

Public Report with Exempt Appendices  
Cabinet

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**Committee Name and Date of Committee Meeting**

Cabinet – 07 July 2025

**Report Title**

Land Acquisition for Flood Alleviation Schemes

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

Yes

**Strategic Director Approving Submission of the Report**

Andrew Bramidge, Strategic Director of Regeneration and Environment

**Report Author(s)**

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**Ward(s) Affected**

Sitwell  
Dinnington

**Report Summary**

The Council acting as Lead Local Flood Authority (LLFA) has a duty under the Flood and Water Management Act 2010 to reduce flood risk to residents of Rotherham. Since 2020 the Council's Flood Alleviation Team have been developing six priority flood alleviation schemes to a "shovel ready" status and delivering the construction of funded schemes. This report seeks approval to acquire five parcels of land in third party ownership which are required to deliver the Whiston Brook Flood Alleviation Scheme at Whiston and one parcel of land in third party ownership to deliver the Eels Mire Dike Flood Alleviation Scheme at Laughton Common.

**Recommendations**

That Cabinet:

1. Approve the acquisition of approximately 20.04 acres from land title SYK345249 together with associated costs.
2. Approve the acquisition of approximately 15.12 acres from land title SYK648291 together with associated costs.

3. Approve the acquisition of approximately 0.17 acres from land title SYK229346 together with associated costs.
4. Approve the acquisition of approximately 0.12 acres from land title SYK129461 together with associated costs.
5. Approve the lease of approximately 1.11 acres from land title SYK550557 together with associated costs.
6. Approve the acquisition of approximately 12.02 acres from land title SYK156703

### **List of Appendices Included**

Appendix 1 - Plan Showing Land Titles SYK229346 and SYK129461  
Appendix 2 - Plan Showing Land Titles SYK345249, SYK648291 & SYK550557  
Appendix 3 - Plan Showing Land Title SYK156703  
Appendix 4 - EXEMPT - Estimated Land Values  
Appendix 5 - (Part A) Initial Equality Screening Assessment  
Appendix 6 - Climate Impact Assessment

### **Background Papers**

Improving Places Select Commission (IPSC) – An update on the Council's Six Priority Flood Alleviation Schemes

- 6<sup>th</sup> February 2020 - to IPSC
- 30<sup>th</sup> November 2020 - to Flood Alleviation Scheme (FAS) sub-group of IPSC
- 7<sup>th</sup> September 2021 - to IPSC
- 25<sup>th</sup> October 2022 - to IPSC
- 19<sup>th</sup> September 2023 - to IPSC
- 10<sup>th</sup> December 2024 - to IPSC

Cabinet - Proposed Capital Investment

- 15<sup>th</sup> February 2020 – £5.8m to progress 6 priority Flood Alleviation Schemes to a 'Shovel Ready' state
- 12<sup>th</sup> February 2024 – £5.5m for additional support for delivery (to the 'Shovel Ready' position) and as partial contribution towards the construction of Whiston Brook Flood Alleviation Scheme and Eel Mires Dike Flood Alleviation Scheme

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

None

### **Council Approval Required**

No

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

An exemption is sought for Appendix 4 (Estimated Land Values) under Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A of the Local Government Act 1972 is requested, as this report contains sensitive commercial information with regards to commercial agreements which could

disadvantage the Council in any negotiations if the information were to be made public.

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information, as the parties' commercial interests could be prejudiced by disclosure of commercial information.

## **Land Acquisition for Flood Alleviation Schemes**

### **1. Background**

- 1.1 Following the devastating impacts of the November 2019 floods, the Council identified six Priority Flood Alleviation Scheme (FAS) projects that will significantly reduce the risk of flooding on people, property, businesses, and infrastructure.
  - 1.1.1 In April 2021, the Council allocated £5.8m of its corporate capital resources to start pre-construction development work for the six priority FAS, with the objective to achieve a 'Shovel Ready' status.
  - 1.1.2 Since then, six reports have been presented to the Improving Places Select Commission on the progress of the six priority Flood Alleviation Schemes. In addition, £5.5m of corporate capital resources have been awarded to support the delivery of the projects (to the 'Shovel Ready' position) and as partial contribution towards the construction of Whiston Brook Flood Alleviation Scheme and Eel Mires Dike Flood Alleviation Scheme.
- 1.2 Whiston Brook is a tributary of the River Rother and flows through the centre of Whiston.
  - 1.2.1 The brook poses a significant flood risk to the village which has been affected by recurring flood events. Most recently, the village was significantly affected by flooding in October 2023. The severity of these floods is worsened by the additional surface water runoff and the strain on the existing drainage systems within Whiston.
  - 1.2.2 There is a flood risk through the village centre, impacting communities immediate to the brook. Where Whiston Brook meets Ulley Brook and the River Rother to the western area of Whiston, high water levels within the River Rother cause the brook to "back up", limiting discharge and resulting in significant flood extents. Previous flooding incidents have disrupted the local road network, notably Howlett Close and Long Lane.
  - 1.2.3 The Council is proposing to provide better flood protection to Whiston village. The flood protection is to protect against overflowing riverbanks (fluvial flooding) and overwhelmed drainage systems (pluvial flooding) caused by heavy rainfall.
  - 1.2.4 A Flood Alleviation Scheme at Laughton Common, specifically focusing on Eel Mires Dike, is needed to reduce the risk of flooding. Flooding in Laughton Common, which was severely affected in 2019, has caused significant damage and disruption to homes, businesses and infrastructure. The scheme aims to mitigate this risk by improving flood management measures.

## **2. Key Issues**

- 2.1 The key critical issue for the implementation of these measures is that none of the lands where the Flood Alleviation Schemes are to be constructed are within the ownership of Rotherham Council. This report includes all the planned acquisitions and leases for the Whiston Brook Flood Alleviation Scheme, but only one for the Eel Mires Dike Flood Alleviation Scheme. Future land acquisitions and leases for Eel Mires Dike Flood Alleviation Scheme will form part of a later Cabinet report. The land will be used to construct the various aspects of the schemes, such as attenuation reservoirs, wetland areas and flow control structures to help reduce the risk of flooding to Whiston and Laughton Common.
- 2.2 To progress with the construction for the proposal, land needs to be acquired from various landowners. The negotiated land value will be based on market evidence supplied by Property Services. Cabinet are asked to approve the acquisition or lease of the following land parcels:
- 2.2.1 Land title SYK345249 (Whiston Brook Flood Alleviation Scheme) - approximately 20.04 acres - acquisition. There will be an additional cost for the landowner's reasonable legal costs and surveyor's costs in dealing with the acquisition together with the erection and payment for a boundary feature between the land being acquired by Rotherham Council and the remainder of the land held by the Landowner under the land title. Negotiations are ongoing.
- 2.2.2 Land title SYK648291 (Whiston Brook Flood Alleviation Scheme) - approximately 15.12 acres - acquisition. There will be an additional cost for the landowner's reasonable legal costs and surveyor's costs in dealing with the acquisition. There is also a one-off payment for an additional area within this land title that is not being acquired. This additional area won't form part of the main reservoir but does have an increased flood risk due to the proposed scheme and this is why the additional payment is to be made. Negotiations are ongoing.
- 2.2.3 Land title SYK229346 (Whiston Brook Flood Alleviation Scheme) - approximately 0.17 acres - acquisition. There will be an additional cost for the landowner's reasonable legal costs and surveyor's costs in dealing with the acquisition. There is also a one-off payment for an additional area within this land title that is not being acquired. This additional area won't form part of the main reservoir but does have an increased flood risk due to the proposed scheme and this is why the additional payment is to be made. Additionally, there will be a payment for the erection a boundary feature between the land being acquired by Rotherham Council, and the remainder of the land held by the Landowner under the land title. Negotiations are ongoing.
- 2.2.4 Land title SYK129461 (Whiston Brook Flood Alleviation Scheme) - approximately 0.12 acres - acquisition. There will be an additional cost for the landowner's reasonable legal costs and surveyor's costs in dealing with the acquisition. There is also a one-off payment for an additional area within this land title that is not being acquired. This additional area won't form part of the

main reservoir but does have an increased flood risk due to the proposed scheme and this is why the additional payment is to be made. Additionally, there will be a payment for the erection a boundary feature between the land being acquired by Rotherham Council and the remainder of the land held by the Landowner under the land title. Negotiations are ongoing.

- 2.2.5 Land title SYK550557 (Whiston Brook Flood Alleviation Scheme) - approximately 1.11 acres - lease for a 32 year term. There will be an additional cost for the landowner's reasonable legal costs and surveyor's costs in dealing with the lease, together with a payment for the erection a boundary feature between the land being leased by Rotherham Council and the remainder of the land held by the Landowner under the land title. The basic terms of the lease have been agreed between the landowner and Rotherham Council. Solicitors have been instructed on this lease, but the completion will only occur once Cabinet approval has been achieved.
- 2.2.6 Land title SYK156703 (Eel Mires Dike Flood Alleviation Scheme) - approximately 12.02 acres - acquisition. This is already with solicitors, awaiting Cabinet approval.

- 2.3. A summary of the above land parcels for the Whiston Brook Flood Alleviation Scheme is displayed in the following table:

HM Land Registry Title Number	Estimated land size	Acquisition or Lease	Additional Inclusions*		
			A	B	C
SYK345249	20.04 acres	Acquisition	x	x	
SYK648291	15.12 acres	Acquisition	x		x
SYK229346	0.17 acres	Acquisition	x	x	x
SYK129461	0.12 acres	Acquisition	x	x	x
SYK550557	1.11 acres	Lease (32 years)	x	x	
SYK156703	12.02 acres	Acquisition			

Additional Inclusions\*

A = Landowner's reasonable legal costs and surveyor's costs

B = Erection for a boundary feature

C = One-off payment for land with an increased flood risk, but is outside of land acquisitions

### 3. Options considered and recommended proposal

- 3.1 Negotiate directly with the landowners and continue to build up a positive relationship with them. Some of these landowners will have been directly affected by the flooding in Whiston and Laughton Common in the past and therefore it was considered that they may take the view that their remaining land will benefit from the proposed Flood Alleviation Schemes as well as it being beneficial to the local community. By implication, the landowners will be directly helping the community by allowing Rotherham Council to acquire their land. This is the recommended option.

- 3.2 Compulsory purchase of the land was considered; however, this can be time consuming and costly approach to acquiring land. Ultimately, it is in the best interests of Rotherham Council to negotiate with the landowners in terms of time and maintaining the ongoing positive relationship with them. This option is not recommended.
- 3.3 The table above in Section 2.3 shows the land the Council is currently negotiating to acquire or to lease for the Whiston Brook Flood Alleviation Scheme and the Eel Mires Dike Flood Alleviation Scheme.
- 3.4 There will be additional land acquisitions and leases relating to the Eel Mires Dike Flood Alleviation Scheme, and the Council will bring forward a further report to detail the planned acquisitions for this project. There are over 20 landowners the Council is currently negotiating with at Laughton however there is a need to purchase this critical parcel of land as soon as possible as it is available and could be bought by others which would require the Council to start negotiations with the new landowners and could result in delays and or compulsory purchase orders.

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

- 4.1 The Council has already engaged with communities through Parish/Town Council's in workshops, distributed newsletters to residents and businesses previously affected by flooding, as well as engagement with stakeholders, landowners and residents where applicable.

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

- 5.1 The Head of Highways and Flood Risk is accountable for the development of these schemes to the preconstruction phase and for ensuring funded schemes are completed within budget and timescales. The Highway asset and Drainage Manager leads the operational coordination of actions to ensure the progression of the schemes.
- 5.2 Project development, including design, surveys and public engagement has already taken place.
- 5.3 Negotiation and acquisition of the land parcels has already commenced and will be completed once cabinet approval has been received.
- 5.4 In terms of Whiston, work is expected to start on site in Q2/Q3 2025 and in line with the funding deadline, the completion of the Flood Alleviation Scheme is expected to be completed in Q2/Q3 2026.

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

- 6.1 Exempt Appendix 4 provides the anticipated costs of this recommendation and funding proposals for the acquisitions and construction costs. The acquired land will require maintenance but as works should commence quickly, this is thought to be minimal. Consideration to abortive options are also in the exempt appendix.

- 6.2 For the construction of the Whiston Brook Flood Alleviation Scheme and the Eel Mires Flood Alleviation Scheme, the Council currently has an approved budget of £4.25m awaiting allocation (which is part of the £5.5m of Council capital resource allocated in 2024), added to the £150k already allocated to Eel Mires gives a total Budget of £4.4m. Whilst this available budget is sufficient to carry out the required acquisitions and start to progress the delivery side of the project, there is a funding shortfall on the overall delivery. The total projected costs to fully deliver both schemes is £15m (£9m for Eel Mires and £6m for Whitson), as such there is a funding shortfall on these schemes of £11.6m.
- 6.3 The Council intends to deliver both schemes, and work is underway identify alternative funding sources.
- 6.4 The land acquisitions are essential to delivering these schemes. It is recommended to proceed with these in advance of a fully funded budget to avoid the land being sold to other parties and/or being utilised for other means, which would essentially mean redesigning the scheme or potentially meaning the schemes becoming unfeasible.
- 6.5 In the event of the schemes not coming to fruition, the Council has the following options to mitigate any losses:
- Lease the land (the majority of land is agricultural land which could be farmed) until the schemes become viable again.
  - Sell the land to recover the investment.
- 6.6 The acquisition of land falls outside the scope of procurement legislation and as such there are no direct procurement implications associated with the recommendations detailed in this report.

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

- 7.1 The Council acting as Lead Local Flood Authority (LLFA) has a duty under the Flood and Water Management Act 2010 to reduce flood risk to residents of Rotherham.

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

- 8.1 There are no HR implications arising from this report.

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

- 9.1 Flood events impact can impact large areas of Rotherham and the residents of those areas including children, young people and vulnerable adults. The Council's Drainage and Flood Alleviation Teams work to reduce flood risk around the borough to ensure full access for all to the highway network and the flood risk to properties is at the lowest level.



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

- 10.1 An initial Equalities Screening Assessment has been completed as Appendix 5.

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

- 11.1 There are no CO2 Emissions and Climate Change implications arising from this report. However, it should be noted that the need to deliver further flood mitigation is likely associated with the impact of climate change and the modelling used by the team takes account of these changes.

## **12. Implications for Partners**

- 12.1 There are no implications for Partners arising from this report.

## **13. Risks and Mitigation**

- 13.1 If these land parcels are not acquired by Rotherham Council, the risk is that the proposed Flood Alleviation schemes will not be able to proceed and significant flooding risk will remain at both Whiston and Laughton Common. Acquiring these land parcels will mitigate that risk and enable Rotherham Council to proceed with these Flood Alleviation schemes, working in conjunction with the Environment Agency.

## **14. Accountable Officers**

Richard Jackson, Head of Highways and Flood Risk  
Andy Saxton, Highway Asset and Drainage Manager

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp OBE	23/06/25
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	18/06/25
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	18/06/25

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