

Department for
Transport

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Your Ref: RH/036093
Our Ref: DN5037/55/7/32
DN5037/60/1/46
DN5037/60/1/47
Date: 27 February 2012

Dear Sir

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981

A57 M1 TO TODWICK CROSSROADS ("the published scheme")

THE ROTHERHAM BOROUGH COUNCIL (A57 WORKSOP ROAD-SHEFFIELD ROAD IMPROVEMENT M1 JUNCTION 31 TO TODWICK CROSSROADS) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2009 ("the SRO");

THE ROTHERHAM BOROUGH COUNCIL (A57 WORKSOP ROAD-SHEFFIELD ROAD IMPROVEMENT M1 JUNCTION 31 TO TODWICK CROSSROADS) COMPULSORY PURCHASE ORDER 2009 ("the CPO"); and

THE ROTHERHAM BOROUGH COUNCIL (A57 WORKSOP ROAD-SHEFFIELD ROAD IMPROVEMENT M1 JUNCTION 31 TO TODWICK CROSSROADS) SUPPLEMENTARY COMPULSORY PURCHASE ORDER 2009 ("the Supp CPO").

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the concurrent Public Local Inquiries ("the Inquiry") held at the Matrix Business Centre, Nobel Way, Dinnington, Sheffield S25 3QB on 4 October 2011 to 6 October 2011 before Martin Whitehead, LLB BSc(Hons), CEng MICE, an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Orders submitted by Rotherham Borough Council ("the Council").

2. The SRO, CPO and Supp CPO if confirmed by the Secretary of State would respectively authorise the Council to:

- a) improve, stop up and construct new highways and stop up and provide new means of access to premises; and
- b) compulsory purchase land for the purposes of the improvement of part of the A57 classified road; the construction of new highways; the improvement of existing highways; the provision of new means of access to premises and land; use by the Council in connection with the improvement and construction of highways and the provision of new means of access; and the mitigation of any adverse effects which the existence or use of the highways proposed to be constructed or improved will have on their surroundings.

The CPOs would provide for the acquisition of land necessary to carry out these works ("the published scheme").

THE INSPECTOR'S REPORT

3. The Inspector has considered all the objections to and representations about the above Orders both as made in writing and presented orally at the Inquiry and has submitted his report to the Secretary of State. A copy of that report is enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

4. The Inspector's report summarises the case for the Council at IR 3.1 to 3.34; the case for the objectors is summarised at IR 4.1 to 4.47; and the Council's rebuttal to individual objections is at IR 5.1 to 5.41. The Inspector's conclusions are detailed at IR 6.1 to 6.32 whilst his recommendations are given at IR 7.1 to 7.3.

5. In light of his conclusions the Inspector recommended at IR 7.1 to IR 7.3 that the SRO be modified as set out in Inquiry Documents ID 7 and ID 8 and that the Order so modified be confirmed; that the CPO be modified as set out in Inquiry Documents ID 10 and Deposit Documents DD20a and that the Order so modified be confirmed; and that the Supp CPO be confirmed. These modifications were proposed by the Council during the course of the Inquiry many of which were as a result of the Council proposing a revised scheme to reduce costs (IR 3.2 to 3.6 and IR 6.3 to 6.6). A full list of the proposed modifications is at Annex A to this letter.

THE DECISION OF THE SECRETARY OF STATE

6. The Secretary of State has considered carefully all the objections to, and representations about, the Orders, including alternative proposals put forward. She has considered the Inspector's report and accepts his conclusions and recommendations.

7. The Secretary of State has carefully considered whether the purposes for which the CPOs are required sufficiently justify interfering with the human rights of the objectors, owners and lessees and she is satisfied that they do. In particular, she has considered the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State agrees with the Inspector's conclusions at IR 6.32 and

is satisfied that in confirming the CPOs a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

8. The Secretary of State does not consider that the objections, singly or together, constitute grounds for not proceeding with the proposals, and accepts that the modifications referred to in paragraph 5, which in the opinion of the Secretary of State are not “substantial” for the purposes of paragraph 8(3) in Schedule 1 of the Highways Act 1980, are necessary and that they should be made. For these reasons she has decided to confirm:

- a. the Rotherham Borough Council (A57 Worksop Road-Sheffield Road Improvement M1 to Junction 31 to Todwick Crossroads) (Classified Road) (Side Roads) Order 2009, as modified by her;
- b. the Rotherham Borough Council (A57 Worksop Road-Sheffield Road Improvement M1 Junction 31 to Todwick Crossroads) Compulsory Purchase Order 2009, as modified by her; and
- c. the Rotherham Borough Council (A57 Worksop Road-Sheffield Road Improvement M1 Junction 31 to Todwick Crossroads) Supplementary Compulsory Purchase Order 2009

and this letter constitutes her decision to that effect.

9. In confirming the Orders, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Orders and any related plans, diagrams, statements or correspondence as being factually correct. This decision on confirming these Orders is given on this basis.

COMPENSATION

10. Details of compensation arising as a consequence of confirming the CPOs are for negotiation with the acquiring authority and not the Secretary of State. Accordingly, owners and occupiers of land included in the CPOs will be approached by the Council about the amount of compensation payable to them in respect of their interests in the land required for the proposals. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961.

AVAILABILITY OF DOCUMENTS

11. A copy of this letter, together with a copy of the Inspector’s report has been sent to objectors and to supporters of the scheme and to other persons who appeared and made representations at the Inquiry. Copies will be made available on request to any other persons directly concerned and can also be viewed on <http://www.dft.gov.uk/topics/legislation/national-transport-casework/local-authority-orders/>. Please arrange for a copy of the Inspector’s report and of this letter to be made available for inspection at the offices of the Council and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector’s report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the

Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

RIGHT OF CHALLENGE

12. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded her powers or has not complied with the relevant statutory requirements in confirming the Orders may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such application must be made within six weeks of publication of the notice that the Orders have been confirmed. The High Court cannot entertain an application under the said Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours faithfully,

Karen Davies
Authorised by the Secretary of State
to sign in that behalf

MODIFICATIONS

THE ROTHERHAM BOROUGH COUNCIL (A57 WORKSOP ROAD-SHEFFIELD ROAD IMPROVEMENT M1 JUNCTION 31 TO TODWICK CROSSROADS) (CLASSIFIED ROAD) (SIDE ROADS) ORDER 2009

Under "Site Plan" the address "Government Office for the North East, Local Authority Orders Section, 4th Floor, Citygate, Gallowgate, Newcastle upon Tyne, NE1 4WH" is deleted

Under "Highways to be stopped Up" item 2 between "A57 Worksop Road from a point" and "343 metres..." the wording "185 metres east of M1 Junction 31 for a distance of 52 metres in an easterly direction and then a point" is added.

Under "Reference Letters of New Highways" the word "Bridleway" is added below the letters "A" and "B".

On the site plan" a length of new highway "B" is deleted and private means of access No. 1 is realigned.

THE ROTHERHAM BOROUGH COUNCIL (A57 WORKSOP ROAD-SHEFFIELD ROAD IMPROVEMENT M1 JUNCTION 31 TO TODWICK CROSSROADS) COMPULSORY PURCHASE ORDER 2009

Table 1

Plot 1 is reduced from "589 square metres" to "345 square metres"

Plot 1A is reduced from "540 square metres" to "66 square metres"

Plot 1B is reduced from "334 square metres" to "81 square metres"

Plot 1C is reduced from "169 square metres" to "75 square metres"

Plot 1D is reduced from "230 square metres" to "177 square metres"

Plot 1E is reduced from "408 square metres" to "55 square metres"

Plot 5B is reduced from "358 metres to "109 square metres"

Plot 6 is reduced from "1027 square metres" to "915 square metres"

Plot 7 - under "Lessees or reputed lessees" the wording "Hutchison 3G UK Limited, Star House, 20 Grenfell Road, Maidenhead, Berkshire SL6 1EH;

Plot 7 - under "Occupiers" the word "Lessee" is deleted;

Plot 8 - under "Owners or reputed owners" the address "89 Slayley View Road, Barlborough, Chesterfield S43 4UQ" is replaced by c/o P & A Partnership (Trustees in Bankruptcy);

Plot 8 - under "Lessees or reputed lessees" the wording "Hutchison 3G UK Limited (As at Plot 7) is deleted;

Plot 8 - under "Occupiers" the word "Lessee" is deleted;

Plot 9 is reduced from "1087 square metres" to "818 square metres"

Plot 13 - under "Tenants or reputed tenants (other than lessees)" the wording "Miss E A Hartley, Grange Farm, Sheffield Road, Todwick, Sheffield S26 1DJ" is replaced by "Mr David Hartley and Mrs Pamela Hartley, Grange Farm Sheffield Road, Todwick, Sheffield S26 1DJ" is added;

Plots 13A, 13B, 13D, 13E, 13F and 13H - under "Tenants or reputed tenants (other than lessees)" the wording "Mr David Hartley and Mrs Pamela Hartley (As at Plot 13) are added;

Table 2

Plots 5, 5A, 5B and 8 are deleted.