

SMBC1/4

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

REBUTTAL PROOF OF EVIDENCE

**RELATING TO THE OBJECTION OF
MR. R. PITHAM**

Michael John Swallow BSc. Hons MRICS

for

SOLIHULL METROPOLITAN BOROUGH COUNCIL

1 INTRODUCTION

- 1.1 This rebuttal proof has been prepared in response to points made in the Proof of Evidence from Mr. Rodney Pitham. Mr Palmer in his rebuttal deals with the planning issues raised. My rebuttal deals with the issues raised by Mr. Pitham relating to the Council as landowner and Development Partner with Shirley Advance.

2 Development Agreement

- 2.1 In his Proof of Evidence, Mr. Pitham claims that the development agreement between the Council and Shirley Advance has never been available for public scrutiny. This is not the case. The Councils statement of reasons for making the compulsory purchase order dated 24 July 2007 included a redacted version of the development agreement (excluding only commercially sensitive financial terms).

3 Selection of the Foodstore Operator

- 3.1 Mr. Pitham questions the process undertaken in selecting the preferred food based anchor store for the Development. My proof of evidence at paragraphs 3.6, 3.7, 3.10 and 3.18 details the marketing exercise undertaken, on more than one occasion, to select an operator and consideration by the Council in reaching its decision to approve the selection of ASDA.

4 Public Open Space Land

- 4.1 In his proof of evidence, Mr. Pitham refers to an area of open space by which I assume he means the area immediately to the rear of 47 – 63 (odd numbers) Haslucks Green Road, Shirley. He claims that this area is considered to be part of Shirley Park.
- 4.2 The land has never been part of the park. It was acquired by the Council in 1959 to provide an extension of the surface car park. Part of the land acquired was used to extend the car park but the remainder has remained as an area of public open space. It has been and continues to be maintained on a different regime to that of the adjoining parkland.