

ROTHERHAM BOROUGH COUNCIL – REPORT TO Cabinet

1.	Meeting:	Cabinet
2.	Date:	7th September 2011
3.	Title:	Waste PFI Project - Appropriation of Land at Bolton Road
4.	Directorate:	EDS

5. Summary

The Council owns land at Bolton Road, Wath upon Dearne, which for identification purposes is edged in red on the plan at Appendix A to this report and which has been earmarked for site of a waste treatment and processing plant for the joint PFI scheme between the Council, Barnsley and Doncaster councils (the BDR Waste Partnership). The land will in due course be transferred into the joint names of the councils.

The land was originally acquired under the general power of acquisition contained in section 120 (acquisition of land by agreement by principal councils) of the Local Government Act 1972. Consequently, in order to guard against the possibility of third party rights or interests of which the Council is unaware, the Cabinet is requested to resolve that the land be appropriated for planning purposes under section 237 (power to override easements and other rights) of the Town and Country Planning Act 1990. The Land is currently allocated for industrial and business purposes in the 1999 Unitary Development Plan.

The effect of appropriating land under section 237 is that any third party rights or interests in, on or over the land are overridden and affected persons compensated accordingly.

6. Recommendations

That the Cabinet resolve to appropriate for planning purposes, under section 237 of the Town and Country Planning Act 1990, the land known as land at Bolton Road, Wath upon Dearne, which is edged in red on the plan annexed to this report, to facilitate the development of the waste treatment and processing plant in accordance with the joint PFI scheme between Barnsley, Doncaster and Rotherham councils.

7. Proposals and Details

See Summary

8. Finance

None

9. Risks and Uncertainties

Appropriating the land for planning purposes will remove the risk of third parties interrupting the development of the land.

10. Policy and Performance Agenda Implications

The Waste PFI project is part of the Council's waste strategy and the site of the waste treatment and processing plant an important part of that strategy.

11. Background Papers and Consultation

Cabinet Report – 23rd March 2011.
Cabinet Report - 20th October 2010

Compliance with Legislation and Regulations:
S120 of the Local Government Act 1972 and S237 of the Town and Country Planning Act 1990.

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APPENDIX A

LAND AT BOLTON ROAD, [DISTRICT], ROTHERHAM

