



# Department for Communities and Local Government

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**Your ref:** AK/101094  
**Our ref:** NPCU/CPO/Q4625/76174  
**Date:** 18 October 2016

Dear Mr Kinsey

## **Town and Country Planning Act 1990 Section 226(1)(a), the Local Government (Miscellaneous Provisions) Act 1976 and Acquisition of Land Act 1981**

### **The Metropolitan Borough of Solihull (Touchwood Extension, Solihull) Compulsory Purchase Order 2015**

- 1 The report of the Inspector RM Barrett, BSc (Hons) MSc Dip Hist Cons Dip UD MRTPI IHBC, who held a public local inquiry into the above order starting on 17 May 2016, has been considered. A copy of the Inspector's report is enclosed. References in this letter to paragraphs in the Inspector's report are indicated by the abbreviation IR, followed by the relevant paragraph number.
- 2 The order, if confirmed, would authorise the compulsory purchase and new rights of approximately 1.2 hectares of previously developed land in Solihull Town Centre for the purpose of facilitating the land's development, redevelopment or improvement by way of a retail-led mixed-use scheme comprising an extension to Touchwood Centre, including retail and leisure floor space, public realm and associated highway works.
- 3 Eighteen relevant objections and one objection made by a statutory undertaker under Section 16 of the Acquisition of Land Act 1981 to the order were received. Six statutory objections and that from the statutory undertaker were withdrawn. The main grounds of objection were:
  - substantial harm to the appreciation of the heritage asset;

- structural integrity of the listed buildings as a result of construction, harm to the Manor House and garden;
  - the need for the development;
  - traffic impact and parking;
  - displacement of a number of established businesses, their service, employment and the diversity they bring.
- 4 In addition there were a number of specific objections which the Inspector has dealt with in her report (IR 5.1-5.115). The Inspector also heard and considered 29 non-statutory objections.
  - 5 The Inspector's report summarises the submissions made at the local inquiry. Her conclusions are at paragraphs IR6.1- 6.72 of the report. She has concluded overall that: 'The public interest would therefore be clearly served through implementation of the Scheme in the manner intended, and a compelling case for the Order has been demonstrated'.
  - 6 The Inspector has recommended the CPO be confirmed (IR6.76).
  - 7 The Secretary of State for Communities and Local Government has carefully considered whether the purposes for which the compulsory purchase order was made sufficiently justify interfering with the human rights of objectors, the qualifying persons under section 12(2A) of the Acquisition of Land Act 1981 and he is satisfied that such interference is justified. In particular he has considered the provisions of Article 1 of the First Protocol to the European Convention on Human Rights. In this respect the Secretary of State is satisfied that in confirming the compulsory purchase order a fair balance would be struck between the public interest and interests of qualifying persons.
  - 8 In making this decision, the Secretary of State has had due regard to the need to (a) eliminate unlawful discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, pursuant to s 149 of the Equality Act 2010.
  - 9 The Secretary of State has also given due regard to section(s) 66 and/or 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and agrees with the Inspector (IR6.15) that when taken as a whole the Scheme would preserve the character and appearance of the Solihull Conservation Area and the significance of other heritage asserts.
  - 10 The Secretary of State has also given careful consideration to the Inspector's report and the submissions of the parties. He accepts the Inspector's conclusions and agrees with her conclusions. He accepts that a compelling case in the public interest for confirming the order has been made. The Secretary of State has therefore decided to accept the Inspector's recommendation and to confirm The Metropolitan Borough of Solihull (Touchwood Extension, Solihull) Compulsory Purchase Order 2015.

- 11 I enclose the confirmed order and the map to which it refers. Your attention is drawn to section 15 of the Acquisition of Land Act 1981 about publication and service of notices now that the order has been confirmed. Please inform us of the date on which notice of confirmation of the order is first published in the press.
- 12 Copies of this letter and the Inspector's report are being sent to remaining objectors who appeared or were represented at the local inquiry. Copies of the letter are also being sent to other persons who made submissions at the local inquiry.
- 13 This letter does not convey any other consent or approval in respect of the land to which the order relates.

Yours sincerely

Signed by authority of the Secretary of State for Communities and Local Government

*Ray Colbourne*

Ray Colbourne  
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National Planning Casework Unit