proposed use requires environmental impact assessment.

REASON: In the interests of amenity and to ensure that the development conforms to the Environmental Impact Assessment (EIA) regulations.

Design and Details

6. Development proposed through the submission of reserved matters shall conform to the approved Site Location Plans (ref. Aecom Figure 1 and Figure 2) and Parameters Plan (ref. Aecom Figure 6).

REASON: To ensure that the development takes place in accordance with the maximum development parameters assessed by the Environmental Impact Assessment (EIA).

7. Any phase/plot of development pursuant to Part 1 or Part 2 of the Order and proposed through the submission of reserved matters shall be accompanied by a phase/plot context plan to demonstrate that development is compatible with and does not compromise the ability to develop or service other land within the Hemswell Cliff LDO site.

REASON: In order to facilitate comprehensive development of the Hemswell Cliff LDO site.

8. Any phase/plot of development pursuant to Part 1 or Part 2 of the Order and proposed through the submission of reserved matters shall be accompanied by a Design and Access Statement and associated plans including the following details:

- a. Plot layout
- b. Existing site levels and proposed finished ground and floor levels
- c. Design of buildings and structures
- d. Landscaping/planting (in conformity to the Strategic Landscape Scheme)
- e. Boundary treatment
- f. Parking and circulation
- g. External storage including provision for oil/chemical storage
- h. External lighting
- i. Vehicle parking, circulation and manoeuvring
- j. Facilities for pedestrians and cyclists
- k. Servicing and loading arrangements
- l. Refuse storage and management

The details contained within the Design and Access Statement shall be approved by the local planning authority prior to commencement of that phase/plot of development, excluding site preparation works. Development shall be completed and maintained in accordance to the approved details.

REASON: In the interests of amenity and to ensure acceptable design, access and operation of development.

9. Prior to the occupation of any phase/plot of development pursuant to Part 1 of the Order and, a written scheme detailing how much and by what method renewable energy will be generated from within that phase/plot or the wider Hemswell Cliff LDO site, shall be submitted to and approved in writing by the Local Planning Authority. No individual building shall be occupied until that part of the agreed scheme, which relates to the building or its curtilage, has been implemented in full.

REASON: In order to achieve sustainable development and reduce CO2 emissions.

10. Prior to the commencement of any phase/plot of development pursuant to Part 1 or Part 2 of the Order and, full details of all external materials shall be submitted to and

approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

REASON: In the interests of visual amenity and ensure the proposals uses materials and components that have a low environmental impact.

HSE Safeguard Zone

11. Prior to submission of any reserved matters application for development of land within the 'HSE consultation zone' as identified on the Parameters Plan (Aecom Figure 6) or any revised zone subsequently confirmed in writing by the HSE, the applicant shall consult the Health & Safety Executive on the extent and details of any safeguarding zones which may influence the use, nature and location of development. Any development thereafter proposed shall conform to the advice of the HSE, which shall be submitted in writing with the reserved matters applications.

REASON: In the interest of health and safety and to ensure that current requirements of the Health & Safety Executive are incorporated in the development.

12. Unless otherwise confirmed in writing by the Health & Safety Executive, no development of a 'vulnerable construction' as defined by The Explosives Regulations 2014 and determined by the Health & Safety Executive shall take place in the 'purple zone' as identified on the Parameters Plan (Aecom Figure 6) or any revised zone subsequently confirmed in writing by the HSE.

REASON: In the interest of health and safety and to ensure that current requirements of the Health & Safety Executive are incorporated in the development.

13. Unless otherwise confirmed in writing by the Health & Safety Executive, no development or use of land, with the exception only of landscaping or infrastructure where people are not present, shall take place in the 'yellow zone' as identified on the Parameters Plan (Aecom Figure 6) or any revised zone subsequently confirmed in writing by the HSE.

REASON: In the interest of health and safety and to ensure that current requirements of the Health & Safety Executive are incorporated in the development.

Highways and Access

14. Prior to the commencement of development pursuant to Part 1 or Part 2 of the Order a scheme of works to improve the public highway and site access, comprising a Right Turn Lane and Footway (or as otherwise agreed) shall be submitted to and approved by the local planning authority.

REASON: In the interests of safety of the users of the public highway and the safety of the users of the site.

15. No development pursuant to Part 1 of the Order shall be occupied before the works to improve the public highway (by means of providing a ghost island right hand turn lane) have been certified complete by the local planning authority, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of safety of the users of the public highway and the safety of the users of the site.

16. No development pursuant to Part 1 of the Order shall be occupied before the works to improve the public highway (by means of providing a 2 metre wide footway along the Northern side of the A631 between the proposed site entrance and Gibson Road) have been certified complete by the local planning authority, unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of safety of the users of the public highway and the safety of the users of the site.

17. No phase/plot of development pursuant to Part 1 or Part 2.1 of the Order shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards of estate streets serving each phase/plot of the development that will be completed. Estate streets shall thereafter be constructed in accordance with the approved plan or any amendment to the plan which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure an acceptable standard and appearance of highways infrastructure in the interest of highway safety and amenity.

18. No phase/plot of development pursuant to Part 1 or Part 2.1 of the Order shall be commenced until full engineering, drainage, street lighting and constructional details of the estate streets necessary to serve that phase/plot of development have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

19. No phase/plot of development pursuant to Part 1 of the Order shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within that phase/plot of development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

REASON: To ensure an acceptable standard and appearance of highways infrastructure in the interest of highway safety and amenity.

20. No phase/plot of development pursuant to Part 1 of the Order shall be brought into use until the construction of an estate road sufficient to provide access to that phase/plot has been certified complete by the local planning authority.

REASON: To ensure the provision of adequate access and in the interests of highway safety.

Landscaping and Trees

21. No development shall take place until a Strategic Landscaping Scheme (SLS) relating to the boundaries, frontages, common areas and infrastructure across the entire FEZ site

has been submitted to and approved in writing by the Local Planning Authority. The SLS shall include details of:

- a. planting plans;
- b. written specifications (including cultivation and other operations associated with plant and grass establishment);
- c. schedules of plants, noting species, plant sizes and proposed numbers/ densities;
- d. a programme for the implementation of the landscaping works, including how the SLS shall be implemented on a strategic site wide and individual development plot by plot basis; and
- e. a scheme for the future maintenance of the landscaped areas.

The SLS shall be implemented as approved. Each phase/plot developed shall be landscaped and maintained in accordance to the SLS.

REASON: In the interests of the visual amenity of the area and to enhance biodiversity interests through the implementation of an appropriate biodiversity and landscaping scheme.

22. Any trees dying or becoming diseased within five years of their being planted in accordance with Condition 21 above shall be replaced during the period of October to March in the year that immediately follows the developer being notified that they need replacing, by trees of a suitable size and species and to the satisfaction of the Local Planning Authority.

REASON: In the interests of the visual amenity of the area and to enhance biodiversity interests through the implementation of an appropriate biodiversity and landscaping scheme.

23. The scheme of works to improve the public highway and site access submitted pursuant to condition 14 of the LDO for approval by the local planning authority shall include:
- a. A plan showing the location of, and allocating a reference number to each existing tree on the site which has a stem with a diameter exceeding 75 mm (measured over the park at a point 1.5 metres above ground level), showing which trees are to be retained and which are to be removed;
 - b. Details of the species, size, and an assessment of the general state of health and stability of each retained tree;
 - c. Details of any proposed topping or lopping of any retained tree, or of any tree on the land adjacent to the site;
 - d. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site;
 - e. Details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition 'retained tree' means an existing tree that is to be retained in accordance with the plan referred to in paragraph (a) above. The works approved pursuant to condition 14 shall be undertaken in accordance with the details approved in paragraphs (a)-(e) above.

REASON: In the interests of the visual amenity of the area and to enhance biodiversity interests.

Surface water drainage

24. Each plot/phase of development shall be designed so as to preserve a continuous corridor as indicated as 'infrastructure zone' on the Parameters Plan (ref. Aecom Figure 6) to allow installation of pipes or swales to form a site-wide drainage system. Development shall not be approved which prevents the installation of a site-wide drainage system including any attenuation pond at the broad location indicated on the Parameters Plan.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

25. No plot/phase of development shall commence, nor any discharge of surface water from that plot/phase take place, until a Surface Water Management Scheme for that development plot/phase has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development; and shall include:
- a. the incorporation of sustainable drainage systems (SuDS) to attenuate flows and pollutants from the site and maximise on-plot infiltration (where appropriate);
 - b. details of an infiltration test to ascertain the feasibility of drainage by on-plot infiltration methods (if proposed) undertaken in accordance with Infiltration Drainage - Manual of Good Practice (CIRIA Report);
 - c. details of a contamination assessment undertaken by a suitably qualified specialist demonstrating that there is no unacceptable risk of mobilisation of contamination resulting from infiltration;
 - d. details of the method of attenuating surface water run-off from the site to greenfield run-off rate;
 - e. details of sufficient attenuation and long-term storage to accommodate a 1 in 30 year storm. The design shall also ensure that storm water resulting from a 1 in 100 year event plus 30% to account for climate change (or any increased requirement of applicable policy at the time of submission), and surcharging of the drainage system can be stored on the site without risk to people or property;
 - f. calculations demonstrating that sufficient space will be provided on site for any necessary surface water storage and attenuation;
 - g. details of any balancing works and off-site works;
 - h. details of any proposed culverts or bridges for watercourses/land drains, justifying that they are necessary and ensuring that they do not constrict flow or otherwise reduce the carrying capacity of any watercourse/land drain;
 - i. the location and design of any surface water outfall;
 - j. details of how the drainage scheme will be constructed and operate, prior to any hard standing or buildings being constructed on that development plot;
 - k. all site surface water drainage will be designed to Sewers for Adoption standard in order to meet current best practice design standards; and
 - l. details of how the surface water system will be maintained and managed after completion.

The Surface Water Management Scheme shall subsequently be fully implemented in accordance with the approved details before the first occupation of the relevant

development plot to which it relates. Thereafter, the drainage system shall be managed and maintained in conformity to the approved Scheme.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

26. Should the results of an infiltration test or contamination assessment undertaken in preparation of a Surface Water Management Scheme indicate that an infiltration system will not function adequately in adverse conditions or without unacceptable risk, then the Scheme shall include details of an alternative means of drainage appropriate to the plot and in conformity to the principles of sustainable drainage.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

27. No infiltration of surface water drainage into the ground or discharge from the site is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To ensure that infiltration systems are only constructed in areas where it has been demonstrated that there are no unacceptable risks of mobilisation of contamination and to ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere.

28. Prior to being discharged into any watercourse, surface water sewer or soakaway system as approved, all surface water drainage from parking areas and hardstandings shall be passed through a trapped gully and an oil interceptor. Each drainage run shall also be provided with a cut-off valve prior to any discharge point. The gully and interceptor shall be designed, constructed and maintained to have a capacity compatible with the site being drained. Clean roof water shall not pass through the gully or interceptor.

REASON: To reduce the risk of pollution and sediment being washed out to any watercourse, surface water sewer or soakaway system and to prevent the potential pollution of clean surface water run-off.

29. Prior to the occupation of each plot/phase of development, a maintenance schedule for the drainage infrastructure within that plot/phase, including a named contact responsible for maintenance, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage infrastructure shall be maintained in accordance with approved maintenance schedule.

REASON: To ensure that surface water is sustainably managed without increasing flood risk on the site or elsewhere and to prevent pollution of the water environment.

30. Inspection manholes shall be provided on all foul and surface water drainage runs such that discharges from individual units can be inspected/ sampled if necessary. All manhole covers shall be marked to enable easy recognition. Foul will be marked in red. Surface water will be marked in blue. Direction of flow will also be denoted. Where more than one discharge point is proposed, manholes will also be numbered accordingly to correspond with their respective discharge point.

REASON: To ensure that foul and surface water systems may be managed and maintained.

31. Prior to the commencement of any plot/phase of development pursuant to Part 1 of the Order, details of appropriate measures that will be incorporated to maximise water efficiency and recycling shall be submitted to and approved in writing by the Local Planning Authority. Where approved the efficiency/recycling measures shall be incorporated strictly in accordance with the details so approved, installed and operational prior to the first occupation of the premises to which they form part and shall be maintained as such thereafter.

REASON: To ensure sustainable use of water.

Foul water drainage

32. Prior to the commencement of development pursuant to Part 1 or Part 2 of the Order, a Development Phasing and Waste Water Drainage Strategy prepared in conjunction with Anglian Water and in consultation with the Environment Agency shall be submitted to and approved by the Local Planning Authority. The Strategy shall identify:
- the quantum of development which may take place prior to the upgrade of existing mains waste water drainage infrastructure which serves the site;
 - the subsequent upgrades to the mains waste water drainage infrastructure required to serve the FEZ development and the quantum of development which may be accommodated by each upgrade; and
 - the mechanism by which forthcoming upgrades will be triggered and the programme for delivery of these.

No plot/phase of development shall be brought into use prior to the completion of the upgrade to the mains waste water drainage infrastructure required to serve that plot/phase in accordance with the Strategy. The Strategy may be amended as appropriate by agreement with the Local Planning Authority and Anglian Water in consultation with the Environment Agency.

REASON: To ensure that a satisfactory means of foul drainage disposal is provided.

33. Prior to the commencement of development any plot/phase of development under Part 1 of the LDO, full details of the foul drainage system, including that to serve vehicle washdown areas, within that plot/phase shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that a satisfactory means of foul drainage disposal is provided.

34. Drainage of foul or contaminated water shall take place only through the approved foul drainage system. There shall be no discharge of foul or contaminated drainage, including detergents, from the site into groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment.

Ground Conditions and Soils

35. No plot/phase of development pursuant to Part 1, Part 2 or Part 3 of the Order shall take place until a land contamination assessment and associated remedial strategy, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) for that plot/phase of works. The measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a. An appropriate specialist will be commissioned and an assessment carried out to quantify the risk of encountering unexploded ordnance (UXO) and/or ordnance containing chemical agents. Thereafter, if the risks of encountering UXO and/or ordnance containing chemical agents remain, construction contractors will be required to prepare an ordnance risk mitigation strategy, to reduce risks to an acceptable level, in consultation with the Local Planning Authority. The approved ordnance mitigation strategy, including any Emergency Response Plan, shall be implemented as approved.
- b. Assessment for UXO shall be undertaken in conformity to C681 Unexploded Ordnance (UXO) - A Guide for the Construction Industry (CIRIA 2009). Any works in relation to UXO shall be undertaken by suitably qualified and experienced experts.
- c. Investigation for contamination resulting from chemical weapons shall be undertaken with reference to the Environment Agency technical guidance document *Land Contamination: Technical Guidance on Special Sites: Chemical Weapons Sites; R&D Technical Report P5-042/TR/02*. Any works in relation to contamination resulting from chemical weapons shall be undertaken by suitably qualified and experienced experts.
- d. A site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- e. A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- f. Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- g. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

REASON: In order to safeguard human health and the water environment and identify potential contamination on-site and the potential for off-site migration.

36. Prior to the commencement of any phase/plot of development pursuant to Part 1, Part 2 or Part 3 of the Order, including any construction or other work that involves disturbance to soils a Soil Resource Plan (SRP) for that phase/plot/works shall be

submitted to and approved in writing by the Local Planning Authority. The Soil Resource Plan shall include the following:

- a. maps showing topsoil and subsoil types, and the areas to be stripped and left in-situ;
- b. methods for stripping, stockpiling, re-spreading and ameliorating the soils;
- c. location of soil stockpiles and content (e.g. Topsoil type A, subsoil type B);
- d. schedules of volumes for each material;
- e. expected after-use for each soil; whether topsoil to be retained for landscape areas, or used on adjacent agricultural land within the farmers' control to thicken the topsoils and improve quality;
- f. identification of person responsible for supervising soil management; and
- g. reference to Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.

Development shall thereafter proceed only in accordance with the approved scheme.

REASON: To ensure the sustainable use of displaced soils.

Archaeology and Heritage

37. Prior to the commencement of any phase/plot of development pursuant to Part 1, Part 2 or Part 3 of the Order, a scheme of archaeological investigation for that phase/plot, supported by the results shall be submitted to and approved in writing by the Local Planning Authority. Each scheme shall be carried out as approved. Each scheme shall provide for:

- a. a programme of archaeological investigation, including access to that site by archaeological contractors to be nominated by the developer and approved in writing by the Local Planning Authority;
- b. the identification and evaluation of the extent, character and significance of archaeological remains on that site;
- c. an assessment of the impact of the proposed development on the remains;
- d. proposals for the preservation in situ of the remains or where the Local Planning Authority agree that this is not possible, for the investigation, recording and recovery of remains and the publishing of findings; and
- e. notification to the Local Planning Authority of the commencement of archaeological investigations.

Each scheme shall then be carried out as approved.

REASON: to secure the identification, investigation and/ or protection of archaeological remains.

38. Prior to the first occupation of development pursuant to Part 1 of the Order, a report shall be produced and submitted to the Local Planning Authority which will document the history and development of the former airfield at Hemswell Cliff. The format of the report will be agreed with the archaeology officer for Lincolnshire County Council.

REASON: to ensure the implementation of an appropriate level of archaeological recording and reporting.

Sustainable Travel

39. Prior to the occupation of each phase/plot of development pursuant to Part 1 of the Order, a Travel Plan for that development plot, that is in accordance with the principles set out in Hemswell Cliff LDO Framework Travel Plan, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authorities. The development of each plot shall thereafter take place in accordance with the agreed Travel Plan for that plot, which shall be implemented in full.

REASON: In order to maximise the sustainability of the development.

40. Prior to the occupation of each phase/plot of development pursuant to Part 1 of the Order, a feasibility study shall be undertaken to consider the following:
- a. the likely year on year passenger demand for a shuttle bus linking the LDO site with Gainsborough and other centres where significant numbers of employees at the Hemswell Cliff FEZ may originate;
 - b. the likely routing and frequency of the shuttle bus route;
 - c. an estimate of yearly operating costs for the shuttle bus operation;
 - d. a funding mechanism where all occupiers of the Hemswell Cliff FEZ contribute as and when they come forward;
 - e. a recommendation on the feasibility of the shuttle bus service.
- The feasibility study report shall be submitted to and approved by the local planning authority. Should the report conclude that a shuttle bus service is feasible, then the potential arrangement and commissioning of a service shall be discussed further between the local planning authority and occupier businesses.

REASON: In order to maximise the sustainability of the development

Nature Conservation and Biodiversity

41. No works involving the loss of any hedgerow, tree or shrub shall take place between March and August (inclusive) in any year unless approved in writing by the local planning authority.

REASON: In the interest of nature conservation.

42. Prior to the commencement of any phase/plot of development pursuant to Part 1, Part 2 or Part 3 of the Order, an Ecological Management and Enhancement Plan (EMEP) for the whole Hemswell Cliff FEZ site shall be submitted to and approved in writing by the Local Planning Authority. The EMEP shall be based on the biodiversity enhancement measures set-out in Chapter 10 - Terrestrial Ecology and Nature Conservation of the ES. The submitted details shall include how the EMEP will be implemented on a strategic (site wide) and individual development (plot by plot) basis to demonstrate a coherent approach to biodiversity enhancement and management across the site. The EMEP shall be implemented as approved.

REASON: In the interest of nature conservation and to enhance biodiversity interests.

43. No development that removes or disturbs any features within the Entry Level and Higher Level Stewardship Scheme at Hall Farm (Harpwell) as shown on the Parameters Plan (ref. Aecom Figure 6) shall take place until a satisfactory scheme to replace those features has been submitted to and agreed in writing by the local planning authority.

REASON: In the interest of nature conservation.

Noise

44. Prior to the commencement of any phase/plot of development pursuant to Part 1 of the Order, a scheme of noise assessment, supported by the results, shall be submitted to and approved in writing by the Local Planning Authority. Each scheme shall be carried out as approved. The noise assessment shall:
- Make reference to updated baseline noise surveys to confirm that the existing noise climate does not exceed the existing background noise level stated in Table 7.17 of the Environmental Statement (ES);
 - Demonstrate how the impact avoidance and mitigation measures referred to in Sections 7.4 and 7.6 of the Noise Chapter (Chapter 7) of the ES have been considered and taken into account;
 - Include details of how the operational noise limits at local noise sensitive receptors shall be achieved, ensuring that following the addition of any acoustic feature corrections to the sound sources under assessment, the combined BS 4142 rating level from all sources within all development zones at the Hemswell Cliff FEZ site are equal to or lower than those in Table 7.17.
 - In the event that monitoring required under (a) shows that the existing noise climate has changed significantly, the proposed operational noise limits set out in Table 7.17 shall be discussed and any revised noise limits agreed with the Local Planning Authority.

REASON: In the interest of amenity.

Odour

45. No wastes or feedstock materials that have the potential to give rise to odour beyond the site boundary shall be stored outside of the buildings, unless agreed in writing with the Local Planning Authority.

REASON: In the interest of amenity.

46. No development which has the potential to give rise to odour at nearby properties shall take place until an odour assessment and odour management plan for that development has been submitted to and approved in writing by the Local Planning Authority. The odour assessment and odour management plan shall consider any cumulative effect of odour resulting from the overall development at the FEZ site. The development shall thereafter be operated in accordance with the odour management plan.

REASON: In the interest of amenity.

47. The air ventilation and odour control systems to be employed as part of this development shall be implemented and carried out in accordance with the details and systems to be submitted and approved by the Local Planning Authority.

REASON: In the interest of amenity.

Environmental Protection

48. Unless otherwise agreed in writing, prior to the occupation of any plot of development pursuant to Part 1 of the Order, a detailed Operational Environmental Management Plan (OEMP) for that individual development plot has been submitted to and approved in

writing by the Local Planning Authority. The OEMP shall include information on the following:

- a. measures to deal with accidental pollution (groundwater, surface water and soils) and details of any necessary equipment (e.g. spillage kits) to be held on site;
- b. a scheme to deal with potential risks associated with contamination;
- c. measures to reduce and manage operational waste;
- d. a scheme for artificial lighting, specifying measures to minimise the impact of light spill.

REASON: In order to protect the environment and safeguard amenity.

Construction

49. No development shall take place on any phase/plot until a Construction Traffic Management Plan (CTMP) for that phase/plot has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highways Authorities. Construction on that plot shall thereafter take place in accordance with the agreed CTMP for that plot, which shall be implemented in full.

REASON: To minimise impact on the local highway network

50. Unless otherwise agreed in writing, no phase/plot of development shall take place until a detailed Construction Environmental Management Plan (CEMP) for that phase/plot has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include information on the following:

- a. details of a telephone complaints line and the methodology to deal with any complaint;
- b. methods of communication with local residents in the event of abnormal working;
- c. hours of working (Monday- Friday 08:00-18:00 hours and Saturday 08.00 -13.00 and no working on Sunday or Bank Holidays unless otherwise agreed with the Local Planning Authority);
- d. measures to control the emissions of dust, noise and vibration (as set out in British Standard BS 5228-1 Parts 1 and 2:2009 – Code of Practice for noise and vibration control on construction and open sites and IAQM ‘Guidance on the assessment of dust from demolition and construction, 2014);
- e. measures to prevent pollution (surface water, groundwater and soils);
- f. a scheme for artificial lighting, specifying measures to minimise the impact of lighting;
- g. a scheme to deal with potential risks associated with contamination including unexploded ordnance; and
- h. measures to reduce and manage construction waste.

The development of each plot shall thereafter be constructed in accordance with the approved details.

REASON: To safeguard amenity and minimise pollution.

INFORMATIVES

Gas Infrastructure

Prior to the commencement of works within the vicinity of, or which may impact upon, any gas pipeline or associated equipment, the developer or undertaker shall contact and consult National Grid Plant Protection in accordance with its relevant procedures and protocols. See National Grid's letter dated 18th April 2017 which forms Appendix 6 of the LDO Statement of Reasons.

Drainage and Discharge

An application to discharge trade effluent must be made to Anglian Water and consent must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol/oil interceptors be fitted in all vehicle parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in the pollution of the local watercourse and may constitute an offence.

Anglian Water recommends the installation of properly maintained fat traps on all food preparation establishments. Failure to do so may result in properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and also constitute an offence under section 111 of the Water Industry Act 1991.

Land Contamination

The Environment Agency recommends that developers should:

- follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- refer to the Environment Agency Guiding principles for land contamination for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- refer to the contaminated land pages on GOV.UK for more information.

Desktop investigations have identified that there is the potential for chemical agents to be present as a result of the former military use of the site. Chemical weapons contaminated sites are potentially very hazardous and all work related to such sites (including detection, safe handling, analysis and assessment) should be undertaken only by suitably qualified and experienced experts. See Environment Agency technical guidance document *Land*

Contamination: Technical Guidance on Special Sites: Chemical Weapons Sites; R&D Technical Report P5-042/TR/02⁶.

Highways / Estate Streets

The Applicant is advised to obtain the written approval of the Local Highway Authority for the details required under Condition 17, prior to the submission of such details to the Local Planning Authority in seeking to discharge the said condition. Such details, as may be submitted to the Local Highway Authority, could be subject to technical and safety assessments / audits, which may result in changes to the layouts and alignments as shown on any indicative layout(s) approved by virtue of the planning permission. The applicant is advised that the Local Planning Authority may reject details submitted to them for the discharge of the condition without evidence of technical approval from the Local Highway Authority.

The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of such approved details to the Local Planning Authority to discharge Condition 18 of the LDO.

The applicant is advised that to discharge condition 19 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Alternative Planning Applications

This LDO does not preclude the submission of full planning applications for development within the boundary of the Hemswell Cliff FEZ. Any such planning application shall be determined in accordance with the development plan and relevant material considerations which will include the objectives and status of the Food Enterprise Zone.

Any such application must be justified and its impact assessed in the context of the full FEZ development allowed by this LDO. Any such application must propose adequate mitigation of the impact of development over and above that of the development allowed and mitigated by the LDO.

⁶ <http://www.clare.co.uk/useful-government-legislation-and-guidance-by-country/77-risk-assessment-info-ra/183-risk-assessment-preliminary-info-ra1>.

SCHEDULE 3: INTERPRETATION

Terms used in this order have the following meanings:

Agri-Food Sector Uses	Uses specified in section 4.2, excluding those specified in section 4.4, of the Statement of Reasons.
Additional Guidance	Additional guidance relating to the physical form of development; design, appearance and materials; services and infrastructure; landscape planting; and phasing as set out in Appendix 5 of the Statement of Reasons.
Estate Road	A road sufficient to provide access to that phase/plot of development from an existing public highway.
Food Industry Processes	Processes specified in section 4.3, excluding those specified in section 4.4, of the Statement of Reasons.
Footway	A new pedestrian footpath to the north side of the A631 between the access to the Hemswell Cliff LDO site and Gibson Road.
General Conditions	The conditions identified in Schedule 2 of the Order.
GIA	'Gross Internal Area' as calculated in accordance with the RICS Code of Measuring Practice (sixth edition 2007).
Highways Agreement	An agreement with the Lincolnshire County Council pursuant to sections 38/278 of the Highways Act 1980.
Hemswell Cliff Food Enterprise Zone (FEZ)	The proposed development at the Hemswell Cliff LDO Site intended to facilitate growth in the Agri-Food Sector.
Hemswell Cliff LDO Site	The area shown edged red on the plan attached to this Order as Appendix 1 of the Statement of Reasons and being the Order area.
Parameters Plan	The plan (ref. Aecom Figure 6) attached to this Order as Appendix 2 of the Statement of Reasons.

Phase/Plot	Any defined area for a development, as submitted with a Reserved Matters application pursuant to the LDO, within the LDO site.
Reserved Matters	Details to be submitted for approval pursuant to General Condition 2 in relation to layout, scale, appearance, means of access and/hard and soft landscaping.
Right Turn Lane	A dedicated lane within the A631 to provide enhanced access to the Hemswell Cliff LDO Site at its primary access point as shown on the Parameters Plan.

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Appendix 2 Plans of the LDO Site

- Location Plan (Aecom Figure 1)
- Red Line Boundary on Aerial Photograph (Aecom Figure 2)

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Appendix 3 Parameters Plan

- Parameters Plan (Aecom Figure 6)

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Appendix 4 Illustrative Plans

- Indicative Layout (Aecom Figure 7)

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Appendix 5 Additional Guidance

Further to the physical parameters set out under the Description of Development and controlled by condition of the LDO, the following information is provided as additional guidance to assist prospective developers and the local planning authority in proposing and approving acceptable schemes via reserved matters submissions.

Services and Infrastructure

MAIN ACCESS

The LDO site will be served by a new or enhanced access to the A631. This is proposed to be in the form of an upgraded priority junction at the location of the existing east access point, comprising of carriageway widening and a new right turn lane.

The transport assessment confirms that the LDO development may be satisfactorily accommodated by the existing priority junction proposed, both in terms of capacity and highway safety.

Whilst there is considered to be no technical or safety requirement for a new access to be created, such as a roundabout, the LDO may accommodate such a new access should details of this be submitted and approved pursuant to condition.

The existing west access point may also be used to provide a temporary access whilst any new or upgraded access point is constructed.

The delivery of the new or upgraded access infrastructure will be subject to separate technical approval via the submission of details pursuant to conditions and a section 278 agreement.

SPINE ROAD

The spine road to serve plots within the LDO site is anticipated to be provided primarily by the existing road which serves business units at the former airfield, subject to upgrade/reconstruction necessary to achieve the standard for adoption by the highways authority. This spine road is shown on the Parameters Plan as 'site access' road.

A new section of spine road may also be proposed to provide access to the plots within the southern part of the LDO site, thereby removing or reducing dependency upon the southern section of the existing access road. Such a new section of spine road will enhance accessibility to development plots, provide for provision of utilities and enhance the appearance of the development. An indicative alignment of this new spine road is shown on the Parameters Plan as 'site access - indicative'. The purpose of this parameter is to prevent the development of plots in the southern section severing access to the northern plots in the event that the use of the southern part of the existing access road is restricted.

The upgrade of this spine road will be controlled by conditions of the LDO and separate technical approval as may be required. Development of business premises pursuant to this LDO will depend upon on-site road infrastructure being in place to an extent which is sufficient to serve the scale and location of development delivered (see phasing below).

INFRASTRUCTURE CORRIDOR

An infrastructure corridor is to be maintained through the development to allow installation of services and utilities as may be required to serve all plots. The indicative alignment of this corridor is shown by the 'infrastructure zone' on the Parameters Plan. The key aspects of this are that it lies immediately adjacent to existing/proposed spine road from where it is accessible to all plots, and that it provides a continuous 'route' from the southern part of the LDO site to the northeast part where any attenuation pond (if required) will be created.

The purpose of this parameter is to prevent the development of plots severing the possible connection of services and utilities between the A631 and the northeast part of the LDO site.

SPUR ROADS

Development plots not served directly by the spine road may be accessed via spur roads from the spine road. The illustrative layout plan indicates the possible location of spur roads, although the precise location will be dependent upon the configuration of development to come forward.

The delivery of spur roads will be subject of reserved matters approval in its own right or as part of a development plot or phase proposal.

SURFACE WATER DRAINAGE

Each plot or phase of development must incorporate surface water attenuation features to control the flow of water from the site. This should be in the form of a sustainable drainage system comprising an infiltration basin providing that infiltration tests confirm this to be feasible.

Drainage design details must be submitted which demonstrate the provision for surface water attenuation storage up to and including a 1 in 100 year event plus 30% allowance for climate change. This is calculated as a volume of 625m³ per infiltration basin per hectare of hardstanding to provide adequate storage to ensure no flooding of the site or surrounding area.

Should the soakaway tests indicate that infiltration cannot be achieved at any given plot, then surface water from the site will be restricted to the equivalent greenfield run off rate for the site. This has been calculated as 93.5 l/s, based on a greenfield rate of 3.67 l/s/ha assuming a developed area of 25.5 ha.

Should infiltration not be proposed, then alternative drainage design details must be submitted of a sustainable drainage system comprising an attenuation pond and associated pipes or swales. The attenuation pond will be located within the northernmost extent of the site and will outfall, via a piped network and new outfall into Aisthorpe Springs, a watercourse located to the east of the Site.

Additional attenuation storage will be achieved using a combination of swales, balancing ponds, channels, pipe network and/or underground storage within the development plots.

Physical Form of Development

Development at Hemswell Cliff is anticipated to include, but is not limited to, the following buildings, structures and features:

- Business units including offices, laboratories and workshops etc
- Factory and food industry process buildings
- Warehouse and storage buildings including ambient, cool and frozen storage
- Grain storage facilities and infrastructure
- Commercial vehicle yards
- Ancillary infrastructure including car parks, water tanks, generators, security facilities, enclosures etc
- Sustainable drainage system (SUDS) including infiltration basins, attenuation ponds and swales and rainwater harvesting facilities
- Road network; foul water drainage; water, power and communication networks etc

Development within the site is anticipated to be of a variety of scales and formats, potentially including one, or a small number of, larger 'anchor' business developments and a greater number

of smaller inter-dependent businesses which form the cluster and provide supplies, support and services etc.

West Lindsey District Council has prepared a masterplan for Hemswell Cliff including the LDO site and wider employment use area. This masterplan provides an indication as to how development within the LDO site may be configured. This is illustrative only to allow flexibility for particular business demand and requirements to be accommodated.

Through the course of the environmental impact assessment, further potential constraints to development were identified which are reflected in the Indicative Layout (ref. Aecom Figure 7) prepared by Aecom and controlled by the Parameters Plan.

In particular, this relates to the constraint on development within the identified HSE Safeguard Zones at the northeast of the site.

In the 'purple zone', where development and use of land for employment purposes is allowed, there may be a restriction on the nature of development to ensure that buildings are not of 'vulnerable construction'. Whilst the precise definition and context of this must be discussed with the HSE, the following information is provided as guidance on the nature of the constraint and expected design limitations in this location:

- For buildings of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5 m², the glazed or frangible panels should not exceed 50% or 120 m² of the surface of any elevation;
- For buildings of more than three storeys above ground or 12 m in height with solid walls and individual glass panes or frangible panels larger than 1.5 m², the area of glass panes or frangible panels should not exceed 50% of any elevation;
- For buildings of more than 400 m² plan area with continuous or individual glazing panes larger than 1.5 m², the glazing panes should not exceed 50% or 120 m² of the plan area; or

Particular attention should be given to the design of any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse. Such structures may include the following:

- Unframed structures with limited continuity utilising non-ductile materials;
- Large-span, tension or other special structures with critical load-bearing elements;
- Unusually weak structures (typically historic or timber framed buildings);
- Buildings containing vulnerable elements such as pre-cast panel fixings or large span slender masonry panels which may be particularly susceptible to failure and lead to a falling debris hazard.

Design, Appearance and Materials

The LDO does not seek to prescribe the appearance or materials for development at the Hemswell Cliff FEZ site given the diversity in the range of uses and building types which may be proposed in the agri-food sector.

To ensure good design and the use of high quality materials, any reserved matters application must be submitted with a Design and Access Statement for approval by the local planning authority.

The Design and Access Statement must respond to the guidance of the NPPF (section 7) and the requirements of relevant local planning policy, including Local Plan policy LP26 – Design and Amenity.

This policy requires all development to achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. The policy sets out a series of design criteria, which includes the following:

- Make efficient and effective use of land;
- Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relating to siting, height, scale, massing, form and plot widths;
- Incorporate appropriate landscape treatment to ensure that the development can be satisfactorily assimilated into the surrounding area;
- Provide well designed boundary treatments, and hard and soft landscaping that reflect the function and character of the development and its surroundings;
- Protect any important local views into, out of, or through the site;
- Duly reflect or improve on the original architectural style of the local surroundings, or embrace opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style;
- Use appropriate, high quality materials which reinforce or enhance local distinctiveness, with consideration given to texture, colour, pattern and durability.

Policy LP26 also sets out a series of amenity considerations, stipulating that the amenities which occupiers of neighbouring properties may reasonably expect to enjoy must not be unduly harmed by or as a result of the development. The specified considerations are as follows:

- Compatibility with neighbouring land uses;
- Overlooking;
- Overshadowing;
- Loss of light;
- Increase in artificial light or glare;
- Adverse noise and vibration;
- Adverse impact upon air quality from odour, fumes, smoke, dust and other sources;
- Adequate storage, sorting and collection of household and commercial waste, including provision for increasing recyclable waste; and
- Creation of safe environments.

Landscape Planting

A strategic landscape scheme for the Hemswell Cliff FEZ site will be prepared and approved pursuant to conditions of the LDO. The proposed landscape treatment will provide new woodland planting alongside the western boundary of the Hemswell Cliff FEZ site, and augment existing hedgerows and hedgerow trees along the A631.

The strategic landscape scheme shall provide details of:

- Planting plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants, noting species, plant sizes and proposed numbers/ densities;

- A programme for the implementation of the landscaping works, including how the SLS shall be implemented on a strategic site wide and individual development plot by plot basis; and
- A scheme for the future maintenance of the landscaped areas.

Plot development proposals made through reserved matters applications must include details of on-plot landscaping and of the boundary planting where this corresponds to the development plot. The proposals shall be guided by and conform to the strategic landscape scheme.

The details of all boundary landscape features and planting shall be approved prior to the commencement of development for the corresponding plot and shall be fully implemented in as approved.

The landscaped areas shall then be maintained in accordance with the strategic landscape scheme.

Phasing

Given the scale of development proposed, this will inherently come forward in phases according to demand for sites or premises. To maintain flexibility to meet business requirements, the phasing is not prescribed either geographically (i.e. which plots first) or in time (i.e. which phase when).

However, the phasing must ensure that the developed plots are adequately and rationally served by infrastructure. It is therefore anticipated that the southern parts of the site will form the initial phase and the development will then 'work backwards' into the site. However, development of land within the central and northern parts of the site is not restricted pending development of land to the south, provided that the development depends upon the location proposed by virtue of its scale or function, and that provision is in place for the delivery of adequate infrastructure to serve it.

A condition is attached to the LDO to ensure that development is not occupied prior to the completion of adequate infrastructure to provide access and services.

Legal Agreements

Whilst an LDO cannot incorporate an agreement under Section 106 of the Planning Act, West Lindsey Council may seek to enter into legal agreements with developers/occupiers of land at the Hemswell Cliff FEZ site in order to discharge certain aspects of the general conditions. This primarily relates to the cohesive management and operation of the FEZ, for instance requiring all occupiers to make contributions to the management and maintenance of shared infrastructure or the provision of sustainable transport initiatives.

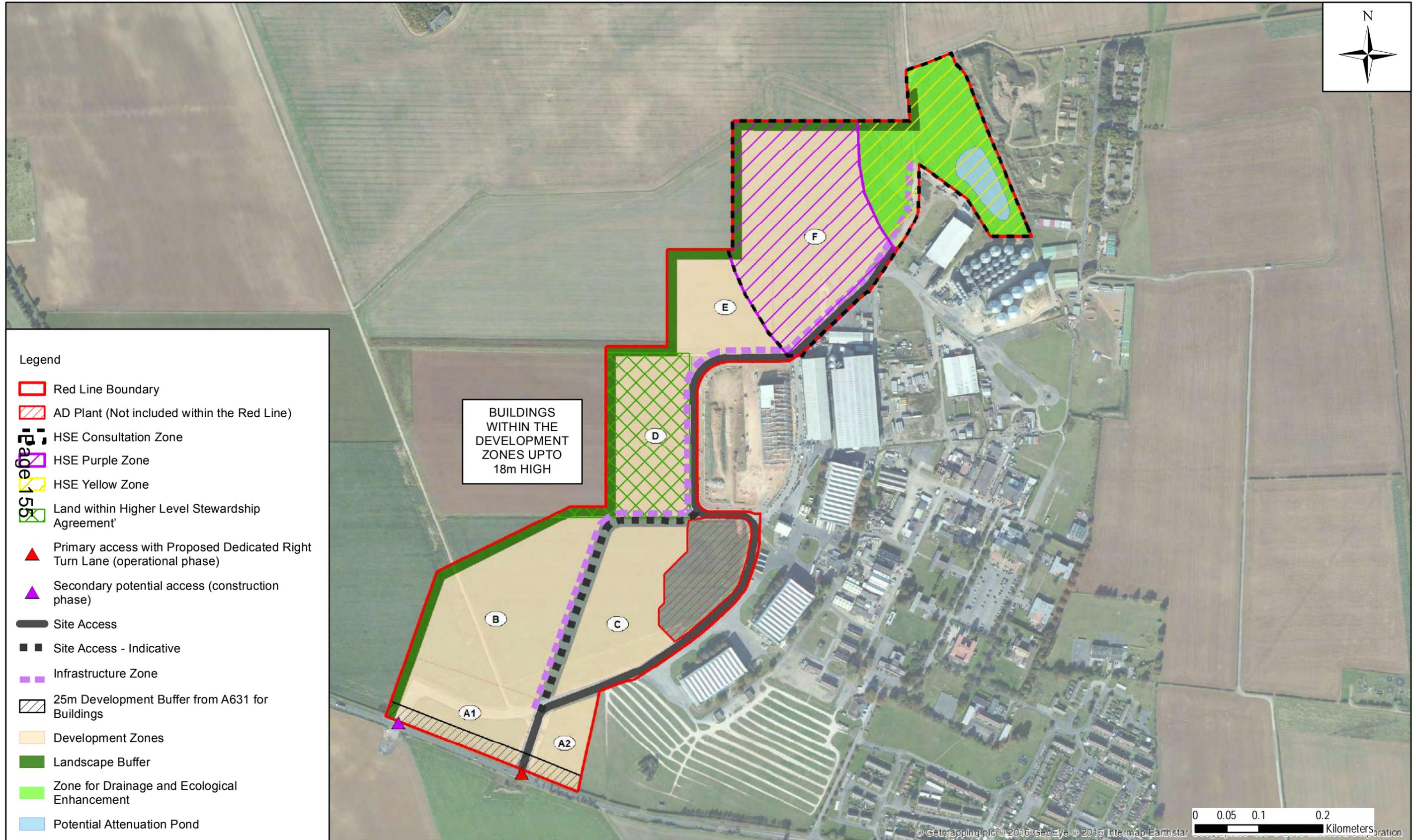
Details of this should be discussed between prospective developers/occupiers and the Council during the site acquisition and/or reserved matters planning application stage.

Appendix 6 Additional Information

- National Grid letter dated 18th April 2017 including gas pipeline plan.

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Legend

- Red Line Boundary
- AD Plant (Not included within the Red Line)
- HSE Consultation Zone
- HSE Purple Zone
- HSE Yellow Zone
- Land within Higher Level Stewardship Agreement
- Primary access with Proposed Dedicated Right Turn Lane (operational phase)
- Secondary potential access (construction phase)
- Site Access
- Site Access - Indicative
- Infrastructure Zone
- 25m Development Buffer from A631 for Buildings
- Development Zones
- Landscape Buffer
- Zone for Drainage and Ecological Enhancement
- Potential Attenuation Pond



Client:

Project: **HEMSWELL CLIFF FEZ LDO**

Title: **PARAMETERS PLAN**

AECOM

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Design:	SE	Drawn:	SE
Chk'd:	GH	App'd:	SE
Date:	19/12/2016	Scale at A3:	1:5,500
Drawing Number:	FIGURE 6		A3

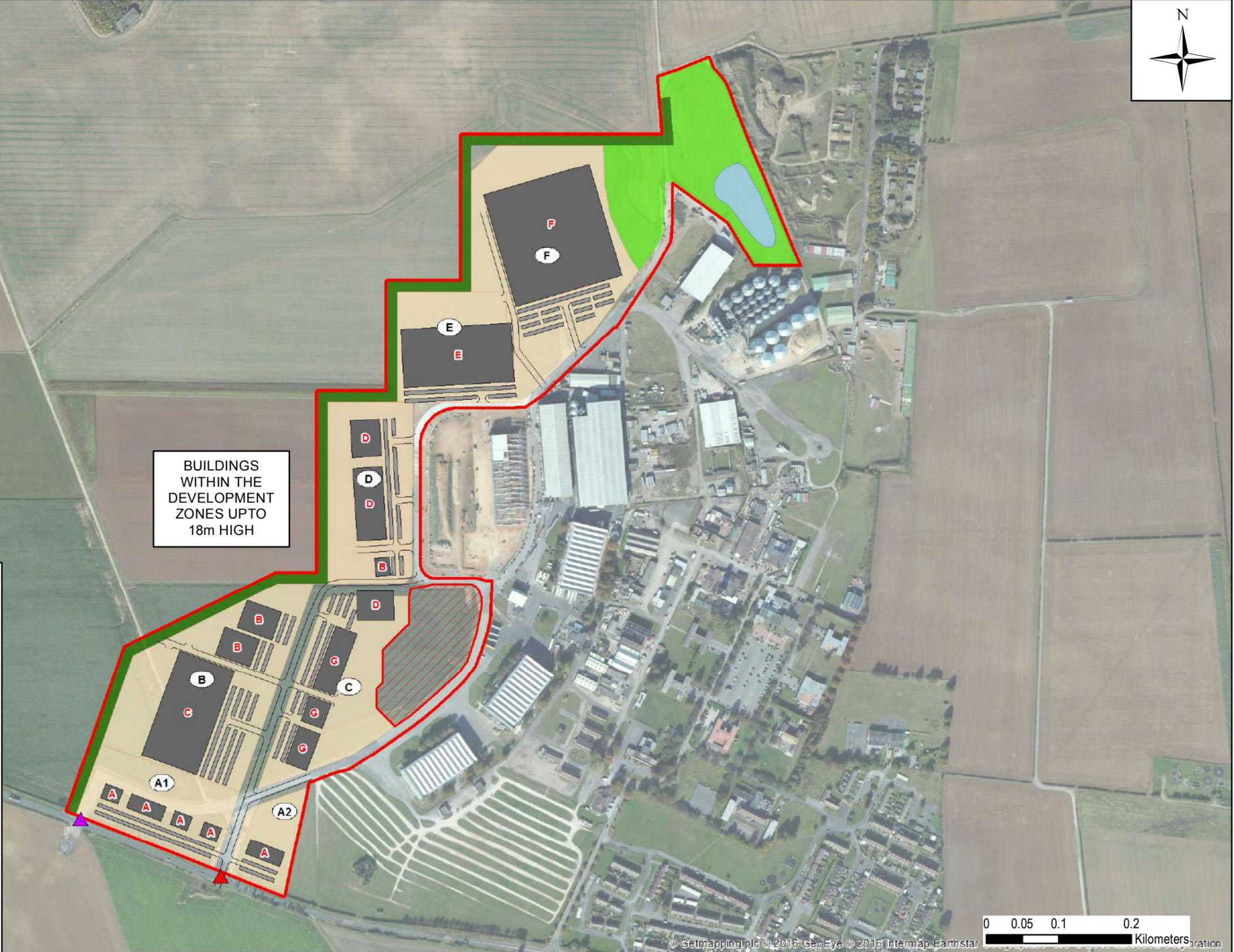
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Legend

- Red Line Boundary
- AD Plant (Not included within the Red Line)
- ▲ Proposed Dedicated Right Turn Lane (operational phase)
- ▲ Secondary potential access (construction phase)
- Development Zones
- Landscape Buffer
- Zone for Drainage and Ecological Enhancement
- Potential Attenuation Pond
- Indicative Building Location
- Indicative Carparking
- Indicative Road Layout



Client:	Title: INDICATIVE LAYOUT
Project: HEMSWELL CLIFF FEZ LDO	

Design: SE Chk'd: GH Date: 14/12/2016 Drawing Number: FIGURE 7	Drawn: SE App'd: SE Scale at A3: 1:5,500 A3
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Design: SE Chk'd: GH Date: 14/12/2016 Drawing Number: FIGURE 7	Drawn: SE App'd: SE Scale at A3: 1:5,500 A3
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**Prosperous Communities
Committee**

6 June 2017

Subject: Appointment of Member Champions 2017/18 Civic Year

Report by:

Monitoring Officer

Contact Officer:

Katie Coughlan
Governance and Civic Officer
0142 676594
Katie.coughlan@west-lindsey.gov.uk

Purpose / Summary:

To appoint Member Champions for 2017/2018
Civic Year.

RECOMMENDATION(S):

**That those Members named at Section 1.3 of the report be appointed as
Member Champions for 2017/18**

IMPLICATIONS

Legal:

In accordance with the constitution

Financial : FIN/28/18

The roles are eligible to claim travel and expenses - these will be contained within the existing travel expenses budgets

Staffing :

Equality and Diversity including Human Rights :

NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).

Risk Assessment :

Climate Related Risks and Opportunities :

Title and Location of any Background Papers used in the preparation of this report:

*Wherever possible please provide a hyperlink to the background paper/s
If a document is confidential and not for public viewing it should not be listed.*

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 Introduction

- 1.1 Historically Member Champions have been appointed by Council, at their annual meeting.
- 1.2 Following changes to the Constitution, agreed by Council in May 17, the responsibility for appointing Champions, not sits within the remit of the relevant Policy Committee
- 1.3 The following Members have been nominated for the following Member Champion roles that sit within the remit of the Prosperous Communities Committee :

Member Champion Role	Proposed Name
Heritage and Tourism	Paul Howitt-Cowan
Housing	Jessie Milne
Planning	Stuart Kinch
ED/Town Centre	Sheila Bibb
Health	Angela White
Localism/Neigh Plans	Steve England
Community Safety/ASB	Trevor Young
Young People/Skills	Reg Shore
Transport	Lewis Strange
Safeguarding/Mental Health	Gill Bardsley
Volunteering	Jessie Milne
Democracy	Roger Patterson
X Forces	Tom Smith

2. Recommendation

- 2.1 Members are asked to approve the appointment of those persons named above to undertake the role of Member Champions for the 2017 /18 Civic Year.

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Purpose:

This report provides a summary of reports that are due on the Forward Plan over the next 12 months for the Prosperous Communities Committee.

Recommendation:

1. That members note the schedule of reports.

Prosperous Communities Committee			
Active/Closed	Active		
Date	Title	Lead Officer	Purpose of the report
06/06/2017 Total			
18/07/2017	Housing Strategy	Diane Krochmal	to present the new Housing Strategy for approval
	Waste Services Policies	Ady Selby	To update waste policies which have been in use since 2009 and introduce amendments to support commercial activity
	Brattleby Neighbourhood Plan	Daniel Evans	To approve the Neighbourhood Plan to move to referendum.
	market proposals - after call-in	Ady Selby	to receive further proposals on the future operation of Gainsborough Market
	Gainsborough Growth Fund Review	Marina Di Salvatore	to present a Review and Re-launch paper with a dedicated Town Centre Scheme
	Potential Land Acquisition - Gainsborough	Elaine Poon	Confidential
	Compulsory Purchase Orders - Gainsborough	Andy Gray	To request approval to proceed with a CPO for 3 properties in Gainsborough
	well being service	Michelle Howard	approval to proceed to the competitive dialogue stage

	youth unemployment recs from c and i cttee	Mark Sturgess	to receive the outcome report from c and i cttee into their investigation into youth unemployment. To determine if and how any recommendations will be acted upon
	Food Enterprise Zone Delivery Programme	Marina Di Salvatore	Proposed delivery strategy for the FEZ
	Progress and Delivery Period 1	Mark Sturgess	to present p and d position as at end of Q 1
18/07/2017 Total			
12/09/2017	Market Rasen Car Parking	Eve Fawcett-Moralee	To provide an update on the impact of introducing car parking charges in Market Rasen
	scotter NP	Daniel Evans	TO approve the plan for referendum and formally 'make' the neighbourhood development plan
	fiskerton NP	Oliver Fytche-Taylor	to approve the plan for referendum at pc and for adoption at council
	Lea NP	Daniel Evans	TO approve the plan for referendum and adoption at council
	Planning Enforcement Policy	Andy Gray	To gain approval for the revised planning enforcement policy and agree its adoption.
	selective licensing progress report	Andy Gray	to provide a further report to cttee one year after implementation
	Planning Fees and Charges	Oliver Fytche-Taylor	To inform members of the 20% increase in statutory planning fees (subject to Government approval after election), the revenue impact
12/09/2017 Total			
24/10/2017	P and d period 3	Mark Sturgess	To present p and d progress as at end of quarter 2
24/10/2017 Total			
30/01/2018	p and d period 3	Mark Sturgess	to present p and d position as at end of q3
30/01/2018 Total			
01/05/2018	p and d - period 4	Mark Sturgess	to present the year end position for p and d

01/05/2018 Total			
Grand Total			

Future Workplan Items still being scoped /no definitive timeline set: -

- Council Depot Rationalisation
- A15 Growth
- Show Ground MasterPlan
- Riseholme
- RAF Scampton
- Review of Wolds AONB Joint Working
- Syrian Refugees
- Lincolnshire Spatial Planning / Strategic Infrastructure Review
- Central Lincolnshire Local Plan Monitoring
- Trading Company – Policy Approval
- Closer to the Customer Programme
- Service Review – Stage 1 approvals

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of the Local Government Act 1972.

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