

## **Notice of Compulsory Acquisition Under Section 134(7) of the Planning Act 2008**

THE WEST MIDLANDS RAIL FREIGHT INTERCHANGE ORDER 2020

TO ALL PERSONS OCCUPYING OR HAVING AN INTEREST IN THE ORDER LAND

NOTICE OF AUTHORISATION OF COMPULSORY ACQUISITION

The above order, made under the Planning Act 2008 by the Secretary of State for Transport and published on 4 May 2020, includes provision authorising the compulsory acquisition of land, existing rights over land and of rights over land by creating a new right over it as described in Schedule 1 and more particularly described in the book of reference and land plans accompanying the order.

The order includes provision authorising the acquisition for the purpose of the construction, operation and maintenance of a rail freight interchange and warehousing and associated infrastructure including highway works.

A copy of the order also available at [www.westmidlandsinterchange.co.uk/document-library](http://www.westmidlandsinterchange.co.uk/document-library) and on the Planning Inspectorate Website: <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/>.

A hard copy of the Order, Book of Reference and/or Land Plans can also be sent by post free of charge upon request to [contactus@communityrelations.co.uk](mailto:contactus@communityrelations.co.uk) or by calling 0800 377 7345.

Once the current restrictions on unnecessary travel and business restrictions have been lifted, a copy of the order will be deposited at South Staffordshire Council offices (Wolverhampton Road, Codsall, South Staffordshire, WV8 1PX) and at Staffordshire County Council offices (Staffordshire Place, Tipping Street, Stafford, ST16 2DH) for inspection at all reasonable hours (Monday – Friday 9am – 5pm). Until the current restrictions are lifted, inspection of the order should be made using one of the methods set out above.

A person aggrieved by the order may challenge the order only in accordance with section 118 of the Planning Act 2008, which stipulates that any proceeding must be brought by filing a claim form for judicial review before the end of the period of 6 weeks beginning with the day after the day on which the order was published (or, if later, the day on which the statement of reasons for making the order is published).

Once the provision in the order authorising compulsory acquisition comes into force, Four Ashes Limited may acquire any of the land (including any existing rights and/or new rights) described in Schedule 1 below (and more particularly described in the book of reference and land plans accompanying the order) 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.

Any person who would be entitled to claim compensation if a general vesting declaration were executed is invited to give Four Ashes Limited care of Eversheds Sutherland (International) LLP at Water Court, 116-118 Canal Street, Nottingham, NG1 7HF (Reference: HuttonL) information about the person's name, address and interest in land, using a prescribed form. The prescribed form is set out in Schedule 3.

## **SCHEDULE 1**

### **DESCRIPTION OF THE LAND**

The order land (which is defined in article 2 of the West Midlands Rail Freight Interchange Order 2020) is described in the book of reference and shown on the land plans and covers land in the vicinity of junction 12 of the M6 motorway, west of the motorway and immediately south of the A5 and west of the A449 being 297 hectares of land in South Staffordshire District.

**For a detailed description of the land and rights affected, please refer to the book of reference and land plans (available at [www.westmidlandsinterchange.co.uk/document-library](http://www.westmidlandsinterchange.co.uk/document-library) and also available on the Planning Inspectorate Website: <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/>).**

**Alternatively, if you require a hard copy of the book of reference and land plans, please contact us by emailing [contactus@communityrelations.co.uk](mailto:contactus@communityrelations.co.uk) or by calling 0800 377 7345.**

## **SCHEDULE 2**

### **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 provision in the West Midlands Rail Freight Interchange Order 2020 which authorises compulsory acquisition comes into force, Four Ashes Limited may acquire any of the land (including any existing rights and / or new rights) described in Schedule 1 above (and more particularly described in the book of reference and land plans accompanying the order) 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 Four Ashes Limited at the end of the period mentioned in paragraph 2 below.

#### **Notices concerning general vesting declaration**

2. As soon as may be after Four Ashes Limited 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 notice of the authorisation of the compulsory acquisition. 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 Four Ashes Limited together with the right to enter on the land and take possession of it. Every person on whom Four Ashes Limited 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", ie 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 Four Ashes Limited 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 West Midlands Rail Freight Interchange Order 2020**

To: Four Ashes Limited

[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 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 section 134(7)(cza) of the Planning Act 2008.

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, eg name of building society and roll number.

**20 May 2020**

*Eversheds Sutherland (International) LLP*

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