



**Prosperous Communities
Committee**

6 June 2017

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

Report by:

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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.