

NOTICE OF CONFIRMATION

ROTHERHAM METROPOLITAN BOROUGH COUNCIL COMPULSORY PURCHASE ORDER 2023

SECTIONS 226(1)(A) AND 226(3)(A) OF THE TOWN AND COUNTRY PLANNING ACT 1990

AND

SECTION 13 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

AND

THE ACQUISITION OF LAND ACT 1981

1. Notice is hereby given that Rotherham Metropolitan Borough Council, in exercise of their powers under the above Acts, on 28th November 2023 confirmed the Rotherham Metropolitan Borough Council Compulsory Purchase Order 2023 made by it. Following the removal of all objections to the order, notification was given by the Secretary of State for Levelling Up, Housing and Communities that the power to confirm the order may be exercised by the acquiring authority in accordance with section 14A of the Acquisition of Land Act 1981.
2. 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 section 13 of the Local Government (Miscellaneous Provisions) Act 1976 hereby authorised to purchase compulsorily the land and the new rights over land described in Schedule 1 below, for the purposes of facilitating development, redevelopment and improvement of 3-7 Corporation Street in Rotherham town centre by way of the delivery of a residential-led mixed-use development, including new commercial space in order to contribute to the promotion and improvement of the economic, social and environmental wellbeing of the acquiring authority's area.
3. The land authorised to be purchased compulsorily under this order is the two freehold land plots (3-5 and 7 Corporation Street) as well as a small plot to the rear of the properties in unknown ownership. In addition, the order provides the ability to acquire existing rights as well as new rights required to deliver the scheme.

For further information on the land and rights to be acquired please refer to Schedule 1 below or to the copy of the order and map at the locations outlined in paragraph 4.

4. A copy of the order as confirmed by Rotherham Metropolitan Borough Council and of the map referred to therein have been deposited at the Library at Riverside House and may be seen at all reasonable hours (for library opening hours, please visit <https://www.rotherham.gov.uk/libraries/libraries-neighbourhood-hubs/10>)

The documents are also available to view online at: <https://www.rotherham.gov.uk/business-economy/transforming-rotherham>

5. The order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.
6. Once the order has become operative, Rotherham Metropolitan Borough Council may acquire any of the land described in Schedule 1 below, by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.
7. Every person who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to Rotherham Metropolitan Borough Council marked for the attention of Rotherham Investment and Development Office as to the person's name and address and the land in question, using a prescribed form. The relevant prescribed form is set out in Schedule 3.

Named Officer: Bal Nahal

Position: Head of Legal, Registrars and Bereavement Services

Date: 14th December, 2023

SCHEDULE 1

LAND AND NEW RIGHTS COMPRISED IN THE ORDER AS CONFIRMED

Land at and to the rear of 3-7 Corporation Street, Rotherham and rights in respect of properties on Bridgegate and Corporation Street, Rotherham.

Plot No	Extent, description and situation of the land
1	All interests, other than those of the acquiring authority, in 315 square metres, or thereabouts, of vacant commercial premises known as 3 to 5 (odds) Corporation Street, Rotherham, S60 1NP
2	All interests, other than those of the acquiring authority, in 102 square metres, or thereabouts, of private access between 3 to 5 (odds) and 7 Corporation Street and to the rear of 10 to 20 (evens) Bridgegate, Rotherham, S60 1PQ
3	All interests, other than those of the acquiring authority, in 797 square metres, or thereabouts, of vacant commercial premises known as 7 Corporation Street, Rotherham, S60 1NP
4	All interests, other than those of the acquiring authority, in 16 square metres, or thereabouts, of private access to the rear of 7 Corporation Street and to the rear of 18 to 20 (evens) and 18A Bridgegate, Rotherham, S60 1PQ
5	<p>The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 25 square metres or thereabouts, of private car park, situated to the south of 7 Corporation Street, Rotherham, S60 1NP, to acquire new rights to:</p> <ul style="list-style-type: none"> • enter and remain on the land and pass and re-pass across the land with or without vehicles, machinery, equipment and materials for all purposes in connection with the construction, maintenance, use, renewal, repair, removal and replacement of land, property and buildings and service media adjacent to or abutting the land; • erect, secure and use scaffolding and/or hoardings on the land or land adjoining or abutting the boundaries of the land for the purpose of construction, maintenance and repair of land, structures, and buildings adjacent to or abutting the land; • carry out and maintain works to protect Structures on the land, to underpin foundations on the land, to carry out works to re-grade, resurface and landscape the land and to repair and maintain the land, and reinstate boundary walls between the land; • demolish/partially demolish the boundary/retaining walls as required, to construct new boundary/retaining walls as required; • undertake the necessary works to the Premises required to complete the scheme.

6	<p>The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 11 square metres or thereabouts, of private car park, situated west of 36 Bridgegate, Rotherham, S60 1PQ, to acquire new rights to:</p> <ul style="list-style-type: none"> • enter and remain on the land and pass and re-pass across the land with or without vehicles, machinery, equipment and materials for all purposes in connection with the construction, maintenance, use, renewal, repair, removal and replacement of land, property and buildings and service media adjacent to or abutting the land; • erect, secure and use scaffolding and/or hoardings on the land or land adjoining or abutting the boundaries of the land for the purpose of construction, maintenance and repair of land, structures, and buildings adjacent to or abutting the land; • carry out and maintain works to protect Structures on the land, to underpin foundations on the land, to carry out works to re-grade, resurface and landscape the land and to repair and maintain the land, and reinstate boundary walls between the land; • demolish/partially demolish the boundary/retaining walls as required, to construct new boundary/retaining walls as required; • undertake the necessary works to the Premises required to complete the scheme.
7	<p>The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 7 square metres or thereabouts, of private access to retail premises known as The County Public House, 2 Bridgegate, Rotherham, S60 1PL, to acquire new rights to:</p> <ul style="list-style-type: none"> • erect, secure and use scaffolding and/or hoardings on the land or land adjoining or abutting the boundaries of the land for the purpose of construction, maintenance and repair of land, structures, and buildings adjacent to or abutting the land; • carry out and maintain works to protect Structures on the land, to underpin foundations on the land, to carry out works to re-grade, resurface and landscape the land and to repair and maintain the land, and reinstate boundary walls between the land; • demolish/partially demolish the boundary/retaining walls as required, to construct new boundary/retaining walls as required; • clean, improve and repair the exterior of the Premises and maintain and renew such works; • undertake the necessary works to the Premises required to complete the scheme.
8	<p>The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 3 square metres or thereabouts, private access to retail premises known as The County Public House, 2 Bridgegate, Rotherham, S60 1PL, to acquire new rights to:</p> <ul style="list-style-type: none"> • erect, secure and use scaffolding and/or hoardings on the land or land adjoining or abutting the boundaries of the land for the purpose of construction, maintenance and repair of land, structures, and buildings adjacent to or abutting the land; • carry out and maintain works to protect Structures on the land, to underpin foundations on the land, to carry out works to re-grade, resurface and landscape the land and to repair and maintain the land, and reinstate boundary walls between the land; • demolish/partially demolish the boundary/retaining walls as required, to construct new boundary/retaining walls as required; • clean, improve and repair the exterior of the Premises and maintain and renew such works; • undertake the necessary works to the Premises required to complete the scheme.
9	<p>The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 19 square metres or thereabouts, of lean-to connected to the rear of commercial premises known as 26 to 30 (evens) Bridgegate, Rotherham, S60 1PQ, to acquire new rights to:</p> <ul style="list-style-type: none"> • erect, secure and use scaffolding and/or hoardings on the land or land adjoining or abutting the boundaries of the land for the purpose of construction, maintenance and repair of land, structures, and buildings adjacent to or abutting the land; • clean, improve and repair the exterior of the Premises and maintain and renew such works; • undertake the necessary works to the Premises required to complete the scheme; • swing the jib of a crane, loaded or unloaded, through the airspace over the land/premises.

10	The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 5 square metres, or thereabouts, of commercial premises known as 36 Bridgegate, Rotherham, S60 1PQ, to acquire new rights to swing the jib of a crane, loaded or unloaded, through the airspace over the land/premises
11	The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 2 square metres, or thereabouts, of private car park, situated west of 36 Bridgegate, Rotherham, S60 1PQ to acquire new rights to swing the jib of a crane, loaded or unloaded, through the airspace over the land/premises
12	The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 118 square metres, or thereabouts, of commercial premises known as 32 to 34 (evens) Bridgegate, Rotherham, S60 1PQ, to acquire new rights to swing the jib of a crane, loaded or unloaded, through the airspace over the land/premises
13	The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 16 square metres, or thereabouts, of commercial premises known as 32 to 34 (evens) Bridgegate, Rotherham, S60 1PQ, to acquire new rights to swing the jib of a crane, loaded or unloaded, through the airspace over the land/premises
14	The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 223 square metres, or thereabouts, of commercial premises known as 26 to 30 (evens) Bridgegate, Rotherham, S60 1PQ, to acquire new rights to swing the jib of a crane, loaded or unloaded, through the airspace over the land/premises
15	The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 193 square metres, or thereabouts, of commercial premises known as 18 to 20 (evens) and 18A Bridgegate, Rotherham, S60 1PQ to acquire new rights to swing the jib of a crane, loaded or unloaded, through the airspace over the land/premises
16	The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 90 square metres, or thereabouts, of commercial premises known as 16 and 16A Bridgegate, Rotherham, S60 1PQ to acquire new rights to swing the jib of a crane, loaded or unloaded, through the airspace over the land/premises
17	The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 261 square metres, or thereabouts, of commercial premises known as Unit 1, 10-14 Bridgegate, Rotherham, S60 1PQ and residential premises known as Apartments 1-7 (inclusive), 10-14 Bridgegate, Rotherham, S60 1PQ to acquire new rights to swing the jib of a crane, loaded or unloaded, through the airspace over the land/premises
18	The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 237 square metres, or thereabouts, of retail premises known as The Angel Public House, 6 Bridgegate, Rotherham, S60 1PQ, to acquire new rights to swing the jib of a crane, loaded or unloaded, through the airspace over the land/premises
19	The right for the acquiring authority and its lessees, licensees, successors in title, assigns and all such persons they may authorise, in 2 square metres or thereabouts, of retail premises known as The County Public House, 2 Bridgegate, Rotherham, S60 1PL, to acquire new rights to acquire new rights to swing the jib of a crane, loaded or unloaded, through the airspace over the land/premises

SCHEDULE 2

FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to make general vesting declaration

1. Once the Rotherham Metropolitan Borough Council Compulsory Purchase Order 2023 has become operative, Rotherham Metropolitan Borough Council may acquire any of the land described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the Council at the end of the period mentioned in paragraph 2.

Notices concerning general vesting declaration

2. As soon as may be after the Council executes a general vesting declaration, it must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives it information relating to the land following the invitation contained in the confirmation notice of the order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period, the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the Council together with the right to enter on the land and take possession of it. Every person on whom the Council could have served a notice to treat in respect of their interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of their interest in the land, together with interest on the compensation from the vesting date.
3. The "vesting date" for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2, unless a counter-notice is served under Schedule A1 to the Act within that period. If a counter-notice is served, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". "A long tenancy which is about to expire" means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it is assumed that the landlord will take every opportunity to terminate the tenancy and the tenant will take every opportunity to retain or renew their interest.

5. The modifications are that the Council may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless it first serves notice to treat in respect of the tenancy and then serves every occupier of the land with a notice of its intention to enter and take possession after the period (which must be not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

SCHEDULE 3
FORM FOR GIVING INFORMATION

Rotherham Metropolitan Borough Council Compulsory Purchase Order 2023

To: Rotherham Metropolitan Borough Council

[I][We] being [a person][persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all][part of] that land, give you the following information, pursuant to the provisions of section 15 of the Acquisition of Land Act 1981:

1. Name and address of informant(s):

.....

2. Land in which an interest is held by informant(s):

.....

3. Nature of interest(s):

.....

Signed:

Date: