

Agenda



HYNDBURN

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Cabinet

Wednesday, 8 June 2016 at 10.00 am,
Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Miles Parkinson (in the Chair)

Councillors Clare Cleary, Paul Cox, Munsif Dad, Gareth Molineux and Ken Moss

AGENDA

PART A: PROCEDURAL AND INFORMATION ITEMS

1. **Apologies for Absence**
2. **Declarations of Interest and Dispensations**
3. **Minutes of Cabinet - 23rd March 2016 (Pages 3 - 8)**
To approve the Minutes of the last meeting of Cabinet held on 23rd March 2016.
4. **Minutes of Boards, Panels and Working Groups (Pages 9 - 30)**
To receive the Minutes of the following meetings:-
 - a) Health and Communities Working Group - 2nd February and 22nd March 2016



Telephone Enquiries: Monica Bell, Democratic Services (01254) 380114

Email: monica.bell@hyndburnbc.gov.uk

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- b) Cabinet Public Transport Group – 3rd March 2016
- c) Learning and Development Panel – 15th March 2016
- d) Regeneration and Housing Panel – 21st March 2016
- e) Leader’s Policy Development Board – 23rd March 2016

5. Reports of Urgent Cabinet Decisions *(Pages 31 - 54)*

To receive reports relating to the use of the Urgent Cabinet Decision Procedure:-

- a) Proposed Licence Agreement with Keepmoat Homes Ltd to Facilitate Site Investigations of the Steiner Street Site, Accrington
- b) Weed Killing of Highways and Back Streets

PART B: PORTFOLIO ITEMS

6. Reports of Cabinet Members

To receive reports from Cabinet Members.

Leader of the Council (Councillor Miles Parkinson)

7. Appointment of Cabinet Groups *(Pages 55 - 62)*

Report attached.

8. Development Management DPD - Consultation Draft Comments and Actions
(Pages 63 - 122)

Report attached.

Portfolio Holder for Education, Leisure and Arts (Councillor Ken Moss)

9. Milnshaw Park Play Area *(Pages 123 - 132)*

Report attached.

10. Rhyddings Park Heritage Lottery Bid *(Pages 133 - 142)*

Report attached.

CABINET

Wednesday, 23rd March, 2016

Present: Councillor Miles Parkinson (in the Chair), Councillors Clare Cleary, Paul Cox, Munsif Dad, Gareth Molineux and Ken Moss

In Attendance: Councillors Tony Dobson, Terry Hurn and Paul Thompson

1 Apologies for Absence

There were no apologies for absence.

2 Declarations of Interest and Dispensations

Councillor Paul Cox declared a personal interest in the item relating to "Hyndburn Homes Annual Performance Report - For Year Ended 31st March 2015". His interest arose due to him being one of the Council's representatives on the Hyndburn Homes Industrial and Provident Society Limited Board.

There were no dispensations declared.

3 Terrorist Bomb Attack, Brussels

The Leader of the Council (Councillor Miles Parkinson) referred to the terrorist bomb attacks carried out at the main terminal of the Zaventem International Airport and Moebeek Metro Station in Brussels, Belgium on Tuesday, 22nd March 2016. The Leader indicated that the Union Flag was to be flown at half-mast outside Accrington Town Hall as a mark of respect for those people who had died or been injured as a result of the attacks.

4 Minutes of Cabinet - 3rd February 2016

The Minutes of the meeting of Cabinet held on 3rd February 2016 were submitted for approval as a correct record.

Resolved - That the Minutes be received and approved as a correct record.

5 Minutes of Boards, Panels and Working Groups

The Minutes of the following meetings were submitted:-

- a) Regeneration and Housing Panel - 25th January 2016
- b) Leader's Policy Development Board - 3rd February 2016

Resolved - That the Minutes of the above meetings be received and noted.

6 Report of Urgent Cabinet Decision - Appointment of Transport Consultants

The Leader of the Council submitted a copy of a signed Urgent Cabinet Decision form relating to the appointment of transport consultants.

Resolved - **That the Urgent Cabinet Decision be noted.**

7 Reports of Cabinet Members

There were no reports.

8 B with us Sub Regional Choice Based Lettings

The Portfolio Holder for Regeneration and Housing (Councillor Clare Cleary) submitted a report seeking approval to changes to the B with us sub-regional choice based lettings allocation policy for the allocation of social housing in the Borough. The suggested changes were appended to the report, the majority of which related to existing social housing tenants applying for transfers. Approval of the report was deemed a key decision.

Reasons for Decision

The Council was a member of the sub-regional choice based lettings scheme called B with us and the scheme's common allocations policy was formally reviewed every three years to reflect changes in legislation, government guidance and local housing priorities. A review, to ensure the scheme continued to meet the needs of both customers and all partners, had now been completed and proposed changes had been ratified by the B with us Steering Group for incorporation into the allocations policy.

Alternative Options Considered and Reasons for Rejection

Alternative options to a sub-regional approach to choice based lettings and the allocation of social housing in Hyndburn had been considered and rejected by Cabinet in 2008.

Resolved - **That the changes to the B with us common allocations policy, as detailed in Appendix 1 to the report, be noted and endorsed.**

9 Proposed Changes to Taxi Licensing Policy

The Portfolio Holder for Resources (Councillor Gareth Molineux) submitted a report advising Cabinet of the responses received to the consultation exercise carried out in respect of proposed changes to the Council's Hackney Carriage and Private Hire Licensing Policy. Approval to proposed changes to the Policy, having regard to the responses received, was sought. Details of the comments received were set out in Appendix 1 to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

1) Paragraph 4 of the Department for Transport best practice guidance for taxi and private hire licences stated "that it was for individual licensing authorities to reach their own decision both on overall policies and on individual licensing matters in the light of their own views of the relevant considerations". The Council had responsibility for licensing hackney carriage and private hire vehicles, drivers and operators within the Borough of Hyndburn and in July 2013, Cabinet had agreed to bring together the different licensing policies and

procedures into one comprehensive policy document, updating where necessary, to ensure greater transparency and consistency in the decision making process.

2) In August 2015, Cabinet had agreed to carry out consultation in respect of the following issues:-

- To clarify the standard of vehicle bodywork repair the Council expected.
- To revise the Policy to amend the rules relating to wheels and tyres.

The consultation had commenced on 27th August 2015 for a period of six weeks.

3) The Council had considered the responses received and was proposing changes to the Policy and Procedures in regard to wheels and tyres on licensed vehicles and to vehicle body repairs.

Alternative Options Considered and Reasons for Rejection

The Council did not need to adopt any of the proposed changes to its taxi policy and could continue as it was but that course of action was not recommended as the proposed changes did not raise any public safety issues and gave clarification to licensed vehicle proprietors.

Resolved

- **That having considered the consultation responses received and the customer first analysis attached as Appendix 2 to the report, and having had regard to the Council's duties under the Equality Act 2010, the changes to the Council's Hackney Carriage and Private Hire Licensing Policy, as set out in Paragraph 3 of the report, be approved for adoption by the Council.**

The following item was submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason being to ensure the latest up to date information was included in the report.

10 Financial Position 2015-16 - Report to End of February 2016

The Portfolio Holder for Resources submitted a report relating to the financial spending of the Council at the end of February 2016 and the prediction of the outturn position to the end of the financial year in March 2016. The financial detail of the report was appended to the report. The spend against Budget in the 11 months of the year was £9,550,199 against a Budget of £10,498,711 leaving a positive variance of just over £948,000. The forecast spend for the year to 31st March 2016 was £10,843,000 against a Budget of £11,489,000. A surplus of almost £646,000 by the end of the 2015/16 financial year was forecasted, making a Budget surplus of slightly more than 5.0% on the overall activities of the Council. There was a small overspend on Parks and Cemeteries and Regeneration and Property Services was predicting a large adverse variance of £193,000. However, savings across other Budget areas outstripped those negative variances and the current prediction was for an overall surplus of £646,000 by the end of the financial year. Approval of the report was not deemed a key decision.

Reasons for Decision

To inform Cabinet of the financial spending of the Council at the end of February 2016 and the prediction of the outturn position to the end of the financial year in March 2016.

There were no alternative options for consideration or reasons for rejection.

Resolved - That the report be noted and Corporate Management Team asked to continue to identify savings and generate a surplus on the 2015/2016 Budget to assist with future potential financial pressures on the Council.

11 Exclusion of the Public

Resolved - That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following items, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraphs at Schedule 12A of the Act specified at the items.

12 Hyndburn Homes Annual Performance Report - For Year Ended 31st March 2015

Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Portfolio Holder for Regeneration and Housing submitted a progress report on Hyndburn Homes performance. Submission of an annual performance report was as a result of the housing stock transfer in March 2006 and to comply with the terms of the Housing Stock Transfer Agreement. Hyndburn Homes Limited was a charitable registered society and in April 2011 had become part of the part of the Symphony Housing Group Limited who were in discussions with Liverpool Mutual Homes Group about a potential merger. Both Parties had issued a joint statement which said that the two sides had agreed to a “pause in their discussions” and Symphony had announced it would concentrate its focus upon continuing with its internal partnership review and changes to the current operating arrangements within the Group structure. Approval of the report was not deemed a key decision.

Reasons for Decision

The Housing Stock Transfer in March 2006 required that Cabinet was formally updated annually on the performance of Hyndburn Homes.

Alternative Options Considered and Reasons for Rejection

The report gave details of the performance of Hyndburn Homes for the period 2014/15.

Resolved - That the report be noted.

13 Accrington Stanley Ground, Livingstone Road, Accrington

Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Leader of the Council submitted a report seeking approval to grant a new lease to Accrington Stanley Football Club Limited of the Wham Stadium site off Livingstone Road, Accrington. Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt report.

Alternative Options Considered and Reasons for Rejection

The alternative options considered and reasons for rejection were set out in the exempt report.

- Resolved**
- **That a new lease of the Council's land off Livingstone Road, Accrington (shown edged black on the plan annexed to the report), be granted to Accrington Stanley Football Club Limited for use as a football stadium on the main terms outlined in the report and that authority be delegated to the Head of Regeneration and Housing, following consultation with the Leader of the Council, to agree the detailed terms of the lease.**

14 Lease of Part of Rishton Playing Fields to Rishton United Football Club

Exempt information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Portfolio Holder for Regeneration and Housing submitted a report seeking approval to dispose at market value by way of a 25 year lease to Rishton United Football Club, 3.17 hectares (7.83 acres) of the Rishton Playing Fields for use as a private sports and football ground. The site plan was attached as Appendix 1 to the report. Approval of the report was not deemed a key decision.

Reasons for Decision

The reasons for the decision were set out in the exempt report.

Alternative Options Considered and Reasons for Rejection

The alternative options considered and reasons for rejection were set out in the exempt report.

- Resolved**
- (1) **That the grant of a lease of part of Rishton Playing Fields to Rishton United Football Club be approved, subject to the main lease terms as set out in Paragraph 3 of the report; and,**
 - (2) **That the Head of Regeneration and Housing be delegated authority, following consultation with the Portfolio Holder for Regeneration and Housing, to determine the detailed terms of the lease.**

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

HEALTH AND COMMUNITIES WORKING GROUP

Tuesday, 2nd February, 2016

Present: Councillor Eamonn Higgins (in the Chair); Councillor Tony Dobson.

In Attendance: Tony Akrigg, Vickie Barritt, Kirsten Burnett, Ben Caulfield, Michael Cunliffe, Sharon Elliott, Fiona Goodfellow, Karen Gregory, Ian Halliday, Richard Needham, Melusi Ndeble, Joanne Smith, Rachel Watkin and Kelly Watson.

1. Apologies for Absence

1.1 Apologies for absence were received on behalf of Councillor Kerry Molineux, Dorothy Shears and Linda Horsfield.

2. Substitution

2.1 There were no substitute representatives for Councillors Kerry Molineux and Wendy Dwyer.

3. Declarations of Interest

3.1 No declarations of interest were reported at the meeting.

4. Minutes of the last meeting

4.1 To submit the minutes of the last meeting of the Health and Communities Working Group held on the 15th September 2015.

Agreed - **That the minutes of the last meeting of the Health and Communities Working Group held on 15th September 2015 be approved as a correct record.**

5. Matters Arising

5.1 No matters were arising from the minutes of the previous meeting.

6. Regeneration & Housing/ Health- Update

- 6.1 Fiona Goodfellow, HBC Housing Strategy and Policy Manager reported that at the last meeting the topic of housing and how it can impact upon health was discussed. Following this a presentation had been produced and was delivered to the working group giving information on research, hospital statistics, hazards such as cold & damp and the relationship with increased health risks such as cardiovascular and respiratory problems.
- 6.2 The main discussion focussed on various organisations working together as a partnership to improve housing conditions which would have an impact on health. This included enforcement of minimum standards in the private sector, adapting people's homes along with affordable warmth and energy efficiency.
- 6.3 Ian Halliday, HBC Environmental Protection Manager gave a presentation on the Housing Health and Safety Rating System (HHSRS) which is a method of assessing housing conditions by employing a risk assessment. Over 200 complaints had been made by tenants in the rented private and social sector during the past year and improvement notices can be served with penalties for non-compliance. A number of questions were asked by Councillors and the working group.

Agreed - **That the presentation be noted for informational purposes and that at the request of Councillor Dobson, a 60 minute training/briefing session on this subject be delivered to HBC Councillors.**

7. Rough Sleepers in Accrington Town Centre

- 7.1 Councillor Dobson discussed this issue as it had an effect on the health of a person sleeping on the streets but also affected the appearance of the town centre. Conversations took place around the case of one individual who by choice was living in empty shop doorways in Accrington town centre. Accommodation had been offered to the person and there may be mental health problems involved, although due to no criminal act taking place it was accepted as a lifestyle choice.
- 7.2 Members of the working group commented on this case and how the individual could be engaged with. Details were provided on the next 'Homeless in Hyndburn' forum which would take place on Tuesday 15th March at 2.00pm.

Agreed - **That the discussion be noted.**

8. Health Improvement Service & Health Operations Group

- 8.1 Joanne Smith reported that this would be the last meeting she would be attending as the Health Coordinator for Lancashire Care NHS Foundation Trust as they had taken the decision to disband the Health Improvement Service from the 1st April 2016 due to cuts in service provision.
- 8.2 Healthwatch Lancashire would be invited to future meetings to continue the legacy of health improvement.

Agreed - That the update information be noted.

9. Hyndburn Clinical Commission Group- Update

- 9.1 Rachel Watkin commented that since the last meeting there had been no major changes to the CCG report. There was a new model being designed for primary care which would be consulted on at the end of February.

Agreed - That the update information be noted.

10. Public Health & Wellbeing- Update

- 10.1 Melusi Ndebele from Public Health at Lancashire County Council reported on recent changes with services being procured and provided by organisations such as Blackpool Teaching Hospital Trust, Lancashire Care NHS Foundation Trust and Inspire.
- 10.2 Details were given about a social marketing campaign LCC were working on in partnership with the Police and Crime Commissioner around the impacts of domestic abuse in children.

Agreed - That the update information be noted.

11. Supporting Maternal Nutrition- Presentation

- 11.1 Richard Needham, Operations Manager from Surestart in Hyndburn provided the working group with a presentation on what services the organisation provides.
- 10.2 Details were given on maternal nutrition and education/ training provided as part of the wider strategy to promote healthy eating and a number of questions were asked by the working group.

Agreed - That the presentation be noted.

12.0 Other Business

- 12.1 The Chair reported that Dorothy Shears from Hyndburn and Ribble Valley CVS had submitted some information for the working group and that the organisation had been given the East Lancashire Clinical Commissioning Group grants scheme again.
- 12.2 Part of the grant was for a Care Navigator to be employed by CVS whose role would be to take referrals from GP's, Health visitors and Practice nurses. This would look at what a person needs and either referring them into the Health and Wellbeing service, Age UK integration service , Community restart or CVS who will work with them in order to access the social groups that have been listed.
All the details have to be finalised but should be available by the 1st April.
- 12.3 Tony Akrigg reported he was attending a smoke free East Lancashire meeting and would report back in the issue of smoking in cars.

13.0 Date and Time of Next Meeting

13.1 That the date and time of the next Health and Communities Working Group be arranged for June 2016 with a date and time to be agreed and communicated with all parties.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed.

HEALTH AND COMMUNITIES WORKING GROUP

Tuesday, 22nd March, 2016

Present: Councillor Kerry Molineux (in the Chair); Councillor Munsif Dad

In Attendance: Ben Caulfield, Michael Cunliffe, Richard Daly, Amanda Higgins, Sharon Martin, Katie Morley, David Rodgers, Rachel Watkin and Kelly Watson.

1. Apologies for Absence

1.1 Apologies for absence were received on behalf of Councillor Eamonn Higgins, Councillor Tony Dobson, Dorothy Shears and Fiona Goodfellow.

2. Substitution

2.1 Councillor Munsif Dad acted as substitute representative for Councillor Higgins.

3. Declarations of Interest

3.1 No declarations of interest were reported at the meeting.

4. NHS East Lancashire Clinical Commissioning Group

4.1 Sharon Martin, Director of Performance at NHS East Lancashire Clinical Commissioning Group delivered a presentation to the working group on the proposal to improve access to GP services.

4.2 The main element of discussions focussed on:

- Why changes were being proposed
- Current services provided by the walk in centre
- Engagement done so far
- Patient feedback
- Proposed new model of the services to be offered

4.3 The Chair, Councillor Kerry Molineux and other members of the working group asked a number of questions related to changes in the services provided.

4.4 Initial details of the new arrangements were revealed and the new health hub service would be for all Hyndburn residents and not just for the public of Accrington. The location for this service had to be determined with public transport services taken into consideration along with pharmacy locations. A questionnaire would be developed to help achieve the right outcome for residents in the Borough after a consultation period had taken place.

Agreed - **That the information be noted along with the presentation being made available for interested community groups in the borough. The information could also be included in the HBC Members Information Bulletin to inform all Councillors of the proposals.**

5.0 Date and Time of Next Meeting

5.1 That the date and time of the next Health and Communities Working Group be arranged for June 2016 with a date and time to be agreed and communicated with all parties.

Signed:

Date:

Chair of the meeting

at which the minutes were confirmed.

Cabinet Public Transport Group

Thursday, 3rd March 2016

- Councillors:** Councillor Miles Parkinson (Chair); Councillors Judith Addison, Clare Cleary, Munsif Dad, Bernard Dawson, and Tim O' Kane
- LCC:** Chris Anslow & County Councillor John Fillis (Cabinet Member for Highways & Transport)
- Public Transport Organisations:** Shaun Walmsley (General Manager- Transdev Lancashire) & Alan Pilkington (Pilkingtonbus)
- Public User Representative:** Robert Kenyon
- Officers:** Michael Cunliffe (Democratic Services) & Simon Prideaux (HBC Chief Planning & Transportation Officer)
-

1. Apologies for Absence, Substitutions and Declarations of Interest

Apologies for absence were submitted by

2. Minutes of Last Meeting

The minutes of the last meeting of the Cabinet Transport Group held on 12th March 2015, were submitted for approval as a correct record.

Agreed - That the minutes be received and approved as a correct record.

3. Matters Airing

There were no matters arising for discussion from the previous meeting.

4. Public User View

The Chair introduced Mr Robert Kenyon, a public user representative who was present at the meeting. He had submitted a written report which was circulated with the agenda.

A number of points in the report were discussed and answers provided to some of the questions and comments:

- The contractors proposed to hand over the bus station to LCC on the 22nd April 2016 although this was subject to change due to weather conditions impacting upon building works.
- Around one month would be required to finish the facility before public use and a date around the 22nd May 2016 had been proposed.
- Routes for buses had not been completed and consultations were taking place with operators.
- Real time information boards would be fitted in selected shelters throughout Hyndburn.
- A leasing agreement was being drafted with a view to a mobility service being provided and there was scope for a small coffee shop operation, similar to the one located in Accrington train station. LCC would produce a formal invitation process to allow for suitable bids to be presented for providing such a service.

The final question of the public user report asked what name was to be given to the new facility. The Chair, Councillor Miles Parkinson reported that discussions had taken place on this subject and it would be named after the late George Slynn, who had dedicated his life to public service and was a regular user of public transport. The Accrington Pals name would be used for the heritage square project which would be completed at a later date.

Shaun Walmsley, Operations Director for Transdev Lancashire provided information on the types of buses that may be in operation around the town centre.

Talks also took place about a bus being branded with Accrington Pals material to highlight the 100th year anniversary taking place in 2016.

Agreed - That the contents of the report and discussions be noted.

5. Pennine Reach- Update

Chris Anslow provided an update of the Pennine Reach scheme and the latest update on the project:

- All works in Rishton were complete after problems with the traffic light junction.
- The heritage bus shelter at Towngate in Great Harwood was part complete.
- A TRO was out for consultation for Sparth Road in Clayton le Moors and if approved work would commence in early January 2016.
- The Hare and Hounds junction was not yet finished and once completed would function differently.

Simon Prideaux reported that the car park on Canal Street was now complete and who would provide future maintenance as there was no obligation in the section 106 for upkeep of that area. A resident parking scheme was subject to approval and LCC would pay for the upkeep as the scheme was funded on an annual basis by residents via parking permits. The Chair added that the Clayton triangle was an important site and HBC would not want any obstacles to fail the development which had planning permission granted until May 2016.

Simon Prideaux added he was happy for the car parks to be maintained by LCC and be placed into the relevant contracts.

Councillor Tim O' Kane asked if the bus shelter at the Hare and Hounds junction was to be replaced and details were given about TRO for bus lanes being delayed until issues about residential parking and landowner negotiations had been completed.

The Chair enquired if the Greyhound traffic lights would be upgraded. It was reported that this work should now be completed although Alan Pilkington noted that with a change in road markings, it meant the lanes had been narrowed meaning two HGVs could not fit side by side in separate lanes.

Councillor Judith Addison commented on the bus stop opposite the Oswaldtwistle Civic Arts Centre and not having any sides to provide shelter. Chris Anslow reported that it could be due to the width of the pavement and would look into the matter.

The Church roundabouts were working well and a footpath would be completed once a CPO process had taken place with a landowner. Councillor Munsif Dad added the roundabouts seemed to be a good addition to the road network although one of the directional arrow lane markings was causing some confusion for drivers.

Agreed - That the verbal update be noted.

6. Accrington Bus Station- Update

Consultations had taken place about Accrington Town Centre with representations from the Chamber of Trade. This involved discussions on making Blackburn Road one way along with maximising parking spaces and the possibility of re-opening St James Street to traffic for vehicles travelling up Union Street. Heritage funding would see the refurbishment of buildings facing Accrington Town Hall and the development of a new square.

Work was taking place on King Street with improvements to the junction with Blackburn Road and the creation of entrance points to the new bus station. It would close again at the end of February 2016 to allow the station road layout to link in with the road network.

Agreed - That the verbal update be noted.

7. Railway Improvement- Church & Oswaldtwistle Station

Information attached to the agenda provided details from the Rotary Club of Church and Oswaldtwistle who had been upgrading the appearance of the local railway station.

After 12 months work the first phase was complete and the next part of the project would be to improve the subway area.

The Chair praised the efforts of community groups and noted the good work also done in Huncoat and Rishton at their railway stations.

Agreed - That the report and update be noted.

8. Northern Rail & Network Rail Update

No report or update had been submitted by Northern Rail and Network Rail who were both unable to be present at the meeting.

Mr Kenyon commented that with the Todmorden Curve now in operation there could be capacity to run services from Accrington to Manchester Victoria every 30 minutes in both circular directions if improvements were completed in the Bromley Cross area.

Councillor Dad reported that a piece of land at Paxton Street which belonged to Network Rail was overgrown and encroaching to the rear of shops located between the single viaduct arch and the junction with Paxton Street and Blackburn Road. This was causing a problem for the businesses located there with access issues to the back path for refuse purposes and the retaining wall looked to be in a dangerous condition.

Agreed - That the report be noted and details passed to Network Rail.

9. Other Business

Councillor Judith Addison commented that with all the Pennine Reach improvements, would the work undertaken be in vain if unauthorised parking continued along bus routes, such was the case on Blackburn Road at present between the single viaduct and junction of Willows Lane.

Chris Anslow reported that the Pennine Reach scheme would be providing an operation on illegal parking on selected routes which impact upon bus operations. Shaun Walmsley added that it was difficult to enforce as there was a small period of time to issue a ticket lawfully.

County Councillor John Fillis provided the meeting with information on rural bus services and how these would be supported in the future by bus companies and local parishes with a reduction in subsidies.

Mr Kenyon reported on successful case study in Cumbria where a parish provides a cost effective operation due to the use of smaller vehicles and local knowledge around timetable issues.

10. Date/Time of next meeting

The Chair reported that the next meeting of the Hyndburn Cabinet Public Transport Group would be arranged around late February or early March 2016 and all interested parties would be informed when a date and time are confirmed.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed.

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LEARNING AND DEVELOPMENT PANEL

Tuesday, 15th March, 2016

Present: Councillor Clare Cleary (in the Chair), Councillors Terry Hurn and Paul Thompson

Apologies: Councillor Kerry Molineux

1 Apologies for Absence

Apologies for absence was submitted on behalf of Councillor Kerry Molineux.

2 Minutes of the last meeting

Agreed - That the minutes of the last meeting, held on 8th December 2015, be approved as a correct record.

3 Matters arising, other than those included in the agenda

There were no matters arising.

4 Essential Training

Members of the Panel referred to the value of Councillors making informed decisions on regulatory committees and the importance of the members of those committees having the right training and experience. Members of the Panel discussed the necessity for all substitute members to have similar training and to have some experience of the Committee where possible. It was proposed that substitute members should also attend all training sessions and be made familiar with committee procedures. It was suggested that each political party appointed membership to pools of substitutes for each regulatory committee.

Agreed - That each political party should appoint members to act as substitutes for each regulatory committee who would be trained as if they were a permanent member.

5 New Member Induction

Members of the Panel agreed that the previous format of the new Member induction programme had worked well and that the format should be largely unchanged for 2016. It was suggested, however, that the induction programme should include a visit to the Contact Centre by all new Councillors to provide an opportunity for both staff of the Contact Centre and new Councillors to meet and experience how the Centre works.

Agreed - That the new Member Induction Programme for 2016 should include a visit to the Contact Centre by all new Councillors.

6 Member Development Programme 2015/16 and Planned Training for 2016/17

Members of the Panel requested that the Member Development Programme and training includes standard items which should be repeated on an annual basis to act as an update and reminder for Councillors and that these items include:

Child/vulnerable adult safeguarding
Chairing Skills
Domestic Violence
Media Skills

Agreed - That the items as listed above be repeated within the Member Development Programme on an annual basis.

7 Arrangements for Individual PDPs (Councillor Development Plans)

Members of the Panel were informed that the majority of Members had completed personal development plans in 2015 and that the outcome of these would be reported at the Learning and Development Panel in September. It was suggested that the format for Councillor personal development plans was adapted for the 2016 programme to provide for detailed plans for all new Councillors and a briefer PDP process in following years.

Agreed - That the PDP format be changed to provide for detailed plans for all new Councillors and a briefer process in following years.

8 Dates of future Meetings

Agreed - That future meetings of the Learning and Development Panel be held on:-

Tuesday, 7th June 2016 (to be confirmed)

Tuesday, 13th September 2016

Tuesday, 6th December 2016

Tuesday, 7th March 2016

(Start time to be confirmed)

REGENERATION AND HOUSING PANEL

Monday, 21st March, 2016

Present: Councillor Clare Cleary (in the Chair), Councillors Tony Dobson, June Harrison and Joyce Plummer

Apologies Wendy Dwyer

46 Apologies for Absence and Substitutions

Apologies for absence were submitted on behalf of Councillor Dwyer. There were no substitutions.

47 Declarations of Interest

There were no declarations of interest submitted at the meeting.

48 Minutes of Last Meeting held on 25th January 2016

The Minutes of the last meeting of the Regeneration and Housing Panel held on 25th January 2016 were submitted for approval as a correct record.

Resolved - **That the Minutes be received and approved as a correct record.**

49 Housing Renewal Funding

The HMR Programme Monitoring Officer submitted a report to inform the Panel on progress with the 2015/16 Housing Renewal Programme. She reported that spend to the end of February 2016 was £461,000 which was approximately 25% of this year's Programme. She informed the Panel that careful monitoring was continuing to ensure that the Council's obligations could be funded. She indicated that slippage was expected due to the need to make compulsory purchase orders for some properties.

Members were referred to 3.7 of the report which set out the programme for 2016/17 and it was pointed out that the compulsory purchase orders would affect the draw-down of funding. Page 7 of the report showed a summary of the projects.

Resolved - **That the report be noted.**

50 Woodnook Update

The Regeneration and Property Manager reported that:

- Augusta Street had been completed with the exception of one property and that most properties had been let.
- It was anticipated that Booth Street would be completed by June/July 2016. She gave details of the layout of the proposed Booth Street gardens: the first area for residents would have a lockable gate and be for residents only; the second area would be an open area with a small play area in the middle; parking would be

parallel to the road. She indicated that the Council would contact Lancashire County Council with regards to requesting that they make a contribution to investments as they had also been carrying out a lot of work in the area.

- In Phase II 46 properties remained across the neighbourhood. She pointed out that she would be liaising with PlaceFirst to agree further progress and indicated that specification on the housing was very similar to that of the original properties.
- All but three properties (suffering from structural defects) had been completed on Nuttall Street and Building Control was working with some of the owners of those properties.
- Clements Street was being facelifted and was making good progress. The project should be finished by June/July 2016.

Resolved - **That the report be noted.**

51 West Accrington

The Regeneration and Housing Manager reported on Project Phoenix Phases I and II of the West Accrington regeneration schemes. She reported that they still had to acquire the land where the former company M & M Coaches had been located and that they would be seeking approval from Cabinet to do this. She reported that Project Phoenix Phase II was progressing well and had been selling on a weekly basis with sales slightly ahead of those predicted. She reported that these properties should see completion by November/December 2016. Good feedback had been received by residents.

Resolved - **That the report be noted.**

52 Housing and Environmental Standards

The Environmental Protection Manager submitted a report to update the Panel on actions taken by the Environmental Protection Team in relation to land & buildings that were detrimental to the amenity of the area during the period 9 January to 1 March 2016. He referred to the sites where amenity had been restored through intervention and cases that were progressing. He pointed out that there had been a further 69 new sites reported during January to March 2016.

Members commented on and requested a progress report on several properties. The Environmental Protection Manager updated Members on the proactive work carried out by the Council and progress on sites.

Resolved - **That the report be noted.**

53 B with us sub regional choice based lettings

The Housing Advice and Homelessness Manager submitted a report to inform Members of the changes to the B with Us sub regional choice based lettings allocation policy for the allocation of social housing in the Borough. The Head of Regeneration and Housing informed the Members that this report would also be submitted to Cabinet for approval. He explained that the choice based lettings allocation policy covered most of Pennine Lancashire and the main revision to the current system involved changes to tighten up eligibility of transfer of all social landlord tenancies. Other key changes related to relaxing criteria around 3 bed houses. It was reported that welfare changes did have a significant impact on social housing allocations.

Resolved - That the report be noted.

54 Increasing Housing Supply

The Head of Regeneration and Housing submitted a report to update the Panel on supporting new housing development across the borough. He reported on a number of proposed and approved housing development sites as follows:

- that arrangements were being put in place for a preferred housing builder for Lyndon Playing Fields and gave details of the process involved in doing this.
- a significant residential development by Gleeson Homes had been proposed for Parker Street, Rishton.
- two significant planning applications had been approved for land off Foxwod Chase, Huncoat and the Albion Mill site in Great Harwood.
- 3 and 4 bed dwellings development site on Waverley Business Park.
- Spring Street, Rishton proposed housing development
- Former carpet factory site, Oswaldtwistle

He reported that there had been a marked increase in the demand to develop housing and the Government had published a starter home prospectus with the aim of accelerating house building nationally. He provided details of how the Starter Home Land fund operated. He reported that the Government wanted to encourage local authorities outside of London to work with the Homes and Communities Agency to use the fund to find brownfield land for starter homes. He pointed out that Hyndburn would be meeting with the Homes and Communities Agency in the new few weeks.

Resolved - That the report be noted.

55 Click and Collect/Town Centre Website

The Town Centre Manager submitted a report to update the Panel on the Click and Collect pilot scheme. She referred to the grant approved to Scott Dawson from the Council to promote the 'click & collect' service. She reported that this was a pilot scheme which had had an overall poor success rate. She pointed out that the project had also included the development of a website to promote retail in Accrington town centre. This had been dedicated mainly to the 'click & collect' service but pointed out that a generic approach to services was sought. She indicated that they were in talks with Scott Dawson to see how they could take things forward. She referred the Panel to the options listed in the report and pointed out that they were in discussions with Scott Dawson about option 4 – close the e-commerce platform but keep the website presence.

Councillor Dobson referred to the importance of working with the Chamber of Trade in improving retail in Accrington Town Centre and asked if there had been any progress in developing their role in liaison with Scott Dawson.

The Head of Regeneration and Housing pointed out the problems of markets using e-commerce and suggested that the project had not worked because people wanted to go to a market and see what was on offer that day. He advised that it would not be in the best interest of the market or the Council to continue this project.

The Chair proposed that the Chamber of Trade should pay for continued use of the website as they would profit from its use, should the website be retained. The Head of Regeneration and Housing suggested that the Chamber of Trade should also contribute to

the costs and organisation of the 'click & collect' service should they also wish to retain this service.

Resolved - **That the report be noted.**

56 Urgent Business

There was no urgent business.

57 The Time and Date of Future Meetings:

Resolved - **That the next meeting of the Regeneration and Housing Panel is held on Monday 23rd may 2016 at 10 am in the Queen Elizabeth Room.**

58 Exclusion of the Public

Resolved - **That, in accordance with Section 100A(4) Local Government Act 1972, the public be excluded from the meeting during the following item, when it was likely, in view of the nature of the business to be transacted, or the nature of the proceedings, that there would otherwise be disclosure of exempt information within the Paragraph at Schedule 12A of the Act specified at the item.**

59 Accrington Town Centre

Exempt Information under the Local Government Act 1972, Schedule 12A, Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)

The Head of Regeneration and Housing submitted a report on Accrington Town Centre to provide the Panel with an update of issues surrounding Accrington Town Centre.

The Town Centre Manager informed the Panel of changes to the town centre and pointed out that Subway and Café Nero had been approached by the Arndale about locating in the food market hall and that Marks and Spencers were due to leave at the end of March 2016. She advised that Lancashire Constabulary had taken out a lease on premises on Broadway for a Community Police station and that work on alterations was due to begin.

She also gave details of the success of a number of town centre events including the success of the Dickensian Evening which had been hugely successful and had attracted over 7000 people. She referred to a couple of minor problems because of the size of the crowds but pointed out that they would be repeating this again in 2016. The Ron Hill event had also been a success with over 600 entries. Events being planned included 'We do like to be beside the seaside' organised by Kate Furey and Evonne Harwood (Chamber of Trade) and supported by the Council.

Councillor Dobson suggested a Sky Cycling event subject to the Council taking on the insurable risks. The Head of Regeneration and Housing referred to the risks associated

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LEADER'S POLICY DEVELOPMENT BOARD

Wednesday, 23rd March, 2016

Present: Councillors Miles Parkinson (in the Chair), Councillors Paul Cox, Paul Thompson, Clare Cleary, Tony Dobson and Terry Hurn

In attendance: Jane Ellis (Executive Director, Legal and Democratic Services); Helen Gee (Democratic Services Manager); Mark Hoyle (Head of Regeneration and Housing)

1 Apologies for Absence and Substitutions

None.

2 Minutes of the last meeting

Agreed - That the minutes of the last meeting, held on 3rd February 2016, be approved as a correct record.

3 Changes to Symphony Housing Group

The Head of Housing and Regeneration attended the meeting, as Members wished to raise the issue of a proposed restructure of the Symphony Housing Group, which managed Hyndburn Homes. Members had concerns at the possible threat to the local office and local area management. The Head of Regeneration and Housing indicated that plans had not yet been finalised. Councillor Paul Cox, as a member of the Hyndburn Homes Board had also been assured that partners, including the local authority, would be consulted on the proposals.

4 Review of the Petitions Scheme

Members were asked to review the Council's Petitions Scheme, which set out guidance to residents, how to submit a valid petition, what format it should take and how the Council would respond. The Petitions Scheme had first been introduced in May 2010, as a legal requirement under the Local Democracy, Economic Development and Construction Act 2009, including a facility for residents to submit petitions electronically ("e-petitions"). The requirement had subsequently been repealed in the Localism Act 2011, making it discretionary. The Council had, at that time, decided to retain the facility.

After consideration, Members felt that the scheme should be retained although there would be administrative changes to update the facility to submit e-petitions.

Agreed - That the Petitions Scheme be retained with minor administrative changes.

5 Timetable of Meetings 2016/17

The Democratic Services Manager submitted the draft timetable of meetings for 2016/17 and invited Members to highlight any changes needed.

6 Distribution of Agendas - Group Rooms

The Democratic Services Manager asked Members if they still wanted copies of each agenda left in the three Group Rooms. Members asked for this practice to continue.

Agreed - **That a paper copy of each agenda would continue to be left in the three Group Rooms.**

7 Other Business - Nomination of Deputy Mayor

The Leader of the Conservative Group announced that Councillor Peter Britcliffe would be the group's nominee for Deputy Mayor, 2016/17.

Signed:.....

Date:

Chair of the meeting
At which the minutes were confirmed

HYNDBURN BOROUGH COUNCIL

APPROVAL FOR URGENT CABINET DECISION

(Executive Procedure Rule B16)

Summary and Approvals

1. **Title of Report :** Proposed Licence Agreement with Keepmoat Homes Ltd to facilitate site investigations of the Steiner Street site, Accrington

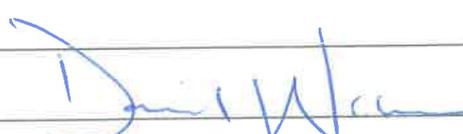
2. **Report Author :** Helen McCue Melling – Regeneration & Property Manager

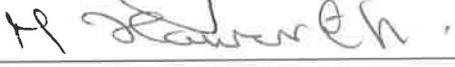
3. **Purpose of Report :** Approval is sought to enter into a licence agreement with Keepmoat Homes Ltd to facilitate site investigations of the site known as Steiner Street, Accrington (as shown in Appendix 1) .

4. **Decision Requested:**
 - 4.1 Delegate authority to the Head of Regeneration and Housing to agree the detailed terms of the licence agreement referred to in the main Cabinet Report that will follow.
 - 4.2 Delegate authority to the Head of Housing and Regeneration to enter into Licence Agreement on behalf of the Council with Keepmoat Homes Ltd. to allow them to carry out site investigations.

5. **Reason for Urgency :**
 - 5.1 The site known as Steiner Street in Accrington is outside the scope of the Overarching Development Agreement and Keepmoat have been asked by the Head of Housing and Regeneration to look at bringing forward plans for housing on the site.
 - 5.2 Keepmoat are due to complete Project Phoenix Phase 2 by the end of the calendar year. Part of the remaining land to be transferred to Keepmoat to continue the comprehensive regeneration plans on Phoenix Phase 1 requires a CPO due to an unregistered interest and an outstanding interest. This may take approximately eighteen months to complete and, as such, this is an opportune time to consider the viability of Steiner Street as a new housing site.
 - 5.3 Site Investigations are necessary to test ground conditions which determine the foundations, drainage, numbers and layout, all of which will have a determining factor on the viability of a scheme.
 - 5.4 Time is of the essence to determine if Steiner Street is viable or not and if a scheme can be agreed with the Council in time for Keepmoat to move operations to this site when Phoenix Phase 2 completes in October /November this year.
 - 5.5 Keepmoat will meet all costs associated with the site investigations
 - 5.6 If plans can be agreed then we would seek to agree terms for disposal of the site to Keepmoat, subject to compliance with all statutory requirements. Approval for such a disposal would be sought via a Cabinet report in due course.

6. **Approvals of Members and Officers :**

Designation	Signature to give approval
<u>Officers</u>	
Chief Executive *	
Executive Director (Legal and Democratic Services)	

Deputy Chief Executive	
Chief Officer/Head of Service	
<u>Elected Members</u>	
Leader	
Deputy Leader	
Portfolio Holder	
Mayor (to agree to exempt from call-in)	

* or Deputy Chief Executive in his absence, or if Chief Executive is the decision-taker

7. Date of Decision (when finally approved):

22/04/2016

APPENDIX 1

Date: 19 April 2016

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Ordnance Survey LA 100022321

Title:



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REPORT TO:		CABINET	
DATE:		8th June 2016	
PORTFOLIO:		Cllr Clare Cleary – Housing	
REPORT AUTHOR:		Helen McCue-Melling Regeneration & Property Manager.	
TITLE OF REPORT:		Licence Agreement with Hyndburn Borough Council and Keepmoat Homes Ltd	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Paragraph 3 - Relating to the financial or business affairs of any particular person (including the authority holding that information)	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To seek approval for the Council to enter into licence agreement with Keepmoat Homes Ltd to carry out site investigations to land at Steiner Street Accrington

2. Recommendations

That Cabinet gives delegated authority to the Head of Regeneration and Housing to:

- 2.1 agree the detailed terms of a Licence Agreement with Keepmoat Homes Ltd in respect of site investigations at Steiner Street in Accrington. (Appendix 1)
- 2.2 enter into the Licence Agreement on behalf of the Council with Keepmoat Homes Ltd on the agreed terms

3. Reasons for Recommendations and Background

- 3.1 The site known as Steiner Street Accrington (identified on the plan at appendix 1) was assembled using Housing Market Renewal funding, with the last properties demolished in January 2013. This was done to reduce the oversupply of two bedroom terraced housing in the area and to facilitate redevelopment of the assembled site. Since then the site has been difficult to manage due to fly tipping and anti-social behaviour. Various developers have informally viewed the site including Globe Enterprises, Gleasons, Galiford Try, Country Side, Barnfield (as house builder) and Place First. No development plans have been forthcoming due to, it is alleged, the poor access for

non-housing use, low housing values and the existence of a culvert. The site has not been formally advertised on the open market

- 3.2 The Steiner Street site has been cleared for several years without any plans coming forward to date. An opportunity has arisen because Keepmoat will be completing construction of the Phoenix Phase 2 development at the end of the calendar year and are looking for their next site in accordance with the ODA. The remainder of the Phoenix Phase 1 site is not fully assembled due to an outstanding interest and an unregistered title and a Compulsory Purchase Order is likely to be required to acquire them. This process could take eighteen months to complete. As such, in an attempt to keep house building continuing in the area, the Housing and Regeneration Manager has asked Keepmoat to consider bringing plans forward for housing at Steiner Street.
- 3.3 Keepmoat now need to carry out site investigations which are essential to determine site conditions, layout, development costs and land value.
- 3.4 Keepmoat, subject to this approval, will carry out the site investigations by way of a licence granted by the Council as per the draft Licence in Appendix 2 and will pay for their own costs associated with carrying out the site investigations in accordance with the Licence.
- 3.5 The Licence will expire after 4 consecutive weeks from the date it is signed.
- 3.6 The proposed licence terms are set out in Appendix 2. The licence does not give Keepmoat any right to purchase the site and no option to purchase will be given.
- 3.7 If a mutually acceptable development proposal can be agreed with Keepmoat, the Council will seek to agree terms for disposal of the site to Keepmoat subject to compliance with all statutory requirements. Approval for such a disposal would be sought via a Cabinet report in due course.
- 3.8 If a mutually acceptable scheme cannot be agreed with Keepmoat then the site will advertised for sale on the open market.

4. Alternative Options considered and Reasons for Rejection

- 4.1 A failure to grant the licence may mean that Keepmoat move out of the Borough until the next site comes forward via a CPO, which could be in 2018. Therefore time is of the essence if we are to maintain continuity of house building in West Accrington by our developer partner.
- 4.2 An alternative to the current proposal would be for the Council to put the site up for sale on the open market with the site conditions unknown. This has dissuaded developers thus far.

5. **Consultations**

5.1 The Leader of the Council, portfolio holder, ward members, and the Regeneration & Housing Panel have already expressed an interest in the site being developed for housing and are pleased that Keepmoat may be asked to develop plans for consideration. Any development proposal received from Keepmoat will be shared with members and the Regeneration and Housing Panel for their feedback. Their comments, along with those of Regeneration and Housing officers and those resulting from the pre planning application advisory process will, where appropriate, be included in the proposals.

6. **Implications**

Financial implications (including any future financial commitments for the Council)	Each party to bear their own costs in preparing and executing the licence
Legal and human rights implications	This is not an agreement to dispose to Keepmoat. Any proposed disposal to Keepmoat will be the subject of a further Cabinet Report if an agreed scheme comes forward
Assessment of risk	There is a risk that Keepmoat and the Council will be unable to agree a development proposal for the site. Should this be the case then the site will be advertised for sale on the open market.
Equality and diversity implications <i>A <u>Customer First Analysis</u> should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	No implications identified

7. **Local Government (Access to Information) Act 1985:**
List of Background Papers

7.1 N/A

8. **Freedom of Information**

8.1 The report does not contain exempt information under the Local Government Act 1972,

APPENDIX 1

Date: 19 April 2016

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APPENDIX 2

HYNDBURN BOROUGH COUNCIL

and

KEEPMOAT LIMITED

L I C E N C E

relating to land at Steiner Street Accrington in Lancashire

**HYNDBURN BOROUGH COUNCIL
ACCRINGTON**

L I C E N C E

Date: 2016

Council: Hyndburn Borough Council of Scaitcliffe House
Ormerod Street Accrington (acting by Jane Ellis its
Executive Director (Legal & Democratic Services))

Licensee: Keepmoat Limited (company number 01998780)
whose registered office is situate at The Waterfront
Lakeside Boulevard South Yorkshire DN4 5PL

Property: All that land shown edged red on the attached plan

Purpose: Undertaking and completing surveys, environmental,
soil and other tests, investigations, inspections and
measurements, including a topographical and
borehole survey, for the purpose of assessing the
suitability of the Property for residential development

Acknowledgement Fee: £1.00

Commencement Date: [] April 2016

Expiry Date: Four consecutive weeks from the Commencement
Date

Unless the contrary intention appears, references:-

- 1.1 To clauses by letter or number are references to the relevant clause in this Licence;
- 1.2 "Party" means either party to this Licence and "Parties" shall be construed accordingly;
- 1.3 References to *liability* include, where the context allows, claims, demands, proceedings, damages, losses, costs and expenses;

- 1.4 Any references to a statute shall include all instruments orders plans regulations by laws permissions and directions for the time being issued or given under it or deriving validity from it;
- 1.5 Any references to a statute or statutory instruments include any statute or statutory instruments amending, consolidating or replacing them respectively from time to time in force and references to a statute include statutory instruments and regulations made pursuant to it;
- 1.6 References to "consent of the Council" or words to similar effect mean a prior consent in writing signed by or on behalf of the Council in its capacity as landowner only and references to "approved" and "authorised" or words to similar effect mean as the case may be approved or authorised in writing by or on behalf of the Council;
- 1.7 Any approvals or consents required to be obtained from any Party shall not be unreasonably withheld or delayed;
- 1.8 Where the Licensee comprises two or more parties the obligations of the Licensee are in relation to each party joint and several;
- 1.9 The masculine includes the feminine and vice versa;
- 1.10 The singular includes the plural and vice versa;
- 1.11 Any reference to this Licence or to any other document shall include (except where expressly stated otherwise) any variation, amendment or supplement to such document to the extent that such variation, amendment or supplement is not prohibited under the terms of this Licence;
- 1.12 A reference to a person includes firms, partnerships and corporations and their successors and permitted assignees or transferees;
- 1.13 Headings are for convenience of reference only;
- 1.14 An obligation to do anything includes an obligation to procure its being done;
- 1.15 Any restriction includes an obligation not to permit infringement of the restriction;

- 1.16 The term "Property" includes each and every part of it and any estate or interest in it;
- 1.17 Save where a contrary intention is shown, or where an express discretion is given by this Licence, the Council shall act reasonably in exercising its rights hereunder;
- 1.18 If there is any ambiguity or conflict between the implied terms and the express terms of this Licence then the express terms shall prevail.

CONDITIONS

- (a) In consideration of the Acknowledgement Fee the Council hereby grants an exclusive licence to the Licensee to enter and remain upon the Property for the Purpose and the Licensee shall use the Property for no other purpose whatsoever
- (b) The Licensee shall pay the Acknowledgement Fee to the Council on the Commencement Date if demanded
- (c) The use of the Property by the Licensee for the Purpose shall in no way limit or diminish the rights or powers of the Council as owner of the Property. Possession of the Property is retained by the Council subject to the rights granted by this Licence. The Licensee shall not impede in any way the Council or its officers servants or agents in the exercise of the Councils rights of possession and control of the Property. This Licence does not confer on the Licensee or any other person any legal or equitable right, title, interest or estate in the Property nor does it create, imply or give rise to any expectation that such right, title, interest or estate will be hereinafter conferred
- (d) The Licensee shall obtain all necessary permissions and consents, whether statutory or otherwise, required in connection with this Licence and the Purpose and shall comply with any conditions imposed thereby
- (e) The Licensee shall comply with the requirements of the Health and Safety at Work etc Act 1974 and act as client for the purpose of the Construction (Design and Management) Regulations 2015 in so far as the same apply to the Purpose. The Licensee shall at its own expense ensure that any excavations are backfilled and compacted with excavated material as soon as reasonably possible (and PVA cement mortar may be used for backfilling where any such excavations encounter artesian conditions)

- (f) This Licence permits the Licensee and its servants and agents to bring upon the Property vehicles, plant, equipment and materials reasonably required for the Purpose Provided That the Licensee shall:-
- i. Take vehicular access to the Property from the adopted public highway at Steiner Street, Frederick Street or Portland Street
 - ii. Take reasonable measures at its own expense to prevent loss of or damage to the bunds currently in place to prevent unauthorised access to the Property
 - iii. In the event of temporary removal of or loss of or damage to any part of the said bunds during the course of the Purpose, at the Licensee's expense temporarily reinstate the same or take such other measures as the Licensee shall agree in writing with the Council to prevent unauthorised access to the Property and the Licensee shall permanently reinstate the bunds to the Council's reasonable satisfaction at the Licensee's expense upon completion of the Purpose or termination or expiry of the Licence, whichever shall be the sooner
 - iv. Comply with all reasonable requirements of the Council with regard to access onto the Property and shall reinstate and make good at its own cost and to the reasonable satisfaction of the Council any damage caused to the public highway and / or the Property by the Licensee or its servants or agents in the exercise of such access.
 - v. Provide wheel washing facilities for all vehicles leaving the Property and ensure that all such vehicles have their wheels washed before entering the public highway.
 - vi. Use the rights granted by this licence in such a manner as to cause the minimum disturbance and inconvenience to the Council and owners and occupiers of any neighbouring or adjoining property.
 - vii. Take reasonable care of the Property and keep the same in a tidy condition, free from rubbish and debris

- viii. Not light any fires or burn any rubbish at the Property
 - ix. Be responsible for the safety and security of any vehicles, plant, equipment and materials brought onto the Property or used in connection with the Purpose
 - x. Provide the Council free of charge with a complete copy of the reports, surveys and results received by the Licensee in connection with the Purpose
 - xi. Upon completion of the Purpose or termination or expiry of the Licence, whichever shall be the sooner, reinstate the Property at its own expense and to the reasonable satisfaction of the Council and assign to the Council the benefit of any guarantees or warranties provided to the Licensee in connection with the Purpose
- (g) The Licensee shall not do nor permit nor suffer to be done anything on the Property or in connection with the Purpose which may be or become a nuisance or annoyance to the Council or the occupiers of any property adjoining or neighbouring the Property and the Council may by notice in writing to the Licensee forthwith suspend this Licence for such reasonable period as the Council may determine in the event of such nuisance or annoyance occurring
- (h) For the duration of this Licence the Licensee shall maintain public liability insurance in the sum of five million pounds (£5,000,000.00) in connection with its use and occupation of the Property
- (i) The rights granted by this Licence may be terminated by the Council forthwith by notice in writing to the Licensee upon any breach of any provisions of this Licence
- (j) This Licence is a personal arrangement between the Council and the Licensee and is not assignable
- (k) Upon termination or expiry of this Licence, whichever shall be the sooner, the Licensee shall procure that that the Property is vacated and that all vehicles, plant, equipment, materials and refuse are removed from the Property.

- (l) This Licence will end in on the Expiry Date or the termination of this Licence pursuant to clause (i) whichever shall be the sooner
- (m) The Council shall not be responsible for any loss injury damage or expense which may be suffered or sustained by the Licensee in the event of any defect or abnormality of the Property or any part thereof or in the event of the same proving unfit for the Purpose or if the same shall be found to be subject to any rights encumbrances or easements which are existing at the date hereof and should have been revealed by site survey or inspection.
- (n) The Licensee shall:
- i. be liable for and shall indemnify the Council in full against any expense, liability, loss, claim or proceedings arising under statute or at common law in respect of personal injury to or death of any person whomsoever or any nuisance or loss of or damage to property whether belonging to the Council or otherwise or any claim by any third party arising out of or in the course of or caused or contributed to by the performance or purported performance or non-performance or delay in performance by the Licensee or its servants or agents of the Licensee's rights and obligations under this Licence except to the extent that the same is due to any act or neglect of the Council; and
 - ii. be liable for and shall indemnify the Council against any expense, liability, loss, claim or proceedings arising directly or indirectly from or in connection with any breach of the terms of this Licence by or otherwise through the default or negligence of the Licensee or its servants or agents.

and in respect of any claims made pursuant to this clause (n) the Council will:-

- i. give notice promptly in writing to the Licensee of all claims brought or made against Council;
- ii. at reasonable cost to the Licensee provide all such assistance as the Licensee may reasonably require in connection with any claims; and
- iii. use all reasonable endeavours to mitigate losses remedies and liabilities resulting from the claims.

(o)

- i. Nothing in this Licence shall constitute a partnership or joint venture between the Parties or constitute the Licensee as the agent of the Council for any purpose whatsoever.
- ii. The Licensee will not say or do anything which may pledge the credit of or otherwise bind the Council or that may lead any other person to believe that the Licensee is acting as the Council.

(p) If any term, condition or provision contained in this Licence shall be held to be invalid, unlawful or unenforceable to any extent, such term, condition or provision shall to that extent be omitted from this Licence and shall not affect the validity, legality or enforceability of the remaining parts of this Licence.

(q)

- i. The failure of any Party at any one time to enforce any provision of this Licence in no way affects its right thereafter to require complete performance by the other Party, nor may the waiver of any breach or any provision be taken or held to be a waiver of any subsequent breach of any provision or be a waiver of the provision itself.
- ii. Where in this Licence any obligation of a Party is to be performed within a specified time that obligation shall be deemed to continue after that time if the Party fails to comply with that obligation within the time.
- iii. Any waiver or release of any right or remedy of a Party must be specifically granted in writing signed by that Party and shall:
 - a. be confined to the specific circumstances in which it is given;
 - b. not affect any other enforcement of the same or any other right; and
 - c. (unless it is expressed to be irrevocable) be revocable at any time in writing.

(r) Notwithstanding anything apparently or impliedly to the contrary in this Licence, in carrying out its statutory duties or functions the discretion of the Council shall not be

fettered, constrained or otherwise unlawfully affected by the terms of this Licence or any such other deed or document

- (s) Except as otherwise expressly provided, no person who is not a party shall be entitled to enforce any terms of this Licence solely by virtue of the Contracts (Rights of Third Parties) Act 1999.
- (t) This Licence shall be governed by and construed in accordance with the laws of England and Wales and the Parties irrevocably submit to the exclusive jurisdiction of the courts of England and Wales.
- (u) Each Party shall pay its own costs in connection with the negotiation, preparation, and execution of this Licence, and all documents ancillary to it.
- (v)
 - i. This Licence and the conditions herein contained constitute the entire agreement between the Parties
 - ii. The Licensee hereby acknowledges that save as set out or referred to in this Licence there are and have been no representations made by or on behalf of the Council of whatsoever nature on the faith of which the Licensee is entering into this Licence.
- (w) Any rights and remedies provided for in this Licence whether in favour of the Council or the Licensee are cumulative and in addition to any further rights or remedies which may otherwise be available to those parties
- (x) Insofar as any of the rights and powers of the Council provided for in this Licence shall or may be exercised or exercisable after the termination or expiry of this Licence the provisions of this Licence conferring such rights and powers shall survive and remain in full force and effect notwithstanding such termination or expiry.

Signed

.....

Authorised signatory on behalf of Keepmoat Limited

Signed

.....

Authorised signatory on behalf of Hy

HYNDBURN BOROUGH COUNCIL

APPROVAL FOR URGENT CABINET DECISION

(Executive Procedure Rule B16)

Summary and Approvals

1. **Title of Report**
Weed killing of Highways and Back Streets
2. **Report Author**
Craig Haraben (Acting Head of Community Services)
3. **Purpose of Report**
To inform Council about the need to engage a suitably qualified and knowledgeable contractor to undertake the weed killing of highways and back streets for 2016
4. **Decision requested**
That the Council waive contract procedure rules to ensure weed killing is undertaken throughout the Borough in 2016, while giving HBC the time to evaluate the new settlement from LCC and make a decision on future provision, without tying the Council into a long term contract.
5. **Reason for Urgency**
The contractor would need to be given an order so they can plan to undertake the weed killing work during July 2016.
6. **Background Information**
Hyndburn Borough Council (HBC) has for many years undertaken public realm maintenance work on behalf of Lancashire County Council (LCC) via service level agreement. This public realm work includes grass cutting of highway verges, leaf clearance, maintenance of street trees and the application of pesticide to footpaths, highways and back streets.

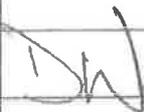
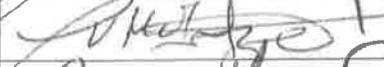
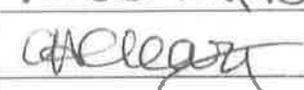
In 2010 a tender exercise was undertaken for the provision of weed killing services for the Borough until the end of 2015. In January 2016 LCC informed HBC that they would be reducing the funding for public realm work significantly, much less had been previously agreed. This also reduces the amount of work required to be undertaken.

As such LCC have only funded and require weed killer to be applied on one occasion during the year instead of the usual two occasions.

An assessment will need to be made as to whether HBC continue to deliver public realm work for LCC in 2017 due to the level of funding reducing so significantly. There may come a point when the funding does not cover the work being requested by LCC.

That being the case I would like to appoint the weed killing contractor who was responsible for undertaking weed killing work between 2010 and 2015, as this would not require HBC to be tied into a long term contract. The current contractor has agreed to hold their price to reflect that paid for one application of pesticide in 2015. A tender exercise for one year would not realise any significant savings and a new contractor would require much more management, direction and would need to learn the geography and road names of Hyndburn.

7. Approvals of Members and Officers

Designation	Signature to give approval
Officers	
Chief Executive *	
Executive Director (Legal and Democratic Services)	
Deputy Chief Executive	
Chief Officer/Head of Service	
Elected Members	
Leader	
pp Deputy Leader (C Cleary)	 Approved by email
Portfolio Holder (K. Moran)	 Approved by email
Mayor (to agree to exempt from call-in)	 Agreed by phone

* or Deputy Chief Executive in his absence, or if Chief Executive is the decision-taker

28/04/16

8. Date of Decision (when finally approved):

28/04/2016

HYNDBURN BOROUGH COUNCIL

APPROVAL FOR URGENT CABINET DECISION

(Executive Procedure Rule B16)

Summary and Approvals

1. **Title of Report**
Weed killing of Highways and Back Streets
2. **Report Author**
Craig Haraben (Acting Head of Community Services)
3. **Purpose of Report**
To inform Council about the need to engage a suitably qualified and knowledgeable contractor to undertake the weed killing of highways and back streets for 2016
4. **Decision requested**
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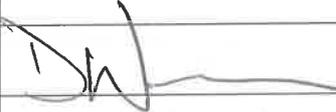
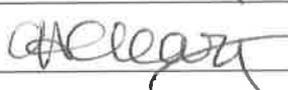
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7. Approvals of Members and Officers

Designation	Signature to give approval
Officers	
Chief Executive *	
Executive Director (Legal and Democratic Services)	
Deputy Chief Executive	
Chief Officer/Head of Service	
Elected Members	
Leader	
Deputy Leader (C. Cleary)	 Approved by email
Portfolio Holder (K. Moran)	 Approved by email
Mayor (to agree to exempt from call-in)	M. Rawer Oh Approved by phone

pp

* or Deputy Chief Executive in his absence, or if Chief Executive is the decision-taker

28/04/16

8. Date of Decision (when finally approved):

28/04/2016

Agenda Item 7.

REPORT TO:		Cabinet	
DATE:		08 June 2016	
PORTFOLIO:		Cllr Miles Parkinson, Leader	
REPORT AUTHOR:		Monica Bell, Senior Democratic Services Officer	
TITLE OF REPORT:		Appointment of Cabinet Groups	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To confirm the establishment of Cabinet Groups for the 2016/17 Municipal Year and to appoint members to those Groups.

2. Recommendations

- 2.1 That Cabinet agrees to the establishment of the following Cabinet Groups, with the terms of reference set out in the Appendix to the report; and,
- 2.2 That the membership of those Groups, set out in paragraph 3.6, be approved.

3. Reasons for Recommendations and Background

- 3.1 In June 2015, Cabinet established the following three Cabinet Groups:-

Accrington Pals Centenary Commemorations Group
 Cabinet Public Transport Group
 Cabinet Waste and Recycling Group

- 3.2 The Groups act in an advisory capacity to Cabinet and do not have any delegated or decision making powers.

- 3.3 In June 2015, Cabinet also established the Cabinet Committee (Scrap Metal Dealers Act 2013).

- 3.4 The Cabinet Committee determines whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013, where the applicant or licensee (as the case may be) has informed the Council that they wish to make oral representations.
- 3.5 The terms of reference for all four bodies are appended to the report and Cabinet is now asked to appoint members to these bodies.
- 3.6 The proposed membership is as follows:-

Accrington Pals Centenary Commemorations Group	Councillors Judith Addison, Miles Parkinson (Chair) and Paddy Short
Cabinet Committee (Scrap Metal Dealers Act 2013)	Councillors Clare Cleary (Chair), Paul Cox and June Harrison
Cabinet Public Transport Group	Councillors Judith Addison, Stephen Button, Bernard Dawson, Tim O’Kane and Miles Parkinson (Chair)
Cabinet Waste and Recycling Group	Councillors Stephen Button, Paul Cox (Chair), Terry Hurn and Joyce Plummer

4. Alternative Options considered and Reasons for Rejection

- 4.1 None were considered.

5. Consultations

- 5.1 Consultations took place with relevant members to determine membership of these bodies.

6. Implications

Financial implications (including any future financial commitments for the Council)	None.
Legal and human rights implications	None.
Assessment of risk	None.
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as</i>	None identified.

<i>an appendix to the report.</i>	
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7. **Local Government (Access to Information) Act 1985:**
List of Background Papers

7.1 Report to Cabinet, 3rd June 2015.

<http://democracy.hyndburnbc.gov.uk/ieListDocuments.aspx?CId=133&MId=165&Ver=4>

8. **Freedom of Information**

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

Accrington Pals Centenary Commemorations Group

Membership

Four Councillors –

- Two from the controlling group;
- One Conservative Group nominee;
- One Independents nominee

Mrs Turner, widow of Honorary Freeman Bill Turner

Representatives of British Legion

Representatives of other groups, to be invited at the discretion of the Chair.

Terms of Reference

1. To consider proposals to mark the centenary of the establishment of the Accrington Pals Battalion.
2. To report findings and recommendations to Cabinet.

CABINET COMMITTEE (SCRAP METAL DEALERS ACT 2013)

MEMBERSHIP: 3 Members of Cabinet (with a quorum of 3)

REPORTS TO: Cabinet

TERMS OF REFERENCE

- To determine whether to grant, renew, revoke or vary scrap metal licences pursuant to the Scrap Metal Dealers Act 2013 where the applicant or licensee (as the case may be) has informed the Council that they wish to make oral representations in accordance with paragraphs (7) and (8) of Schedule 1 of that Act
- To discharge the Council's functions under paragraph 8 Schedule 1 of the Scrap Metal Dealers Act 2013.

Cabinet Public Transport Group

Membership

Five Councillors -

- Three from the controlling group;
- One Conservative Group nominee;
- One Independents nominee

All Hyndburn Division Lancashire County Councillors to be invited

Officers from Hyndburn Borough Council, Lancashire County Council and other organisations to be invited at the discretion of the Chair.

Representatives of public transport organisations including local bus operating companies and rail companies (network and rail services), to be invited at the discretion of the Chair.

Representatives of user groups where appropriate, to be invited at the discretion of the Chair.

Terms of reference

1. To consider the issues surrounding initiatives such as those described below, with a view to ensuring that the schemes meet the needs of the Borough and do not have an adverse impact on local residents.
 - Pennine Reach, Accrington Bus Station and Great Harwood Interchange
 - Potential improvements to M65 or A56
 - Blackburn Road, Accrington
 - Whinney Hill Link Road
2. To report findings and recommendations to Cabinet.

Cabinet Waste and Recycling Group

Membership

Five Councillors -

- Three from the controlling group;
- One Conservative Group nominee;
- One Independents nominee

Head of Community Services

The chair shall have discretion to invite other officers or Members as required.

Terms of Reference

1. To review current recycling streams and examine opportunities to mix materials and recycle additional waste.
2. To review the types and numbers of recycling containers and opportunities to make the service more attractive to residents
3. To review collection methods and the replacement of collection vehicles
4. To report findings to Cabinet with any recommendations and costed options for improving the service and increasing recycling rates

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Agenda Item 8.

REPORT TO:		Cabinet	
DATE:		08 June 2016	
PORTFOLIO:		Cllr Miles Parkinson, Leader	
REPORT AUTHOR:		Principal Planning Officer - Policy	
TITLE OF REPORT:		Development Management DPD – Consultation Draft Comments and Actions	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	No

1. **Purpose of Report**

- 1.1 To seek Cabinet approval of the proposed ‘Council Response’ to all formal comments received during the consultation period into the Development Management DPD Consultation Draft.

2. **Recommendations**

- 2.1 That Cabinet approve the proposed ‘Council Response’ (attached) to all comments received during the consultation period of the DM DPD Consultation Draft, held during February/March 2016.

3. **Reasons for Recommendations and Background**

- 3.1 The DM DPD forms an important part of the new Local Plan for Hyndburn. The DM DPD will set out the more detailed planning policies to be used by Development Management Officers in determining planning applications for the Borough. Once complete, the DM DPD will sit alongside the Core Strategy and Accrington Area Action Plan, parts of the Local Plan already adopted by the Council (in 2012), as part of the statutory development plan for the Borough. It will replace the majority of Local Plan (1996) policies that remain extant¹, though are now considered to be out of date.

¹ Once the DM DPD is adopted the only policies that will remain extant from the 1996 Local Plan will relate to land allocations. These will be replaced by a Site Allocations DPD, which itself will be produced in accordance with the Council’s published Local Development Scheme (2015-2018).

- 3.2 The DM DPD Consultation Draft was formerly approved by Cabinet and Council in January 2016 for a period of statutory consultation, in line with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012. The formal consultation process took place between 11th February and 24th March 2016 and was widely advertised in line with the Council's Statement of Community Involvement (SCI).
- 3.3 During the 6-week statutory consultation process, a total of 34 individuals/organisations submitted comments, many of which were detailed and covered multiple policy aspects of the DPD. All comments have been reviewed by Officers and categorised into comment type. In total 248 separate comments were received and these can be broken down into:
- 45 comments of support;
 - 63 comments of objection; and
 - 140 general comments (neither clear support nor objection).

Of the 34 individuals/organisations submitting comments, 15 submitted one or more point of objection. The remaining 19 individuals/organisations submitted only comments of support and/or general comments.

- 3.4 The attached report provides a full summary of all the comments received, who submitted them, to which aspect of the DM DPD Consultation Draft they relate, and the proposed Council response / further action required and associated notes. Cabinet is asked to review and approve the attached report to ensure that relevant further work can proceed, and that preparation of the DM DPD can continue in line with the published timetable in the Local Development Scheme (LDS) (2015-2018).

4. Alternative Options considered and Reasons for Rejection

- 4.1 The DM DPD has been prepared in accordance with the Town and Country (Local Planning) (England) Regulations 2012. As the preparation of this document is to be in accordance with this legal framework there are no alternative options for its preparation.

5. Consultations

- 5.1 A wide range of people and organisations have been involved in the evolution of the DM DPD up to this point. Three main consultation events have now been undertaken, the consultation process the subject of this report, and two further ones in the past², the first in May-June 2012 and the second in Nov-Jan 2013.

² Under previous regulations the Town and Country Planning (Local Development) (England) Regulations 2004

- 5.2 Following further work and the proposed changes, officers anticipate bringing a revised DM DPD 'Publication' version to Cabinet in August 2016 for approval for the final round of statutory consultation in September/October 2016. Following consultation on the 'Publication' version of the DPD the Council is required to submit comments received to the Secretary of State who will then arrange for a Planning Inspector to undertake independent Examination of the DPD.
- 5.3 The Examination is intended to resolve any outstanding objections and to verify that the DPD has been prepared in accordance with legal and procedural requirements. Following successful Examination, the Council may adopt the DPD as part of the Local Plan for the area. It is therefore anticipated that the Council will have a final adopted DM DPD some time during 2017 (dependent upon the length of the Examination process).

6. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>There is a need to ensure that there is a robust evidence base in place for the DPD which includes a Plan Viability Study and further Sustainability Appraisal work. The DPD will also be subject to Examination in Public and there will be a need for the Council to fund this, the cost is likely to reflect the number of representations received at the 'Publication' stage. Examination is likely to be during 2017.</p>
<p>Legal and human rights implications</p>	<p>A DPD is a part of the statutory development plan for the Borough. It is therefore the starting point for considering planning applications and should be given considerable weight in decision-making once it reaches the 'Publication' stage. Once adopted, the DM DPD will be given full-weight in decision-making.</p> <p>Consultation on the DPD must be undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.</p>
<p>Assessment of risk</p>	<p>There are no significant risks associated with this decision.</p>
<p>Equality and diversity implications <i>A <u>Customer First Analysis</u> should be</i></p>	<p>The Council is subject to the public sector equality duty introduced by the Equality Act</p>

<p><i>completed in relation to policy decisions and should be attached as an appendix to the report.</i></p>	<p>2010. When making a decision in respect of the recommendations in this report Cabinet must have regard to the need to:</p> <ul style="list-style-type: none"> • eliminate unlawful discrimination, harassment and victimisation; and • advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and • foster good relations between those who share a relevant protected characteristic and those who don't. <p>For these purposes the relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. When making a decision in respect of the proposals in this report members should have regard to the Customer First Analysis annexed to this report.</p>
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**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

7.1 *Copies of documents included in this list must be open to inspection and, in the case of reports to Cabinet, must be published on the website.*

DMDPDR18 - Comments and Council Response

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

Hyndburn DM DPD Consultation Draft (11th February 2016 - 24th March 2016)

All comments received and proposed Council response - ordered by DM DPD page no.

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
162		Dave	Coe	Support	Whole Document				It is encouraging to see that HBC have formulated this draft to encompass the many and varied planning issues listed and have also welcomed participation and comments from anyone who care to do so.	Noted	
1	National Trust - NW Regional Office	Alan	Hubbard	No comment					Confirmed in writing that the National Trust has no comments to make	Noted	
95	Coal Authority			Object	Whole Plan				There is no cross reference between the Hyndburn Local Plan and the content of the Lancashire Minerals and Waste Local Plan	Agree - make changes	Include somewhere in the DPD reference to LMWP
247	CBRE Ltd	Edward	Harvey	General Comment	Infrastructure Provision				United Utilities recommend that a detailed policy is included as part of the DM DPD in relation to infrastructure provision. This would help to ensure that, particularly with regards to large sites in fragmented ownership, that the practical issues of infrastructure strategy and delivery are considered up front. Specific policy text is proposed by UU.	Further work required	Consider benefits of proposed policy in the context of existing policy provision in the Core Strategy
198	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	Support	Whole document				LCC is supportive of the DM DPD, and the broad themes and policy direction that it covers in respect of environment, community infrastructure, economy and sustainability. These complement LCC's core objectives expressed through its emerging Corporate Strategy and supporting policy documents. The general principles and strategic issues are also aligned with LCC's published Highways and Transport Masterplan for East Lancashire, specifically with regard to sustainable transport infrastructure and traffic and highway safety. Improvements in order to bring better consistency and clarity in this respect are suggested against specific policies.	Noted	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
204	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	General Comment	Whole Plan				LCC's Planning and Public Health specialists should work with HBC planning officers, to undertake a health proofing exercise of the consultation draft policies. This may take the form of a rapid Health Impact Assessment (HIA), will enable any positive or negative health impacts of the neighbourhood plan policies to be identified. Recommendations can then be assessed and if required policy modifications could be made prior to the final submission version of the plan being prepared.	Further work required	Meet with LCC Health contact to discuss progressing this work and integrating with SA work
211	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	General Comment	Minerals Extraction				Mineral Safeguarding Areas (MSAs) are defined by Policy M2 of the Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan and the Policies Map, a number of which are in Hyndburn. The Council will need to satisfy itself that the need for development outweighs the need to prevent the possible sterilisation of a possible mineral resource at some point in the future.	Further work required	Consider where in the DM DPD can make reference to this and the Lancashire M&W Plan
137	The Home Builders Federation	Matthew	Good	General Comment	Housing Requirement				The housing requirement (set in the Core Strategy) is based upon the now revoked RSS and as such can be considered out of date. This has implications not only for the forthcoming Site Allocations DPD but also policies within the DM DPD, such as affordable housing. It is therefore recommended that the Council consider reviewing their housing requirement as a matter of urgency. This could either be done through a partial review of the Core Strategy or as part of another DPD.	Noted	The Council is aware of this and is undertaking the necessary work on OAN in conjunction with progressing the DM DPD to ensure that it has a robust Local Plan in place.
156	Natural England			General Comment	Habitat Regulations				Natural England remind the Council that the plan must be screened with respect to the Conservation of Habitats and Species Regulations 2010 (as amended) to determine whether an Appropriate Assessment is required.	Further work required	The Council has already drafted HRA screening in consultation with NE and this will be completed prior to Publication

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
109	Highways England	Warren	Hilton	Support	Presumption in favour of sustainable development	GC1	10		Highways England supports Policy GC1	Noted	
27	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	Support	Sustainable Development	GC1	10		Support the Council's presumption in favour of sustainable development as per the NPPF and that it will always work proactively with applicants to secure development that improves the environmental conditions in the area	Noted	
216	CPRE Lancashire	Jackie	Copley	Support	Sustainable Development	GC1	10	2.3	CPRE Lancashire is pleased to see that in paragraph 2.3. a definition for sustainable development is given as it is an obvious omission from the NPPF, given it is what it aims to achieve. We are supportive of sustainable development is that 'which meets the needs of the present generation without compromising the ability of future generations to meet their own needs'	Noted	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
171	JWPC Ltd	Matthew	Wyatt	General Comment	Planning Obligations & CIL	GC2	11	2d	It is requested that the Council carefully considers the future requirement to progress CIL charges within the Borough, given the contributions requested from developers via S106s. Persistend records of under-delivery and shortfalls in housing are obvious in the borough. JWPC have experienced CIL requirements elsewhere in northern england discouraging developer activity. Further financial contributions would be conterproductive to wider aims of promoting housing delivery.	Noted	The Council may seek to investigate CIL further in the future. If so and any future levy is implemented, then any S106 obligations would be complementary. Any CIL implementation will be supported by evidence on vaiability and be subject to examination in public, therefore there should be no negative impacts on development activity.
119	Environment Agency	Dave	Hortin	General Comment	Planning Obligations & CIL	GC2	11	3	Recommend adding Policy DM20 - Flood Risk Management and Water Resources to the list of policies requesting S.106 contributions	Agree - make changes	
217	CPRE Lancashire	Jackie	Copley	Support	Planning Obligations & CIL	GC2	11	4	CPRE Lancashire is pleased to note that where developers claim viability concerns open book appraisal will be required to make decision making concerning developer contributions more transparent.	Noted	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
28	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	Support	Planning Obligations	GC2	11	1 and 3	Agree that the Council should support the provision of relevant infrastructure, services and facilities required to maintain and enhance the quality of life of local people and the local environment. Also support the Council's intention to seek contributions on a case-by-case basis that can/will include policies DM1(Open Space Provision in New Residential Development), DM1 (Trees, Woodland and Hedgerows) and DM1 (Protection and Enhancement of the Natural Environment).	Noted	
110	Highways England	Warren	Hilton	General Comment	Planning Obligations and CIL	GC2	11		Highways England welcomes Policy GC2, though it should be noted that any required developer-funded improvements to the Strategic Road Network are undertaken by virtue of an agreement under Section 278 of the Highways Act 1980. An additional policy link to the NPPF para 204 which includes the tests for planning obligations should be considered.	Agree - make changes	Add in reference to Paragraph 3 of the policy text and/or the justification text
97	Canal and River Trust	Tim	Bettany-Simmons	Support	Planning Obligations & CIL	GC2	11	3	The Canal & River Trust support contributions being sought on a case-by-case basis including for sustainable transport infrastructure	Noted	
111	Highways England	Warren	Hilton	General Comment	Planning Obligations and CIL	GC2	11		Consider including a reference to PPG: CIL 2014 as a development management policy link in GC2	Agree - make changes	Either in policy or justification text
112	Highways England	Warren	Hilton	Support	Planning Enforcement	GC3	13		Highways England believe that Policy GC3 is fit for purpose and welcomes the link to NPPF	Noted	
218	CPRE Lancashire	Jackie	Copley	General Comment	Planning Enforcement	GC3	13		CPRE Lancashire believes for the planning system to be effective enforcement must be adequate.	Noted	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
66	Janet Dixon Town Planners Ltd	Mike	Gee	General Comment	Existing Employment Sites	DM1	17		The owners of Spring Mill, Spring Street Rishton (East Lancs Box Co) acknowledge that the DM DPD contains nothing specific to prejudice the continued use of the site in employment use. They do however confirm their intention to retain and invest in the premises, in addition to significant past and ongoing investment (details provided) and disagree with the categorisation of the site in the latest Employment Land Study as 'poor' quality. This should be reconsidered.	Disagree - no changes	The DM DPD sets the policy framework and is not the place for undertaking site assessments. Paragraph 3.13 of the DM DPD provides the flexibility for applicants to challenge site assessments in the latest ELS where they disagree. Consideration to be given to removing 'existing employment areas' from Policy Maps due to confusion over status (i.e. not allocations)
219	CPRE Lancashire	Jackie	Copley	Support	Employment Development	DM1	17	1f	CPRE Lancashire is supportive of inclusion of bullet f) relating to energy efficiency and BREEAM technical guidance (www.breeam.com).	Noted	
172	JWPC Ltd	Matthew	Wyatt	General Comment	Employment Development	DM1	17	1f	The policy requirement to meet the minimum requirements of BREEAM may be superseded by other requirements introduced by the Government such as with the Code for Sustainable Homes. The Building Regulations ensure that town planning contributes towards energy-efficiency etc. Planning Officers are unlikely to review submitted info on BREEAM in any depth.	Further work required	Consider practicalities of policy further and in the context of BC Regulations and Officer consultation

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
113	Highways England	Warren	Hilton	General Comment	Employment Development	DM1	17		Highways England believe that Policy DM1 is fit for purpose and appropriate. We consider that there should be a reference to assessing traffic generation in relation to existing employment sites and any potential change of use.	Agree - make changes	
67	Janet Dixon Town Planners Ltd	Mike	Gee	General Comment	Existing Employment Sites	DM1	17		The owners of Daisy Hill Mill, Ashworth Street Rishton (R E Walsh Investments Ltd) acknowledge that the DM DPD contains nothing specific to prejudice the continued use of the site in employment use. They do however confirm their intention to retain and invest in the premises, in addition to significant past and ongoing investment (details provided).	Noted	
29	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	Object	Employment Development	DM1	17	1	There is no proviso regarding the protection and enhancement of biodiversity (sites, habitats and/or species) and geodiversity (geology and geomorphology). Additional wording could be added to proviso 'e' or a new proviso written as impacts may still be felt on land within the defined urban area.	Agree - make changes	
173	JWPC Ltd	Matthew	Wyatt	Object	Employment Development	DM1	17	4	The policy is too strict in requiring new office space to be located only within town and district centres. There is considerable demand for small B1 uses in more rural locations, increasingly following improvements in broadband. The policy should be more flexible to help support a prosperous rural economy as encouraged within Chapter 3 of the NPPF, and in line with recent more flexible PD rights for conversion of redundant rural buildings.	Further work required	Look into how the policy may be made more flexible in line with comments without compromising the sequential test
120	Environment Agency	Dave	Hortin	General Comment	Employment Development	DM1	17	1	Either include the same reference to flood risk as in DM10 (Residential Development - para 11) or cross reference DM20	Agree - make changes	
19	Omega Atlantic	Katie	Dent	General Comment	Employment Development	DM1	18		Policy Context and Relationships table should refer to Core Strategy Policy A8: Strategic Employment Site at Huncoat	Agree - make changes	Consider policy more closely in terms of Huncoat and Whitebirk strategic allocations

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
145	Stephen Ward Planning Consultants Ltd	Stephen	Ward	Object	Employment Development	DM1	20	3.13-3.14	We object to the designation of ABP owned land in Great Harwood as an 'adequate' quality existing employment area as per the latest Employment Land Study. This is contrary to Core Strategy BD1 (para 5.55) and the land should remain undesignated/white land. We submit an alternative site appraisal proforma indicating why the sites are 'poor' quality.	Further work required	The DM DPD sets the policy framework and is not the place for undertaking site assessments. Paragraph 3.13 of the DM DPD provides the flexibility for applicants to challenge site assessments in the latest ELS where they disagree. Consideration to be given to removing 'existing employment areas' from Policy Maps due to confusion over status (i.e. not allocations)
174	JWPC Ltd	Matthew	Wyatt	General Comment	Employment Strategies	DM2	21	1	The policy needs to provide much more information on how developers will work alongside Job Centre Plus. Employers are concerned to refuse employment from someone out of the area to avoid discrimination (contrary to equal opportunities legislation). Also an understanding of how planning enforcement would be progressed is required where the local Jobcentre Plus are not able to provide suitable candidates.	Further work required	
114	Highways England	Warren	Hilton	Support	Employment Strategies	DM2	21		Highways England believe that Policy DM2 is appropriate and fit for purpose	Noted	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
186	NJL Consulting	Nicole	Roe	General Comment	Town Centre Development	DM3	22	5a	Paragraph states that small scale facilities will be acceptable if they contribute to a local parade or local centre. Such a restriction would hinder the delivery of local convenience stores which often standalone to support a residential community and can equally be appropriate where they are located to serve areas with large numbers of employees such as Greenbank and Whitebirk. Furthermore, local centres and parades should be designated as such, in which case delivery of improvements to them would not be classed as out of centre development and Point 5 a) would not be necessary.	Further work required	Consider whether to designate local parades in Site Allocations DPD or not and implications for DM DPD if so.
115	Highways England	Warren	Hilton	Support	Town Centre Development	DM3	22		Highways England welcomes Policy DM3 and considers it fit for purpose. References in 5c and 6b are to access on foot and car parking arrangements are particularly welcomed.	Noted	
192	NJL Consulting	Nicole	Roe	Object	Town Centre Development	DM3	22		With all of the above in mind (set out in Repls 185-191) we would object to the policy as it currently stands and recommend that thresholds be set out which look at operator type rather than location e.g. Foodstores: 1,500sqm, non-food retail warehousing: 2,500sqm	Further work required	Consider best policy approach to address these points in the context of the Retail Thresholds Advice Note (once published)
189	NJL Consulting	Nicole	Roe	General Comment	Town Centre Development	DM3	22		Grouping retail uses together is more sustainable than providing standalone facilities and there should be recognition of this fact through the Local Plan	Agree - make changes	Reference this point as appropriate in the DM DPD

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187	NJL Consulting	Nicole	Roe	General Comment	Town Centre Development	DM3	22		We have serious reservations about the 'Outside of Town Centre Locations' element of the policy. If the policy remains in the current form it would have to - Clearly define the catchment areas of the settlements to ensure clarity on which threshold should apply; - Explain what would happen if a proposed development would sit on the edge of two catchments; and - Explain the approach that would be taken should a proposed development provide a combination of convenience and comparison goods floor space. E.g. B&M, would such a unit have to provide an impact assessment for purely the convenience goods element or for both?	Further work required	Consider amendments to policy in the context of the Retail Thresholds Advice Note once complete
185	NJL Consulting	Nicole	Roe	General Comment	Town Centre Development	DM3	22	5 & 7	There appears to be no logic to having a different threshold for sequential assessment and impact assessments which will be difficult to apply in a sensible and meaningful manner. The lack of the Retail Thresholds Advice Note at this stage precludes confirmation of whether or not we agree with the approach.	Noted	The Retail Thresholds Advice Note will be published prior to the Publication version
147	Stephen Ward Planning Consultants Ltd	Stephen	Ward	General Comment	Town Centre Development	DM3	22	4 and 7	The floorspace thresholds under para 4 of DM3 should be increased, and also the gross floorspace caps under para 7 in so far as they concern brownfield land that is either referred to in the Core Strategy and/or that is contained within a future Site Allocations DPD. Accordingly, the wording of DM3 should be amended to reference 'brownfield land referred to in the Core Strategy' and/or 'sites for which specific policy provision is set out in a future Site Allocations DPD'.	Further work required	Floorspace thresholds in Policy DM3 will be reviewed following completion of the Retail Study and Retail Thresholds Advice Note
190	NJL Consulting	Nicole	Roe	General Comment	Town Centre Development	DM3	23	7	Extending existing facilities should not be subject to the same thresholds as wholly new retail facilities as extensions will not have the same scale of impact as providing a new standalone retail unit e.g. it may be to provide more circulation space.	Further work required	Consider best policy approach to address these points in the context of the Retail Thresholds Advice Note (once published)

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188	NJL Consulting	Nicole	Roe	General Comment	Town Centre Development	DM3	23	7	There should be some recognition of the role of the Peel Centre within the retail market and hierarchy of Hyndburn. It plays an important role accommodating largescale retail units which cannot be located within existing centres and provides a valuable facility, including for people who work close by because they can link trips to and from work with using the retail park. Policy should allow for the asset management of the retail park in a way that maximises its potential to provide the people of Hyndburn with a local alternative to retail park facilities within areas such as Bolton and Preston, encouraging more sustainable shopping patterns.	Further work required	Consider best policy approach to address these points in the context of the Retail Thresholds Advice Note (once published) and DtC discussions to be held with BwD
191	NJL Consulting	Nicole	Roe	General Comment	Town Centre Development	DM3	23	7	Lastly, the type of retailer that locates at a retail park such as the Peel Centre, would more often than not compete with a different level of store and centre than that provided in the lower order centres of Rishton etc. For example, the type of convenience goods shopping that is carried out in small newsagents and convenience stores is very different to the type carried out at larger format national multiple retailers.	Noted	
184	Blackburn with Darwen Borough Council	David	Proctor	Object	Town Centre Development	DM3	23	7	Blackburn with Darwen objects to the proposed threshold of 2,000sqm for comparison retail proposals in Accrington because: - evidence has not been made available to support the figure; - it is not clear in the policy how 'Accrington' will be defined in terms of the requirement; and - the threshold is too high and will allow comparatively large retail proposals to be considered without an assessment of impact on existing centres thereby harming vitality and viability	Further work required	Complete and publish Retail Thresholds Advice Note and consider Whitebirk scenario in terms of location. Arrange DtC meeting with BwD to discuss issues further.
193	NJL Consulting	Nicole	Roe	General Comment	Town Centre Development	DM3	24	3.24	The policy or supporting text should specify that impact assessments should be proportionate to the proposed development	Agree - make changes	

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175	JWPC Ltd	Matthew	Wyatt	Object	Hot Food Takeaways	DM5	26		The policy as stands will inevitably focus new hot food takeaways towards a number of concentrated areas that fall outside the exclusion area. Criteria B and C are therefore in conflict. It is also inherently unsustainable as it forces new proposals towards the fringes of the urban area, rather than towards accessible locations. It will also fail to impact on childhood obesity as most takeaways are closed until early evening and are far too expensive. It would be much more relevant to focus on Class A1 and A3 premises within the vicinity of schools due to opening hours, prices and products they sell.	Further work required	Review policy in line with comments received and discussions with LCC Health Officers
199	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	General Comment	Delivering Schools and Early Learning	DM6	31	3	LCC suggests minor amendments to the paragraph and additional wording to clarify that contributions will be to address the direct impact of development, and that 'development will not be acceptable if it cannot address its impact on education where this necessitates provision of additional school places'.	Agree - make changes	
200	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	General Comment	Delivering Schools and Early Learning	DM6	33	4.9	<p>i) This is a long term projection so we cannot assume that the birth rate will remain low through the lifetime of the plan.</p> <p>ii) LCC recognises that the viability of developments in Hyndburn is a concern but at the same time it must be recognised that a development can only be sustainable if it addresses its infrastructure needs and addressing the impact on school places is a key element of this.</p> <p>iii) there is a clear expectation from Government that local authorities will supplement education capital funding through developer contributions where this can be justified.</p> <p>iv) There are no details about how viability will be assessed. There is also concern that education has specifically been singled out, when there are many factors that influence the viability of a development.</p> <p>v) The County Council would welcome assurance that the Borough Council will consider the sustainability of a development if the impact on school places is not being addressed</p>	Further work required	Discuss any proposed changes to policy with LCC to address comments raised

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201	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	General Comment	Cultural and Community Facilities	DM7	34	1	LCC is in the process of rationalising its property portfolio through the Neighbourhood Centre review, which will reduce the number of public facing properties by half across Lancashire, providing public facing service provision in newly formed Neighbourhood Centres. It is anticipated the requirements of DM7.1(a) will have been achieved following this process and LCC will be in a position to re-use or dispose of the surplus properties as it sees fit.	Noted	
68	The Theatres Trust	Ross	Anthony	Support	Cultural and Community Facilities	DM7	34		The Theatres Tust supports policy DM7 which reflects paragraph 70 of the NPPF	Noted	
76	NHS Property Services Ltd	Anna	McComb	Object	Cultural and Community Facilities	DM7	35	4.17	NHS Property Services object to the overly restrictive nature of the policy, in particular the requirement for surplus facilities (that include health - footnote 37) to be marketed. The NHS estate reorganisation programme is sufficient evidence that a facility is neither needed nor viable as it involves rigorous NHS testing and approval processed to be satisfied. Minor change to policy wording proposed to resolve concern, deletion of 'and' between points 1b and 1c.	Further work required	Consider implications for other community facilities of the proposed wording change and whether a specific NHS statement may be more appropriate
242	CAMRA (East Lancs Branch)	Philip	Drew	Support	Public Houses	DM8	36	2	This is very good	Noted	
176	JWPC Ltd	Matthew	Wyatt	General Comment	Public Houses	DM8	36	1	The emerging policy sets out that the Council will support proposals for the change of use of public houses to any other A or D1 use classes. This needs to be reworded since planning permission is not required to change the use of such premises to a development falling within Class A	Further work required	Review PD rights with DM and update policy accordingly

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177	JWPC Ltd	Matthew	Wyatt	General Comment	Public Houses	DM8	36	2	The requirements set for justifying demolition or change of use of a public house to any other use class are far too strict and the policy does not reflect the high number of public houses located in urban areas, which is typical of many former mill-towns in the North West. JWPC feel that the criteria should not be applied cumulatively and a change of use should principally be supported if (under Criterion C) the loss of the pub will not result in a shortfall of pub provision in the area. Only if the pub remains the last in the local area, should the remaining criteria be applied	Further work required	Consider implications of request and how the policy may be made more flexible whilst retaining the original policy intention
178	JWPC Ltd	Matthew	Wyatt	General Comment	Public Houses	DM8	36	2b	Requirements for marketing should be applied flexibly, bearing in mind that the need for a consistent period of 12 months' marketing would discourage investment on many old, struggling and vacant public houses that are in a rapidly deteriorating state. The Council should also come to their own view as to whether a public house is economically viable and CAMRA's Public House Viability Test is something which may change over the course of the Plan period	Further work required	Consider marketing process and adopting a more flexible viability assessment process in line with comments
241	CAMRA (East Lancs Branch)	Philip	Drew	Object	Public Houses	DM8	36	1	CAMRA object strongly as this would mean no opposition by the Council to change of use from Public House to restaurants, shops, financial/professional offices and 'non-residential institutions' (e.g. chreches, childrens nurseries and places of worship) even where the community value of a pub is recognised. Pubs need to be properly protected from inappropriate A or D1 use class applications. Also, 'other relevant policies' is a bit vague and these should be clearly stated.	Further work required	Consider policy amendments to resolve objection
220	CPRE Lancashire	Jackie	Copley	Support	Telecommunications	DM9	37	1b	CPRE Lancashire is pleased to see the siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual and residential amenity, character and appearance of the surrounding areas.	Noted	

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77	Historic England - NW Office	Emily	Hrycan	Object	Telecommunications	DM9	37	1d	Replace 'adverse effect' with 'unacceptable harm'. Replace 'archaeological sites, conservation areas or buildings of architectural or historic interest' with 'heritage assets and their setting'. This will ensure the policy better accords with NPPF	Agree - make changes	
30	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	General Comment	Telecomms	DM9	37	1d	Reference should be added to include sites of geodiversity as well (geology and geomorphology). In conjunction with this the explanatory text (4.24-4.30) could have broader referencing to the natural environment and providing net gains in line with the NPPF	Agree - make changes	
221	CPRE Lancashire	Jackie	Copley	Support	Housing Chapter		41	5.1	CPRE is pleased to see that the key elements of the housing strategy are set out in the DM DPD	Noted	
138	The Home Builders Federation	Matthew	Good	General Comment	New Residential Development	DM10	42	1c	The HBF supports a flexible approach to applying the principles of Building for Life standard. Paragraph 5.7 of the justification text appears to offer such flexibility in that applicants will be expected 'to use the principles' set out in BfL 12, however the policy wording in para 1c is less flexible as worded and implies a rigid mandatory standard. The Council should clarify the flexible approach in the policy text itself.	Agree - make changes	Clarify wording of policy text and justification text to ensure consistency
121	Environment Agency	Dave	Hortin	General Comment	New Residential Development	DM10	42	1	Amend in line with the approach taken to DM1 (Rep ID 120)	Agree - make changes	
46	Hyndburn Borough Council	Fiona	Goodfellow	General Comment	New Residential Development	DM10	42	1c	is the BfL12 reference sufficient to request that developers consider lifetime homes, secured by design, ECO Homes standards and the Code for Sustainable Homes etc?	Noted	The Government have abolished these standards in favour of a single set of national housing standards covered by Policy DM16 of the DM DPD

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78	Historic England - NW Office	Emily	Hrycan	Object	New Residential Development	DM10	42	1a	Reword criteria 1a to reference 'enhancing local character and distinctiveness' and to replace 'the protection and enhancement of heritage resources' with 'there will be no unacceptable harm to heritage assets and their setting'	Agree - make changes	
163	Mcateer Associates Ltd	Tony	McAteer	General Comment	New Residential Development	DM10	42	1c	The requirement for schemes of 5 or more dwellings to consider and address Building for Life 12 criteria in the design of the scheme in the policy is unclear. The justification text (para 5.7) suggests a flexible approach which Morris Homes supports. However we would encourage the Council to make this more explicit within the text and policy as it was never the intention for this to be a mandatory standard for all developments.	Agree - make changes	Clarify wording of policy text and justification text to ensure consistency
226	CPRE Lancashire	Jackie	Copley	General Comment	New Residential Development	DM10	42		Reference to the landscape and visual impact of a proposed housing development should be considered if the site is visible from open countryside to avoid adverse impacts.	Further work required	Consider how policy could best be edited to address this
47	Hyndburn Borough Council	Fiona	Goodfellow	General Comment	New Residential Development	DM10	43	3 and 5.10	static caravan sites – does this reference include 'residential park home schemes?'	Agree - make changes	Clarify scope of statement and include policy link to DM15
148	Stephen Ward Planning Consultants Ltd	Stephen	Ward	Object	Open Space Provision	DM11	45	1f	This point should be clarified as it could be interpreted as meaning the Developer must directly fund and be responsible for open space maintenance for 20 years, as opposed to funding the Council to do so if/when they accept responsibility to do so through formally adopting the open space.	Disagree - no changes	The Council will not formally adopt new areas of open space therefore the Policy facilitates either developer funded maintenance, or an alternative sustainable scheme of management to be put in place.
128	Environment Agency	Dave	Hortin	General Comment	Open Space Provision	DM11	45		Amend policy to state that any Main River (protected under Land Drainage Byelaws) will need to be retained.	Agree - make changes	

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31	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	General Comment	Open Space Provision	DM11	45	1	Agree with criteria a-d of Policy DM11. However suggested improvements include: - reference ANGSt under criteria a in line with para 6.44 of DM21 - criteria c) and d) should also apply to geodiversity - the policy does not refer to the need to have regard to any ecological networks(s); and - the accompanying explanatory text makes no reference to biodiversity or geodiversity	Agree - make changes	
223	CPRE Lancashire	Jackie	Copley	Support	Open Space Provision	DM11	45		We are supportive of the open space and affordable housing policies particularly provision of 'on-site' housing to make sure they are built out in reality.	Noted	
140	The Home Builders Federation	Matthew	Good	General Comment	Affordable Housing	DM12	47	2	In identifying obligations the Council will need to take account of the need to ensure that the scale of obligations sought do not threaten the ability of the site to be developed viably and the need for a competitive return for a willing land owner and developer. The HBF encourage the Council to work with the development industry in the production of its viability study to ensure that the assumptions utilised are realistic.	Noted	A Plan Viability Study is being undertaken to address this point and will involve the development industry
141	The Home Builders Federation	Matthew	Good	General Comment	Affordable Housing	DM12	47	1b, 5.19 & GN2 3.7	The suggested split of housing tenure should not be applied rigidly to all sites as housing needs will vary across a LA area as well as over time. HBF note that this is acknowledged in the Guidance Note. The Council will need to take account of the forthcoming Government requirement for Starter Homes as the DPD progresses.	Further work required	Look at how best to integrate Starter Homes proposals into tenure split info
142	The Home Builders Federation	Matthew	Good	Support	Affordable Housing	DM12	47	1d & 5	The HBF supports parts 1d and 5 of Policy DM12 which refer to viability considerations. This is considered an essential element of the policy given that the viability of individual sites will vary considerably	Noted	
17	JWPC Ltd	Matthew	Wyatt	General Comment	Affordable Housing	DM12	47		JWPC have no particular objection to the policy however it should be flexible enough to take on-board the significant changes currently being pursued by the Government (e.g. Starter Homes etc.)	Agree - make changes	Policy is to be updated to reflect the Government's Starter Homes proposals

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139	The Home Builders Federation	Matthew	Good	General Comment	Affordable Housing	DM12	47	1	The requirement for 20% affordable housing provision whilst consistent with the Core Strategy is extremely challenging evidenced by affordable housing delivery rates. The HBF note that a Plan Viability Study is planned and reserve our position upon the threshold and targets set out within the policy until further evidence is provided.	Noted	A Plan Viability Study is being undertaken to address this point
224	CPRE Lancashire	Jackie	Copley	Support	Affordable Housing	DM12	47		We are supportive of the open space and affordable housing policies particularly provision of 'on-site' housing to make sure they are built out in reality.	Noted	
165	Mcateer Associates Ltd	Tony	McAteer	General Comment	Affordable Housing	DM12	47	2	The requirement for landowners and developers to take account of cumulative costs of obligations and policies is usual in most development land transactions, however this should not be used as a reason to either retain or increase the level of contributions sought.	Noted	
166	Mcateer Associates Ltd	Tony	McAteer	General Comment	Affordable Housing	DM12	47	1b, 5.19 & 3.7 GN2	All references refer to the split in housing tenure being 60:40 between social or affordable rent and intermediate housing or based upon the latest housing needs evidence. It is important the Council does not seek to apply this split rigidly to all sites as needs vary across the area as well as over time. There may be significant implications for viability.	Further work required	Consider making policy more flexible to ensure viability of schemes is retained
167	Mcateer Associates Ltd	Tony	McAteer	Support	Affordable Housing	DM12	47	1d and 5	Morris Homes supports the parts of the policy that refer to viability considerations. This is considered an essential element of the policy given that the viability of individual sites will vary considerably.	Noted	
48	Hyndburn Borough Council	Fiona	Goodfellow	General Comment	Affordable Housing	DM12	47	1d and 5	Clarity required that viability assessments will be expected where no affordable provision is proposed, not just 'fewer'. Paragraphs 1d and 5 could be combined to achieve this clarity.	Agree - make changes	

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164	Mcateer Associates Ltd	Tony	McAteer	General Comment	Affordable Housing	DM12	47	1	The policy requires 20% affordable on sites of 15 units or more. Whilst conformity with the Core Strategy is important, it was adopted prior to final publication of the NPPF and the need to undertake a thorough plan wide viability assessment. Until the study is concluded it is difficult to ascertain whether the requirement and threshold remain valid. The Council's poor record of AH delivery suggests that 20% is too high.	Further work required	A Plan Viability Study is being undertaken to address this point
180	JWPC Ltd	Matthew	Wyatt	Object	Development of Housing within Residential Gardens	DM13	50		JWPC object to the presumption against development within the curtilage of residential properties. The Council has fallen considerably short of targets for housing delivery, and the presumption against falls contrary to wider aims to significantly boost the supply of homes set out in the NPPF. The Council make adequate provision within Policy DM10 and the Council's Householder Design Guide SPD to resist inappropriate garden developments.	Further work required	Consider the implications of meeting objector's comments in the context of other plan policies
225	CPRE Lancashire	Jackie	Copley	Support	Development of Housing within Residential Gardens	DM13	50	1	We commend the strong presumption against the development of housing within the garden or curtilage of residential properties, as we have seen a flurry of applications across Lancashire and arguably an erosion of local character and quality of place where they have been consented.	Noted	
181	JWPC Ltd	Matthew	Wyatt	General Comment	Housing with Care for Older People and People with Disabilities	DM14	52	1c-d	In our experience of dealing with such proposals, care providers will often prioritise the proximity and availability of public transport and services over car parking provision and open/space grounds in selecting sites. The location of such developments often focus on enabling occupants to remain an active part of the community and able to access local amenities. The policy needs to be more flexible so that it reflects the needs of future occupants.	Further work required	Consider how the policy may be made more flexible whilst retaining original policy aims and intentions
79	Historic England - NW Office	Emily	Hrycan	Object	Gypsy and Traveller Sites	DM15	54	2cv	Replace 'to the setting of heritage asset' with 'heritage assets and their setting' to ensure that it is not just the setting that is considered.	Agree - make changes	

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53	Hyndburn Borough Council	Fiona	Goodfellow	General Comment	Gypsy and Traveller Sites	DM15	54	5.31	The GTAA makes reference to permanent and transit pitches / sites. A reference should be made to this in this paragraph. Reference should also be made to working collaboratively across boundaries with neighbouring LAs to address the needs of the G&T community and looking at transit site provision (as per key policy conclusion of the GTAA - p55).	Agree - make changes	Update in line with Gypsy and Traveller Accommodation Needs Assessment
32	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	Object	Gypsy and Traveller Sites	DM15	54	2c	An additional criteria should be added referring to no unacceptable harm to the biodiversity and geodiversity of the area	Agree - make changes	
56	Hyndburn Borough Council	Fiona	Goodfellow	General Comment	Housing Standards	DM16	56	Footnote 51	add 'and/or local housing needs assessment'	Agree - make changes	
54	Hyndburn Borough Council	Fiona	Goodfellow	General Comment	Housing Standards	DM16	56	1a	Should the 30% AH provision for elderly or disabled residents also be referred to in Policies DM12 and DM14?	Agree - make changes	Add in cross-references from policies DM12 and DM14
169	Mcateer Associates Ltd	Tony	McAteer	General Comment	Housing Standards	DM16	56	1b	The Planning Practice Guidance clearly indicates that inclusion of space standards must be justified and based on clear evidence of need, viability and timing. The Council is taking a one-size-fits-all approach. Morris Homes note that the Council intend to provide further evidence. This should assess the need for, and effects of, adoption of space standards on new-build and conversion, different tenure and house types as their adoption is likely to compromise viability.	Further work required	A Plan Viability Study is being undertaken to address this point

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
144	The Home Builders Federation	Matthew	Good	General Comment	Housing Standards	DM16	56	1b	The Planning Practice Guidance clearly indicates that inclusion of space standards must be justified and based on clear evidence of need, viability and timing. The Council is taking a one-size-fits-all approach. The HBF note that the Council intend to provide further evidence (para 5.40). This should assess the need for, and effects of, adoption of space standards on new-build and conversion, different tenure and house types as their adoption is likely to compromise viability.	Further work required	The Plan Viability Study will address the 'effects' issue. Further evidence also to be provided around the 'need' for space standards in line with PPG requirement.
143	The Home Builders Federation	Matthew	Good	General Comment	Housing Standards	DM16	56	1a	The Planning Practice Guidance clearly indicates that inclusion of access standards must be justified and based on clear evidence. The SHMA fulfils some of these requirements but there are obvious gaps, not least the issue of viability. Issues of accessibility and adaptability of existing stock, how needs vary across different tenures, and the overall impact upon viability all need to be addressed and clarified.	Further work required	The Plan Viability Study will in part address this. The Council will also look at the 'Guide to available disability data' published by CLG to further evidence this policy requirement.
168	Mcateer Associates Ltd	Tony	McAteer	General Comment	Housing Standards	DM16	56	1a	The Planning Practice Guidance clearly indicates that inclusion of access standards must be justified and based on clear evidence. The SHMA fulfils some of these requirements but there are obvious gaps, not least the issue of viability. Issues of accessibility and adaptability of existing stock, how needs vary across different tenures, and the overall impact upon viability all need to be addressed and clarified.	Further work required	A Plan Viability Study is being undertaken to address this point
57	Hyndburn Borough Council	Fiona	Goodfellow	General Comment	Housing Standards	DM16	57	Footnote 57	SHME should be SHMA	Agree - make changes	
55	Hyndburn Borough Council	Fiona	Goodfellow	General Comment	Housing Standards	DM16	57	5.36-5.37	There is quite a bit of overlap in content with Policy DM14 should there be some cross references?	Agree - make changes	Look into relevant cross-references and ensure no repetition

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98	Canal and River Trust	Tim	Bettany-Simmons	General Comment	Green Infrastructure Network		60	6.2 & 6.16	The Trust supports the Councils proposals to map the GI network in the Site Allocations DPD. This should include the canal corridors, and paragraph 6.16 should be amended to specifically mention the canal network.	Agree - make changes	
227	CPRE Lancashire	Jackie	Copley	General Comment	Environment (Natural & Built Environment) Chapter		60		In section six there is no mention of tranquillity, yet the NPPF references tranquillity in Paragraph 77, and 123, stating 'planning policies should identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.' Areas of notable tranquillity ought to be protected in policies relating to the natural environment.	Further work required	Investigate and consider how tranquility can best be incorporated into the policy
33	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	General Comment	Trees, Woodlands and Hedgerows	DM17	61	3d	Overall support for the policy however reference to the positive contribution to biodiversity (as well as green infrastructure) would strengthen further.	Agree - make changes	
250	The Woodland Trust	Nick	Sandford	Support	Trees, Woodland and Hedgerows	DM17	61		I have to say this is one of the best trees and woodland policies I have come across in nearly 10 years of working in policy for Woodland Trust. . In particular, we welcome your use of our Access to Woodland Standard, the 3 for 1 replacement ratio when trees have to be removed, the strong protection for both ancient woodland and ancient trees and your strong commitment to a continuing significant expansion of tree and woodland cover.	Noted	
228	CPRE Lancashire	Jackie	Copley	General Comment	Trees, Woodlands and Hedgerows	DM17	61		Policy should refer to Hedgerows Regulations 1997 as a metric for decisions concerning hedgerows. Its omission from the policy is an error as by law the removal of most hedgerows must be prevented in line with the guidance on countryside hedgerows regulation and management	Agree - make changes	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
152	Natural England			General Comment	Protection and Enhancement of the Natural Environment	DM18	64		Natural England welcome the references to soils, although recommend geodiversity is also covered. Soils form the thin layer of our geodiversity, linking the underlying geology with the land surface and atmosphere. Therefore it is important to make the link between geodiversity, biodiversity and soil resources. Further guidance on soils, including links to important publications such as 'Safeguarding our soils: A strategy for England' (Defra, 2009) can be found on Natural England website.	Agree - make changes	
34	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	General Comment	Natural Environment	DM18	64		Generally supportive of the policy. However: - should also cover geodiversity and Geological Heritage Sites - 2c refers to 'UK priority habitat' but not to 'UK priority species' - the Council should be clear what they mean by priority habitats and species, i.e. UK BAP or S41 NERC	Agree - make changes	
229	CPRE Lancashire	Jackie	Copley	Support	Protection and Enhancement of the Natural Environment	DM18	64	1	Policy DM18: Protection and Enhancement of the Natural Environment must accord with environmental protections set out by European and English courts. We applaud the reference of the National Character Area (NCA) Profile: 35 Lancashire Valleys, which is an important reference document for the landscape of Hyndburn with 36 Southern Pennines to the south and 33 Bowland Fringe & Pendle Hill to the north.	Noted	
153	Natural England			General Comment	Protection and Enhancement of the Natural Environment	DM18	64		Planning policies should take a strategic approach to the conservation, enhancement and restoration of geodiversity, and promote opportunities for the incorporation of geodiversity interest as part of development. LAs should ensure that appropriate weight is attached to the geodiversity interest of designated sites as well as geodiversity interests within the wider environment, and maximise opportunities to include geodiversity in and around developments as part of the design process.	Agree - make changes	Edit policy to ensure that geodiversity is appropriately covered in line with the comments

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123	Environment Agency	Dave	Hortin	General Comment	Protection and Enhancement of the Natural Environment	DM18	64	2	Add 'a watercourse (Main River or Ordinary Watercourse) will only be permitted if the relevant environmental permit/consent is obtained from the Environment Agency or Lead Local Flood Authority, as appropriate'	Agree - make changes	
150	Natural England			Support	Protection and Enhancement of the Natural Environment	DM18	64	1	Natural England welcome the inclusion of National Character Area Profiles for the Lancashire Valleys	Noted	
149	Natural England			General Comment	Protection and Enhancement of the Natural Environment	DM18	64		Natural England welcome this policy, but suggest that it is broadened to include 'maintain' Hyndburn's habitats and biodiversity - the potential negative impacts of increased access on sensitive habitats, including designated sites, should be recognised and mitigation measures ultimately identified.	Agree - make changes	
248	Geolancashire	Andy	Wiggett	General Comment	Protection and Enhancement of the Natural Environment	DM18	65	6.11	Paragraph 6.11 refers to one site (Star Delph and Close Brow Quarry) as being recognised for its geological interest. The record held by Geolancashire indicates that there are two such sites, Snipe Rake Accrington SD787 293 and Oswaldtwistle Moor SD737 244.	Agree - make changes	
146	Stephen Ward Planning Consultants Ltd	Stephen	Ward	Object	Protection and Enhancement of the Natural Environment	DM18	66	6.15	In the absence of any area specific studies or evidence to suggest ecological value at the specific locations in ABPs ownership covered by the 'Lancashire Woodland Ecology Network', it is considered that the proposed DM18 designation boundaries here are arbitrary. It is therefore requested that this policy layer be adjusted to exclude land within the ownership of ABP.	Further work required	Investigate accuracy of data further with LCC and update Policy Maps accordingly or clarify policy approach to resolve objection

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
230	CPRE Lancashire	Jackie	Copley	General Comment	Protected Species	DM19	67		Policy must accord with environmental protections set out by European and English courts and in accordance to guidelines for Ecological Impact Assessment in the UK, Council of the Institute of Ecology and Environmental Management (CIEEM), 2006.	Further work required	Check with Tree/Ecology Officer that policy addresses all legal requirements raised by CPRE
151	Natural England			General Comment	Protected Species	DM19	67		Natural England welcomes the inclusion of a policy for protected species. Standing advice is available on our website Natural England to help the local planning authorities to better understand the impact of particular developments on protected or BAP species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, the local planning authority may need to undertake further consultation with Natural England.	Agree - make changes	Refer to Natural England standing advice in the policy or justification text
35	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	General Comment	Protected Species	DM19	67		Generally supportive of policy, however the Species of Principal Importance in England, as listed in S41 of NERC 2006, should be referred to and covered either here or in DM18	Agree - make changes	
126	Environment Agency	Dave	Hortin	General Comment	Flood Risk Management	DM20	69	4	recommend adding at the end of the sentence, "e.g. through the application of suitable SUDS where appropriate."	Agree - make changes	
209	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	General Comment	Flood Risk Management	DM20	69		LCC as LLFA strongly recommends that any developer should submit a management and maintenance plan covering the lifetime of the development. This is required to ensure that the sustainable drainage system (SuDS) will not pose a future flood risk as a result of poor maintenance. Minimum requirements are set out in the representation.	Further work required	Will need to be considered in the context of the Plan Viability Study
126	Environment Agency	Dave	Hortin	General Comment	Flood Risk Management	DM20	69	1	Replace 'areas identified at risk of flooding' with 'Flood Zones 2 and 3'	Agree - make changes	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
206	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	General Comment	Flood Risk Management	DM20	69		It is recommended that policies within the DPD are reflective of and incorporate sustainable drainage systems (SuDS), water sensitive urban design and climate change principles from the earliest stage. It is noted that policy DM20 of the DPD does reflect the requirement for SuDS, where appropriate.	Noted	LCC and the EA have submitted detailed comments on DM20 that will address the individual points raised
36	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	Support	Flood Risk Management	DM20	69	3	Support for the requirement of SUDS and tree and woodland planting	Noted	
231	CPRE Lancashire	Jackie	Copley	Support	Flood Risk Management	DM20	69	1	With the incidence of flooding set to increase and understanding the disruption to businesses and households wherever they exist, we believe priority action is required to prevent future floods in the way new development is planned, combined with good land management practices and proper investment in flood defences. CPRE Lancashire is therefore pleased to use of a sequential test and exceptions test.	Noted	
243	CBRE Ltd	Edward	Harvey	General Comment	Flood Risk Management	DM20	69		United Utilities welcomes the inclusion of Policy DM20 in regards to flood risk management and water resources. However, we recommend that the policy is split into three separate detailed policies to deal with flood risk, surface water and water efficiency, independently of each other.	Further work required	Consider implications vs benefits of splitting policy into 3 as per request
244	CBRE Ltd	Edward	Harvey	General Comment	Flood Risk Management	DM20	69	2	In regards to the surface water drainage policy, we recommend expanding upon the existing Policy DM20, Point 2 to include additional details on the order of priority for surface water discharge, future maintenance and management, and the requirement for betterment in any redevelopment. Specific policy wording is proposed.	Further work required	Consider proposed policy re-wording in the context of EA and LCC comments received on DM20

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205	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	General Comment	Flood Risk Management	DM20	69		Policy context and relationships table should reference the Lancashire and Blackpool Local Flood Risk Management Strategy 2014-2017 as a material consideration, and this should also be taken into account in the plan making process.	Further work required	Review Strategy content and any implications for DM DPD
125	Environment Agency	Dave	Hortin	General Comment	Flood Risk Management	DM20	69	2	Suggest amending to say that major developments in all Flood Zones will require surface water management to be required as part of any flood risk assessment	Agree - make changes	
245	CBRE Ltd	Edward	Harvey	General Comment	Water Resources	DM20	69	4	We welcome the policy reference to efficiency measures, however we recommend expanding upon the existing Policy DM20, Point 4 to create a new standalone policy. Specific policy wording is proposed.	Further work required	Consider policy wording proposed and most effective way of integrating into DM DPD
129	Environment Agency	Dave	Hortin	General Comment	Flood Risk Management	DM20	70	6.29	For clarity we would recommend expressing the probability of flooding in percentage terms as well as the standard e.g. a 1 in 1000 is a 0.1% annual probability and a 1 in 100 is a 1% probability.	Agree - make changes	
128	Environment Agency	Dave	Hortin	General Comment	Flood Risk Management	DM20	70	6.28	There are several Main Rivers in Hyndburn that are not listed here. These may be useful listed in a table: Lottice Brook; Tinker Brook, Antley Syke; Woodnook Water; Broad Oak Water; Pleck Brook; River Hyndburn; Hyndburn Brook; Spaw Brook; Harwood Brook; Woodlands; and River Calder	Agree - make changes	
127	Environment Agency	Dave	Hortin	General Comment	Flood Risk Management	DM20	70	6.24	Suggest amending to reflect the roles in the table attached to representation, to accurately describe the role of the flood risk management authorities	Agree - make changes	
210	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	General Comment	Flood Risk Management	DM20	70	6.26	The EA has updated guidance on how climate change could affect flood risk to new development - 'Flood risk assessments: climate change allowances' was published on gov.uk on 19 February. This guidance replaces previous 'Climate Change for Planners' note. All references should be updated.	Agree - make changes	Ensure new guidance included in the Policy context and relationships table for DM20

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208	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	General Comment	Flood Risk Management	DM20	71	6.31	LCC as the LLFA strongly recommends that paragraph 6.31 is amended to include the full range of criteria for FRA requirement as set out in the NPPF (paragraph 103, footnote 20)	Agree - make changes	
207	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	Support	Water Resources	DM20	71	6.33	The LLFA is pleased to note that paragraph 6.33 refers to the Water Framework Directive and associated Core Strategy Policy.	Noted	
130	Environment Agency	Dave	Hortin	General Comment	Flood Risk Management	DM20	71	6.33	We would recommend referring to the use of SUDS in water quality improvements as outlined against Rep ID 126	Agree - make changes	
154	Natural England			General Comment	Protection of Open Spaces	DM21	73	1a	Green Infrastructure (GI) is covered well in the document and within policies. in order to ensure green infrastructure delivers a wider range of benefits a specific green infrastructure policy is recommended to seek to deliver multifunctional green infrastructure. Natural England considers that the environmental objectives, and some of the social and economic objectives could be improved by further emphasising the importance of GI and its multifunctional benefits, which would assist in the delivery of a range of SA topic areas, e.g. biodiversity, landscape, health and wellbeing and climate change	Further work required	We have the strategic GI policy in the Core Strategy (Env1) and propose policy in the SA DPD, however consider additional references in DM DPD to address NE points
37	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	Support	Protection of Open Spaces	DM21	73	2	Support taking into account the Lancashire Ecological Network, and employing ANGSt to assess provision and accessibility. The Council should also make clear how local communities can identify Local Green Space in Hyndburn.	Noted	Local Green Space identification and assessment will be undertaken at the Site Allocations stage of the Local Plan
15	Natural England			Support	Protection of Open Spaces	DM21	74	6.44	Natural England welcomes the Council employing ANGSt to assess open space provision and accessibility	Noted	

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85	Historic England - NW Office	Emily	Hrycan	Object	Heritage Assets	DM22	75	5	It is unclear as to what the archaeology aspect of the policy refers to - is it archaeology of local importance or a non-designated heritage asset of archaeological interest that is of equal significance to a scheduled monument? The policy should be rewritten to clarify this and to ensure that the latter are appropriately dealt with.	Agree - make changes	
80	Historic England - NW Office	Emily	Hrycan	Object	Heritage Assets	DM22	75		Historic England strongly objects to this policy and suggests the re-writing of the policy to provide sufficient detailed guidance to enable those proposing schemes to determine the level of success where it is likely to affect the different elements of the historic environment, heritage assets and their setting.	Noted	Objection resolved through other subsequent specific points on DM22
81	Historic England - NW Office	Emily	Hrycan	Object	Heritage Assets	DM22	75	1	Historic England strongly objects to the aspect of the policy on conservation areas. This paragraph of the policy should be re-written to better reflect the focus of the NPPF and to ensure consistency. The policy should clearly put down the expectations of an application affecting a conservation area. Detailed policy re-wording proposed.	Agree - make changes	Need to look at detail of wording and consider any knock-on/negative implications
82	Historic England - NW Office	Emily	Hrycan	Object	Heritage Assets	DM22	75	2	Historic England strongly objects to the aspect of the policy on listed buildings. The starting point for any proposals involving a listed building and/or affecting its setting should be to sustain and enhance its significance and setting. Any harm will only be justified where the public benefits of the proposal outweighs the harm. Detailed policy re-wording proposed.	Agree - make changes	Need to look at detail of wording and consider any knock-on/negative implications
83	Historic England - NW Office	Emily	Hrycan	Object	Heritage Assets	DM22	75	3	The policy on locally listed buildings is unclear and needs to be amended to clarify the Council's position and requirements on applications affecting local listed buildings, e.g. what will/will not be permitted, what will be required if loss of an asset is proposed etc.	Agree - make changes	Elaborate policy approach more to address concerns raised by objection
Page 95	Historic England - NW Office	Emily	Hrycan	Object	Heritage Assets	DM22	75	4	Historic England strongly objects to the aspect of the policy on Scheduled Monuments. It needs to be re-written to reflect the requirements of the NPPF and primary legislation on this matter.	Agree - make changes	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
87	Historic England - NW Office	Emily	Hrycan	Object	Demolition of Buildings in a Conservation Area	DM23	78	4	There appears to be some incorrect information regarding protected species in bullet point 4	Further work required	Clarify with objector
86	Historic England - NW Office	Emily	Hrycan	Object	Demolition of Buildings in a Conservation Area	DM23	78		Why is there a separate policy on demolition in conservation areas? Could DM23 not be included within DM22: Heritage Assets?	Disagree - no changes	Policies should be kept as brief as possible and there is no duplication between DM22 and DM23 therefore separate policies will be retained.
94	Coal Authority			Object	Contaminated or Unstable Land	DM24	80	2	Minor policy changes to paragraph 2 are recommended to make the policy fully effective and the meet the requirements of the NPPF. Specific policy wording proposed.	Agree - make changes	
212	Health and Safety Executive	John	Moran	General Comment	Contaminated or Unstable Land	DM24	80	Policy context table	HSE recommends that para 172 of the NPPF is included in the links section of the policy context table as it is directly relevant to HSE land use planning policy	Agree - make changes	
213	Health and Safety Executive	John	Moran	General Comment	Hazardous Substances	DM24	81	6.57	It is stated there is only one major accident hazard installation in the Council area which is incorrect. There are 4 establishments within the borough boundary, there are also 2 located in Ribble Valley and Rossendale with consultation zones crossing into Hyndburn. There is also no reference to the consultation zones of major hazard establishments and major accident hazard pipelines (MAHPs). There are 8 MAHPs within Hyndburn. All relevant information on locations is available on HSEs extranet system along with advice on HSE's land use planning policy.	Further work required	Review HSEs extranet and update DM DPD and Policy Maps accordingly

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246	CBRE Ltd	Edward	Harvey	General Comment	Pollution Control	DM25	82		United Utilities recommends the following text is included within the body of draft Policy DM25, in relation to health, well-being and residential amenity. "The proposed development of sensitive uses (such as residential) adjacent to existing sources of pollution (e.g. noise, odour, traffic etc.) must demonstrate through the submission of appropriate impact assessments that there would be no detrimental impact on future residential amenity."	Agree - make changes	
215	Health and Safety Executive	John	Moran	General Comment	Hazardous Substances	DM24	82	6.61	Replacement of PADHI+. Planning authorities now are advised to use HSE's Planning Advice Web App. The Web App is a software version of the methodology used in providing land use planning advice. It replaces PADHI+. Further information on the Web App is available on HSE's website: http://www.hse.gov.uk/landuseplanning/padhi.htm	Agree - make changes	
88	Historic England - NW Office	Emily	Hrycan	Object	Design Quality and Materials	DM26	87	1a	Reference to heritage assets should be removed as it is confusing and appears to refer to character in terms of the design of new developments, followed by heritage assets as an afterthought.	Agree - make changes	
99	Canal and River Trust	Tim	Bettany-Simmons	Support	Design Quality and Materials	DM26	87		The Trust supports the policy which appears to be robust and comprehensive and would support the design objectives as set out in the Core Strategy (policies A4, A6 and R3)	Noted	
131	Environment Agency	Dave	Hortin	General Comment	Design Quality and Materials	DM26	87	2	We would recommend including climate change under the design criteria to take into account. The Climate Change Allowances (revised February 2016) recommend future flood risk is considered for development. This may include such actions as leaving open space for the improvement or construction of flood defences.	Agree - make changes	
232	CPRE Lancashire	Jackie	Copley	General Comment	Design Quality and Materials	DM26	87		CPRE hopes this policy helps to enhance local rural character	Noted	

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182	JWPC Ltd	Matthew	Wyatt	General Comment	Design Quality and Materials	DM26	88	3	The requirement to demonstrate and consider Building for Life 12 could become out of date very quickly. Adequate provision is already set out in Parts 1 and 2 of the policy in terms of how new homes should be considered accessible and adaptable which is well within the spirit of intentions for the BfL scheme.	Disagree - no changes	Parts 1 and 2 of the policy capture all new developments, the requirement for BfL is a more structured assessment proposed for schemes of 5 or more dwellings only therefore it should remain in the policy
222	CPRE Lancashire	Jackie	Copley	Support	Design Quality and Materials	DM26	88	3	We welcome Policy DM26: Design Quality and Materials, and that for 5 or more dwellings, requiring the applicant to demonstrate, through their Design and Access Statement, how they have considered and addressed the requirements of the 'Building for Life 12' assessment criteria in the design of their scheme, nor should schemes be overbearing.	Noted	
2	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Support	Advertisement Control	DM27	91		Considers Policy DM27 generally sound	Noted	
136		Michael	Demaine	Support	Shop Fronts and Security Shutters	DM28	93		I fully support the initiative to control the quality of shop front design within the Borough, we have had to endure the industrial style barricades for far too long	Noted	
3	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Support	Advertisement Control	DM28	93		Considers Policy DM28 generally sound	Noted	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
183	JWPC Ltd	Matthew	Wyatt	Object	Shopfronts and Security Shutters	DM28	93		The emerging policy should be amended to acknowledge the fact that in granting planning permission for the change of use of sites with former shopfronts, alterations to the principal elevations will often be required. Given that many urban areas are subject to low values, it is felt that such strict requirements for the conservation of shopfronts (of non-statutory listed buildings and outside conservation areas) would be harmful to investment within the Borough	Disagree - no changes	Paragraph 3 of the policy text provides sufficient flexibility stating that the applicant can demonstrate why retention is not appropriate under the specific circumstances of the site and proposal
89	Historic England - NW Office	Emily	Hrycan	Object	Shop Fronts & Security Shutters	DM28	93	2 and 7.23	The policy wording should be amended to ensure that it is clear that any applications that affect a designated heritage asset follow the requirements of the NPPF in terms of harm to significance. Alternatively, reference to statutory listed buildings should be removed, and reference made to Policy DM22, to make it clear that this policy applies instead.	Further work required	Clarify policy approach to designated heritage assets
100	Canal and River Trust	Tim	Bettany-Simmons	Support	Environmental Amenities	DM29	96	1d & 7.33	The Trust supports criteria (d) of this policy in relation to artificial light and the supporting text at paragraph 7.33 which acknowledges the nuisance to residents. This should also include reference to the potential impact poor lighting can have on wildlife especially along canal corridors/waterways	Agree - make changes	Add in reference to paragraph 7.33 the potential impact poor lighting can have on wildlife
69	Arcus Consulting	Darren	Hendley	Support	Wind Energy	DM30	99	1a	The commitment to identify areas suitable for wind energy development is supported. The Dean Clough Reservoir Site has been put forward to inform the Site Allocations DPD, supported by feasibility and environmental summary report.	Noted	
71	Arcus Consulting	Darren	Hendley	General Comment	Wind Energy	DM30	99	1h	The weight to be applied / status of Guidance Note 6 should be clarified here or in the supporting policy text.	Disagree - no changes	The status of the Guidance Notes is set out clearly on p129

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
73	Arcus Consulting	Darren	Hendley	General Comment	Wind Energy	DM30	99	3	It is preferable to leave underground structures in situ when minimising environmental impacts therefore 'underground concrete foundations' and 'underground cables' should be removed from the policy text.	Further work required	Investigate further
233	CPRE Lancashire	Jackie	Copley	Support	Wind Energy	DM30	99		CPRE Lancashire is supportive of renewables but the siting of wind turbine infrastructure is important as not to significantly adversely impact on rural landscapes. We are therefore pleased to note the policy states proposals should not have significant adverse effects, either as a stand-alone turbine or cumulatively, on landscape character and value and that the impacts on public rights of way and bridleways will be duly considered. It is right that the policy expresses the development of wind turbines in the Green Belt constitutes inappropriate development that harms the openness of the Green Belt.	Noted	
72	Arcus Consulting	Darren	Hendley	Support	Wind Energy	DM30	99	2	Support based on consistency with paragraph 91 of the NPPF	Noted	
70	Arcus Consulting	Darren	Hendley	General Comment	Wind Energy	DM30	99	1b-h	The criteria listed do not include a planning balance, where the benefits are weighed against the impacts. As such an additional criterion should be added i) 'The benefits of wind energy development, in respect of the contribution to renewable energy consumption and reducing carbon emissions, and associated legally binding targets; increasing energy security; providing new energy infrastructure; and providing demonstrable economic and other public benefits, outweigh any of the impacts which may arise from the proposal'.	Further work required	All DM decisions are made by weighing the benefits of a scheme against the impacts through the decision making process. Consider how best to clarify this in the DM DPD, whether policy specific or a general comment at the outset.

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74	Arcus Consulting	Darren	Hendley	General Comment	Wind Energy	DM30	100	Context table	Key documents list should include the Climate Change Act 2008 (as amended) and Renewable Energy Directive 2009/28/EC as these set legally binding targets for the reduction of emissions and consumption of energy from renewable resources respectively.	Agree - make changes	Add reference to EC Directive into policy Justification Text for context. The Climate Change Act is already referenced (indirectly) via the NPPF paragraph links so does not need specific reference.
234	CPRE Lancashire	Jackie	Copley	General Comment	Wind Energy	DM30	102	7.49	CPRE Lancashire agrees that it is important Wind Turbine have an enforceable planning condition concerning decommissioning, restoration and aftercare plan and suggests a bond is agreed to cover the cost of restoration.	Further work required	Investigate this further and whether the Council would wish to seek this being introduced into the policy
235	CPRE Lancashire	Jackie	Copley	General Comment	Waste Management	DM31	103		CPRE believes in the inclusion of a waste hierarchy to encourage reuse, recycling in advance of waste landfilling.	Further work required	Consider how best to integrate this into policy
236	CPRE Lancashire	Jackie	Copley	Support	Accessibility and Transport		108	7.57	CPRE Lancashire supports the assertion in Paragraph 7.57 concerning reducing reliance and use of the private car, and ensuring that development is located in accessible locations and can be accessed using a variety of modes of transport.	Noted	
116	Highways England	Warren	Hilton	Support	Sustainable Transport	DM32	109		Highways England supports Policy DM32. In particular we welcome the specific policy links to NPPF (32 and 36). This is evidence of a well considered Accessibility and Transport policy and is sufficient in detail.	Noted	
16	Canal and River Trust	Tim	Bettany-Simmons	General Comment	Sustainable Transport	DM32	109	4	The Trust is supportive of the general thrust of this policy but considers that both criteria 4c and 4f should specifically reference and include 'along the canal towpath'	Agree - make changes	

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62	Network Rail			General Comment	Sustainable Transport Infrastructure	DM33	113	5	Where proposals include railway stations, consultation by developers and the LPA with Network Rail is requested	Agree - make changes	Clarify in justification text
61	Network Rail			General Comment	Sustainable Transport Infrastructure	DM33	113	2	Network Rail's policy (and the Office of Rail Regulation) is, wherever possible, to close level crossings to reduce risk. Network Rail consider even a minor increase in usage at a level crossing unacceptable. As such, the DM DPD should include a policy requiring developers to provide funding towards mitigation measures at level crossings. These should fund replacement bridges, diversion of routes or mitigation measures to enhance a level crossing.	Further work required	Consider how best to address comments through further discussions with Network Rail
58	Network Rail			General Comment	Sustainable Transport Infrastructure	DM33	113	2	If there is a potential for impact on railway stations as a result of increased footfall from third party developments, then a developer contribution should be sought towards any necessary enhancements. An additional comment should be added to highlight these potential impacts. It is not reasonable to expect Network Rail to fund infrastructure mitigation measures as a result of third party proposal impacts.	Further work required	The comments appear to refer to infrastructure requirements that would need to be identified on a Regulation 123 list as part of any implementation of CIL - the Council will review Policy DM33 and GC2 to seek clarity on the distinction between CIL and S106 contributions
59	Network Rail			General Comment	Sustainable Transport Infrastructure	DM33	113	4	Replace 'Network Rail's Asset Protection Team' with 'Network Rail' as it is not the remit of the Asset Protection Team to comment on planning applications, this is undertaken by the Network Rail Planning Team. All applications, consultations etc. should be directed to TownPlanningLNW@networkrail.co.uk	Agree - make changes	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
105	Canal and River Trust	Tim	Bettany-Simmons	Object	Sustainable Transport Infrastructure	DM33	113	4	Under criteria 4 of policy DM33 this relates specifically to Network Rail. Given the prominence of the canal network in the Borough it is considered that the policy should be expanded to include the role of the Canal and River Trust as a statutory consultee. Specific policy wording is also proposed including a CRT consultation 'buffer zone'.	Further work required	Discuss with the C&RT their 'buffer zone' as proposed in their policy wording
102	Canal and River Trust	Tim	Bettany-Simmons	General Comment	Sustainable Transport Infrastructure	DM33	113	2-3	The Trust is generally supportive of this policy approach and that developer contributions will be sought where necessary towards the improvement of transport infrastructure, particularly to encourage walking and cycling. However specific reference should be made to canal towpaths in the actual policy wording under points 2 and 3.	Agree - make changes	
195	Omega Atlantic	Katie	Dent	General Comment	Sustainable Transport Infrastructure	DM33	113		Policy Context and Relationships table should make reference to Core Strategy policies T3: Motorway and Trunk Road Improvements and Policy A9: Whinney Hill Link Rd	Agree - make changes	
60	Network Rail			General Comment	Sustainable Transport Infrastructure	DM33	113	4b-c	Network Rail seek support from the Council for a policy statement on level crossings due to the level crossings being impacted in a variety of ways by planning proposals (8 ways provided in full representation). It should state that: 'developments resulting in a material increase or a significant change in the character of traffic using a rail crossing will be refused, unless it can be demonstrated that safety will not be compromised in consultation with Network Rail'.	Further work required	Consider how best to address comments through further discussions with Network Rail
117	Highways England	Warren	Hilton	Support	Sustainable Transport Infrastructure	DM33	113		Highways England supports Policy DM33. In particular we welcome the specific links to the SRN via Core Strategy Policy T3.	Noted	
106	Canal and River Trust	Tim	Bettany-Simmons	Object	Sustainable Transport Infrastructure	DM33	114	7.70	The role of the Trust as a statutory consultee should be acknowledged as it has been for Network Rail within the DPD. The Trust would be happy to work with the Council on specific wording.	Agree - make changes	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
202	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	General Comment	Sustainable Transport Infrastructure	DM33	114	7.68	Insert 'this includes completing the Huncoat Greenway and improving and extending National Cycle Route 6 from Accrington town centre into Rossendale towards Ramsbottom' between the 3rd and 4th sentences of para 7.68	Agree - make changes	
63	Network Rail			General Comment	Sustainable Transport Infrastructure	DM33	114	7.70	Network Rail is a statutory consultee for any development 10m or less from the railway boundary (see Article 16 of the 2015 Development Management Procedure Order). Measurements should be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves as critical infrastructure will be located inbetween.	Agree - make changes	Clarify in justification text and check constraint layer on Policy Maps
103	Canal and River Trust	Tim	Bettany-Simmons	General Comment	Sustainable Transport Infrastructure	DM33	114	7.68	Canal towpaths should also be referenced as follows: "Long distance footpaths, bridleways, canal towpaths and cycle routes act as key sustainable transport links..."	Agree - make changes	
237	CPRE Lancashire	Jackie	Copley	Support	Rural Issues Chapter		115		CPRE Lancashire is pleased to see Chapter 9 dedicated to Rural Issues, as two thirds of the Borough is classified as rural.	Noted	
157		Christine	Coe	Object	Development in the Green Belt and Countryside Area	DM34	116		I object to the tight restrictions shown in the draft core strategy for new buildings on greenbelt land. Single houses should be able to be built on the curtilage of individual's properties in greenbelt areas as Ribble Valley Council have allowed. This would have so little impact to the greenbelt and its rural environment	Further work required	Investigate Ribble Valley policy as referenced by objector and consider implementation (as deemed appropriate) to Hyndburn
159		Christine	Coe	General Comment	Rural Issues		116		I support more development in the greenbelt land especially on urban fridges and within the curtilage of people's properties within greenbelt areas	Noted	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
160		Dave	Coe	Object	Development in the Green Belt and Countryside Area	DM34	117	1-2	It does seem strange that so many new-build restrictions apply on green belt land even though some of that land is actually on the curtilage of property already with buildings. Also, the restriction to named occupations whose applications would be accepted (paragraph 1 a) is extremely prohibitive. I would like to have seen recommendations where the main consideration was that the building was appropriate to the area, and met all current planning issues in that it was in keeping with the surrounding rural landscape, of good quality and could benefit the area.	Further work required	Consider whether a more flexible policy is possible in the context of national green belt policy restrictions
107	Canal and River Trust	Tim	Bettany-Simmons	General Comment	Development in the Green Belt and Open Countryside	DM34	117		Within the Core Strategy policy BD1 (c) it is recognised within rural areas the need to include 'promoting leisure and recreational facilities'. This however does not appear to be reflected in DM DPD policy. Specific mention should be made within DM34 to recreation and leisure in the countryside. The promotion of waterways and towing paths as part of green infrastructure and open space network should be acknowledged and embedded within policy. The multifunctional role of the canal network should be recognised as they perform a range of functions - encourage use of waterways for tourism, leisure, recreation and sporting activities.	Further work required	Consider incorporating into DM34 or even creating a new policy to cover tourism, leisure etc

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
238	CPRE Lancashire	Jackie	Copley	Object	Development in the Green Belt and Countryside Area	DM34	117		The policy refers more to what can be developed rather than heading the presumption against development and exceptional circumstances test. CPRE recommend that the five purposes of Green Belt should be explicitly referenced, with explicit reference to exceptional circumstances in the Local Plan to largely discourage planning applications to keep its openness and permanence.	Further work required	The policy is considered to be a positive one in line with 'the presumption in favour or sustainable development' set out in the NPPF. Investigate how best to address CPRE concerns without simply repeating national planning policy within the DM DPD
38	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	General Comment	Development in the Green Belt and Open Countryside	DM34	117		Para 2b - policy should reference NPPF requirement for a net gain in nature which can involve 'enhancement' and not just 'protection'. Extensions and conversions should cross reference to DM18 and/or DM19 to ensure that statutorily protected species are taken account of appropriately.	Agree - make changes	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
158		Christine	Coe	Object	Development in the Green Belt and Countryside Area	DM34	117		<p>It seems unfair that HBC is restricting new builds/replacing buildings for residential use as agricultural/forestry worker occupancy as it is quite common these days for farmers to have diversified. It also seems highly unlikely that these building will be occupied by the intended inhabitants. I would like the Council to support farm buildings made by any structure to be granted planning rather than current policies of just brick or stone buildings to be able to be extended or rebuilt. Many of the portal framework buildings would make excellent conversions to residential properties which would really improve the appearance of an existing structure and enhance the area sympathetically.</p> <p>I therefore ask you to relax this clause and allow new builds/ replacing buildings for other households whom reside in the greenbelt land and particularly on the urban fridges.</p> <p>A single house of quality construction in the correct areas would have very little impact on the rural environment and in many instances the overall appearance would enhance it especially if it has replaced a dilapidated farm building.</p>	Further work required	Investigate possibility of relaxing policy further in line with comments
194	Omega Atlantic	Katie	Dent	General Comment	Development in the Green Belt and Countryside Area	DM34	118		Policy Context and Relationships table should make reference to both Core Strategy Policy A8: Strategic Employment Site at Huncoat, paragraph 5.47 and/or, in the main text, a refence to building on (or release of land from greenbelt) in 'special circumstances' and with reference to Policy 13, NPPF	Further work required	Clarify comment/request with consultee as submission is unclear
90	Historic England - NW Office	Emily	Hrycan	Object	Development in the Green Belt and Open Countryside	DM34	118	6	Replace 'retain features of historical value' with 'have no unacceptable harm to elements that contribute to the significance of heritage assets'	Agree - make changes	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
161		Dave	Coe	Object	Development in the Green Belt and Countryside Area	DM34	118	4-5	The parameters quoted here are very restricting. Where an existing building is in a state of possible disrepair and because of the age and type of construction materials, regardless of what they may be, it looks fragile, surely it could be converted or better still rebuilt using modern materials, to a much higher specification. As long as the position, the character, the materials used, access and all other relevant criteria can be met and co-ordinated, and the end result is a quality dwelling which is in keeping with the surrounding rural landscape, this achievement would be acceptable rather than a new-build on green belt land.	Further work required	Consider whether a more flexible policy is possible in the context of national green belt policy restrictions
39	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	General Comment	Farm Diversification	DM35	120	1d	the Council should be seeking to 'enhance' not just 'safeguard' the open character and landscape quality including ecology, to ensure net gains in nature	Agree - make changes	
239	CPRE Lancashire	Jackie	Copley	General Comment	Farm Diversification	DM35	120	1b	Best and Most Versatile land is afforded extra weight against development in the NPPF and this should be explicit in the Local Plan policy wording. CPRE recommends that Policy DM35 should state that Best and Most Versatile land will not be permitted for development, except in exceptional circumstances.	Further work required	Hyndburn has no Grade 3a land therefore reconsider this policy wording and rep in light of this
132	Environment Agency	Dave	Hortin	General Comment	Equestrian Development	DM36	122	1e	For consistency we would recommend that the waste management arrangement refer to our Local Planning Guidance for Local Authorities (attached to representation)	Agree - make changes	
240	CPRE Lancashire	Jackie	Copley	General Comment	Equestrian Development	DM36	122		CPRE recommends the inclusion of wording relating to scale of buildings to fit in the context of local surroundings and not be unduly prominent, especially in Green Belt where the presumption against development to retain openness remains.	Agree - make changes	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
42	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	Support	Open Space GN	GN1	131	1.0d and 3.1b	Support inclusion of these statements	Noted	
41	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	General Comment	Open Space GN	GN1	131		Reference should be made to ecological networks (DM18) or Natural England's ANGSt, as referred to in DM21 paragraph 6.44	Agree - make changes	
40	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	General Comment	Open Space GN	GN1	131		In order to conform to the requirements of NPPF, there should be 'net gains in nature' e.g. through habitat creation. The provision of open space in new residential development should take account of the presence of ecological networks and/or GI networks.	Agree - make changes	
64	Network Rail			Support	Open Space GN	GN1	132	3.1e	Network Rail welcomes comments on the potential for open spaces to impact upon the railway	Noted	
108	Canal and River Trust	Tim	Bettany-Simmons	General Comment	Open Space GN	GN1	133	3.1f	The Trust are pleased that the canal is acknowledged but the guidance could go further. The Trust would suggest that the guidance note should be amended so that it is consistent with Policies A4, A6 and R3 of the adopted Core Strategy which encourage development to relate positively to the canal and integrate the waterway into the public realm. The canal should not be viewed purely in environmental terms.	Agree - make changes	
65	Network Rail			General Comment	Open Space GN	GN1	133	4	A further criteria should be added k) 'open spaces adjacent to railway infrastructure should include suitable trespass proof fencing to prevent accidental or unauthorised access onto operational railway land'.	Agree - make changes	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
49	Hyndburn Borough Council	Fiona	Goodfellow	General Comment	Affordable Housing	GN2	135	1.3	The implications of the Government's Starter Homes legislation on Policy DM12 and GN2 need to be considered and incorporated	Agree - make changes	
50	Hyndburn Borough Council	Fiona	Goodfellow	General Comment	Affordable Housing	GN2	139	7.4	If the Council is supporting affordable housing levels of greater than 20% should this also be referred to in the Policy DM12 text?	Further work required	This will be reviewed in light of the Plan Viability Study evidence that comes forward to determine the best approach
52	Hyndburn Borough Council	Fiona	Goodfellow	General Comment	Affordable Housing	GN2	140	8.5	If a s106 agreement would also be required for the affordable housing element to be provided by a registered provider then this needs to be clarified in this paragraph.	Agree - make changes	Clarify status of S106 Agreements for registered providers
51	Hyndburn Borough Council	Fiona	Goodfellow	General Comment	Affordable Housing	GN2	140	8.2	In some instances the LA may want to bring a specific registered provider to the table to discuss processing a planning application e.g in relation to a major regeneration project. Could a reference be made to this please?	Agree - make changes	
91	Historic England - NW Office	Emily	Hrycan	Object	Materials and Colour GN	GN3	141		GN3 should be amended to ensure that those using it are clear that this does not apply to designated heritage assets.	Agree - make changes	Expand upon the first paragraph of GN3 to address objection
10	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN4	145	C2	Replace final sentence with 'advance signs to individual premises must be very carefully designed and sited so as not to adversely affect the appearance of the surroundings. Proliferation of such signs will be an important consideration (see C1)'	Further work required	Discuss impact of proposed change with DM
8	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN4	145	A5	Amend to state that 'traditional-style hanging signs may be acceptable above ground floor level where they can be successfully related to the building and street scene'	Further work required	Discuss impact of proposed change with DM

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
7	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN4	145	A2	Delete statement that 'signs should be displayed at the normal fascia height of the building' as it is a generalisation and other types of signs and advertisements may commonly be seen on buildings	Further work required	Discuss impact of proposed change with DM
4	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN4	145		GN4 is unnecessary and excessively detailed and prescriptive. GN4 should be totally removed from the document as policy advice in DM27 is adequate for the control of advertisements	Further work required	Discuss impact of proposed change with DM
92	Historic England - NW Office	Emily	Hrycan	Object	Advertisements GN	GN4	145		Any reference to listed buildings should be removed as they will be expected to conserve and enhance the elements that contribute towards its significance and would therefore be subject to listed building consent. This would clarify that the GN does not apply to designated heritage assets.	Agree - make changes	
11	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN4	146	E2	No justification for the restriction on box signs in Conservation Areas or on Listed Buildings. Modern internally illuminated signs can be designed without any adverse impact on amenity. Final sentence referencing colours should be explained or deleted.	Further work required	Discuss impact of proposed change with DM
12	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN4	146	E2	There is no reason why properly designed internally illuminated signs should not be as acceptable as externally illuminated signs.	Further work required	Discuss impact of proposed change with DM
13	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN4	146	F1	The meaning of the statement 'colours unrelated to the overall local colour scheme' should be clarified or removed.	Agree - make changes	Discuss with DM

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
14	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN4	146	F2-F3	The generalities in these paragraphs are wholly unjustified and should be deleted.	Further work required	Discuss impact of proposed change with DM
16	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN5	149	4 and 8	Paragraphs referencing advertisement consent and planning permission should be removed and reference made to the DCLG booklet 'Outdoor Signs and Advertisements - a guide for advertisers'	Further work required	Discuss impact of proposed change with DM
93	Historic England - NW Office	Emily	Hrycan	Object	Shop Front Design GN	GN5	149		Any reference to listed buildings should be removed as they will be expected to conserve and enhance the elements that contribute towards its significance and would therefore be subject to listed building consent (as stated in Para 7 of GN5). This would clarify that the GN does not apply to designated heritage assets.	Agree - make changes	
6	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN5	149		Parts of GN5 relating to advertisement displays overlap with advertisement control, are misplaced, repeat and partly contradict GN4. These should be removed from the document.	Further work required	Discuss impact of proposed change with DM
15	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	General Comment	Advertisement Control	GN5	149		All advice on advertisements should be moved to GN4 (or deleted) with a simple cross-reference to GN5	Further work required	Discuss impact of proposed change with DM
21	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN5	154	29f	Statement is contradictory and inaccurate/incorrect	Further work required	Discuss further with DM and/or objector

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
19	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN5	154	29b	Reinstatement of corbels on modern shopfronts where no pilaster exists would look dreadful so this sentence should be deleted	Further work required	Discuss impact of proposed change with DM
18	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN5	154	29a	Clarify the meaning of 'large panel fascias'	Further work required	Discuss with DM
20	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN5	154	29d-e	Generalities should be explained further or deleted, this advice is totally unacceptable and impractical	Further work required	Discuss impact of proposed change with DM
22	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN5	154	30	Statement should be made more flexible by adding in 'where considered essential' after 'Listed Buildings'	Agree - make changes	Make reference to Conservation Officer in guidance who will determine where 'considered essential'
23	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN5	154	31	This advice is impractical and unenforceable therefore should be deleted	Further work required	Discuss further with DM
17	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN5	154	29-34	These paragraphs are out of place, solely concern advertisements and not the structural elements of the shopfront so should be moved to GN4 or deleted.	Further work required	Discuss impact of proposed change with DM

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
25	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN5	155	33	There should be no restrictions on suitable designed, sited and illuminated projecting 'box' sign if it is acceptable in terms of amenity and public safety.	Further work required	Discuss further with DM
24	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN5	155	33	It is beyond the powers of the Council to specific content therefore the text stating that signs should be 'simple and limited to the relevant information' should be deleted.	Further work required	Discuss further with DM
26	Chris Thomas Ltd, Outdoor Advertising Consultants	Chris	Thomas	Object	Advertisement Control	GN5	155	34 (bullet 3)	Advice is impractical and should be deleted as all advertisements within buildings are excepted from control or permitted with deemed consent.	Further work required	Discuss further with DM
43	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	General Comment	Wind Turbine GN	GN6	159		Reference to priority species and habitats are not defined here, in Policy DM18 or anywhere in the DPD as a whole	Agree - make changes	
75	Arcus Consulting	Darren	Hendley	General Comment	Wind Turbines GN6	GN6	159	3	The Council's approach to identifying suitable areas should fully conform to the positive approach to wind energy development set out in NPPF and EN-1 and EN-3 National Policy Statements. Significant supporting evidence has been submitted (and produced by the Council) demonstrating that the Dean Clough Site provides a suitable location.	Noted	Suitable areas will be identified in the Site Allocations DPD
44	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	Support	Wind Turbine GN	GN6	161	Hydrological section	Agree with statement that 'the integrity of any area of deep peat should not be adversely affected'	Noted	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
96	Coal Authority			Object	Policy Maps	Policy Maps	181		The Policy Maps do not indicate that the Minerals and Waste Plan contains allocations and constraints which need to be taken into account in decision making. It could be argued that all of the content of the Lancashire Minerals and Waste Plan policy maps should also be on the Hyndburn map once adopted (Reg 9 of the T&CP (Local Planning) (England) Regs 2012)	Further work required	Look at how other Lancashire authorities have addressed this and the practicality of implementing
104	Canal and River Trust	Tim	Bettany-Simmons	Object	Policy Maps	Policy Maps	181		The canal should form part of the strategic links identified on the DM DPD Policy Maps under Policy DM33 (Sustainable Transport Infrastructure)	Agree - make changes	
170	Mcateer Associates Ltd	Tony	McAteer	General Comment	Policy Maps	Policy Maps	181		The Policy Map should be updated to relocate the urban boundary to include land south of Foxwood Chase, Huncoat granted planning permission. This would mean the site is located inside the settlement boundary and no longer allocated as a Countryside Area covered by emerging Policy DM34.	Disagree - no changes	The settlement boundary will be subject to a full update/review as part of the Site Allocations DPD and therefore the change will be considered as part of that process and not the Development Management DPD.
197	Omega Atlantic	Katie	Dent	General Comment	Policy Maps	Policy Maps	181		The strategic employment allocation at Huncoat is not identified under DM1 Existing Employment Area Assessment.	Noted	The Existing Employment Areas are a separate category to allocated sites and so should not be identified on the DM DPD Policy Maps
133		David	Leitherd	Object	Policy Maps	Policy Maps	181		The urban boundary indicated on the Policy Maps around land to the south of Burnley Road Huncoat is incorrect. Documentation provided as part of representation as evidence for correct boundary	Agree - make changes	Amend Policy Map as appropriate

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
134	Ribble Valley Borough Council	Joanne	Macholc	General Comment	Policy Maps	Policy Maps	181		Officer comment only, not a formal response/resolution of the Council - the Policy Maps identify a large area of Ancient woodland abutting the boundary of Ribble Valley that appears to be incorrect	Further work required	Investigate accuracy of data further with LCC and update Policy Maps accordingly
135	Ribble Valley Borough Council	Joanne	Macholc	General Comment	Policy Maps	Policy Maps	181		Officer comment only, not a formal response/resolution of the Council - the Policy Maps identify woodland/grassland ecological network (under Policy DM18) that are schematic only and bear no relation to features on the OS base, as such it is difficult to make sense of the policy on the ground in relation to specific sites.	Further work required	Consider removing from Policy Maps and updating Policy DM18 text as appropriate.
118	Highways England	Warren	Hilton	General Comment	Policy Maps	Policy Maps	181		Highways England have reviewed the Policy Maps and conclude that none of the policy zones identified have any major impact on the SRN.	Noted	
203	Lancashire County Council (Strategy and Policy)	Melissa	Sherliker	General Comment	Policy Maps	Policy Maps	181		The policies map shows both cycle routes that the county council aims to improve in Hyndburn but doesn't refer to the East Lancashire Cycleway. It is suggested that they are labelled 'East Lancashire Strategic Cycleway – 'Huncoat Greenway' and 'National Cycle Route 6'	Agree - make changes	
214	Health and Safety Executive	John	Moran	General Comment	Policy Maps	Policy Maps	181		HSE advises that you contact the pipeline operators for up-to-date information on pipeline location, as pipelines can be diverted by operators from notified routes. Most incidents involving damage to buried pipelines occur because third parties are not aware of their presence.	Further work required	Contact relevant pipeline operators and update Policy Maps accordingly
249	Geolancashire	Andy	Wiggett	General Comment	Policy Maps	Policy Maps	181		Footnote 66 to Policy DM18 states that the 'ecological network' includes the boundaries as defined by the Lancashire Environment Record Network. The Geoconservation sites are included within LERN and should therefore be notated as such on the Policy Map.	Agree - make changes	

RepID	Organisation	Name	Surname	Type	Subject	Policy	Pg.	Para.	Summary of comment	Response	Council Notes
45	The Wildlife Trust for Lancashire, Manchester and North Merseyside	John	Lamb	Object	Policy Maps	Policy Maps	181		Geological Heritage Sites (GHS as identified by GeoLancashire and formerly known as RIGS) should also be shown on the Policy Maps alongside SSSIs, BHS and Local Sites.	Agree - make changes	

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What is it for?

Our corporate values include putting the customer first, providing opportunities for bright futures and narrowing inequality across the Borough.

From 1 April 2011, a new legal duty applies to all public authorities. It covers these protected characteristics:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- gender;
- sexual orientation; and, for some aspects, marriage and civil partnerships.

The duty means that – as previously - we should analyse the effect of existing and new policies and practices on equality. It does not specify how we should do this. However, legal cases on the meaning of the previous general equality duties make it clear that we must carry out the analysis **before making the relevant policy decision**, and include consideration as to whether we can reduce any detrimental impact.

The framework overleaf – our Customer First Analysis - is suggested when making a written record of the analysis. This replaces Equality Impact Assessments.

The Analysis should be **proportionate** to the policy decision being taken. In some cases the written record will be a quick set of bullet points or notes under each heading, to deal with any questions which are relevant (or briefly explain why if they aren't). Others will need to be much more detailed. A meaningful Analysis will help the Council make the best decision or formulate a policy which best meets our customers' needs.

Please return completed Customer First Analyses to Shaheen Amaan in Human Resources. Shaheen can guide you through the process if this would be helpful.

If you have any suggestions for improving this process, please let me know.

Kirsten Burnett
Head of HR

Customer First Analysis

1. Purpose

- What are you trying to achieve with the policy / service / function?
The Development Management Development Plan Document (DM DPD) forms part of the new Local Plan for Hyndburn. It sets the detailed planning policies against which planning applications for new development will be considered. Strategic planning policy matters are covered in the Core Strategy (adopted in 2012), and the DM DPD supports the adopted strategic policies, providing more detailed guidance to assist decision makers.
- Who defines and manages it?
Hyndburn Borough Council, through the Planning Service, including both the Plans and Environment and Development Management functions.
- Who do you intend to benefit from it and how?
Existing and future residents of the Borough will benefit, through higher quality developments. Developers will also gain greater upfront certainty on the type of development that the Council will support.
- What could prevent people from getting the most out of the policy / service / function?
Inadequate consultation
- How will you get your customers involved in the analysis and how will you tell people about it?
The DM DPD will be consulted in accordance with the relevant regulations and the Council's Statement of Community Involvement.

2. Evidence

- How will you know if the policy delivers its intended outcome / benefits?
The DM DPD includes a section on monitoring and implementation to ensure the outcomes of the policies are as intended.
- How satisfied are your customers and how do you know?
The local community and organisations have been involved with the production of the DM DPD in earlier stages. Where justified and appropriate, this version of the document incorporates representations received from the community and organisations in previous stages.
- What existing data do you have on the people that use the service and the wider population?
The DM DPD (and Local Plan as a whole) is supported by an extensive evidence base which takes into account the socio-economic profile of the Borough.
- What other information would it be useful to have? How could you get this?
N/A
- Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?
This has been considered where it is relevant to issues of spatial planning and design in the preparation of the DM DPD.
- Are you using partners, stakeholders, and councillors to get information and feedback?

These groups have all been involved in the formulation of the DM DPD in earlier stages, and will be again through the consultation processes ahead.

3. Impact

- Are some people benefiting more – or less - than others? If so, why might this be?
There is no evidence of this to date as the DM DPD is still at the draft stage. The statutory consultation phases of the DM DPD will be undertaken in line with the Council's 'Statement of Community Involvement' which includes measures are taken to ensure that hard to reach groups are engaged. A sustainability appraisal has also been undertaken, and will be updated through the process, which assesses the impact of the DPD on social, economic and environmental matters. Where relevant, an Equality Impact Assessment will also be submitted with the DPD to the Secretary of State, and a Health Impact Assessment will be undertaken, or some form of similar health proofing exercise in conjunction with LCC.

4. Actions

- If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it?
N/A
- Is it discriminatory in any way?
Not aware of this, every effort will be made to publicise relevant consultations on planning policy as it develops in line with the Council's Statement of Community Involvement at the appropriate time
- Is there a possible impact in relationships or perceptions between different parts of the community?
No
- What measures can you put in place to reduce disadvantages?
Ensure that the future consultations on planning policy and guidance are open to all. The Council's agreed Statement of Community Involvement will be followed wherever practical to ensure this objective is achieved
- Do you need to consult further?
Yes, a further period of consultation will be necessary at the 'Publication' stage prior to the DPD being formally submitted to the Secretary of State for independent Examination in line with the Town and Country Planning Regulations.
- Have you identified any potential improvements to customer service?
No
- Who should you tell about the outcomes of this analysis?
This can be made available alongside the adopted plans
- Have you built the actions into your Business Plan with a clear timescale?
N/A
- When will this assessment need to be repeated?
Next report to Cabinet

Don't forget to return your written record to HR.

Agenda Item 9.

REPORT TO:		Cabinet	
DATE:		08 June 2016	
PORTFOLIO:		Cllr Ken Moss - Education, Leisure & Arts	
REPORT AUTHOR:		Craig Haraben (Acting Head of Community Services)	
TITLE OF REPORT:		Milnshaw Park Play Area	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To seek Cabinet approval to lease an area of Milnshaw Park, Lancaster Avenue in Accrington to Hyndburn Green Spaces Forum (HG SF) for the purpose of installing a new play area for local children.

2. Recommendations

- 2.1 That Cabinet agrees to lease an area of Milnshaw Park (shown edged black on the attached plan) to Hyndburn Green Spaces Forum for the purpose of installing a new play area for local children subject to:-
- (i) Biffa Grant Funding being Awarded to HG SF
 - (ii) No objections being received to the proposed disposal of public open space
- 2.2 That Cabinet requests a further report be presented to it to consider whether to proceed with the proposed lease if objections are received in connection with the proposed disposal of public open space
- 2.3 That Cabinet delegates authority, subject to paragraph 2.1 above, to the Acting Head of Community Services, following consultation with the portfolio holder to agree the detailed terms of the lease.

3. Reasons for Recommendations and Background

- 3.1 The play equipment at Milnshaw Park is over twenty years old. There is only one piece of useable equipment left as the rest has been removed due to being beyond economical repair.

- 3.2 There has been a desire by local ward Councillors, local community and the Parks & Cemetery Service to refurbish this play area and provide play equipment of a modern day standard for local children and young people.
- 3.3 There is now an opportunity to undertake a play area refurbishment in Milnshaw Park because a number of streams of funding have become available that could be used to co-fund the project.
- 3.4 Funding has been secured in part through Section 106 funding from a housing development in the area, and in addition Church & Milnshaw Area Council have agreed to put some of their delegated funds towards the project. The remainder of the project funding is due to come from Biffa Award, the Landfill Tax funding element of their business. The estimated cost of the play area is £115,000 and the combined total of the different funding streams is £115,000, so the project is financially viable.
- 3.5 HGSF has submitted an application to Biffa Award for £50,000 and the application has been successful at Stage 1 and is now through to Stage 2 in the process.
- 3.6 A condition of the Biffa Award funding is for the applicant (should it not be the landowner) to have at least a 10 year lease of the area of land in question. In this case there is a need to lease the area of land for the new play equipment to the HGSF, in order to meet the Biffa Award funding requirements. Although detailed lease terms have yet to be agreed, it is proposed that the Council grant HGSF a 10 year lease of the land shown edged red on the attached plan at a peppercorn rent for use as a children's play area. The intention is that the Council will continue to maintain, repair and insure the play area under the terms of the lease.
- 3.7 Section 123 of the Local Government Act 1972 gives the Council power to dispose of its land which includes the granting of leases. As the proposed lease is for a term of over 7 years, section 123 requires for the disposal to be for market value, except where the Local Government Act 1972 General Disposal Consent (England) 2003 applies. The General Disposal Consent permits the Council to grant a lease at an undervalue where this promotes the social, economic or environmental wellbeing of the Borough or its residents. It is not yet possible to determine whether this will be a lease at market value, but, if it isn't, officers consider that the disposal can be justified on "wellbeing grounds". In this case, the installation of a new play area will bring social benefits for children, young people and their families from the surrounding area and improve environmental well-being by refurbishing a currently run down part of the park.
- 3.8 The proposed lease comprises land that is currently public open space. Section 123 Local Government Act requires the Council to advertise its intention to dispose of public space and to consider any representations received before making a final decision. Public notice has been given, but the final date for receipt of comments and objections has not yet passed.
- 3.9 Once constructed the play area will have free and open public access in exactly the same way as any other park play area, the lease would place no restriction on public use.

4. Alternative Options considered and Reasons for Rejection

- 4.1 Do not lease the land to HGSF. This is not recommended because the external funding body contributing the refurbishment of the play area in Milnshaw Park would withdraw funding and therefore prevent the project from happening.

5. Consultations

- 5.1 Hyndburn Green Spaces Forum, local residents, local councillors, Corporate Property, Legal Services and Parks & Cemetery service have been consulted in relation to this project.
- 5.2 The Council has given public notice of its intention to dispose of public open space pursuant to section 123 Local Government Act 1972. The closing date to get back to the Council with any comments or objections is 10 June 2016. All comments will be considered once the closing date has been reached and if any objections are received, a further report will be presented to Cabinet to enable a final decision to be taken on the disposal.

6. Implications

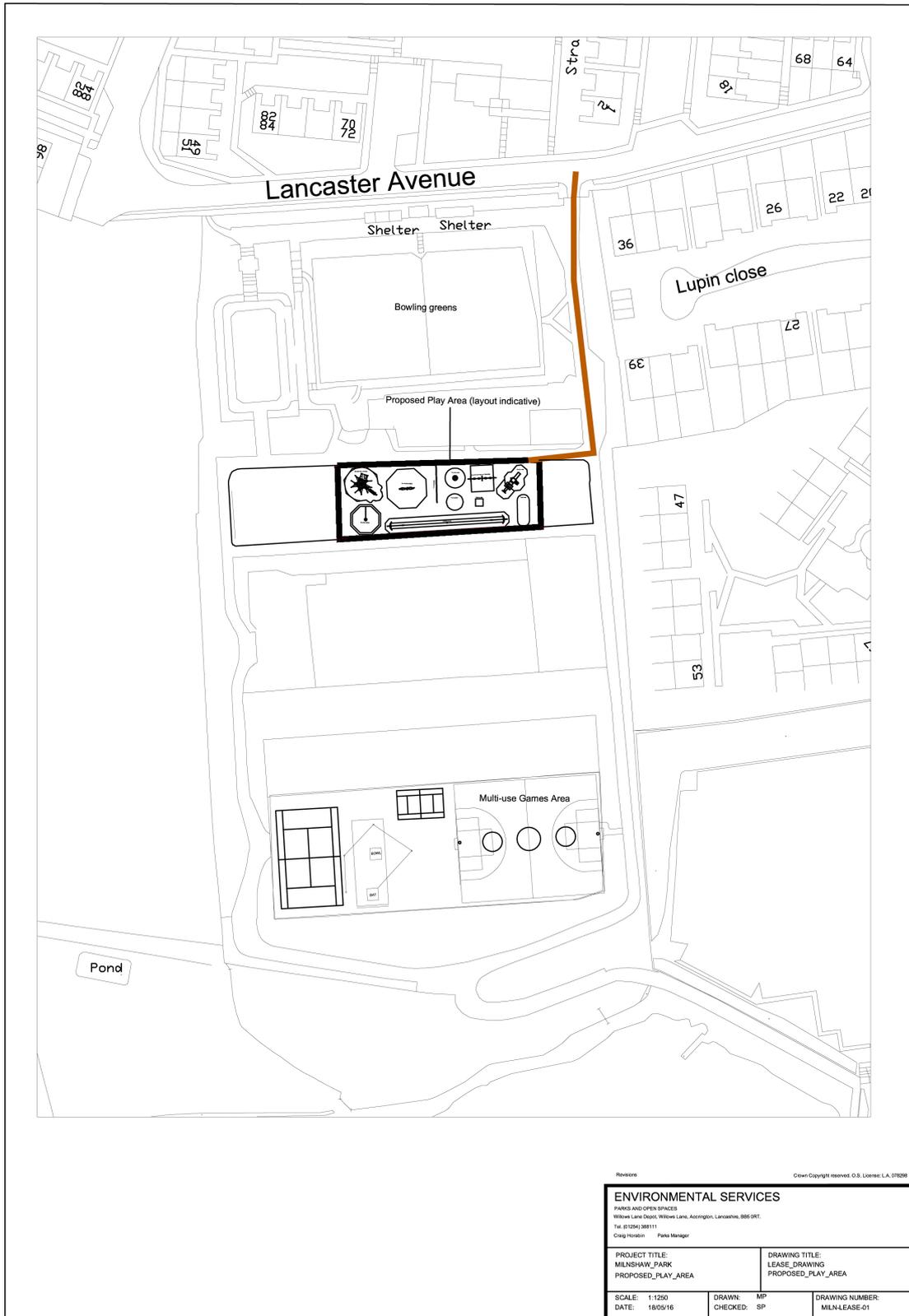
Financial implications (including any future financial commitments for the Council)	A new play area will be maintained by the Council but will have reduced maintenance costs compared with the current old play equipment. Biffa are prepared to allocate £50,000 to this project with Church & Milnshaw Area Council prepared to match fund to a value of £18,155, alongside a contribution from Hambledon Mill S106 of £46,875
Legal and human rights implications	The new play area will be constructed to meet the requirements set out in Fields in Trust guidelines and EU standards for play area construction. Legal implications regarding the lease are set out in Section 3 of this report.
Assessment of risk	The play area has been designed using modern design principles. Failure to meet all grant conditions could result in the withdrawal of grant funding from Biffa.
Equality and diversity implications	A Customer First Analysis is attached to this report

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

7.1 A copy of the expression of interest funding application sent to Biffa Award can be obtained by contacting the Council.

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.



Revisions
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ENVIRONMENTAL SERVICES PARKS AND OPEN SPACES Wilkes Lane Depot, Wilkes Lane, Acorngrin, Lancaster, BB6 9RT. Tel: 01524 385111 Craig Horobin Parks Manager		
PROJECT TITLE: MILNSHAW PARK PROPOSED_PLAY_AREA	DRAWING TITLE: LEASE DRAWING PROPOSED_PLAY_AREA	
SCALE: 1:1250 DATE: 18/05/16	DRAWN: MP CHECKED: SP	DRAWING NUMBER: MILN-LEASE-01

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Hyndburn Borough Council
Customer First Analysis

What is it for?

Our corporate values include putting the customer first, providing opportunities for bright futures and narrowing inequality across the Borough.

From 1 April 2011, a new legal duty applies to all public authorities. It covers these protected characteristics:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- gender;
- sexual orientation; and, for some aspects,
- marriage and civil partnerships.

The duty means that – as previously - we should analyse the effect of existing and new policies and practices on equality. It does not specify how we should do this. However, legal cases on the meaning of the previous general equality duties make it clear that we must carry out the analysis **before making the relevant policy decision**, and include consideration as to whether we can reduce any detrimental impact.

The framework overleaf – our Customer First Analysis - is suggested when making a written record of the analysis. This replaces Equality Impact Assessments.

The Analysis should be **proportionate** to the policy decision being taken. In some cases the written record will be a quick set of bullet points or notes under each heading, to deal with any questions which are relevant (or briefly explain why if they aren't). Others will need to be much more detailed. A meaningful Analysis will help the Council make the best decision or formulate a policy which best meets our customers' needs.

Please return completed Customer First Analyses to Human Resources. I can guide you through the process if this would be helpful.

If you have any suggestions for improving this process, please let me know.

Kirsten Burnett
Head of HR

Customer First Analysis

1. Purpose

- What are you trying to achieve with the policy / service / function?
To install a new play area in Milnshaw Park
- Who defines and manages it?
The land for the new play area will be leased to HGSF but maintained by Hyndburn BC
- Who do you intend to benefit from it and how?
Children young people and their wider families in the local area
- What could prevent people from getting the most out of the policy / service / function?
Not securing the grant funding for this project
- How will you get your customers involved in the analysis and how will you tell people about it?
Five local schools were consulted via questionnaire and local residents were consulted via park user survey

2. Evidence

- How will you know if the policy delivers its intended outcome / benefits?
A new play area will have been constructed and is being used by local families
- How satisfied are your customers and how do you know?
We will need to ask them once the play area is constructed
- What existing data do you have on the people that use the service and the wider population?
We have data via parks user survey
- What other information would it be useful to have? How could you get this? N/A
- Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)? The parks user survey does provide this information
- Are you using partners, stakeholders, and councillors to get information and feedback? Yes
local schools, councillors and residents

3. Impact

- Are some people benefiting more – or less - than others? If so, why might this be?
This playground is available for all members of the community

4. Actions

- If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it? A lease agreement is with HGSF which has an open membership policy
- Is it discriminatory in any way? No
- Is there a possible impact in relationships or perceptions between different parts of the community? No the local community are members of HGSF
- What measures can you put in place to reduce disadvantages? N/A
- Do you need to consult further? N/A
- Have you identified any potential improvements to customer service?
The playground will be new and a much better facility than the existing one
- Who should you tell about the outcomes of this analysis? N/A
- Have you built the actions into your Business Plan with a clear timescale?
Yes the project has been built into the department work schedule
- When will this assessment need to be repeated? N/A

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Name: Craig Haraben

Signed:

A handwritten signature in black ink that reads "Craig Haraben". The signature is written in a cursive style with a large initial 'C'.

Service Area: Parks and Cemeteries

Dated: 20 May 2016

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Agenda Item 10.

REPORT TO:		Cabinet	
DATE:		08 June 2016	
PORTFOLIO:		Cllr Ken Moss - Education, Leisure & Arts	
REPORT AUTHOR:		Craig Haraben (Acting Head of Community Services)	
TITLE OF REPORT:		Rhyddings Park Heritage Lottery Bid	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. Purpose of Report

- 1.1 To inform Cabinet of progress in relation to the Heritage Lottery Fund (HLF) Parks for People funding bid relating to Rhyddings Park in Oswaldtwistle.

2. Recommendations

- 2.1 Cabinet continues to support the refurbishment and improvement of Rhyddings Park as outlined in the report ("the Project") and welcomes receipt of the Heritage Lottery Funding.
- 2.2 Cabinet agrees to the Council being accountable body in respect of the Project and in accordance with the HLF's terms and conditions in connection with the Project
- 2.3 Cabinet delegates authority to the Acting Head of Community Services to take all reasonable steps to implement and complete the Project, including entering into the necessary agreement with the HLF, entering into any necessary agreement with Newground Together, engaging consultants and contractors as required to deliver the Project and obtaining all necessary permissions and consents.
- 2.4 That Cabinet requests that it receives a further report in due course for its consideration and approval in respect of the proposed terms of the lease to the Friends of Rhyddings Park of the Coach House in Rhyddings Park and the proposed arrangements for the management and operation of the Coach House.

3. Reasons for Recommendations and Background

- 3.1 In 2012 the Parks & Cemetery Service started working with the Friends of Rhyddings Park to explore the possibility of applying for Parks for People funding administered via the HLF.
- 3.2 The outcome of a consultation with the Friends of (FO) Rhyddings Park showed that local residents would like to see the refurbishment of park facilities, the re-building of the coach house to provide a community base within the Park and the walled garden area refurbished and brought back into use as a community food growing area. This way forward was also supported by local schools and GP surgeries who returned the consultation document.
- 3.3 In addition to the refurbishment work there was a desire to have staff in place for two years after construction work had been completed to encourage participation and develop the audience of people who use the Park, including engaging with hard to reach groups. After examining the criteria for Parks for People funding it was clear that funding would be available for both the capital and revenue elements of this project.
- 3.4 Enquiries were made with the HLF and their preferred way forward was for the Council to work with a partner organisation who had the appropriate skills and abilities to enable a first class project to be delivered.
- 3.5 Newground Together (formerly Groundwork Pennine Lancashire) is a 'not for profit' organisation and registered charity which has expertise in green space improvement projects and audience development.
- 3.6 Cabinet agreed on 3 December 2013 for the Council to work with Newground Together to secure Parks for People funding for Rhyddings Park in Oswaldtwistle at no cost to the Council. This is because the mechanism used by the HLF allowed Newground Together to claim any fees directly from the HLF.
- 3.7 In January 2016 the Council received the fantastic news that the Parks for People funding bid relating to Rhyddings Park in Oswaldtwistle had been successful. The project had been allocated £1,461,900 for the delivery stage of the project by the HLF. The total value of the project including in-kind funding and volunteer work is £2 Million.
- 3.8 The funding secured from the HLF will allow for:
- The restoration of the Coach House as a community venue;
 - Returning the derelict walled garden to its traditional use of food growing, including the construction of Victorian style greenhouses;
 - Working with Bootstrap Enterprises to develop a social enterprise based in the restored former Coach House, generating income for the park from meeting rooms, a cafe and a training kitchen;
 - Creating a performance space area and develop a programme of community arts working with Hyndburn Arts at the nearby Civic Arts Theatre;

- Establishing a training and volunteering programme linked to park management, community engagement and health promotion;
- Providing education resources and opportunities for local schools;
- Developing programmes of guided walks and family fun activities.

3.9 As Newground Together were co-applicant with the Council in relation to the successful HLF Stage 2 bid, the Council intends to continue to work in partnership with Newground Together to implement and complete the Project. Newground Together will jointly act as project manager with the Council for the duration of the Project and will employ two HLF funded staff to facilitate audience development and improved horticultural skills within Rhyddings Park.

3.10 During the Stage 2 application process it was envisaged that Newground Together would act as accountable body for the Project. However due to legal concerns about privity of contract with contactors, consultants and suppliers working in Rhyddings Park and clarification from HLF that they would look to claw back any funding for non-compliance from the Council, it was decided that the Council would be best served talking on the responsibility of accountable body.

3.11 The delivery stage work will commence on site once all permissions have been finalised and secured.

4. Alternative Options considered and Reasons for Rejection

4.1 Do not continue with the delivery stage of Parks for People HLF funding and try and undertake improvements to Rhyddings Park via a piece meal approach. This is not recommended as grant funding has now been secured and this work can be undertaken as one project over the next two years.

5. Consultations

5.1 FO Rhyddings Park, local residents, local councillors, schools, GP surgeries, Corporate Property, Legal Services and Parks & Cemetery service have been consulted in relation to this project.

6. Implications

<p>Financial implications (including any future financial commitments for the Council)</p>	<p>On-going maintenance will be contained within existing parks & cemetery service budgets. Match funding of ten percent is required to draw down HLF project funding.</p> <p>External funding bodies have agreed to supply some of the required match funding, in addition to the Council's contribution of £100,000 capital funding towards this project. There is still some unsecured match funding relating to the Project with a value of £14,500.</p>
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	<p>However, suitable external funding bodies have been identified and officers are hopeful that they will be able to secure the additional match funding required. If not the Council has agreed to provide the additional £14,500 to cover any short fall.</p> <p>There is an element of contingency funding in the project budget. There is usually no need to match fund this element and this has been verbally confirmed by HLF staff at the permission to start meeting. However there is a small risk that should the HLF change its rules that match funding would need to be found for this element of funding.</p>
<p>Legal and human rights implications</p>	<p>The Council will need to enter into an agreement with HLF on their standard terms and conditions. The Council will then become the accountable body in respect of the grant funding. The Council will be accountable to the HLF for any misspending of the grant funds and may be asked to repay some or all of the grant funding in the event of sales or changes of use of the Park or Coach House within a specified period. These are the HLF's standard terms and they are not negotiable.</p> <p>It is likely the HLF will require the Council to agree to a restriction being registered against its title to the Park. This will require the park to be used for the purposes of the project for a specified period of time, which is usually 20 years.</p>
<p>Assessment of risk</p>	<p>The Council will act as co-project manager and accountable body for the scheme. The Council will use its contract procedure rules to engage all consultants and contactors to undertake the refurbishment work. This should ensure value for money and privity of contract.</p> <p>All design work has been undertaken by suitably qualified designers and projects managers. As such all work should meet required standards.</p>

	Potential claw back of funding for non-compliance from HLF.
Equality and diversity implications	A Customer First Analysis is attached

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

7.1 Cabinet report dated 3 December 2013 titled Rhyddings Park Heritage Lottery Bid

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

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- religion or belief;
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- sexual orientation; and, for some aspects,
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The framework overleaf – our Customer First Analysis - is suggested when making a written record of the analysis. This replaces Equality Impact Assessments.

The Analysis should be **proportionate** to the policy decision being taken. In some cases the written record will be a quick set of bullet points or notes under each heading, to deal with any questions which are relevant (or briefly explain why if they aren't). Others will need to be much more detailed. A meaningful Analysis will help the Council make the best decision or formulate a policy which best meets our customers' needs.

Please return completed Customer First Analyses to Human Resources. I can guide you through the process if this would be helpful.

If you have any suggestions for improving this process, please let me know.

Kirsten Burnett
Head of HR

Customer First Analysis

1. Purpose

- What are you trying to achieve with the policy / service / function?
To refurbish Rhyddings Park in Oswaldtwistle
- Who defines and manages it?
Hyndburn BC manages the site in cooperation with the Friends of Rhyddings Park
- Who do you intend to benefit from it and how?
All communities in Oswaldtwistle and the neighbouring Springhill Ward
- What could prevent people from getting the most out of the policy / service / function?
Should the HLF funding be withdrawn
- How will you get your customers involved in the analysis and how will you tell people about it?
The FO Rhyddings Park are the key consultative group for the park and have a direct link to the local community. They have been involved and have influenced the HLF bid throughout the process.

2. Evidence

- How will you know if the policy delivers its intended outcome / benefits?
The park will have been refurbished and there will be an increase in visitors and users in the park
- How satisfied are your customers and how do you know?
The FO Rhyddings Park are happy with progress to date as they are part of the steering group for the project
- What existing data do you have on the people that use the service and the wider population?
Consultation has taken place with local schools, GP surgeries, Councillors and the FO Rhyddings Park
- What other information would it be useful to have? How could you get this? N/A
- Are you breaking down data by equality groups where relevant (such as by gender, age, disability, ethnicity, sexual orientation, marital status, religion and belief, pregnancy and maternity)?
We are aware of the breakdown of equality target groups for the catchment area for Rhyddings Park
- Are you using partners, stakeholders, and councillors to get information and feedback?
Yes as above

3. Impact

- Are some people benefiting more – or less - than others? If so, why might this be?
All communities of Oswaldtwistle and neighbouring Springhill ward should benefit equally

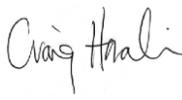
4. Actions

- If the evidence suggests that the policy / service / function benefits a particular group – or disadvantages another - is there a justifiable reason for this and if so, what is it? N/A
- Is it discriminatory in any way? N/A
- Is there a possible impact in relationships or perceptions between different parts of the community? In general no
- What measures can you put in place to reduce disadvantages? The FO Rhyddings Park has an open membership policy so all members of the community could access this group to influence what happens in the park

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- Do you need to consult further? Further consultation will continue via the FO Rhyddings Park
- Have you identified any potential improvements to customer service? The refurbished coach house will allow a community base within the park and a base for events/activities.
- Who should you tell about the outcomes of this analysis? N/A
- Have you built the actions into your Business Plan with a clear timescale? Yes
- When will this assessment need to be repeated?

Name: Craig Haraben

Signed: 

Service Area: Parks & Cemeteries

Dated: 20 May 2016

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