

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

**REBUTTAL PROOF OF EVIDENCE**

**Of**

**Paul Richard Watson, BAHons DipTP MRTPI**

**For**

**SOLIHULL METROPOLITAN BOROUGH COUNCIL**

**RELATING TO EVIDENCE SUBMITTED BY  
GC SHIRLEY LIMITED**

Ref: SMBC4/3

## **1. INTRODUCTION**

- 1.1 This rebuttal evidence is in response to points raised within evidence submitted by GC Shirley Limited. I shall respond to specific matters raised in the evidence of Mr Stanley Leslie John Edwards.

## **2. REBUTTAL COMMENTS**

- 2.1 At paragraph 9.1 of his evidence Mr Edwards is of the opinion that the Council has failed to demonstrate that the public benefits of the scheme outweigh the private loss to GC Shirley Limited.
- 2.2 The public benefits of the scheme are outlined fully in Section 5 of my main proof of evidence. The scheme will provide a high quality, mixed use development which will secure economic growth, stimulate new activity and jobs, provide a mix of housing and a revitalised public realm.
- 2.3 At paragraph 9.1 of his evidence, Mr Edwards accepts the conclusion in the Donaldsons' report that there is a compelling case for something to be done to improve Shirley district centre. Sections 5 and 6 of my evidence demonstrate that the economic, social and environmental benefits that will be secured for the public through the implementation of the Heart of Shirley scheme are so significant as to outweigh the private loss to GC Shirley.
- 2.4 In Section 10 of Mr Edwards' evidence he refers to the 'well-being' factors and contends that the Council's responsibility for well-being did not follow the requirements of the Local Government Act 2000.
- 2.5 Section 5 of my evidence outlines the benefits of the scheme and demonstrates how the scheme's implementation will support and deliver the Council's corporate objectives as outlined in key policy documents. These documents are produced to

help ensure that the Council fulfils its duty to promote the economic, social and environmental well-being of the area (as required by the Local Government Act 2000).

2.6 In addition (as outlined at paragraph 6.1 of my evidence), under the requirements of Section 226(1A) of the Town and Country Planning Act 1990 (as amended) a local authority must not exercise its power to compulsorily acquire land unless it thinks the development, redevelopment or improvement is likely to contribute to the achievement any one or more of the following objects:

- (a) the promotion or improvement of the economic-well being of their area;
- (b) the promotion or improvement of the social well-being of their area;
- (c) the promotion or improvement of the environmental well-being of their area.

2.7 The minimum requirement in Section 226(1A) is for the development to achieve 'any one' of the above criteria. However, paragraphs 6.3 – 6.7 of my evidence demonstrate that the implementation of the Heart of Shirley scheme will achieve not just one, but all three objectives and will clearly contribute to promoting or improving the economic, social and environmental well-being of Solihull Metropolitan Borough.

2.8 As a final point of clarity, point 8 of paragraph 7.5.6 of Mr Edwards' evidence states that the park qualifies as Public Open Space because it is '*identified as such on the UDP map...*' However Shirley Park does not have this designation on the UDP Proposals Map. Indeed I should make clear that not all public open space is shown on the Proposals Map.

### **3. CONCLUSION**

- 3.1 The evidence and rebuttal evidence submitted has demonstrated that the public benefits of the scheme are substantial, significant and sufficient to outweigh private loss.
  
- 3.2 The Heart of Shirley scheme will help to deliver the Council's corporate objectives, as contained in key strategies and plans prepared under the Council's duty to promote the economic, social and environmental well-being of the area. Therefore the Council's resolution to make the CPO to facilitate the scheme accords entirely with the requirements of Section 226 of the Town and Country Planning Act (as amended).