



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	PLANNING COMMITTEE
DATE:	20 DECEMBER 2016
REPORT OF THE:	HEAD OF PLANNING AND HOUSING GARY HOUSDEN
TITLE OF REPORT:	MALTON FOOD ENTERPRISE ZONE LOCAL DEVELOPMENT ORDER (LDO)
WARDS AFFECTED:	MALTON

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 For Members to consider responses to consultation on the Draft Local Development Order (LDO) and to consider the adoption of the Local Development Order.

2.0 RECOMMENDATION

- 2.1 That Council is recommended to:

- (i) Adopt the Local Development Order for the Malton Food Enterprise Zone (FEZ).

3.0 REASON FOR RECOMMENDATION

- 3.1 The LDO will provide an incentive for food and related businesses to locate on the Eden Business Park and Food Enterprise Zone and contribute to the delivery of the Ryedale Economic Action Plan and Local Plan and the objectives of the Local Enterprise Partnership.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with this report.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 Local Development Orders are a planning tool which grant planning permission for classes of development specified in the order. They are designed to streamline the planning process by removing the need for developers to make separate planning applications for development usually on a specific defined site or area. LDO's help create certainty for developers and to help save time and money in the development

process. In effect, an LDO operates in the same way as a planning decision notice - setting out the level of development and the uses to be approved (the development permitted by the order) and by identifying those conditions to be attached which must be discharged prior to any development taking place. Development proposals that do not conform with a LDO or that cannot satisfy the conditions of an LDO will require planning permission in the usual way.

- 5.2 The role of the planning system in supporting economic growth lies at the heart of national planning policy. The NPPF specifically advises Local Planning Authorities to use LDO's where this would help to boost enterprise.
- 5.3 The proposal supports the aims of the Council Plan. It is consistent with objectives and policies of the Ryedale Local Plan, the Ryedale Economic Action Plan and the objectives of the Local Enterprise Partnership.
- 5.4 It is a statutory requirement that LDO's are the subject of local consultation before they can be adopted and brought into effect. 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.
- 5.5 A public consultation was held between 25 October 2016 and 25 November 2016 and this included a public exhibition. The consultation was advertised in local newspapers and neighbours and Statutory Consultees were made aware of the consultation by letter. A briefing for Malton Town Council was held together with a briefing for all Members of the District Council.
- 5.6 A summary of the comments received in response to the consultation is at Annex 1 to this report. The majority of comments received relate to detailed points including the updating of supporting information or detailed matters in the design code which forms part of the LDO. Only one objection has been received which, in effect, objects to the principle of an LDO and concern that this will compromise the built design quality of the site.
- 5.7 Responses to the comments received are included at Annex 1 and the annex details the Council's response to the comments received. Where appropriate, supporting information has been revised to take account of comments received.

6.0 REPORT

The FEZ Site

- 6.1 In March 2015, Ryedale District Council, in partnership with the Local Enterprise Partnership, was successful in a bid for funding to DEFRA to create a Food Enterprise Zone (FEZ). The Malton FEZ was one of 15 sites nationally approved with the Malton FEZ being the only one in Yorkshire. £50,000 was awarded to assist in the preparation of the LDO, and to create the FEZ at the proposed Eden Business Park and Food Enterprise Zone north of Malton, adjacent to the A160 and A64. The award of funding was to cover the costs of producing the detailed information required to prepare an LDO, including the Statement of Reasons and Environmental Statement, as well as to facilitate key stages including Public Consultation and LDO preparation.
- 6.2 A Steering Group has led this project, comprising officers of Ryedale District Council and representatives of the developer; Marshall's. The project forms part of an overall package of investment to create the site, on the northern edge of Malton. It comprises 16,000m² of high quality business park and 7,500 m² dedicated to an agricultural business park, with potential for the relocated livestock market, agricultural training facility and associated businesses. It is anticipated that 600

direct jobs will be created on the site. Outline planning permission was granted for the site in March 2015.

- 6.3 The project has been supported by a £2.1 million investment in infrastructure to access the site from the A169 from the Local Enterprise Partnership's Local Growth Deal in 2016.

The proposed LDO

- 6.4 The proposed LDO is at Annex 2 . It comprises:

- a statement of reasons for granting planning permission
- the terms of the planning permission
- guidance on process and procedures, including the prior notification process
- a Design Code which sets out more detailed requirements in terms of the form and appearance of the development permitted by the LDO. (The Design Code forms part of the actual LDO but for ease of reference is at Annex 3).

- 6.5 The type and scale of the different uses that the LDO would permit is consistent with the outline planning approval for the site. The Design Code includes a masterplan for the development of the site and sets out detailed design requirements for development permitted by the LDO.

- 6.6 The proposed LDO is supported by technical information including an Environmental Statement and a Habitat Regulation Assessment.

- 6.7 Once the Order is in place, development can come forward without the need to make a planning application providing it complies with conditions in the order. The Local Planning Authority will be provided with prior notification of any proposed development and has a period of 28 days to confirm if the development proposed satisfies the terms of the Order. There is no fee payable to the Planning Authority as part of this process. A planning application would need to be made for any proposal for development which does not conform with the details of the Order.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:

a) Financial

The LDO process has been supported by grant aid from DEFRA. It is anticipated that planning fees related to this site will be reduced. However, it is not unreasonable to assume that business rates on the site will be derived at an earlier point given that the LDO aims to accelerate the development process and increase the attractiveness of the site to business.

b) Legal

The Order and Statement of Reasons have been prepared in accordance with the relevant legislation and post adoption statutory requirements will be complied with.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

The Malton to Pickering Cycle Path route proposal adjoins the site to facilitate cycle transportation to and from the Business Park.

8.0 NEXT STEPS

8.1 A number of statutory regulatory requirements are required following the adoption of the LDO and to bring it into effect. These include:

- Sending a copy of the LDO, the Statement of Reasons and Environmental Statement to the Secretary of State within 28 days.
- Placing the above documentation on the planning register within 14 days
- Informing the public of the decision, by local advertisement.

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Background Papers

Report to Planning Committee: 14 August 2014
<http://democracy.ryedale.gov.uk/documents/g1450/Agenda%20frontsheet%2021st-Aug-2014%2018.00%20Planning%20Committee.pdf?T=0>

Outline Planning Permission 14/00426/MOUTE

Malton FEZ LDO Environmental Statement
Malton FEZ LDO Habitat Regulation Assessment