

REPORT FROM: CHIEF EXECUTIVE

TO: POLICY AND RESOURCES COMMITTEE

DATE: 17th MARCH 2022

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GIB HILL

PURPOSE OF REPORT:

To consider the next steps to implement the decision of the Council at its meeting on 25th March 2021.

RECOMMENDATION

That a Working Group of Members be established to develop a preferred option and the approach to discussions with interested organisations.

1. At the Council meeting on 25th March 2021 the following motion was passed:

The Council notes the need to protect, promote, enhance and manage the natural upland environment in Pendle, including areas such as Gib Hill.

Council also notes the resolution passed at Policy and Resources Committee that discussions take place with Colne Town Council, Nelson Town Council and any other community group to transfer the land at Gib Hill, Nelson as a community asset transfer and looked after in perpetuity.

Council recognises that Gib Hill is a green lung for residents of Pendle and endorses consideration of the land at Gib Hill being enhanced ecologically and for the public good.

Council therefore resolves to support the resolution of the Policy and Resources Committee and instructs the Chief Executive to report accordingly at the earliest opportunity.

2. The resolution of the Policy and Resources Committee referred to in the motion above was made when the Committee was considering the draft Nelson Masterplan. The Committee also resolved that the Gib Hill be removed from the Masterplan as a potential housing site. The Council subsequently also in effect removed it from the draft Local Plan at the Council meeting in December.
3. It is therefore now an appropriate time to embark on the proposed discussions with the organisations mentioned in the motion. This is a significant task needing a significant

commitment of member and officer time. Before starting the Council needs to clarify precisely what it wishes to achieve and the approach to be followed.

The land at Gib Hill

4. As Members will be aware Gib Hill comprises areas of open naturalised land, containing fields enclosed by hedgerows and woodland with a number of gullies with small watercourses. It is located on the Colne/Nelson boundary. Some of it has been used in the distant past for grazing. It has not been mown for many years. There has been a series of ecology studies that show that the upper sections of the land have areas of ecological interest.
5. The land was acquired by Nelson Corporation in two parcels in 1966 and 1972 for housing purposes.
6. The site as listed in the Council's Asset Register comprises in total 38.67 acres.
7. Taking into account topographical and other constraints 13.7 acres is considered realistic for housing development. The allocation of the site in the draft Local Plan acknowledged that not all of the site could be developed for housing.
8. The recent surveys confirm that this remains the case with the upper areas having ecological interest but that there could also be a housing development on the site with overall net biodiversity gains alongside. This would need to be the subject of further detailed work to establish what that would involve.
9. Following the Council decision in March 2021 it was necessary to obtain valuations of the land because of s123 Local Government Act 1972. This provides that councils cannot without the consent of the Secretary of State dispose of land at less than the best consideration that can reasonably be obtained on the open market. For this purpose a disposal is the transfer of the freehold or the grant of a lease of 7 or more years.
10. The Secretary of State has issued a General Disposal Consent to dispose of land at less than the best value if it is likely to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the area. This however has a limit of £2 million and anything above needs the specific consent of the Secretary of State.
11. In June last year both the Valuation Officer and Liberata Property Services gave the 13.7 acres an unrestricted capital value (residential) above £2 million.
12. Liberata Property Services also gave the full site an unrestricted capital value (grazing/agricultural/nature reserve) of £174,000.
13. A community asset transfer would usually be at a nominal value of £1.

Community asset transfer

14. Community asset transfer can be defined as the transfer of Council land into the stewardship or ownership of a community organisation. It can take the form of a management agreement, a licence to occupy, a short lease (less than 7 years), a long lease or a transfer of the freehold. Whichever form will depend on a range of factors such as the means, capacity and expertise of the community organisation, the Council's wish to continue to be involved, and the use to which the land is intended to be put.

15. The motion as passed at Council refers to the site “being enhanced ecologically” which is somewhat vague. It could range from enhancing the current ecological value of the site by managing or improving the areas of greater value or it could mean using the whole land for improving the general ecology of the area.
16. In the debate at the Council meeting mention was made of a nature reserve. A nature reserve can be a formal Local Nature Reserve (LNR). Designation as an LNR requires the support of Natural England but the land must be in the ownership of a local authority, not a community organisation. If this is the intention then it would mean Pendle Council retaining the land or transferring it to Nelson and/or Colne Town Council. There would be financial implications for the Council or the Town Councils if it were designated as an LNR.
17. In Pendle there are existing LNRs at Alkincoates Woodland, Ball Grove, Greenfield Road and Lomeshaye Marsh.
18. Alternatively it could be a community nature reserve. Pendle Council itself could manage this as could either or both of the Town Councils: or an experienced organisation such as the Woodland Trust, the Ribble Rivers Trust or the Lancashire Wildlife Trust; or an appropriately constituted local community group ideally in partnership with an experienced organisation.
19. The creation of a nature reserve would inevitably have initial enhancement costs followed by maintenance and probably some staffing and management costs though these could be offset by volunteers and grants. No work has yet been undertaken on assessing these and the Council has not allocated any funding towards it.

Conclusion

20. There is clearly a range of options. It is suggested that a Working Group of say 5 members is established to develop the preferred option and the approach to the discussions with interested organisations and report back to the Committee.

IMPLICATIONS

Policy: The current policy of the Council on Gib Hill is set out in the Motion of the Council on 25th March 2021. The removal of the site as an allocated housing site would alter the choice of location for any future housing that is needed under the Local Plan.

Financial: Members should be aware that non development of Gib Hill for housing will mean the loss of a major capital receipt which would have gone to help fund the capital programme. There would be financial implications in alternative use of the site such as a potential LNR though it is not possible to assess these at this stage.

Legal: The legal implications revolve around the possible need for Secretary of State consent for disposal and the form of community asset transfer.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: The ecological enhancement of the site would contribute to sustainable biodiversity in the Borough.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.

APPENDIX - site plan