

## WESTMORLAND AND FURNESS COUNCIL CABINET

Minutes of a Meeting of the **Cabinet** held on Tuesday, 23 January 2024 at 10.00 am  
at Barrow Town Hall, Duke Street, Barrow in Furness

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### **PRESENT:**

Cllr G Archibald  
Cllr P Bell  
Cllr J Brook (Chair)  
Cllr N Hughes  
Cllr A Jarvis  
Cllr D Jones  
Cllr S Sanderson  
Cllr V Taylor  
Cllr P Thornton

### **Officers in attendance:**

Mrs J Currie	Democratic Services
Ms C Gould	Assistant Director - Climate and Natural Environment
Ms A Jones	Director of Thriving Places
Ms L Jones	Chief Legal Officer (Monitoring Officer)
Ms S Plum	Chief Executive, Westmorland & Furness Council
Ms S Roberts	Assistant Director – Finance (Deputy S151 Officer)
Mr P Robinson	Director of Enabler Services
Mr M Vasic	Director of Children's Services
Ms C Whalley	Director of Adult Social Care

## **PART I ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS**

### **102. APOLOGIES FOR ABSENCE**

An apology for absence was received from Cllr Derbyshire.

### **103. DECLARATIONS OF INTEREST/DISPENSATIONS**

There were no declarations of interest made on this occasion.

### **104. EXCLUSION OF PRESS AND PUBLIC**

The Chair reminded members that the appendices in Agenda Item No 15 – Marina Village, Barrow in Furness were not for publication by virtue of paragraph 5 of Part 1 of Schedule 12A of the Local Government Act 1972 as this report contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, and should members need to discuss anything contained within these appendices the meeting would need to move into Part II.

## **105. MINUTES OF THE PREVIOUS MEETING**

**RESOLVED,** that the minutes of the previous meeting held on 12 December 2023 be agreed as a true and accurate record.

## **106. STATEMENTS FROM THE LEADER AND CABINET MEMBERS**

The Leader began by saying this was the third Cabinet meeting in a row he had made a statement about the recent storms and inclement weather. In November it was Storm Debi, in December it was due to the snow conditions and today it was Storm Isha. He thanked all of the Council staff that had gone above and beyond during these events, especially the Highway Teams.

The Cabinet Member for Highway and Assets echoed this and gave his own thanks to the Highway Teams. The Cabinet Member reminded everyone that there would be a cost to the Council for all of this.

The Cabinet Member for Finance then made a statement about the sudden death of the Chair of Windermere and Bowness Town Council. He would be sorely missed by all that knew him and Cabinet extended their condolences to his family and friends.

The Cabinet Member for Transport and Environmental Services informed Cabinet that he had written to Trans Pennine today stating that local people in Cumbria expected to see a service continue even during stormy weather and that they deserved the same service as those in more urban areas.

## **107. PUBLIC PARTICIPATION**

A statement from the Chair of Clifton Community Council was read out in his absence, which stated 'Cabinet today will be discussing the expansion of Beaconside school in Penrith with the increasing of classroom facilities and admissions numbers that is expected overtime to increase school numbers from the current 511 capacity to a new capacity of 630.

The plans as a result of Westmorland and Furness Council been in receipt of Section 106 funding from several housing developments that have been constructed in the Penrith area.

The term "area" raises the question of has the 106 funding the council is planning to use originated wholly from developments in Penrith or also development in other communities local to the Penrith area.

My own Community Clifton located just south of Penrith has a village Primary School that like many rural schools has intake numbers that fluctuate with each intake but has a maximum capacity of 82 pupils.

The school has seen no direct investment in classroom provision or facilities by the local authority for decades.

The school was in 2021 forced to self-fund a portacabin to provide additional classroom space with that classroom capacity set to have to be removed from the school site by this September under planning restrictions put in place by the former Cumbria County council at the time.

Clifton Primary school has a chronic lack of teaching space and also no school hall facilities with children having to eat lunch in their classrooms each day.

The school are now again having to spend thousands on yet another portable wooden structure to provide some much-needed space at the cost of having to use the school's garden area to provide facilities that will allow children who need some quiet one on one time or for staff to speak with parents in private as well as teaching space for small groups of children.

This space in reality is a wooden pod with the school PTA landed with the task of trying to fund yet another temporary structure for the primary school.

A large percentage of students at Clifton as with many rural schools around Penrith do in fact travel from Penrith attend Clifton. Although a double-edged issue with the resulting traffic generated at school run times this does help ensure Clifton Primary School remains viable with student intake numbers each year and do not face the closure situation like that of North Walney Primary School.

Clifton Primary School could through some minimal investment and creative architecture substantially increase its teaching space and create a functional hall space with the potential to increase the PAN and capacity to create a sustainable future for the school if this council distribute funding rather than concentrate funding allocations into one resource.

The concentration of resources and capacity increases in one school creates a sustainability risk to many local rural schools like Clifton that will have generational impacts as intake increases at one the intake will decrease at others locally as is the case with North Walney Primary School cabinet will today be asked to approve the notice of closure at the end of the current school year in August.

As Chair of Clifton Community Council who as a council have been asked for help by the school and it's PTA on a number of occasions over funding and the schools lack of teaching space and facilities. Please consider the need for a wider impact study on the expansion of Beaconside school and look at the wider benefits of distribution of student intake capacity and funding usage.'

The Leader gave the following response:

'Thank you for your comments.

The proposal to expand the Beaconside School building is to facilitate a phased increase in the number of mainstream school places at the school and enable the establishment of new, much needed, Key Stage 2 resource provision for children with physical and medical needs in the Penrith area.

I can confirm that, in the event this proposal is approved, the section 106 funding that would be utilised originates from developments wholly in Penrith town (rather than the surrounding area). The local authority would not be able to spend this money on schools outside Penrith.

In response to your concerns regarding Clifton School, I confirm a member of our leadership team will contact the headteacher this week to initiate a discussion regarding all the issues that are outlined in your letter, with the opportunity for the school to make representation directly to the local authority on the issues raised.

The local authority is aware of the extent of the capital maintenance spent in the school since 2018 and the extent of the formula capital funding, which is for the school to determine how to prioritise.

The local authority recognises and is sympathetic to the issues facing our smaller, rural schools and as a new local authority we are committed to working with our schools to ensure good quality education for all our children and young people. The School Organisation Team will be engaging with all key stakeholders during the coming year to develop a Westmorland and Furness School Organisation Strategy. The strategy will further explore these challenges and set out how schools and the Local Authority can work together to ensure sustainability of quality education provision for rural communities.'

#### **108. QUESTIONS TO CABINET MEMBERS**

There were no questions to Cabinet Members at this meeting.

#### **109. REFERRALS FROM COUNCIL OR OVERVIEW AND SCRUTINY COMMITTEES**

There were no referrals from Council or the Overview and Scrutiny Committees.

#### **110. WESTMORLAND AND FURNESS CARBON MANAGEMENT STRATEGY**

Cabinet members considered a report which outlined the Westmorland and Furness Council (WFC) Carbon Management Strategy.

A series of delivery strategies had been identified to reduce emissions from Council services in accordance with regional and national targets to reach Net Zero Green House Gas (GHG) emissions. All council directorates would have ownership of the successful delivery of the Strategy which would be coordinated by the decarbonisation programme team.

The effects of Climate change posed a significant challenge to our eco system and communities. It affected the physical environment as well as all aspects of both natural and human systems – including social and economic conditions and the functioning of health systems. It posed threats to humanity globally and the devastating impacts had already been seen here in Cumbria with extreme weather events such as Storm Desmond in 2015.

In June 2019, the UK Government passed legislation committing it to achieving 'net zero' greenhouse gas emission by 2050. This was a significant change on the target set in 1990 of achieving an 80% reduction in emissions by 2050.

Westmorland and Furness Council was committed to becoming carbon net zero and this commitment was reiterated in the Council Plan and its Climate Action Plan, Part 1 which was adopted by Cabinet on 11 July 2023 and the Climate Action Plan Part 2, considered separately by Cabinet today.

The Carbon Management Strategy 2024-2029 outlined emission reduction measures to achieve net-zero Buildings, Transport and Supply chain emissions, with action timelines to achieve net-zero Scope 1, 2 and 3 emissions by the respective target dates.

The Strategy provided a series of delivery workstreams aligned to the national ambition of meeting the Government's net zero target for the UK by 2050 and the regional ambition of making WFC the first 'carbon neutral' county in the UK by 2037.

Westmorland and Furness Council was one of only a small number of local authorities in the country to undertake such an extensive piece of work, measuring not only Scope 1 and Scope 2 emissions but also Scope 3 emissions for the whole Council.

The Westmorland and Furness Council Carbon Management Strategy responded to the international, national and regional aspiration to achieve a low/net zero carbon economy and seeks to address the following key drivers:

- Climate Change
- Improve energy security
- Investing in the local economy
- Improving quality of life for local residents
- Saving money
- Lead in delivering good practice

The Carbon Management Strategy 2024-2029 identified the key Council operational service areas producing the greatest emissions. This allowed for the identification of a clear approach to reduce, and ultimately move the Council's emissions, towards a Scope 1 and 2 net zero carbon position by 2037 and Scope 3 emissions by 2050, or sooner.

The overall strategy identified four delivery workstreams to address the core areas of emissions:

- Buildings Emission Management

- Transport Emission Management
- Scope 3, Supply Chain Emissions Management

The Councils approach to strategic commissioning, procurement and ensuring social value across all our services would contribute to developing a framework to encourage the reduction of our suppliers Scope 1 & 2 GHG emissions, therefore reducing our Scope 3 GHG emissions.

The Cabinet Member said it was estimated that to reach a net zero position for Scope 1 and 2 emissions by 2037, that an estimated total capital expenditure of approximately £26m, which equated to just over £2m annually. When all the reduction measures were complete, the estimated cost savings would be approximately £8.2m/year based on a generalised model across buildings (including some maintained schools) and transport/fleet functions within the Council. The largest savings were generated from replacement of electricity costs via installation of Solar PV on buildings, and replacement of fuel costs within council vehicles converting to electric vehicles.

He also said that any savings were dependant on many factors including prevailing energy costs at the time and were generated from a common cost of energy, which was currently high. Ultimately, any savings would be presented in detail within individual project business cases. It was anticipated that government funding for local authorities i.e., grants for Leisure Centres and Public Sector Decarbonisation Schemes (PSDS) could be used to offset in part the cost of the projects.

The Cabinet Member for Climate and Biodiversity endorsed the comment of the Cabinet Member and the strategy makes economic sense as well as carbon sense and social sense. He said the Council was looking at using the carbon management drivers in all future strategies, including the procurement strategy which would be considered by Cabinet soon.

The Cabinet Member Customer and Waste Services commented that this was an impressive strategy and she was delighted to see it. This would be significant in helping the Council's drive to net zero. The Council was fully committed to reducing its carbon emissions.

The Cabinet Member for Finance was pleased to see that the overall cost of this was within a range in which it could be delivered. He felt it would enable the Council to prioritise its actions.

The Cabinet Member for Highways and Assets then moved the recommendations which were seconded and put to a unanimous vote.

**RESOLVED,** that Cabinet approve the Westmorland and Furness Council Carbon Management Strategy 2024-2029 as set out in Appendix of the report.

## **111. CLIMATE CHANGE ACTION PLAN PART TWO**

Cabinet considered a report from the Director of Thriving Places and presented by the Cabinet Member for Climate and Biodiversity which outlined the Council's Climate Change Action Plan Part 2 and asked members to adopt this.

On 11 July 2023, the Westmorland and Furness Cabinet approved the Climate Change Action Plan Part One. The two-part Climate Change Action Plan was the council's strategic response to its shadow council Climate crisis declaration and the commitment 'for the Climate' in the Westmorland and Furness Council Plan.

Part One set out the council's vision and ambition to tackle the Climate Crisis and achieve its Net Zero targets, whilst Part Two had been developed to identify suitable actions to reduce emissions, reduce environmental inequalities and create a climate positive council culture, building on the council's 'ecologically aware' value.

As part of wider stakeholder engagement around the development of Westmorland and Furness Council's Climate Action Plan Part 2, there had been extensive internal consultation, as well as significant external consultation, including 5 events held across the district at locations in Barrow, Ulverston, Kendal and Penrith where a broad section of councillors helped to support these conversations and encouraged residents to give the council their views on how to tackle climate change. There was also an online session held which was open to all residents.

This action plan would be monitored against measurable key performance indices, with regular updates to relevant portfolio holders, and the full governance would be subject to a later paper, outlining the programme of work.

Working with others to target a net zero carbon Westmorland and Furness by 2037 was a very ambitious aim, and the Cabinet Member drew attention to the fact that the council could not do this alone and must work in partnership with businesses, NGOs and communities. Whilst local authorities were only directly responsible for 2-5 per cent of local emissions, through their policies and partnerships they had strong influence over more than a third of emissions in their area (Climate Change Committee, 2020).

This was a 5-year plan that would be reviewed regularly and updated annually. With a full review to happen in 2029. The actions were focussed on current actions, short term actions which would take place in the next 5 years and longer-term actions post 2029.

The Cabinet Member for Climate and Biodiversity said climate change was an extremely serious situation but he felt this action plan would help Westmorland and Furness Council be part of the solution.

He thanked officers for the report and recognised the work that had been done in formulating this and also the collaboration across all the directorates in the authority.

The Cabinet Member for Transport and Environmental Services was pleased to note that the town and parish councils had been consulted during the production of the action plan.

The Cabinet Member for Sustainable Communities and Localities commented that the changes in climate affected the poorest people in the world and this action plan would help the council in trying to make a difference.

The Cabinet Member then moved the recommendations, which were seconded and put to a unanimous vote.

**RESOLVED,** that Cabinet approve part two of the Climate Change Action Plan and affirm the commitments set out in the plan.

## **112. CONSULTATION ON THE POTENTIAL EXPANSION OF SCHOOL PLACES AT BEACONSIDE CE PRIMARY SCHOOL INCLUDING ADDITIONAL RESOURCE PROVISION**

Cabinet members considered a report which informed them that Westmorland and Furness Council was in receipt of Section 106 funding from several housing developments that had been constructed in the Penrith area.

This funding had to be used to support the creation of additional primary school places and could be delivered by making improvements or extensions to existing schools in Penrith.

Discussions around the most effective way to utilise these Section 106 funding contributions had been ongoing for a number of years, pre-dating the creation of Westmorland and Furness Council.

Between 3 October 2023 and 31 October 2023, the Council had consulted on a proposal to expand Beaconside Church of England Primary School in Penrith, both in terms of facilitating an increase of mainstream places and increasing the resource provision available at the school.

This report set out the background and rationale for the proposal, outlined the consultation process and detailed the feedback that was received by the Council in response to the consultation exercise.

The Cabinet Member said it was important to note that over the course of developing the proposal and the consultation period, the total amount available had been clarified and was more than original anticipated (previously understood that the total was £2.67m) due to the contributions being index linked plus additional contributions being available.

The profiled allocation provisionally allocated through the Capital Programme to this project aligned with the indicative costing (including contingency) was £2.67m. The remaining funding (£0.87m) would be the subject of further review and consideration



regarding any future developments in Penrith schools that would meet the Section 106 requirements.

Discussions about the most effective way to utilise these funding contributions had been ongoing for several years, pre-dating the creation of Westmorland and Furness Council. Given the need to secure allocation of the largest sum of contribution before the end of March 2024, the Council had taken the decision to consult on a proposal to both facilitate an increase in the number of mainstream primary places and create key stage two resource provision at Beaconside as a means of ensuring that this funding was used for the benefit of children and families in Penrith.

Beaconside currently has a published admission number (PAN) of 73, and a capacity for 511 children in total. The addition of new classrooms and internal remodelling would allow for a phased increase of the school's published admission number up to a maximum of 90, increasing the overall capacity of the school to a maximum of 630 over time. The proposed development would also enable the creation of 14 new key stage 2 resourced provision places, increasing the number of resourced provision places at the school from 10 to 24. The proposed increase to the school's capacity is inclusive of the new key stage 2 resource provision.

Beaconside was the closest school to most of the new housing developments in Penrith and had a site with significant open space that is amenable to expansion. This concentration of the housing developments meant that Beaconside was most likely to be the preferred destination for new families.

The Deputy Leader commented that this would be excellent for the children of Penrith with physical and special education needs, and she was delighted that this would be a green space for the youngsters.

The Cabinet Member moved the recommendations which were seconded and put to a unanimous vote.

**RESOLVED,** that Cabinet

- (1) notes the feedback that was received in response to the consultation on the proposal to expand the Beaconside School Building to facilitate a phased increase in the published admission number from 73 to 90 over time.
- (2) approves the publication of a statutory notice setting out the Council's intention to establish key stage two resource provision at Beaconside, creating 14 new places designated for children with physical or medical needs as set out in their Education, Health and Care Plans from 1 September 2026.

### **113. NORTH WALNEY PRIMARY SCHOOL - DECISION TO PUBLISH STATUTORY NOTICE**

Cabinet had before it a report which informed them that Westmorland and Furness Council was concerned about the increasing pressure upon both leadership and staff at North Walney Nursery and Primary School to continue to provide a quality educational offer given the ongoing decline in the number of pupils at the school and the resulting impact on the school's financial position.

With the approval of the Director of Children's Services and the Portfolio Holder Children's Services, Education and Skills, a public consultation exercise on a proposal to close the school was undertaken between 1 November 2023 and 12 December 2023. The outcome of this consultation exercise was set out in this report.

The report before members sought a Cabinet decision for the publication of a statutory notice and statutory proposal for the proposed closure of North Walney Nursery and Primary School from 31 August 2024.

The Local Authority recognised that it was to the credit of the leadership, staff, parents and pupils of North Walney Nursery and Primary School that the school had continued to provide a quality educational offer during what had proven to have been a challenging period for the school.

Westmorland and Furness Council was concerned about the increasing pressure upon both the leadership and staff of North Walney Nursery and Primary School to continue to provide a quality educational offer given the ongoing decline in the number of pupils at the school and the resulting impact on the school's financial position.

In drawing up the proposal to close North Walney Primary and Nursery School from 31 August 2024, Westmorland and Furness Council had taken account of the Department for Education's guidance in relation to designated rural schools and was satisfied that the proposal fully addresses all of the considerations relating to proposals to close designated rural schools.

As set out the in the consultation document North Walney Primary School was significantly under-subscribed. There had been a sharp decline in the number of pupils on roll at the school since 2019/20 when the school provided education for 84 children. The number of children on roll in the school at the beginning of the academic year 2023/24 was 27. The school had a capacity of 161 based upon its published admission number.

Births in the North Walney catchment area had reduced in recent years, as they had across Walney Island. Due to fewer children being born, there was little prospect of a significant increase in the number of pupils on roll at North Walney Nursery and Primary School.

In addition, there was little opportunity for pupil growth as a result of inward migration because there were no substantial housing developments planned for Walney Island within the next four-year period.

The governing body was finding it extremely difficult to recruit and retain staff in the current climate and the Local Authority considered that this was increasing the workload on existing school staff to levels that were now unsustainable.

There were four other schools (including South Walney Infant and Junior schools together) within a two-mile radius of North Walney Primary School. Three of them were located on Walney Island and all of them had unfilled places.

The consultation outcomes from the public consultation exercise could be summarised as follows:

- Six respondents (35%) were in favour of the discontinuation of primary education at North Walney Primary school.
- Four respondents (24%) felt that the headteacher and board of governors currently leading the school deserved more time for the impact of the positive work that they have been undertaking to take effect.
- Five people (29%) were concerned that the quality of education for the children would be negatively affected from being compelled to relocate to other schools in the vicinity.

The Deputy Leader was pleased to hear that all the right conversations had taken place before this decision was made.

The Cabinet Member then moved the recommendations which were seconded and put to a vote, which was unanimous.

**RESOLVED,** that Cabinet

- (1) approves the publication of a statutory notice and statutory proposal for the proposed closure of North Walney Nursery and Primary School from 31 August 2024.
- (2) notes that the publication of a statutory proposal will trigger a four-week 'representation period', and that Cabinet will be required to make a final decision on the proposal within a period of two months from the end of the representation period.

#### **114. DETERMINATION OF 2025/26 ADMISSIONS ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED SCHOOLS AND 2025/26 CO-ORDINATED ADMISSIONS SCHEME**

Cabinet considered a report which was presented by the Cabinet Member for Children's Services, Education and Skills which reminded them that on 12 September 2023, Cabinet agreed that Westmorland and Furness Council should proceed to consultation on the following:-

- Proposed School Admission Arrangements for Community and Voluntary Controlled Schools 2025/26 (Appendix A)
- Proposed Co-ordinated Admissions Scheme 2025/26 (Appendix B)
- Proposed Relevant Area 2025/26 (Appendix C)

This consultation was undertaken for a six-week period from 31 October 2023 to 11 December 2023., and Cabinet was requested to review the outcome of the consultation exercise and to approve and determine the Local Authority's proposed Admissions Arrangements for Community and Voluntary Controlled Schools for 2025/26 and the Co-ordinated Scheme for 2025/26.

The recommendations were then moved by the Cabinet Member, seconded, and put to a unanimous vote.

**RESOLVED,** that Cabinet

- (1) approves, in accordance with the School Admissions Code 2021 (para 1.49), and determines the proposed admissions arrangements for Community and Voluntary Controlled schools at Appendix A of the report;
- (2) approves the proposed co-ordinated admission scheme for 2025-26 at Appendix B. of the report;
- (3) approves the relevant area' for admission authorities in Westmorland and Furness at Appendix C of the report.

#### **115. APPROVAL TO AWARD ONTO A FRAMEWORK FOR THE PROVISION OF HOMECARE AND DOMICILIARY CARE SERVICES**

Cabinet had before them a report which sought approval to adopt the Open Framework Agreement for the Provision of Homecare and Domiciliary Care Services, and also approve the appointment of providers who had met or exceeded the minimum standards required and a delegated process to appoint future providers to the Framework.

The Council currently used the legacy framework from Cumbria County Council which was hosted by Cumberland Council to call off homecare spot purchased contracts, with multiple providers currently on the existing framework. This existing Framework would cease on 31 March 2024 and the Council would need in place a new mechanism for ordering/prescribing homecare for 1 April 1 2024.

Within Westmorland and Furness the annual value of the Council commissioned services contracted through the framework was c.£10.7m, supporting over 800 people, delivering c. 9,000 hours of support per week.

This does not include any provision through off-framework arrangements, direct payments, ISFs and/or provision delivered by Care Services. Whilst anticipated Council spend against the Framework was expected to remain within this region,

actual spend was demand lead and there was no value commitment with the Framework.

Cabinet noted the new Framework was relatively short at 2 years with a possible 1 year extension, and that this was designed as such so as a new local unitary authority there was opportunity to fully develop its long term strategic plan regarding domiciliary services and more widely its adult social care strategy before committing to a long term arrangement.

The Cabinet Members informed members that although this was a short term arrangement there had been a number of areas that had been reviewed and evolved to deliver improvements in the service, which included:

- Improving quality and quality assurance
- Improving partnership working, and
- Maintaining and improving hospital flow

In this initial phase 16 providers applied to join the new Framework. Following a robust evaluation process 10 providers, as detailed in appendix A had been successful in meeting the criteria to join the Framework and were recommended to be appointed at this time.

Cabinet members were pleased to note that as this was an “open” arrangement there would be opportunities for providers to apply to join the Framework during its lifetime.

The Cabinet Member then moved the recommendations and these were seconded and put to a vote, which was unanimous.

**RESOLVED,** that Cabinet

- (1) adopts the Open Framework Agreement for the Provision of Homecare and Domiciliary Care Services for a 2 year period with a possible 1 year extension with a total estimated value of £41m. This is inclusive of the 1 year extension and potential spend of the Lancashire and South Cumbria Integrated Commissioning Board as an associate of the Framework. The Framework will commence 1 April 2024 and run until March 31 2026. If the extension was utilised the termination of the Framework will be March 31 2027.
- (2) appoints the providers detailed in Appendix A who have met or exceeded the minimum requirement.
- (3) agrees to delegate the future approval of appointment of providers to the Framework to the Director of Adult Social Care in consultation with the Director of Resources.

## **116. MARINA VILLAGE - BARROW IN FURNESS**

The Leader presented a report which informed members that Marina Village was a brownfield development site, the majority of which was owned by Westmorland and Furness Council, and which was located in the Old Barrow and Hindpool Ward in Barrow and Furness, situated between Cavendish Dock Road and Salthouse Road. It was allocated in the Barrow Borough Local Plan for housing development and had an indicative yield of 650 homes within the plan.

The report sought to update Cabinet on progress with bringing this important development site forward to delivery. Specifically, it sought authority to negotiate and enter into the Grant Funding Agreement (GFA) to draw down the Homes England Grant Funding contribution of £24.840m. This funding was required to support the remediation of the site and the delivery of infrastructure required to de-risk the Scheme and enable the Council to procure a delivery partner or partners for the Scheme.

This report therefore also sought authority to delegate the required powers to officers to progress negotiations on the draft GFA and to enter into the GFA once a final draft had been agreed between the Council and Homes England.

The report sought authorisation from Cabinet to commence public consultation on a draft supplementary planning document (SPD) for the site, with a view to the subsequent adoption of that SPD at a future Cabinet meeting. The Council's objective, in preparing and adopting the SPD, was to provide more clarity to potential future partners on the Council's aspirations for the Site and to give comfort to Homes England that the required number of homes could be achieved on the site.

The report also sought acceptance of the principle of repayment by the Council to Homes England, of a proportion of the grant funding from the future capital receipt for the land, once achieved, and delegated authority to enable officers to prepare and submit an application for outline planning permission for the Scheme, as well as to agree a planning and delivery strategy, to further improve the control the Council will have over the development being brought forward, and to improve the marketability of the Site.

Finally, the reports asked Cabinet for delegated authority to enable officers to enter into and progress commercial negotiations to acquire by agreement land which is located within the Site, but which was currently owned by third parties.

The acquisition of the third party land interests was required to enable the Council to assemble all of the land necessary to facilitate the delivery of the Scheme on the site. In the event that it was not possible to acquire the third party land interests by agreement within the timescales associated with the GFA, the Council would consider using its compulsory purchase powers to enable programme deadlines to be met. Should that approach to land assembly be necessary in due course, Cabinet authority for the making of a compulsory purchase order (CPO) would be sought at the relevant time.

The redevelopment of Barrow's waterfront was a long-held ambition for Barrow Borough Council spanning more than two decades. Success had been realised through the completion of the Waterfront Business Park on Barrow Island, and the attraction of major offshore wind investors to the Port of Barrow, however, progress stalled on the major housing allocation following the 2008 recession and public spending austerity measures.

Realisation of this element would deliver significant change on the site itself and deliver wider benefits in terms of investor confidence to the rest of the town. As such, it was a vital part of Barrow's wider regeneration agenda. The project had come more sharply into focus with the development of Team Barrow and the ongoing discussions with Government around how the Town and wider geography could best support BAE Systems' delivery of key defence infrastructure.

Significant progress had been made in the past two years in assembling the funding package required to address site complexities and unlock the potential for development. £8m of funding had been secured to date which includes Local Growth Funding, and this had allowed the remediation works of phase one of the site to be successfully delivered.

In July 2023 Homes England formally announced the launch of the Brownfield Infrastructure Land Fund, although the fund had long been known about and preparation for a bid was in development by Barrow Borough Council prior to vesting day, working in partnership with Homes England to develop a Strategic Outline Case (SOC).

Westmorland and Furness Council continued with this work post vesting day and had been progressing proactively with Homes England. In August of 2023 the Scheme's SOC was approved by Homes England and work began to further develop the Scheme to a Full Business Case (FBC). The FBC was submitted in December 2023 and approved by Homes England Investment board on 20 December 2023.

The FBC set out the rationale for the investment of £24.840m in the site to unlock an increased housing yield of circa 800 new homes. The 800 homes represented an increase from the 650 allocated in the Local Plan which was brought about by a different approach to the density of the site to include apartment living as well as traditional housing.

The Leader moved the recommendations which were seconded and put to a unanimous vote.

**RESOLVED,**                    that Cabinet

- (1) delegate authority to the Director of Thriving Places in consultation with the Director of Resources and Chief Legal and Monitoring Officer, the Leader, Cabinet Member for Finance, Cabinet Member for Housing and Homelessness and Cabinet Member for Sustainable Communities, to negotiate, finalise and enter into the Grant Funding Agreement (GFA) with Homes England for the value of £24.840m.

- (2) agrees to accept the £24.840m Homes England investment through the Brownfield Infrastructure and Land Fund, acknowledging the associated risks and responsibilities referred to in this report (but noting that if any material risks not referred to in this report arise prior to entering into the GFA they will be reported back to Cabinet prior to the GFA being entered into).
- (3) agrees to repay through the capital receipt for the site, a contribution for the site infrastructure to Homes England up to a maximum amount of £3.052m.
- (4) delegates authority to the Director of Thriving Places in consultation with the Leader, Cabinet Member for Finance, Cabinet Member for Housing and Homelessness and Cabinet Member for Sustainable Communities and Localities to agree the final draft of the supplementary planning document (SPD) and authorise the commencement of the public consultation on the SPD.
- (5) delegates authority to the Director of Resources to develop and submit an application, under the Town and Country Planning Act 1990, for outline planning permission for the Scheme.
- (6) delegates authority to the Director of Thriving Places in consultation with the Director of Resources and Chief Legal and Monitoring Officer and the Leader, Cabinet Member for Finance, Cabinet Member for Housing and Homelessness and Cabinet Member for Sustainable Communities and Localities to agree the planning and delivery strategy for the Scheme.
- (7) authorises the Director of Thriving Places in consultation with the Director of Resources and Chief Legal and Monitoring Officer to enter into and progress commercial negotiations to acquire by agreement the third party land interests identified on the Site Plan of Third Party Land Requirements at Appendix 1 to this Report, to facilitate the assembly of all of the land necessary for the delivery of the Scheme on the site.
- (8) authorises the Director of Thriving Places in consultation with the Director of Resources and Chief Legal and Monitoring Officer to make any future change request through the change request process outlined in the Grant Funding Agreement as may be required during the life of the grant (but noting that if any material risks not referred to in this report relate to such change request they will be reported back to Cabinet prior to the relevant change request being concluded).

## **117. URGENT ITEMS**

There were no urgent items of business.

The meeting ended at 11.15 am