

# **Melton Borough Food Enterprise Zone : Local Development Order and Statement of Reasons**

## **1. Purpose of this document**

- 1.1 Melton Borough Council (the Local Planning Authority) is proposing a Local Development Order (LDO) for the food and farming sector within the boundaries of the Borough. This is a key element of its Food Enterprise Zone initiative (FEZ) and is intended to incentivise growth in that sector by reducing the barriers perceived to be created by the planning process.
- 1.2 Local Development Orders were introduced with the Planning and Compulsory Purchase Act 2004 and allows local planning authorities to extend permitted development rights for certain specified forms of development. The Planning Act 2008 removes the requirements that LDO's should implement policies set out in adopted local development documents. The Growth and Infrastructure Act 2013 simplified the Local Development Order process; it replaced the requirement for the local planning authority to submit the order to the Secretary of State before adoption, instead it is now a requirement to notify the Secretary of State as soon as practicable after adoption, but allows the Secretary of State to intervene at any stage. The Act also removed the requirement for Local Development Orders to be reported on as part of the Authorities' Monitoring Reports.
- 1.3 The process governing the preparation and the implementation of Local Development Orders is attached as Appendix 2 .
- 1.4 Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2015 paragraph 1 requires that if a local planning authority proposes to make a LDO they must first prepare:
  - (a) A draft of the Order; and
  - (b) A statement of their reasons for making the order.
- 1.5 The LDO document is provided in Appendix 1 of this document.
- 1.6 Article 38 paragraph (2) of the DMPO states that the statement of reasons must contain:
  - (a) A description of the development which the order would permit; and
  - (b) A plan or statement identifying the land to which the order would relate.
- 1.7 This document contains the statement of reasons for making the LDO. The LDO will relate to the entire Borough and a map identifying the area of land to which the Order relates is included in Appendix 1. The LDO will be implemented for a period of 2 years from the date of adoption, after which time it will be reviewed before this date to determine its impact and effectiveness and whether an extension to the timescale should be considered, or whether it requires amendment.

## **2. Local Development Order : Explanation and Statement of Reasons**

- 2.1 Melton Mowbray is the “Rural Capital of Food” and whilst Melton’s food and drink specialism provides bespoke opportunities and a degree of local resilience, the LDO will encourage development that contributes to a growing rural economy that sees an increase in skilled workforce, GVA per employee, growth in sector output and recognising also that investment in high-level skills training will support the sub-regional and UK agri-food sector to respond to food security and food sustainability issues. There is also a significant export opportunity for the ‘made in Britain’ and the historic Melton Mowbray ‘covenant’ and brand as the ‘Rural Capital of Food’.
- 2.2 Food and Drink Manufacturing is identified as a priority sector in the LLEP Strategic Economic Plan with a stated aim of intervention in the form of business support and development and is a key component of the Market Towns and Rural Leicestershire Growth Programme within the SEP. The LDO will relate directly to these projects and initiatives, and will complement the Melton Mowbray Livestock Market/FEC within the Market Towns and Rural Leicestershire Programme (GP1). The Council’s objectives are to assist the economic development of food and farming by improving the supply chain between participants, offering business support to assist expansion and new starts and simplifying the planning regime. The LDO addresses the third of these points.
- 2.3 Two focus groups were created to provide insight into the needs of the food sector in Melton. Their feedback has been very valuable in designing the different elements of the Local Development Order. A farmer’s focus group was created with the help of the NFU and included several Melton farmers with different types of product, and a producer/retailer focus group included businesses from diverse sizes and specialisation. These focus groups have advised on what aspects of the planning system we should focus the LDO in order to maximise its benefit.
- 2.4 The Local Development Order (LDO) will grant planning permission to specific types of development and will seek to streamline the planning process by removing the need for developers to make a planning application to the local authority for certain types of development in specific circumstances. It will create certainty and save time and money for those involved in the planning process.

The LDO will also ensure that the needs of nearby residents and others are properly recognised and their amenity protected, so that they can be assured that the LDO permits only development of an appropriate scale and that appropriate safeguards are in place.

### **3. Provisions of the LDO**

- 3.1 The parameters for the proposed Melton FEZ LDO simplifies the planning process in relation to:
- Erection and extension of farm buildings
  - Change of use to farm shop

- Extension to form farm shop
- Extensions to Food production
- Change of use to ancillary retail ('factory shop')
- Change of use to ancillary retail
- Training facilities

2.5 Developments undertaken under the terms of the proposed Local Development Order will be subject to standard conditions in areas such as highways, contaminated land, noise, design, proximity to neighbouring uses and others. The full proposed standard conditions can be found in Appendix 1.

2.6 It is considered that, subject to the appropriate conditions, the scale and nature of the development permitted by the proposed Local Development Order would not have any unusually complex or potentially hazardous environmental effects sufficient to trigger the need for an EIA. The proposed LDO has been considered against the relevant tests set out under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 and the Local Planning Authority has formally adopted an opinion that an EIA is not required.

## APPENDIX 1

# THE MELTON FOOD ENTERPRISE ZONE LOCAL DEVELOPMENT ORDER

## Part A – General provisions and limitations

1. This Local Development Order relates to the area defined as the Borough of Melton as outlined in red on the map contained within Appendix 2.
2. The Order grants planning permission, subject to compliance with certain criteria and standard conditions, for the extension or alteration of buildings, changes of use and minor ancillary works. The criteria which proposed development will be permitted under are detailed in Part B is to be read alongside the permitted development provision.
3. Planning permission is granted for the above development proposals subject to conditions set out in Part B, also set alongside each provision.
4. The Order, and the terms within it, will be active for a period of five years following the day of its adoption, and will expire following this period. The Order will therefore cease to apply following the fifth anniversary of its adoption.
5. Development which has started under the provision of the Order will be allowed to be completed in the event the Order is revoked or revised.
6. Development which has started under the provision of the Order prior to its expiry can be completed following the expiry of the Order.
7. The developments that have taken place under the Order will therefore be allowed to continue to operate but no new developments will be allowed under the terms of the Order following its expiry without planning permission.

## Part B – Permitted Development

### (i) Erection and extension of farm buildings

#### Permitted Development

**The extension or construction of a building for the purposes of agriculture (as defined by s 336 of the Town and Country Planning Act 1990) and designed for such a purpose.**

#### Criteria:

- The development shall not exceed 750m<sup>2</sup> in floor area (measured externally).
- The development shall be located entirely within an agricultural holding of no less than 5 ha
- The development shall be wholly within a parcel of land exceeding 1 ha

- No part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
- Any new building shall be within 30 metres from an existing building;
- No part of the development to be carried out within 5 metres of any boundary of the unit;
- The height of any development within 3 kilometres of the perimeter of an aerodrome must be less than 3 metres, or 12metres elsewhere.
- The development is or would be within 400 metres of the curtilage of a protected building<sup>1</sup>.
- The development shall not be used for storing or waste from a biomass boiler or an anaerobic digestion system unless produced by that boiler or system, or for storing fuel not produced on land within the unit (i.e. no imported waste of fuel)
- No part of the development is within a sensitive area, defined as :
  - (i) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);
  - (ii) an area of outstanding natural beauty;
  - (iii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside)(1) (an 'SSSI')
  - (iv) The curtilage of a listed building

<sup>1</sup> "protected building" means any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but does not include—  
 (a) a building within the agricultural unit; or  
 (b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;

**Conditions:**

1. The development shall not be eligible for future conversion to a dwelling(s) under Class Q of Part 3 of the Town and Country Planning General (Permitted Development) Order 2015, including amendments to that Order or an Order that replaces it.
2. The development shall is not permitted if there has been an earlier extension to an agricultural building, or a new agricultural building, erected on the site within the preceding 2 year period.
3. The development shall not affect the access, parking and turning facilities within the holding prior to its development
4. Details of materials proposed shall be submitted to an approved by the Local Planning Authority in writing prior to the commencement of development.
5. The development shall not result in the removal of any trees or hedges unless agreed in writing with the Local planning Authority prior to the commencement of development.

## **(ii) Change of use to farm shop**

### **Permitted Development**

**The use of an existing building within an existing agricultural holding for the purposes as a shop as defined within Class A1 (shops) of the Schedule to the Use Classes Order, to a use falling within Class A1**

#### **Criteria:**

- The use shall occupy a floorspace no greater than 50m<sup>2</sup>

#### **Conditions:**

1. The goods sold shall be limited to those produced on the holding on which the building is located OR in accordance with a scheme that shall first have been submitted to and approved by the LPA setting out the range of goods to be supplied and their source
2. No development shall take place until details of parking and access arrangements have been submitted to and approved by the Local Planning Authority
3. No works for the alterations of buildings that affect its external appearance are permitted by this provision.
4. Details of the hours of opening shall be submitted to and approved by the LPA prior to development commencing.

## **(iii) Extensions to form farm shop**

### **Permitted development:**

**The extension of an existing building within an existing agricultural holding for the purposes as a shop as defined within Class A1 (shops) of the Schedule to the Use Classes Order, to a use falling within Class A1**

#### **Criteria:**

- The extension shall occupy a floorspace no greater than 50m<sup>2</sup>
- No part of the development is within a sensitive area, defined as :
  - (i) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);
  - (ii) an area of outstanding natural beauty;
  - (iii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside)(1) (an 'SSSI')
  - (iv) The curtilage of a listed building
- No part of the development shall fall within:
  - (a) in an area within Flood Zone 2 or Flood Zone 3; or
  - (b) an area within Flood Zone 1 which has critical drainage problems and which has been notified to the Local Planning Authority by the Environment Agency.

## Conditions

1. No part of the development to be carried out within 5 metres of any boundary of the holding;
2. The height of any development within 3 kilometres of the perimeter of an aerodrome to be less than 3 metres, or 12metres elsewhere.
3. No development shall take place until details of parking and access arrangements have been submitted to and approved by the Local Planning Authority
4. Details of the hours of opening shall be submitted to and approved by the LPA prior to development commencing.
5. Details of the design of the building shall be submitted to and approved by the LPA prior to development commencing.

### (iv) Extensions to food production premises

#### Permitted Development

**The extension or construction of a building for the purposes of food production which is designed for such a purpose.**

#### Criteria:

- The development shall not exceed 500m<sup>2</sup> in floor area (measured externally).
- No part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
- No part of the development is within a sensitive area, defined as :
  - (i) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);
  - (ii) an area of outstanding natural beauty;
  - (iii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside)(1) (an 'SSSI')
  - (iv) The curtilage of a listed building
- No part of the development to be carried out within 5 metres of any boundary of the holding;
- Any new building shall be within 30 metres from an existing building within the same curtilage
- Any extension shall not exceed the height of the building to which it connects
- The height of any development within 3 kilometres of the perimeter of an aerodrome to be less than 3 metres, or 12metres elsewhere.
- No part of the development shall fall within:
  - (i) in an area within Flood Zone 2 or Flood Zone 3; **or**

- (ii) an area within Flood Zone 1 which has critical drainage problems and which has been notified to the Local Planning Authority by the Environment Agency

**Conditions:**

1. Noise resulting from the use of plant, machinery or equipment shall achieve a level which is equal to or below the existing background level when assessed in accordance with BS4142, at a point one metre external to the nearest noise sensitive building.
2. No doors or windows shall face any residential property at a distance of less than 40m.
3. No development shall take place until details of parking and access arrangements have been submitted to and approved by the Local Planning Authority
4. Details of the design of the building shall be submitted to and approved by the LPA prior to development commencing.
5. No development shall take place until the proposed means of odour and fume extraction / fixed plant and equipment has been approved in writing by the Local Planning Authority
6. Any building as erected or extended shall be used for the carrying out of food production process(es) for the purposes of the undertaking, or for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking within whose curtilage it is located.

- (v) **Change of use of exiting food production facilities to shop ('factory shops')**

**Permitted Development:**

**The use of an existing building within an existing food production unit as a shop as defined within Class A1 (shops) of the Schedule to the Use Classes Order, to a use falling within Class A1**

**Criteria:**

- The use shall occupy a floorspace no greater than 50m<sup>2</sup>

**Conditions:**

1. The goods sold shall be limited to those produced within the food production unit on which the building is located OR in accordance with a scheme that shall first have been submitted to and approved by the LPA setting out the range of goods to be supplied and their source
2. No development shall take place until details of parking and access arrangements have been submitted to and approved by the Local Planning Authority
3. No works for the alterations of buildings that affect its external appearance are permitted by this provision.
4. Details of the hours of opening shall be submitted to and approved by the LPA prior to development commencing.



## **(vi) Extensions to food production premises**

### **Permitted Development**

**The extension or construction of a building within a site used for the production of food for the purposes of training in food production<sup>1</sup>.**

#### **Criteria:**

- The development shall not exceed 100m<sup>2</sup> in floor area (measured externally).
- No part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
- No part of the development is within a sensitive area, defined as :
  - (i) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);
  - (ii) an area of outstanding natural beauty;
  - (iii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside)(1) (an 'SSSI')
  - (iv) The curtilage of a listed building
- No part of the development to be carried out within 5 metres of any boundary of the holding;
- Any new building shall be within 30 metres from an existing building within the same curtilage
- Any extension shall not exceed the height of the building to which it connects
- The height of any development within 3 kilometres of the perimeter of an aerodrome to be less than 3 metres, or 12metres elsewhere.
- No part of the development shall fall within:
  - (i) in an area within Flood Zone 2 or Flood Zone 3; or
  - (ii) an area within Flood Zone 1 which has critical drainage problems and which has been notified to the Local Planning Authority by the Environment Agency

#### **Conditions:**

1. No development shall take place until the proposed means of odour and fume extraction / fixed plant and equipment as been approved in writing by the Local Planning Authority
2. No doors or windows shall face any residential property at a distance of less than 40m.
3. No development shall take place until details of parking and access arrangements have been submitted to and approved by the Local Planning Authority.

4. No development shall take place until details of the design of the building shall be submitted to and approved by the LPA.
5. Any building as erected or extended shall be used for the carrying out of food production process(es) for the purposes of the undertaking, or for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking within whose curtilage it is located.

- 1 "training in food production" definition
- 2 "Food Production Unit" definition