

**REPORT FROM:** DIRECTOR OF PLACE

**TO:** THE EXECUTIVE

**DATE:** 12<sup>th</sup> March, 2024

**Report Author:** Tony Brown  
**Tel No:** 01282 878938  
**E-mail:** Anthony.Brown@liberata.com

## LAND OFF COTTON TREE LANE, TRAWDEN

### PURPOSE OF REPORT

To seek approval to:

- i. the grant of an easement to Cadent for the re-routing of the existing gas main.
- ii the expansion of the area on which consent was granted in 1971 for the bridge and access into the site originally sold by the Council, connecting it to Cotton Tree Lane.

### RECOMMENDATION

That, subject to the receipt of planning consent for the proposed residential development of the site off Cotton Tree Lane, the Executive approve the grant of an easement to Cadent; and approve the request to widen the existing bridge and access taken over the Council's land; and delegates authority to the Director of Place to negotiate terms and conditions for the aforementioned, on behalf of the Council.

### REASON FOR RECOMMENDATION

To assist with the development of the ELE Advance Technologies site (ELE) following their relocation and expansion onto the Lomeshaye Industrial Estate.

### BACKGROUND

1. In 1971 Colne District Council sold a parcel of land off Cotton Tree Lane to MAL Engineering (now ELE Advance Technologies Ltd.), to construct a new factory providing employment to local people (see plan – area sold enclosed with thick black line).
2. The Council also granted right of access across its land to the purchaser and also granted consent to construct and keep a bridge across Colne Water, linking the employment site to the highway. The bridge also carries utilities and services to the site (bridge and access circled in black).
3. Covenants were imposed, requiring MAL Engineering or successor in Title to obtain consent from the Council to the erection of any buildings on the land, such consent not to

be unreasonably withheld. Consent has been granted subject to the receipt of Planning Consent for the buildings to be erected on the site.

## ISSUE

4. As part of the proposals to extend Lomeshaye Industrial Estate, ELE were encouraged by the Council and by PEARL, to relocate their expanding operation into the new 70,000 sq. ft. industrial building, which was to be constructed on land being acquired by the Council by way of CPO (Lomeshaye Phase 1 Extension).
5. This would have secured ELE's continued operation within the Borough and provide opportunities to expand the workforce.
6. It was also suggested that the sale of the current operating site off Cotton Tree Lane, would generate a capital receipt which could be invested into the expansion proposals, and a Planning Application was submitted seeking Consent for residential development.
7. ELE agreed terms with PEARL to take occupation of the new unit, however due to delays with the outcome of the CPO determination and delivery times for new manufacturing equipment that had been ordered, ELE were unable to delay relocation into the yet to be constructed unit, however it did remain in the Borough and relocated into larger existing premises on Lomeshaye.
8. As part of the planning application submitted to redevelop the Cotton Tree Lane site, the Highway's Authority now require ELE to widen the bridge to provide for 2-way traffic and this would require consent from the Council to extend the bridge footprint and access strip to the highway.
9. ELE have also to provide for a flood alleviation channel which will be constructed along the southern boundary and will involve the rerouting of the existing gas main. Drawings have not yet been received from Cadent although it may have to follow the channel on the Council's side of the southern boundary. This would require the Council entering into an easement agreement with Cadent.
10. As the Council encouraged ELE to relocate onto Lomeshaye, which would allow them to dispose of their site, it has been suggested that the above consents be granted at nil consideration, providing that ELE bears all of the Council's costs incurred in relation to the above consents.
11. If the Executive accept the recommendations herein, approval is requested to delegate powers to the Director of Place to agree the terms and conditions for the easement and the enlargement of the footprint of the entrance to the site and bridge crossing.
12. Approval of the above requests does not negate the requirement to secure planning consent for the development and any additional engineering works, which must be obtained prior to the completion of the required legal agreements.

## IMPLICATIONS

**Policy:** The Council and as a partner of PEARL, works to provide new development and employment opportunities within the Borough for the benefit of local residents.

**Financial:** ELE will bear the Council's legal and professional fees and costs.

**Legal:** The Council would have to agree a formal easement with Cadent on usual terms and conditions and document the extension to the footprint of the bridge and access strip.

**Risk Management:** None.

**Health and Safety:** The provision of a wider bridge crossing would reduce the risk of collision between vehicles and pedestrians passing and repassing across the bridge.

**Climate Change:** None

**Community Safety:** See Health and Safety above.

**Equality and Diversity:** None.

**APPENDICES** – Location plan as marked.

#### **LIST OF BACKGROUND PAPERS**

None