

**THE BIRMINGHAM CITY COUNCIL (POOLWAY SHOPPING CENTRE MEADWAY)
COMPULSORY PURCHASE ORDER 2016**

**SECTION 226(1)(a) TOWN AND COUNTRY PLANNING ACT 1990
and
THE ACQUISITION OF LAND ACT 1981**

1. Notice is hereby given that the Birmingham City Council in exercise of the powers of the confirming authority under the above Acts, on 19th October 2017 confirmed the Birmingham City Council (Poolway Shopping Centre Meadway) Compulsory Purchase Order 2016 made by it. No objections to the order were received within the permitted period and consequently notification was given by the Secretary of State for Communities and Local Government that the power to confirm the order may be exercised by the acquiring authority in accordance with section 14A of the Acquisition of Land Act 1981.
2. The order as confirmed provides for the purchase for the purposes of facilitating the carrying out of development, redevelopment and improvement of the land by the demolition of buildings and the construction of a new mixed use redevelopment including mixed tenure housing, new district centre to include retail uses (A1, A2, A3 and A5) and community / leisure uses (D1, D2), highway improvements, landscaping, public realm improvements enhancements to retained open space and associated works to contribute to the promotion and improvement of the economic, social and environmental well-being of the acquiring authority's area of the land described in Schedule 1.
3. A copy of the order as confirmed by the Birmingham City Council and of the map referred to therein have been deposited at Birmingham City Council, Reception, 1 Lancaster Circus, Queensway, Birmingham B4 7DJ and Small Heath Library, 60 Muntz Street, Birmingham B10 9RX Telephone Number 0121 464 6155, and may be seen at all reasonable hours.
4. The order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.
5. Once the order has become operative, Birmingham City Council may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.
6. Every person who, if a general vesting declaration were executed under section 4 of that Act in respect of the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the Birmingham City Council care of Mrs E Biddle at Legal and Governance Department, Birmingham City Council, PO Box 15992, Woodcock Street, Birmingham B2 2WT about the person's name, address and interest in land, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

SCHEDULE 1
LAND COMPRISED IN THE ORDER AS CONFIRMED

Number on Map	Description
1	All interests other than those of the acquiring authority, in 20 square metres of land and site of a former electricity substation situated on the cleared site of the former Arley House to the east of Sheldon Heath Road Birmingham
2	All interests other than those of the acquiring authority, in 3 square metres of land forming part of the Poolway Shopping Centre car park together with recycling container situated to the south of the Birmingham Drop in Cancer Support Centre, 189 Meadway Birmingham B33 8NB and to the west of garages numbered 47-52 Poolway Shopping Centre Car Park
3	All interests other than those of the acquiring authority, in 3 square metres of land forming part of the Poolway Shopping Centre car park together with recycling container situated to the south of The Birmingham Drop in Cancer Support Centre 189 Meadway Birmingham B33 8NB
4	All interests other than those of the acquiring authority, in 867 square metres: premises known as Meadway Community Centre, Meadway Birmingham together with all land appurtenant thereto
5	All interests other than those of the acquiring authority, in 707 square metres of premises known as the Drop in Cancer Support Centre, 189 Meadway Birmingham B33 8NB together with all land appurtenant thereto
6	All interests in 401 square metres of Commercial premises known as 193 Meadway, Birmingham B33 8NB together with all land appurtenant thereto
7	All interests other than those of the acquiring authority, in 482 square metres of commercial and residential premises known as 120-102 (evens) Meadway Birmingham and 199-195 (odds) together with forecourt and all land appurtenant thereto
8	All interests other than those of the acquiring authority, in 158 square metres of land forming part of the Poolway Shopping Centre car park together with 12 garages numbered 47-58 (inclusive) situated south of 193 Meadway Birmingham B33 8NB
9	All interests other than those of the acquiring authority, in 2404 square metres of commercial and residential premises known as 98-46 (evens) Poolway and 36-32 (evens) Poolway together with forecourt and all land appurtenant thereto
10	All interests other than those of the acquiring authority, in 8 square metres of land forming part of the Poolway Shopping Centre together with public convenience situated within the Poolway shopping Centre Precinct and to the north of Kents Moat Library 55-57 Poolway

- 11 All interests other than those of the acquiring authority, in 7 square metres of land together with outbuilding situated to the west of 48 and 50 Poolway and north of 42 Poolway Birmingham together with all land appurtenant thereto
- 12 All interests other than those of the acquiring authority, in 461 square metres of land comprising communal area together with sheds situated between 22, 24, 26, 28, 30 Poolway and 61, 63, 65, 67, 69 Poolway
- 13 All interests other than those of the acquiring authority, in 1049 square metres of commercial and residential premises known as 49-59 (odds) and 71-81 (odds) Poolway Birmingham together with forecourt and all land appurtenant thereto
- 14 All interests other than those of the acquiring authority, in 3170 square metres of commercial premises, service yard, car park and residential premises known as 87-89 Poolway Birmingham
- 15 All interests other than those of the acquiring authority, in 1229 square metres of commercial and residential premises known as 91-107 (odds) Poolway and 115-131 (odds) Poolway Birmingham together with forecourt and all land appurtenant thereto
- 16 All interest other than those of the acquiring authority, in 201 square metres of land forming part of Poolway Birmingham together with garages numbered 59-72 (inclusive) to the south of the Meadway, Birmingham and west of Kents Moat Recreation Ground
- 17 All interests other than those of the acquiring authority, in 641 square metres of commercial premises known as 109-139 (odds) Poolway Birmingham together with forecourts and all land appurtenant thereto
- 18 All interests other than those of the acquiring authority, in 66 square metres of land together with electricity substation known as 5067 situated to the east of 139 Poolway and adjacent to garage numbered 72 Poolway Birmingham

SCHEDULE 2

FORM OF STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to execute a general vesting declaration

1. Once the the Birmingham City Council (Poolway Shopping Centre Meadway) Compulsory Purchase Order 2016 has become operative, the Birmingham City Council (hereinafter called "the acquiring authority") may acquire any of the land described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the acquiring authority at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2. As soon as may be after the acquiring authority execute a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the

invitation contained in the confirmation notice of the order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the acquiring authority together with the right to enter on the land and take possession of it. Every person on whom the acquiring authority could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.

3. The “vesting date” for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a “minor tenancy”, i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or “a long tenancy which is about to expire”. The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.
5. The modifications are that the acquiring authority may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

SCHEDULE 3
FORM FOR GIVING INFORMATION

**THE BIRMINGHAM CITY COUNCIL (POOLWAY SHOPPING CENTRE MEADWAY)
COMPULSORY PURCHASE ORDER 2016**

To: Birmingham City Council (the acquiring authority)

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to the provisions of section 15 o, or paragraph 6 of Schedule 1, to the Acquisitions of Land Act 1981.

1. Name and address of informant(s) (i)

.....

2. Land in which an interest is held by informant(s) (ii)

.....

3. Nature of interest (iii)

Signed

[on behalf of]

Date

- (i) In the case of a joint interest insert the names and addresses of all the informants.
- (ii) The land should be described concisely.
- (iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given e.g. name of building society and roll number.



Kate Charlton
City Solicitor
29th November 2017

To be returned to
Mrs E Biddle
Legal and Governance Department
Birmingham City Council
PO Box 15992
Birmingham
FAO Ref LS/PTY/EB/166528