

FORM OF NOTICE OF CONFIRMATION OF A COMPULSORY PURCHASE ORDER

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL (YAZOR BROOK FLOOD ALLEVIATION SCHEME) COMPULSORY PURCHASE ORDER 2010

THE TOWN AND COUNTRY PLANNING ACT 1990

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

AND THE ACQUISITION OF LAND ACT 1981

COMPULSORY PURCHASE OF LAND AND RIGHTS AT YAZOR BROOK, CREDENHILL

1. Notice is hereby given that the Secretary of State for Communities and Local Government, in exercise of his powers under the above Acts, on 7 January 2011 confirmed with modifications the County of Herefordshire District Council (Yazor Brook Flood Alleviation Scheme) Compulsory Purchase Order 2010 submitted by the Acquiring Authority.
2. The order as confirmed provides for the purchase for the purposes of facilitating the carrying out of development, re-development or improvement of the land for the provision of the Yazor Brook flood alleviation scheme which will allow the regeneration of the Edgar Street Grid area in Hereford, to include a new Link Road, and the provision of a Retail Quarter and an Urban Village and the associated infrastructure of the land and the new rights described in Schedule hereto.
3. A copy of the order as confirmed by the Secretary of State for Communities and Local Government and of the map referred to therein have been deposited at the offices of the Acquiring Authority at the Hereford Centre, Garrick House, Widemarsh Street, Hereford, HR4 9EU (tel: 01432 260500) and may be seen during their normal opening hours, and are also placed on its website at www.herefordshire.gov.uk.
4. 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.

SCHEDULE

LAND AND THE NEW RIGHTS COMPRISED IN THE ORDER AS CONFIRMED

LAND TO BE ACQUIRED:

All interests in, on or over land and premises situated at Yazor Brook, Credenhill, consisting of: 7310 square metres of part of the agricultural land known as Mill Farm, Credenhill and footpath and waterway situated north east of Credenhill Community Centre, east of Station Road and south east of Waterside, Credenhill; and 233 square metres of amenity land and waterway bank to the north of Credenhill Community Centre and all encumbrances and other interests affecting the same.

NEW RIGHTS TO BE ACQUIRED

Except in respect of those interests held by the Acquiring Authority, in respect of land and premises situated at Yazor Brook, Credenhill, the right to enter and use with or without vehicles for all purposes to construct, inspect, repair, maintain, improve, renew and replace flood water relief works including a culvert and any associated works including the storage of equipment, plant and machinery as part of the Yazor Brook flood alleviation scheme over land comprising: 3958 square metres or thereabouts of land, access road and car park situated to the north and east of Credenhill Community Centre; 10614 square metres or thereabouts of agricultural land situated to the east of Magna Castra Farm and south of Credenhill Community Centre; 174

square metres or thereabouts of land and part of the public footpath known as Roman Road situated east of Magna Castra Farm; 19809 square metres or thereabouts of agricultural land situated to the west of Brockhall Gravel Pit and north of the A438/King's Acre Road; 16517 square metres or thereabouts of agricultural land and footpath situated to the south west of Brockhall Gravel Pit and north of the A438/King's Acre Road; and 487 square metres or thereabouts of land and part of the public adopted highway known as the A438/King's Acre Road situated to the south of Sugwas Pool and north of the River Wye, and all encumbrances and other interests affecting the same.

In respect of land and premises situated at Yazor Brook, Credenhill, the right to enter and use with or without vehicles for all purposes to construct, inspect, repair, maintain, improve, renew and replace flood water relief works including a culvert and any associated works including the storage of equipment, plant and machinery as part of the Yazor Brook flood alleviation scheme and the right of dispersal of flood waters across the land and drainage into the River Wye over land comprising 53086 square metres or thereabouts of agricultural land to the north and west of Weir Cliff and part of the property known as The Old Weir, situated to the north of the River Wye and south of the A438/King's Acre Road and half width of the River Wye, and all encumbrances and other interests affecting the same.

FORM OF STATEMENT OF EFFECT OF PARTS II AND III OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

PART 1

Power to Make General Vesting Declaration

1. Herefordshire Council (previously know as the County of Herefordshire District Council) (the "**Council**") may acquire any of the land described in the Schedule above (but not the new rights) by making a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. This has the effect, subject to paragraph 4 below, of vesting the land in the Council at the end of the period mentioned in paragraph 2 below. A declaration may not be made before the end of a period of two months from the first publication of a notice which includes this statement except with the consent in writing of every occupier of the land affected.

Notices concerning general vesting declaration

2. As soon as may be after the Council make a general vesting declaration, they 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 3) and on every person who gives them information relating to the land in pursuance of the invitation contained in any notice. When the service of notices of the general vesting declaration is completed, a further period begins to run. This period, which must not be less than 28 days, will be specified in the declaration. On the first day after the end of this period (the "**vesting date**") the land described in the declaration will, subject to what is said in paragraph 4, 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 his interest in the land (other than a tenant under one of the tenancies described in paragraph 3) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.

Modifications with respect to certain Tenancies

3. 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", ie a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". The latter expression 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 shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.

4. 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 3 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than 14 days 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.

NOTE: If a general vesting declaration were made in respect of the land comprised in the order (other than land in respect of which notice to treat has been given) every person would be entitled to claim compensation in respect of any such land and they are invited to give information to the Council in the prescribed form with respect to their name and address and the land in question. The relevant prescribed form is set out below.

PART 2

FORM FOR GIVING INFORMATION

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL (YAZOR BROOK FLOOD ALLEVIATION SCHEME) COMPULSORY PURCHASE ORDER 2010

To: Pinsent Masons LLP
3 Colmore Circus
Birmingham B4 6BH

(Ref: AC/633992 07006)

[I] [We] being [a person] [persons] who, if a general vesting declaration were made 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 of 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 3 of that Act.

1. Name and Address of informant(s) (i)

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.....

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

.....
.....

3. Nature of interest (iii)

.....
.....

Signed

[On behalf of]

Date

- (i) In the case of a joint interest insert the names and addresses of all the informants.
- (ii) The land should be described concisely.
- (iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, eg name of building society and roll number.

Dated this 20th January 2011

Chris Chapman
Assistant Director – Law and Governance
Herefordshire Council