



# INDIVIDUAL DECISION BY THE MEMBER FOR RESOURCES & PERFORMANCE MANAGEMENT

BURNLEY TOWN HALL

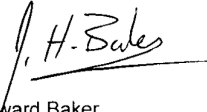
## PRESENT

OFFICERS Eric Dickinson - Democracy Officer

13.

### South West Burnley Overarching Development Agreement - Appropriation

Purpose	To seek authority for the appropriation of land in South West Burnley, shown edged red on Plan A, as required under the terms of the South West Burnley Overarching Development Agreement, to enable disposal.
Reason For Decision	<p>The Council acquires and holds property for various statutory purposes in order to provide its various functions. Land is used only for the purpose of the function for which it was originally acquired, until such time as it is disposed of or appropriated for another purpose. In this instance the land edged red on Plan A has been acquired over a number of years for housing purposes under the Housing Act 1957 part III (now part IX Housing Act 1985) and the Housing Act 1957 part V (now part II Housing Act 1985).</p> <p>Land is held by the Council subject to any existing third party legal rights and any such rights will pass with the land on disposal. If the land is formally appropriated for planning purposes prior to disposal, however, Section 237 of the Town and Country Planning Act 1990 provides statutory power to override easements and other rights subject to the grant of planning permission for the development of the land being received.</p> <p>In accordance with the provisions of the Overarching Development Agreement (ODA) with Keepmoat Ltd, the Council's Lead Developer Partner for South West Burnley, the land edged red on Plan A must be appropriated for planning purposes prior to the completion of a 250 year lease. This will enable the whole of the land edged orange and green on Plan B to be redeveloped for housing purposes.</p>
Decision	To appropriate for planning purposes land at South West Burnley, shown edged red on Plan A, under Section 122 of the Local Government Act 1972, to enable disposal pursuant to section 233 of the Town and Country Planning Act 1990.



Decision made by: Councillor Howard Baker  
Executive Member for Resources and Performance Management

Date: 17<sup>th</sup> March 2015  
Decision Published on: 17<sup>th</sup> March 2015