
STATUTORY INSTRUMENTS

2007 No. 2980

The Flood Defence (Mimmshall Brook Works) Order 2007

Temporary use of land for construction of works

- 4.—(1) The Agency may, in connection with the execution of the authorised works—
- (a) enter upon and take temporary possession of the land described in the table at Part 2 of the Schedule and shown on the deposited plans within the limits of land subject to temporary use for the purposes given in the second column of the table;
 - (b) remove any structure or vegetation from that land; and
 - (c) construct temporary works (including the provision of means of access) and structures on the land.

(2) Not less than 28 days before entering upon and taking temporary possession of land under this article the Agency shall serve notice of the intended entry on the owners and occupiers of the land.

(3) The Agency may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of 2 years beginning with the date of completion of the operations specified in paragraph (1)(a).

(4) Before giving up possession of land of which temporary possession has been taken under this article, the Agency shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the Agency shall not be required to replace a structure removed under this article, or remove a permanent structure authorised by this Order.

(5) The Agency shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the powers conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part I of the Land Compensation Act 1961⁽¹⁾.

(7) Without prejudice to article 10, nothing in this article shall affect any liability to pay compensation under section 10(2) of the Compulsory Purchase Act 1965⁽²⁾ or under any other enactment in respect of loss or damage arising from the execution of any works, other than loss or damage for which compensation is payable under paragraph (5).

(8) Where the Agency takes possession of land under this article, it shall not be required to acquire the land or any interest in it.

(9) In this article “structure” includes any erection.

(1) 1961 c. 33.

(2) 1965 c. 56.