

**MINUTES OF A MEETING
OF THE EXECUTIVE
HELD AT NELSON TOWN HALL
ON 12th MARCH 2024**

PRESENT –

Councillor D. Whipp (Chair)

Councillors

*M. Hanif
M. Iqbal (Substitute)
D. Lord
T. Whipp*

Also in attendance:

Councillor M. Stone

Officers in attendance

<i>Rose Rouse</i>	<i>Chief Executive</i>
<i>Damon Lawrenson</i>	<i>Director of Resources (Interim)</i>
<i>Howard Culshaw</i>	<i>Head of Legal and Democratic Services</i>
<i>Neil Watson</i>	<i>Assistant Director Planning, Building Control and Regulatory Services</i>
<i>Jane Watson</i>	<i>Democratic Services Manager</i>

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(Apologies of absence were received from Councillors M. Ammer and A. Mahmood).

102. DECLARATIONS OF INTEREST

Members were reminded of the legal requirements concerning the declaration of interests.

103. PUBLIC QUESTION TIME

There were no questions from members of the public.

104. MINUTES

RESOLVED

That the Minutes of the meeting held on 15th February 2024 be approved as a correct record and signed by the Chair.

105. LOCAL DEVELOPMENT SCHEME UPDATE

The Assistant Director Planning, Building Control and Regulatory Services submitted a report on the revised Local Development Scheme.

The update provided a timetable for the preparation of the Pendle Local Plan Fourth Edition and future Supplementary Planning Documents. It was proposed that the Local Plan would be submitted to the Secretary of State for independent examination in November 2024, with adoption in 2025.

RESOLVED

That the Local Development Scheme be updated in accordance with the timescales as set out in the schedule attached to the report.

REASON

To comply with Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

106. NATIONAL PLANNING POLICY FRAMEWORK STRENGTHENING PLANNING POLICY FOR BROWNFIELD DEVELOPMENT

The Assistant Director Planning, Building Control and Regulatory Services submitted a report advising the Executive of the consultation “Strengthening Planning Policy for Brownfield Development.”

A suggested response was appended to the report. The proposed changes would have little if any impact in Pendle on its ability to direct developers to build on brownfield land first.

RESOLVED

That the response appended to the report at Appendix A be approved and submitted as the Council’s final response to the consultation.

REASON

To ensure the Council contributes to the development of local and national policy on planning issues.

107. ENVIRONMENT ACT 2021 – BIODIVERSITY OBJECTIVE

The Assistant Director Planning, Building Control and Regulatory Services submitted a report advising the Executive of the Biodiversity Objective.

Section 102 of the Environment Act 2021 expanded the general biodiversity objective and introduced legal obligations on reporting. Local authorities were now required to consider what action could properly be taken to further “the conservation and enhancement of biodiversity.”

The Council was now under a duty to report back next year on what it was doing to improve on biodiversity. A draft action plan setting out what the Council intended to do over the next five years to comply with the biodiversity duty was attached to the report at Appendix A.

During discussion it was suggested that reference be made to working with Town and Parish Councils in respect of Community Asset Transfers and an amendment be made to the wording in relation to Lancashire 2050.

RESOLVED

That subject to the inclusion of working with Town and Parish Councils in respect of Community Asset Transfers and an amendment to the wording in relation to Lancashire 2050 the Action Plan be agreed.

REASON

To ensure the Council complies with the requirements of the Environment Act 2021.

108. VALIDATION REQUIREMENTS FOR PLANNING APPLICATIONS

The Assistant Director Planning, Building Control and Regulatory Services submitted a report on the updated validation requirements for the submission of planning applications. This list was required to be updated every two years. The introduction of Biodiversity Net Gain (BNG) had resulted in the need to revisit the list ahead of the scheduled two-year normal cycle.

Defra had indicated that they were going to issue a model validation list, but they had not done so. However, the view was that it was likely there would be changes to the process as lessons were learnt. It was therefore suggested that delegated authority be granted to the Assistant Director Planning, Building Control and Regulatory Services to make changes, when necessary, in relation to the Biodiversity Net Gain.

It was reported that a training session on BNG had been presented to Councillors on 11th March by the Lancashire Wildlife Trust.

RESOLVED

- (1) That the validation requirements, as set out in Appendix A attached to the report be agreed for public consultation.
- (2) That the final requirements for validation be delegated to the Assistant Director Planning, Building Control and Regulatory Services to agree taking into account comments from the public consultation.
- (3) That delegated authority be granted to the Assistant Director Planning, Building Control, and Regulatory Services to alter the validation checklist when necessary to deal with changes to the requirements for Biodiversity Net Gain.

REASONS

- (1) ***In order to ensure the Council has a formally adopted scheme.***
- (2) ***In order to allow changes to the validation requirements for Biodiversity Net Gain to be made expeditiously and that they can be kept up to date.***

109. LAND AT BANKHOUSE ROAD, NELSON

The Head of Economic Growth submitted a report on progress with the development of land at Bankhouse Road, Nelson and for an alternative housing scheme to be considered.

Following consideration of a number of options and financial appraisals, it had been found that the development of an extra care scheme was not currently financially viable. This was due to an increase in build costs of around 25% following the Covid-19 pandemic and recent inflationary cost increases across the country. Other options had been considered and it was proposed that to take the site forwards for development a general needs affordable housing scheme be approved.

It was noted that although there was no requirement for the development to be exclusively an extra care scheme, a condition of the Brownfield Land Release Fund was that the site be transferred for development by March 2024 to the developer PEARL Together. Discussions were ongoing to extend the current funding commitment with a revised milestone to transfer the land by September 2024.

RESOLVED

- (1) That the development of land at Bankhouse Road, Nelson (as shown edged black on the plan attached to the report) be progressed through PEARL Together as a general needs affordable housing scheme.
- (2) That the criteria for the general needs affordable housing scheme be circulated to Members.

REASON

To progress the development of the site for a general affordable housing scheme and to provide Members with details of the criteria for the scheme.

110. PENDLE HOLIDAY ACTIVITIES AND FOOD PROGRAMME 2023/24

The Director of Resources (Interim) submitted a report on progress with the 2023/24 Pendle Holiday Activities and Food Programme (HAF) and outlined plans for the 2024/25 Programme.

It was noted that LCC were introducing a few changes to the 2024/25 HAF Programme. One of these changes was to top slice 7% off all district allocations for the LCC Targeted Youth Service (TYS) to deliver the 12–16-year-old element of HAF. This would impact on Pendle's teen provision and therefore it was unlikely that the Council would offer the activity vouchers going forward as TYS would be the main provider for 12–16-year-old provision.

RESOLVED

- (1) That the progress with the 2023/24 Pendle Holiday Activities and Food Programme and the proposed delivery approach for the 2024/25 Programme be approved.
- (2) That further information be obtained in relation to the impact the County Council's decision to top slice 7% off the district allocation for the LCC Targeted Youth Service; the number of participants this would affect; the benefits of the change and clarification on delivery.
- (3) That the Director of Resources be granted delegated authority, in consultation with the Leader and the Deputy Leader, to make final decisions regarding the development of the 2024/25 Pendle Holiday Activities and Food Programme.

REASON

To support vulnerable children/young people and their families over the three main school holidays.

111. CEMETERY LODGE, KEIGHLEY ROAD, COLNE

The Director of Place submitted a report advising of offers received for this property shown edged black on the plan attached to the report.

The property had been advertised for sale since September 2022 further to it being declared surplus to requirements. An offer of £197,000 was accepted but unfortunately did not proceed. Since then, three offers in excess of the asking price of £200,000 ranging from £208,000 to £215,000 had been received.

At the meeting it was reported that funding was in place to proceed with the purchase of the property from the offeror of £211,000. Members were reminded that there were specific rules they should be mindful of when considering this item i.e. Contract Procedure Rules.

The report informed the Executive that since the offers had been submitted the Planning Department had advised that the property now had the same protection as a listed building due to it being classed as within the curtilage of the cemetery. Any alterations to the external character of the property would require listed building consent. All interested parties were aware of this and the sales particulars and been updated with this information.

RESOLVED

That the highest offer of £215,000 for the property be accepted, and that in the event of the sale not proceeding, the Director of Place be granted delegated authority to accept any other offers which were submitted at or above the asking price of £200,000.

REASON

To achieve a capital receipt, and all liabilities and to bring a vacant property back into productive use.

112. LAND OFF COTTON TREE LANE, TRAWDEN

The Director of Place submitted a report which sought approval to grant an easement to Cadent for the re-routing of the existing gas main and the widening of the bridge to provide two-way traffic.

This was on the site formerly accommodated by MAL Engineering, now ELE Advanced Technologies Ltd. They had recently relocated to Lomeshaye Industrial Estate but when they first accommodated the site a number of covenants were imposed which required them in Title to obtain consent from the Council to the erection of any buildings on the land, such consent not to be unreasonably withheld.

As part of the planning application to redevelop the Cotton Tree Lane site, the Highways' Authority now required ELE to widen the bridge to provide for two-way traffic and this required consent from the Council to extend the bridge footprint and access strip to the highway.

ELE were also required to provide for a flood alleviation channel which would be constructed along the southern boundary and would involve the rerouting of the existing gas main.

As the Council encouraged ELE to relocate onto Lomeshaye it was suggested that the above consent be granted at nil consideration, providing that ELE bears all of the Council's costs incurred in relation to the above consents.

RESOLVED

- (1) That, subject to the receipt of planning consent for the proposed residential development of the site off Cotton tree Lane, an easement be granted to Cadent as well as the request to widen the existing bridge and access taken over the Council's land.
- (2) That delegated authority be granted to the Director of Place to negotiate terms and conditions for (1) above on behalf of the Council.

REASON

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

112. LONG-TERM PLAN FOR TOWNS: NELSON

The Chief Executive submitted a report which provided progress made on the delivery preparations for the Long-Term Plan for Towns funding which had been allocated to Nelson.

In order to unlock the new Town Funds, the Council, working in partnership with a Town Board were required to develop a Long-Term Plan for Nelson. This plan was to be submitted to government by 1st August, 2024.

The latest government guidance pointed towards a 15-person town board with strong involvement from the community and business (with a Chair from the local community or a local organisation/business) and fewer local authority representatives than existing town deal boards. The MP would be one of the 15 board members. Therefore, the existing Nelson Town Deal Board might not be fit for purpose. It was suggested that a new board be set up for this programme. Further guidance was expected imminently on this key issue.

RESOLVED

- (1) That progress made on the delivery preparations for the Long-Term Plan for Towns funding which had been allocated to Nelson be noted.
- (2) That delegated authority be granted to the Chief Executive, in consultation with the Leader and Deputy Leader, on the arrangements for the Town Board.

REASON

The delegation will ensure the Council can comply with the latest government guidance and have the required arrangements in place by April 2024.

113.

FORWARD PLAN

The Executive's draft Work Programme and Forward Plan of key decisions for the three-month period commencing 18th March 2024 was submitted for information.

Chair _____