

Public Document Pack

Executive Member Decisions

Friday, 4th January, 2019

Time Not Specified

AGENDA

1. **Disposal of Land (Plot 1 & 2), Milking Lane, Lower Darwen**
EMD Part 1 - Milking Lane Disposal (Plot 1 and Plot 2) Dec 2018 **2 - 10**
Part 2 item - EMD - Milking Lane Disposal (Plot 1 and Plot 2) Dec 2018
Annex 1 - Milking Lane Proposed Land Plots
EIA-Checklist Milking Lane Disposal (Plot 1 & Plot 2) Dec 2018

Date Published: 4th January 2019
Harry Catherall, Chief Executive

EXECUTIVE MEMBER DECISION



REPORT OF: Executive Member for Resources
Executive Member for Regeneration

LEAD OFFICERS: Deputy Chief Executive

DATE: 14 December 2018

PORTFOLIO/S AFFECTED: Resources Regeneration

WARD/S AFFECTED: Blackburn South and Lower Darwen

SUBJECT: Disposal of Land (Plots 1 & 2), Milking Lane, Lower Darwen

1. EXECUTIVE SUMMARY

This report seeks approval to the disposal of two plots of land located at Milking Lane, Lower Darwen which is in the ownership of Barnfield Blackburn Ltd a joint venture company in which the Council has a 25% shareholding.

2. RECOMMENDATIONS

That the Executive Members:

- 2.1 Approves the disposal of Plots 1 and 2 subject to the provisionally agreed heads of terms outlined in this report.
- 2.2 Authorises the Growth Programme Director to complete the necessary legal formalities relating to the disposal of Plots 1 and 2 in his role as Company Director of Barnfield Blackburn Ltd.

3. BACKGROUND

Further to a previous report to the Executive Board which was published on 5th July 2018 approval was given to enter into a joint venture company with Barnfield Construction Ltd and to acquire land at Milking Lane for development.

The Milking Lane site in Lower Darwen has attracted negative publicity over the years with a long and chequered site history of stalled development activity and more recently incidents of anti-social behaviour, vandalism and trespass as reported by local residents, businesses and Ward Councillors.

The site is ideally located and will provide much needed employment land for new businesses for local expansion and inward investment in the Borough. The minority investment by the Council in the joint venture company of 25% will help ensure the site is developed and that development is accelerated to generate a positive return for the Council and directly support growth in jobs and housing.

Barnfield Blackburn Ltd (BBL) has now been incorporated and officers from the Council have been appointed Directors of the new company.

BBL submitted an Outline Planning Application (OPA) which was registered by the Council on 5th December. The OPA is submitted with all matters reserved save for access and is for a mixed use development of a maximum of the following: 100 dwellings, 15,000m² of B1/B2/B8 employment use and 1,500 m² of D1 education use and associated ancillary works.

Annex 1 is a drawing showing the proposed land plots for disposal.

4. KEY ISSUES & RISKS

BBL has progressed commercial discussions with a property investment company (the Purchaser) for Plot 1 and Plot 2. The main Heads of Terms are detailed in the Part 2 report.

5. POLICY IMPLICATIONS

The development aligns with the Council's Local Plan policy.

6. FINANCIAL IMPLICATIONS

The sale and subsequent development of the site will generate the Council a 25% share of the capital receipt and the development is on target to generate the Council the expected surplus.

7. LEGAL IMPLICATIONS

Risks have been mitigated by requesting the Purchaser to cover all costs of planning together with limiting the long stop date to 12 months. Barnfield Blackburn Ltd will appoint external lawyers to complete the transaction. The Council officer serving as director will have pertinent company documents and resolutions to complete in connection with this matter. As negotiations and details of the transaction have been undertaken by the BBL, few comments can be made on the substantive transaction itself.

8. RESOURCE IMPLICATIONS

Resources from within the Council's Growth Team will be supporting this transaction.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

None

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1.0
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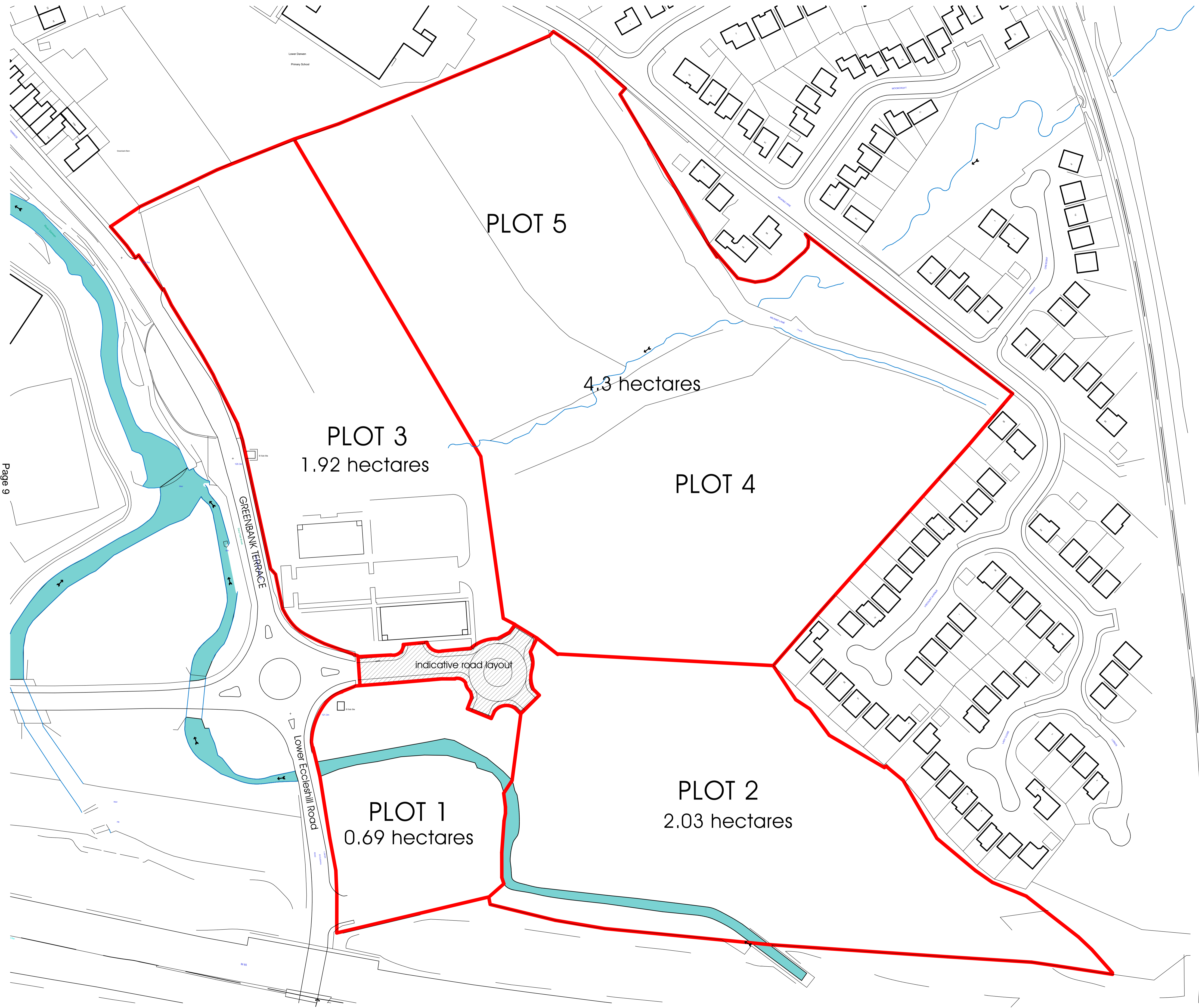
CONTACT OFFICER:	Simon Jones, Growth Programme Director
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DATE:	14 December 2018
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BACKGROUND PAPER:	Executive Board Report, Milking Lane Investment Opportunity which was published on 5 th July 2018
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted



Page 9

campbelldriverpartnership
architects

client: barnfield blackburn ltd

project: site development

greenbank terrace darwen

sheet: employment site layout

job no: 18.107	dwg no: 003	D
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scale: 1:750 @ A1
date:
drawn:
capricorn park
blackwater road
blackburn bb1 5qr
t: 01254 297700
email: design@cdpartnership.co.uk

EQUALITY IMPACT ASSESSMENT CHECKLIST

This checklist is to be used when you are uncertain if your activity requires an EIA or not.

An Equality Impact Assessment (EIA) is a tool for identifying the potential impact of the organisation's policies, services and functions on its residents and staff. EIAs should be actively looking for negative or adverse impacts of policies, services and functions on any of the nine protected characteristics.

The checklist below contains a number of questions/prompts to assist officers and service managers to assess whether or not the activity proposed requires an EIA. Supporting literature and useful questions are supplied within the [EIA Guidance](#) to assist managers and team leaders to complete all EIAs.

Service area & dept.	Growth and development	Date the activity will be implemented	07/01/2019
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Brief description of activity	Seek approval to the disposal of two plots of land located at Milking Lane, Lower Darwen which is in the ownership of Barnfield Blackburn Ltd a joint venture company in which the Council has a 25% shareholding.
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Answers favouring doing an EIA	Checklist question	Answers favouring not doing an EIA
<input type="checkbox"/> Yes	Does this activity involve any of the following: - Commissioning / decommissioning a service - Change to existing Council policy/strategy - Budget changes	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes	Does the activity impact negatively on any of the protected characteristics as stated within the Equality Act (2010)?	<input checked="" type="checkbox"/> No
<input type="checkbox"/> No <input type="checkbox"/> Not sure	Is there a sufficient information / intelligence with regards to service uptake and customer profiles to understand the activity's implications?	<input checked="" type="checkbox"/> Yes
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Does this activity: Contribute towards unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act <i>(i.e. the activity creates or increases disadvantages suffered by people due to their protected characteristic)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Reduce equality of opportunity between those who share a protected characteristic and those who do not <i>(i.e. the activity fail to meet the needs of people from protected groups where these are different from the needs of other people)</i>	<input checked="" type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> Not sure	Foster poor relations between people who share a protected characteristic and those who do not <i>(i.e. the function prevents people from protected groups to participate in public life or in other activities where their participation is disproportionately low)</i>	<input checked="" type="checkbox"/> No
FOR =0	TOTAL	AGAINST =6

Will you now be completing an EIA?

Yes

No

The EIA toolkit can be found [here](#)

Assessment Lead Signature	Simon Jones
Checked by departmental E&D Lead	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date	14/12/2018