

## RURAL, ECONOMIC & ENVIRONMENTAL AFFAIRS COMMITTEE

8<sup>th</sup> JUNE 2016

### REPORT OF THE HEAD OF REGULATORY SERVICES

#### MELTON FOOD ENTERPRISE ZONE : CONSIDERATION OF REPRESENTATIONS ON THE 'LOCAL DEVELOPMENT ORDER'

##### 1.0 PURPOSE OF REPORT

- 1.1 To invite Members to consider representations made to the Draft 'Local Development Order' in its connection, following its approval for consultation at a meeting of this Committee on 17<sup>th</sup> March 2016.

##### 2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Committee:

- (i) **Agrees to pursue a 'Local Development Order' (with amendments highlighted) in accordance with the content of Appendix A, for adoption with effect from 1<sup>st</sup> July 2016 for an initial period of 2 years.**

##### 3.0 KEY ISSUES

- 3.1 Members will recall that at the meeting of 17<sup>th</sup> March 2016 it was agreed to proceed with a Local Development Order and instructing that it was published for consultation and advertisement.

- 3.2 Consultation with the bodies specified in the legislation and with other interested parties took place during April 2016 and wider publicity in the form of newspaper advertisements ran alongside. The purpose of this report is to consider the responses and determine the form that the LDO should take going forward.

- 3.3 Consultation has been generally supportive of the LDO and its objectives, but a number of concerns have been expressed regarding the safeguards built into it on a series of issues. There are also requests to broaden its scope and increase the floorspace allowances in some categories. The detailed content of the consultation responses are set out in Section 11 below. Proposed amendments to the LDO are included as Appendix A to this report.

##### 3.4 Next Steps

This is the final stage of consideration of the LDO and it requires no further referral to any other organisation. The LDO will run for an initial period of 2 years, following which it will be reviewed for both its effectiveness and any physical/environmental impacts arising.

- 3.5 It is intended that the LDO will be accompanied by supporting information on the internet and in leaflet form, setting out its content and requirements in a more accessible form. These in turn will assist its promotion and dissemination to the sector and wider interested parties.

#### **4.0 POLICY AND CORPORATE IMPLICATIONS**

- 4.1 The Food Enterprise zone has a strong resonance with both our People and Place priorities, helping to develop the economy and improve jobs and skills.
- 4.2 The LDO itself is a keystone on which the project was founded and attracted support and funding from DEFRA. It is understood that our approach to the LDO is unique and represents an innovative approach to the opportunity, reflective of the dispersed and diverse nature of the food and farming sector of the economy within the Borough.

#### **5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

- 5.1 Activity to date has been met fully from the grant awarded by DEFRA as part of the project approval in March 2015. This payment includes the funding of the Project Manager which extends to July 2016.
- 5.2 The only direct cost associated with the LDO is the requirement to advertise in local publications.
- 5.3 In the longer term, it is hoped that the LDO/FEZ project will stimulate economic growth and result in revenues from increased commercial floorspace etc e.g business rates revenue. However it should be noted that planning fee income will not be received for certain development within the LDO area as of course planning applications will not be required for qualifying schemes.

#### **6.0 LEGAL IMPLICATIONS/POWERS**

- 6.1 Under sections 61A-61D of the Town and Country Planning Act 1990 a Local Development Order (LDO) can be created to grant planning permission for certain types of development in specified areas.
- 6.2 Articles 38 and 41 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 establishes the procedure to be followed and recently the Growth and Infrastructure Act 2013 simplified the Local Development Order process by removing the requirement for the Local Planning Authority to submit the order to the Secretary of State before adoption for consideration of whether to intervene.

#### **7.0 COMMUNITY SAFETY**

- 7.1 There are no direct community safety implications arising from this report

#### **8.0 EQUALITIES**

- 8.1 An Equalities Impact Assessment is required for the proposal. This will be carried out alongside the detailed consideration by REEA Committee.

#### **9.0 RISKS**

<b>L I K E L I H O O D</b>	<b>A</b>	<b>Very High</b>				
	<b>B</b>	<b>High</b>				
	<b>C</b>	<b>Significant</b>	2			
	<b>D</b>	<b>Low</b>				
	<b>E</b>	<b>Very Low</b>	1,3			
	<b>F</b>	<b>Almost Impossible</b>				
			<b>Negligible 1</b>	<b>Marginal 2</b>	<b>Critical 3</b>	<b>Catastrophic 4</b>

**IMPACT**

<b>Risk No</b>	<b>Risk Description</b>
1	LDO does not provide sufficient incentive to stimulate investment
2	LDO meets with opposition
3	Secretary of State intervention

## 10.0 CLIMATE CHANGE

10.1 There are no Climate Change implications relating to this report.

## 11.0 CONSULTATION

11.1 The consultation and publicity exercises gave rise to ... responses. The following is a summary of the responses and a detailed breakdown is included as Appendix B. Comments are listed alongside and, where indicated, reflected in the amended LDO forming Appendix A:

Clarification needed regarding definition of scope – does it include farming/feed for consumption other than by humans	The LDO relates to ‘food and farming’ and is not intended to distinguish between different aspects of the farming sector.
Define the ‘sensitive areas’ referred to in conditions	The term ‘sensitive area’ includes a wide range as they can vary over time (e.g. as new designations are added or removed). As such the wording is considered adequate to ensure the LDO can be adapted and a ‘snapshot’ is not applied
No limits on repeated use of provisions	Condition 2 of part (i) is intended for this purpose and could be applied to other

	parts
Limited controls on traffic movements	Each category is limited by size (floorspace) which vary from category to category. It is considered that these limitations will prevent development from being significant traffic generators.
Clarification on new farm buildings (as opposed to extensions)	Amendments to appendix 1, para 2 are proposed to remove this inconsistency
Main rivers, aquifers and areas of known drainage problems need to be added to flood zone restrictions	Additional restrictions added
Relate highways restriction to 'boundary' rather than carriageway	Amendments made to refer to 'boundary'
Limit 400m exclusion to livestock and waste buildings	Amendments made to exclude only buildings used for waste, livestock and biomass activities.
Provide guidance on sale of imported goods (i.e. Proportions)	The LDO will be accompanied by a 'user guide' and sources of assistance in which such detail will be addressed.
Increase 'farm shop', food production and training facilities floorspace allowances	Increases to 100m <sup>2</sup> for farm shops and 200m <sup>2</sup> for training facilities incorporated. The 500m <sup>2</sup> for food production facilities is considered appropriate given exiting allowances within permitted development (20%)
Ensure use of Natural England's SSSI impact risk zones	Development in SSSI's is already excluded from the scope of the LDO. Comments on landscape enhancement and biodiversity improvements can be included in the 'user guide' but do not relate directly to the purpose of the LDO.
Ancient monuments, parks and gardens and battlefields should be protected	These have been added as exclusions within the LDO. On the question of 'setting' it is considered that the provisions within the LDO follow the same lines as existing permitted development but adjust the scale of the buildings concerned. To add exclusions based on 'setting' may create additional restrictions and be counter to the LDO's objectives
Conditions requested to incorporate sustainable drainage	Conditions added to new build elements
Development should be excluded from flood zones and those with critical drainage issues	Exclusions extended to prevent development in such areas
Cumulative development which combined represent major development will require a drainage strategy	Cumulative development potential removed by prevention of multiple application of the LDO on a single site
Guidance required on drainage design (where required) and land drainage consent requirements	The LDO will be accompanied by a 'user guide' and sources of assistance in which such detail will be addressed.

## 12.0 **WARDS AFFECTED**

12.1 All wards are potentially affected by this proposal

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Contact Officer: J Worley, Head of regulatory Services  
Date: 25<sup>th</sup> May 2016

Appendices : A: Proposed Local Development Order (amended)  
B: Summary of Consultation Responses