



Department for Transport

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Your Ref: RAD/212007

Our Ref: LAO/WM/SRO/2013/26
LAO/WM/CPO/2013/19

Date: 14 August 2013

Dear Sir

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981

THE METROPOLITAN BOROUGH OF SOLIHULL A45 COVENTRY ROAD
BICKENHILL (CLASSIFIED ROAD)(SIDE ROADS) ORDER 2013 ("the SRO")
THE METROPOLITAN BOROUGH OF SOLIHULL A45 (BRIDGE WIDENING NEAR
CHURCH LANE BICKENHILL) COMPULSORY PURCHASE ORDER 2012 ("the CPO")

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the concurrent Public Local Inquiries held at St Peters Church Hall, Church Lane, Bickenhill on 2 and 3 July 2013 before Mr John Wilde C.Eng M.I.C.E. an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Orders submitted by Solihull Metropolitan Borough Council ("the Council").

2. If confirmed by the Secretary of State the SRO and CPO would respectively authorise the Council to:

- a) stop up private means of access to premises and provide new means of access to premises all on or in the vicinity of the route of the classified road being the A45 highway which the Council proposes to improve, temporarily divert and widen from its junction with the slip road off Junction 6 of the M42 to a point 10m east of the slip road to the Clock Island Roundabout, over a distance of 400m; and
- b) purchase compulsorily land and new rights over land for the purposes of the improvement of the A45 highway between Junction 6 of the M42 and the Clock Island junction of the A45 at Bickenhill in the Metropolitan Borough of Solihull; the provision of new means of access to premises; use by the acquiring authority in connection with the improvement of highways and the provision of new means of access to premises as aforesaid; and creation of new rights over land owned by Network Rail.

THE INSPECTOR'S REPORT

3. The Inspector has considered all the objections to and representations about the Orders both as made in writing and presented orally at the Inquiries and has submitted his report to the Secretary of State. A copy of that report is enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

4. The Inspector's report summarises the case for the Council at IR 9 to IR 32. The case for the objectors is summarised at IR 33 to IR 45 and the Council's rebuttal of the objections is at IR 46 to IR 51. The Inspector's conclusions are detailed at IR 52 to IR 75 whilst his recommendations are given at IR 76 and IR 77.

THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATIONS

5. In light of his conclusions the Inspector has recommended at IR 76 that the CPO be confirmed and at IR 77 that the SRO be confirmed.

THE DECISION OF THE SECRETARY OF STATE

6. The Secretary of State has considered carefully all the objections to, and representations about, the Orders, including alternative proposals put forward. He has considered the Inspector's report and accepts his conclusions and recommendations.

7. The Secretary of State has carefully considered whether the purposes for which the CPO is required sufficiently justify interfering with the human rights of the objectors, owners and lessees and he is satisfied that they do. In particular, he has considered the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect he is satisfied that in confirming the CPO, a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

8. The Secretary of State does not consider that the objections, singly or together, constitute grounds for not proceeding with the proposals. For these reasons the Secretary of State has decided to confirm the Metropolitan Borough of Solihull A45 Coventry Road Bickenhall (Classified Road) (Side Roads) Order 2013 and the Metropolitan Borough of Solihull A45 (Bridge Widening Near Church Lane Bickenhall) Compulsory Purchase Order 2012 and this letter constitutes his decision to that effect.

9. In confirming the Orders, the Secretary of State has relied on the information that the Council and others have provided, as contained in the Orders and any related plans, diagrams, statements or correspondence as being factually correct. The decision on confirming these Orders is given on this basis.

COMPENSATION

10. Details of compensation arising as a consequence of confirmation of a compulsory purchase order are for negotiation with the acquiring authority and not the Secretary of State. Accordingly, owners and occupiers of land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect of their interests in the land required for the proposals. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961.

AVAILABILITY OF DOCUMENTS

11. A copy of this letter, together with a copy of the Inspector's report has been sent to the objectors and the other persons who appeared and made representations at the Inquiries. Copies will be made available on request to any other persons directly concerned and can also be viewed on

<https://www.gov.uk/government/organisations/department-for-transport/series/highways-act-inspectors-reports-and-decision-letters>.

Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at the offices of the Council and at all other places used to deposit the Orders for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

RIGHT OF CHALLENGE

12. Notice is to be published of confirmation of the Orders. Any person who wishes to question the validity of the confirmed Orders, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded his powers or has not complied with the relevant statutory requirements in confirming the Orders may, under the provisions of Schedule 2 to the Highways Act 1980 and section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such application must be made within six weeks of publication of the notice that the Orders have been confirmed. The High Court cannot entertain an application under the said Schedule 2 or section 23 before publication of the notice that the Secretary of State has confirmed the Orders.

Yours faithfully



VICTORIA POINTER
Authorised by the Secretary of State
to sign in that behalf