

**THE METROPOLITAN BOROUGH OF SOLIHULL
(SHIRLEY TOWN CENTRE REDEVELOPMENT)
COMPULSORY PURCHASE ORDER 2007**

APPENDICES

TO

PROOF OF EVIDENCE

OF

Stanley Leslie John Edwards MBA FRICS
Evocati Consultancy
15 Eastfield Road
Caerleon
Newport

NP18 3FU

For **GC Shirley Limited** of 15 Hockley Court, Stratford Road, Hockley Heath, Solihull, B94 6NW, a statutory objector to the Compulsory Purchase Order

shoosmiths

7th Floor
125 Colmore Row
Birmingham
B3 3SH
Tel: 08700 864000
Fax: 08700 864001
(Ref: DGC.132469.1)

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- Appendix 1 Letter of Objection dated 24 August 2007**
- Appendix 2 Report to Cabinet dated 7 July 2005**
- Appendix 3 Report to Cabinet dated 21 July 2005**
- Appendix 4 Plan showing Open Space Land at Shirley Town Centre**
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- Appendix 6 DETR statement on the Local Government Act 1972**
- Appendix 7 Overview and Scrutiny Board dated 2 November 2006 (Part)**
- Appendix 8 Notice under Section 123 of the Local Government Act 1972 to dispose of the Public Open Space in respect of both parcels A & B.**

"APPENDIX 1"

The Secretary of State for Communities and Local Government
Government Office for the West Midlands
5 St Philip's Place
Colmore Row
BIRMINGHAM
B3 2PW

7th Floor
125 Colmore Row
Birmingham
B3 3SH
DX 701863 Birmingham 6

T 08700 864000
F 08700 864001

darren.clegg@shoosmiths.co.uk
T 08700 864149

For the attention of Mr Mike Ellis

Delivered: by hand

Our Ref DGC.sm.132469.1
Date 24 August 2007

Dear Sir

**THE METROPOLITAN BOROUGH OF SOLIHULL (SHIRLEY TOWN CENTRE REDEVELOPMENT)
COMPULSORY PURCHASE ORDER 2007 (THE "CPO")
OUR CLIENTS: GC SHIRLEY LIMITED (THE "OBJECTOR")**

We act for the Objector whose registered office is at 15 Hockley Court, Stratford Road, Hockley Heath, Solihull, B94 6NW. The Objector is the freehold owner of property known as Westminster House, service yard, car park and access road, 186/190 Stratford Road, Solihull (the "Land").

The Land is identified as plot 22 in the CPO and (wrongly) identified as plot 27 on the CPO plan. We also note, as a preliminary matter, that the CPO does not fully recite the powers under which it has been made. It should refer to section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 8 of the Planning and Compulsory Purchase Act 2004). As will be demonstrated throughout the remainder of this letter, this error is symptomatic both of the apparent lack of care employed by the Acquiring Authority (the "Authority") in the preparation of the CPO documentation and apparent lack of understanding of the requirements of the 2004 Act and Circular 06/04: Compulsory Purchase and The Crichel Down Rules. That lack of care inspires very little confidence in the substantive case for compulsory acquisition advanced by the Authority in the Statement of Reasons.

The Objector objects to the CPO being confirmed by the Secretary of State on the following grounds (all references to paragraphs are taken from the Statement of Reasons for making the Order).

1 THE UNITARY DEVELOPMENT PLAN ("UDP")

1.1 This objection comprises 3 points:

1.1.1 There is no need for the Land to be included in the CPO and the aims of the adopted UDP can be achieved without it.

1.1.2 It is the Objector's intention to redevelop the Land in any event and the Objector has submitted a planning application which was only withdrawn in light of the oncoming CPO. It remains the case that the Objector can redevelop the Land in a manner consistent with the UDP.

1.1.3 The Scheme underlying the CPO is not consistent with the UDP for a variety of reasons, in particular it invades Shirley Park to an unacceptable extent.

1.2 In conclusion, the UDP does not support what is being proposed by the Authority. The UDP supports the Objector's proposals for the Land which are entirely consistent with the UDP whereas the Scheme proposed by the Authority is not.

2 THE LACK OF A COMPELLING CASE

2.1 This is a fundamental concern. The Statement of Reasons fails to disclose a compelling case in the public interest for the compulsory acquisition of the Land (Circular 06/04 – paragraph 17). The Scheme proposed by the Authority would work just as well if the Land was excluded from the CPO. As will be apparent from the CPO plan, the Land is situated on the very edge of the main part of the Scheme with its own independent frontage to Stratford Road. The Land remains commercially viable for use in its current form or as a "stand alone" development subject to obtaining planning consent. The Objector is a Special Purchase Vehicle of Countrywide Homes Limited with JJ Gallagher Limited as its funder. Countrywide has expertise in mixed-use property development and of course likewise Gallagher. The Objector is quite capable of developing the Land itself. The remainder of the Scheme has adequate means of access to Stratford Road without needing to include the Land.

2.2 The Statement of Reasons fails to identify any community involvement in the CPO process. In social/community terms, the Authority should have taken the process back to the Community to establish that there is a compelling case and that the public interest has been fully considered.

2.3 There are also various technical matters that the Authority has failed to address (please see Section 7 below). Without proper consideration of these issues, the Authority is unable to make out a compelling case for the compulsory acquisition of the Land.

3 THE FAILURE TO DEMONSTRATE THAT THE SCHEME IS FINANCIALLY VIABLE AND THAT THERE IS A REASONABLE PROSPECT THAT THE SCHEME WILL EVER PROCEED

3.1 In the Statement of Reasons, the Authority has failed to demonstrate that the scheme underlying compulsory acquisition is financially viable and the Authority has failed to demonstrate that there is a reasonable prospect that the Scheme will ever proceed (Circular 06/04 – paragraph 19). It is unreasonable for the Objector to be deprived of the Land unless and until such time as the Authority can satisfy this fundamental requirement.

