

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

**REBUTTAL PROOF OF EVIDENCE**

**OF**

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

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**1 INTRODUCTION**

1.1 My name is Stanley Leslie John Edwards. I have already submitted a Proof of Evidence on behalf of GC Shirley Limited of 15 Hockley Court, Stratford Road, Hockley Heath, Solihull, a statutory objector to the Compulsory Purchase Order.

1.2 This rebuttal Proof of Evidence is submitted in response to evidence served on behalf of Solihull Metropolitan Borough Council and in particular in response to the evidence of Michael John Swallow BSc Hons MRICS at paragraphs 3.14 to 3.31 of his Proof of Evidence concerning the Evolution of the Scheme.

## 2 THE SCHEME AND THE ORDER

- 2.1 It is important to establish when the commitment to the scheme started and when the authority to make a CPO was exercised by the Council . It appeared from the Reports to Members and Cabinet that authorisation to make a CPO was on the 21<sup>st</sup> December 2006 following the recommendation of the Cabinet Member of Resources on the 12<sup>th</sup> December 2006.
- 2.2 Making and sealing the Order usually follows quickly after the resolution to make a CPO.
- 2.3 However, in this case, this must be read as 'approval in principle' because the Council were not able immediately to make the Order because some elements were missing including a proper referencing exercise.
- 2.4 On 12<sup>th</sup> March 2007 the Cabinet Member for Resources considered CPO progress and variations relating to the Shirley Advance Agreement.
- 2.5 On 21<sup>st</sup> June 2007 the Cabinet, following the undertaking of a detailed referencing exercise, resolved to make a compulsory purchase order in relation to the extent of land and property interests within the boundary of the plan submitted. This contained additional land part of which was 'open space'.
- 2.6 Only then on 24<sup>th</sup> July 2007 was the Order for the whole CPO made and sealed.
- 2.7 Usually the commencement of the process for a CPO is a Council's outline approval to a scheme which may require the exercise of CPO powers with a commitment to an ongoing and documented sustainability and public engagement / consultation exercise within its programme. This engagement only ceases when the Order is made. (The traditional approach to CPOs leaving the only real engagement to the Notices and Objections stage is not acceptable as a demonstration of a public / community engagement). Following the outline approval of the scheme there is extensive and intensive negotiation to the point that an Approval in Principle (AIP) to make a CPO is sought. This is followed by referencing and continued public engagement and meetings. Here sustainability issues continue to be aired in a transparent way. Only then, when all the details are certain is a Report made to seek approval to make and seal a CPO. This is then usually rapidly followed by the exercise of that approval.
- 2.8 In this case the outline approval to the scheme went further and took the form of a Development Agreement with Shirley Advance. This is set out in the attached chronology of events (**Appendix A** of this evidence) and the extract from the Agreement itself dated 12 May

2004 (**Appendix B (CD/1/1)**). In summary the Agreement placed the Council under a binding contractual commitment to use CPO powers to deliver the scheme.

2.9 The Agreement stated that "*the Council shall exercise its statutory powers to secure a CPO in relation to which Title and vacant possession is required and has not by then been secured or obtained provided that*", inter alia "*it obtained all the necessary executive and statutory consents and a proper exercise of the proposed power of compulsory purchase to be relied on by the Council to make the CPO.*"

2.10 In this respect the Council had to have due regard to legislative requirements and any relevant guidance issued from time to time by the Department of Communities and Local Government – in other words it had to follow the CPO rules and statutes.

**Stanley L J Edwards**

**30 April 2008**