GOVERNMENT OFFICE
FOR YORKSHIRE AND THE HUMBER

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**Direct Line: 0113 341 2712**
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**E Mail: yhplancase@goyh.gsi.gov.uk**

Our Ref: YH5097/12/11
Your Ref: AC\AC\75150\6
Date: 15 May 2007

Dear Sirs

**THE ROTHERHAM BOROUGH COUNCIL (TEMPLEBROUGH TO ROTHERHAM FLOOD ALLEVIATION SCHEME – CART TRACK) COMPULSORY PURCHASE ORDER 2007**

Thank you for your letters dated 13 April, 1 May and e-mail of 26 April 2007 seeking confirmation of the above order.

Notice is hereby given by the Secretary of State for Communities and Local Government under section 14A of the Acquisition of Land Act 1981 that the power to confirm The Rotherham Borough Council (Templebrough to Rotherham Flood Alleviation Scheme – Cart Track) Compulsory Purchase Order 2007 may be exercised by Rotherham Borough Council subject to the restrictions and requirements of that section.

I enclose one sealed order and map to which it refers.

If the order is confirmed this should be indicated on the sealed order by means of an endorsement with words to that effect (e.g. "The Rotherham Borough Council hereby confirms this order"), duly dated and authenticated by a person with authority to do so.

Notification of the order decision should be sent to Mrs J Gibson at the above address as soon as reasonably practicable after its determination. If the order is confirmed, a copy of the confirmed order should be enclosed with the notification.

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This notice may be revoked at any time prior to the determination of the order and notification to the Secretary of State.

The requirements of section 15 of the 1981 Act in relation to notices after confirmation of an order apply to the order concerned.

Signed by authority of the Secretary of State

Mrs A BATCHELOR
Government Office for Yorkshire and The Humber

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Date: 15 May 2007

Dear Sirs

**THE ROTHERHAM BOROUGH COUNCIL (TEMPLEBROUGH TO ROTHERHAM FLOOD ALLEVIATION SCHEME – CART TRACK) COMPULSORY PURCHASE ORDER 2007 NOTIFICATION OF POWER TO CONFIRM, SECTION 14A OF THE ACQUISITION OF LAND ACT 1981**

This letter accompanies a notice under section 14A of the Acquisition of Land Act 1981 (as amended by the Planning and Compulsory Purchase Act 2004) empowering Rotherham Borough Council to confirm the above order.

The notice is served by the Secretary of State for Communities and Local Government on the basis that all the notice requirements of sections 11 and 12 of the 1981 Act in relation to the order have been met, that the order is unopposed and that it is capable of confirmation without modification and as a single order (i.e. not in stages).

The Council now needs to decide whether or not to confirm the order. The Council does not have the authority to modify the order on confirmation, or to confirm it in stages.

If the Council becomes aware of a defect in the order which could be corrected by a modification on confirmation, the order should be referred back to this office with details so that such a modification can be considered by the Secretary of State if she decides to confirm the order.

As the notice explains, if the Council decide to confirm it, the sealed order (returned herewith) needs to be endorsed as such. A possible wording is given in the notice. The endorsement needs to be authenticated and dated by a person properly authorised by the Council to do so. The map does not need to be endorsed.

If the order is confirmed, no formal decision letter is required, as the case for its making will already have been explained in the Statement of Reasons and other documentation which

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accompanied the order when it was submitted for confirmation. Notices of confirmation will, however, need to be served, advertised and affixed on the order land in accordance with section 15 of the 1981 Act. Form 11 in the Schedule to the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004 prescribes the format for such a notice.

This office should be notified of the decision on the order as soon as reasonably practicable and, if it is confirmed, a copy of the endorsed order should also be sent to us for formal archiving.

The Secretary of State recognises the importance of minimising uncertainty in relation to interests in land included in compulsory purchase orders, and it is therefore her policy that all orders should be determined as quickly as practicable. If, therefore, this office has not received notification of a decision on the order within 6 weeks of the date of the section 14A notice, consideration will be given to whether that notice should be revoked.

Rotherham Borough Council should be aware that it is possible for other circumstances to arise which would necessitate the exercise of the power to revoke the section 14A notice before the order to which it relates is decided. An example might be where someone who is not named in the order schedule alleges he is a qualifying person for its purposes, and that he has been denied the opportunity to object because notices were not served on him. Such an allegation would need to be investigated, and it would therefore not be appropriate for the order to be confirmed by the acquiring authority whilst it was outstanding.

From the date on which the confirmation of the order is first published, the provisions of section 23 of the 1981 Act enabling an aggrieved person to challenge it in the High Court will apply.

Yours faithfully

/ Batchelor

Mrs A BATCHELOR
Government Office for Yorkshire and The Humber

ROTHERHAM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
AND THE ACQUISITION OF LAND ACT 1981

THE ROTHERHAM BOROUGH COUNCIL
TEMPLEBOROUGH TO ROTHERHAM FLOOD ALLEVIATION SCHEME –
CART TRACK
COMPULSORY PURCHASE ORDER 2007

HEAD OF LEGAL SERVICES
ROTHERHAM BOROUGH COUNCIL

THE ROTHERHAM BOROUGH COUNCIL

(TEMPLEBROUGH TO ROTHERHAM FLOOD ALLEVIATION SCHEME (CART TRACK)
COMPULSORY PURCHASE ORDER 2007

TOWN AND COUNTRY PLANNING ACT 1990 AND THE ACQUISITION OF LAND ACT 1981

The Rotherham Borough Council (in this order called "the acquiring authority") makes the following order:

1. Subject to the provisions of this Order the acquiring authority is, under Section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 hereby authorised to purchase compulsorily the land described in paragraph 2 for the purpose of:

   (1) providing a route for a gas main diversion to facilitate the provision of on-line flood defences and a dedicated flood mitigation area and consequential nature conservation resource as an essential element for sustainability of the Templeborough to Rotherham Flood Alleviation Scheme which would reduce flood risk in the area to an annual probability of 1% (1 in 100 year protection).

   (2) provision of the Templeborough to Rotherham Flood Alleviation Scheme is required for the short, medium and long term planning of the Templeborough and Rotherham Urban Centre areas so as to:-

      a) reduce flood risk to brownfield sites in order to help facilitate development

      b) reduce flood risk to existing infrastructure and businesses to an acceptable level so as to improve sustainability of the area

      c) ensure flood risk is not increased to existing infrastructure and property within or immediately adjacent to the floodplain of the River Don

2. The land authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown in red on the map prepared in duplicate, sealed with the Common Seal of the acquiring authority and marked "Map referred to in the Rotherham Borough Council (Templeborough to Rotherham Flood Alleviation Scheme – Cart Track) Compulsory Purchase Order 2007".

3. Parts II and III of Schedule 2 to the Acquisition of Land Act 1981 are hereby incorporated with this Order subject to the modification that references to the said Part of the said Schedule to the undertaking shall be construed as references to any building or work constructed or to be constructed on that part of the land authorised to be purchased on the said map.

# SCHEDULE

## LAND TO BE PURCHASED

### TABLE 1

| Number on map | Extent, description and situation of the land | Qualifying person under S12(2)(a) of the Acquisition of Land Act 1981 – name and address | | |
|---|---|---|---|---|
| | | Owners or reputed owners | Lessees or reputed lessees | Occupiers (except tenants for a month or less) |
| (1) | Lands in the Metropolitan Borough of Rotherham<br><br>0.194 hectares of land known as the Cart Track comprising a unmade roadway north of Sheffield Road Templeborough Rotherham | Unknown | Unknown | Unknown |

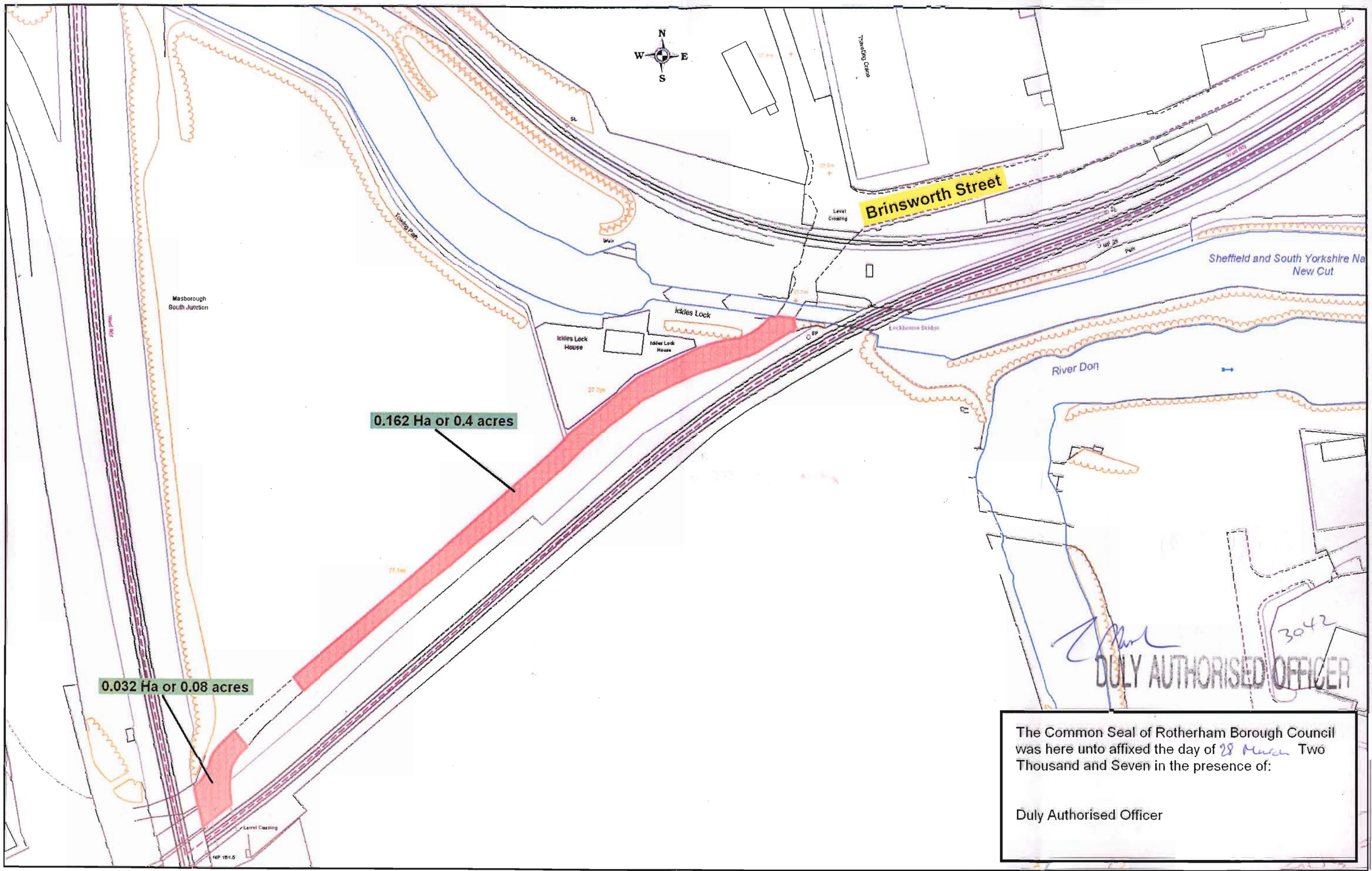
### TABLE 2

| Number on map | Extent, description and situation of the land | Qualifying person under S12(2)(a) of the Acquisition of Land Act 1981 – name and address | | |
|---|---|---|---|---|
| | | Owners or reputed owners | Lessees or reputed lessees | Occupiers (except tenants for a month or less) |
| | | | | |

THE COMMON SEAL of )
Rotherham Borough Council )
was hereunto affixed on the )
28 day of March 2007 )
in the presence of:- )

Duly Authorised Officer

3042




The Common Seal of Rotherham Borough Council was here unto affixed the day of 28 March Two Thousand and Seven in the presence of:

Duly Authorised Officer

This map is based on the Ordnance Survey Land Line map with the sanction of the controller of Her Majesty's Stationery Office. Crown Copyright Reserved.

**Rotherham Metropolitan Borough Council**
**Town and Country Planning Act 1990 and The Acquisition of Land Act 1981**
**Map referred to in the Templeborough to Rotherham Flood Alleviation Scheme - Cart Track Compulsory Purchase Order 2007**

Scale 1:1250

Executive Director: Adam Wilkinson
Economic & Development Service
RMBC
Bailey House
Rawmarsh Road
Rotherham, S60 1TD