

**Committee Name and Date of Committee Meeting**

Delegated Officer Decision – 18 March 2024

**Report Title**

Riverside Gardens, Corporation Street & Upper Millgate approval for Stopping Up application to be implemented.

**Is this a Key Decision and has it been included on the Forward Plan?**

No, but it has been included on the Forward Plan

**Assistant Director Approving Submission of the Report**

Simon Moss, Assistant Director, Planning, Regeneration & Transport

**Report Author(s)**

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**Ward(s) Affected**

Borough-Wide or Name of Ward

Boston Castle

**Report Summary**

To support the implementation of the proposed stopping up of highway at Market Street, Rotherham, S60 1NR pursuant to section 247 of the Town and Country Planning Act 1990 in order to complete the Riverside Gardens design as per planning application RB2022-1667, two irregular shaped areas of highway bounded by Corporation Street, Domine Lane and the River Don require stopping up subject to the Department for Transport “DfT” process.

**Recommendations**

1. To support the implementation of the stopping up order associated with the planned scheme.

**List of Appendices Included**

- Appendix 1 Stopping up Order Y&H-5544-DRAFT ORDER
- Appendix 2 Y&H-5544-DRAFT PLAN 1
- Appendix 3 Y&H-5544-DRAFT PLAN 2
- Appendix 4 Equality Analysis (Corp St & RG)

## **Background Papers**

### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

Name of Committee – [Click here to enter a date.](#)

Name of Committee – [Click here to enter a date.](#)

### **Council Approval Required**

No

### **Exempt from the Press and Public**

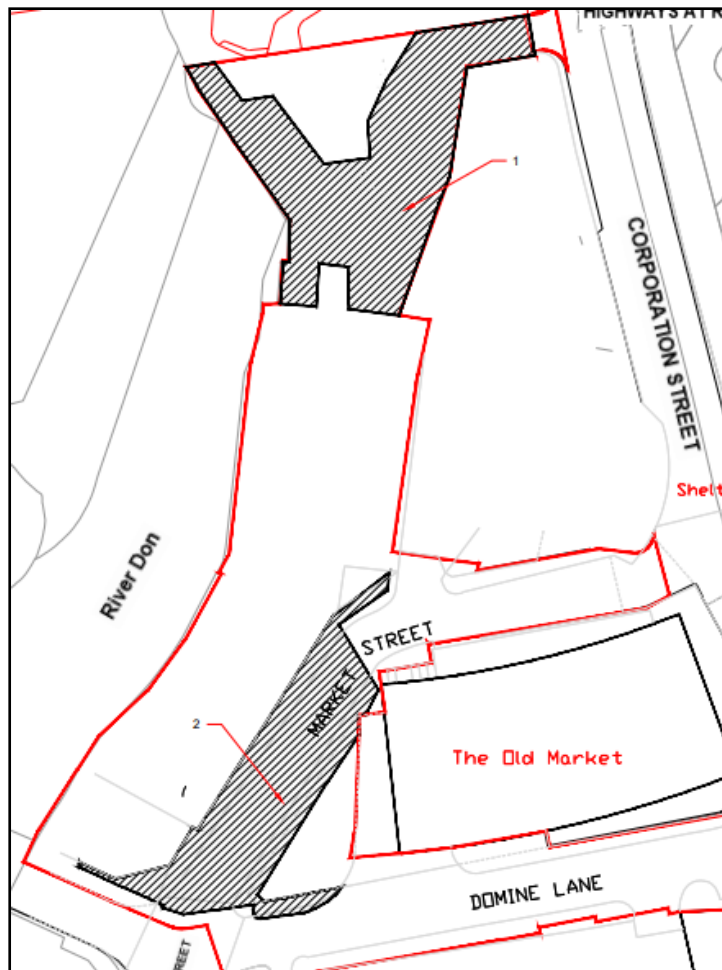
No

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## Riverside Gardens, Corporation Street & Upper Millgate approval for Stopping Up application to be implemented.

### 1. Background

- 1.1 To enable development of the scheme as permitted by RMBC under reference RB2022/1667, the Secretary of State has given notice of the proposal to make an Order under section 247 of the Town and Country Planning Act 1990 to authorise the stopping up of the areas of highway bounded by Corporation Street, Domine Lane and the River Don shown edged and hatched in black in the plan, below.



### 2. Key Issues

- 2.1 The plans were approved by the DfT with a period of consultation undertaken for 28 days commencing 2nd November 2023. No objections were received during this period and therefore the order is implementable from the 28th December 2023 subject to a 6 week High Court Challenge period up to 8th February. From that point unless a challenge has been received the Stopping up Order can be implemented.

### **3. Options considered and recommended proposal**

- 3.1 It is recommended that the areas highlighted are stopped up to create the pedestrianised areas critical to the gardens scheme therefore the Council should therefore proceed and accept the DfT approved stopping up order.
- 3.2 The alternative option is not to agree to the stopping up of these areas of highway resulting in the Riverside Gardens design approved by planning not being deliverable, requiring a redesign and amended planning application. By removing the areas to be stopped up the scheme would be negatively affected, as there would be less space to enable the accessible-to-all ramped path access through the site to be installed.
- 3.3 Accordingly, it is recommended to support the implementation of the stopping up order associated with the planned scheme.

### **4. Consultation on proposal**

- 4.1 The scheme has had significant stakeholder engagement and public consultation throughout the design process, and during the planning application process.
- 4.2 The stopping up process itself has had to follow a DfT enforced consultation period of 28 days where objections can be submitted via the Secretary of State and must be resolved before a High Court Challenge period commences, running for 6 weeks. No objections were received and the challenge period has expired.

### **5. Timetable and Accountability for Implementing this Decision**

- 5.1 Expenditure of Future High Street and Levelling Up Funds must take place by March 2026.
- 5.2 The DfT stopping up consultation period ended in December 2023, with no objections it entered the High Court Challenge period lasting 6 weeks that ended 8th February 2024. The stopping up Order can now be implemented and works on the highway can commence any time thereafter.
- 5.3 The Contractor C R Reynolds will progress the RIBA4 detailed designs for the scheme, targeting a start on site Summer 2024.

### **6. Financial and Procurement Advice and Implications**

- 6.1 The expenditure associated with the stopping up order will be met from the capital budget allocation for this scheme.

## **7. Legal Advice and Implications**

- 7.1 The statutory framework for the stopping up order and planning regime are detailed in the body of the report and there are no other material legal implications arising from the contents of the report.

## **8. Human Resources Advice and Implications**

- 8.1 There are no direct human resource implications arising from this report.

## **9. Implications for Children and Young People and Vulnerable Adults**

- 9.1 There are no direct implications arising from this report

## **10. Equalities and Human Rights Advice and Implications**

- 10.1 The initial screening assessments were carried out for Corporation St and acknowledged by the Equalities Team on the 17th of April 2023 and Riverside Gardens on the 25h May 2023. Part B has been completed and was acknowledged for Riverside Gardens on the 7th of June 2023 and has been drafted for Corporation Street and will be completed during the scheme.

## **11. Implications for CO2 Emissions and Climate Change**

- 11.1 The Carbon Impact Assessment documents were completed for Corporation Street on the 18th of April 2023 Ref: CIA064 and Riverside Gardens on the 27th of March 2023 Ref: CIA057.
- 11.2 There are no carbon impacts from the stopping up decision itself but I have summarised the impacts from the wider Riverside Gardens scheme and provided a new tracking reference which is CIA255.

## **12. Implications for Partners**

- 12.1. There are no direct implications anticipated

## **13. Risks and Mitigation**

- 13.1 A risk would be not to proceed with the proposed stopping up order, the Riverside Gardens scheme requiring a redesign, likely resulting in a missed opportunity to benefit from the full impact the scheme could have on the area and the wider Forge Island development, a key site in the Councils regeneration of the Town Centre.
- 13.2 A further risk would be if the redesign results in a new planning application been required, adding further delay and cost to the scheme.

## **14. Accountable Officers**

Simon Moss, Assistant Director, Planning, Regeneration & Transport

Lorna Vertigan, Head of Regeneration

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.

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