

24/10/2017:2

THE MIDLAND METRO (BIRMINGHAM EASTSIDE EXTENSION) ORDER ('the Order')

SUMMARY

Proof of Evidence

On behalf of

QUINTAIN CITY PARK GATE LIMITED ('Quintain')

In respect of the

**LAND AND PROPERTY TO THE NORTH EAST OF BRENT TERRACE CURZON STREET
BIRMINGHAM ('the Property')**

By: Richard Asher FRICS

Reference:

BEE_NoM_TMP010 & BEE_NOM_AOU032



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1 QUALIFICATIONS AND EXPERIENCE

- 1.1 I am a Fellow of the Royal Institution of Chartered Surveyors.
- 1.2 I am a Registered Valuer under the RICS Valuers Registration Scheme.
- 1.3 I am a Director of the Development Department at Savills (UK) Limited.

2 INSTRUCTIONS

2.1 I have been instructed by Quintain who is the owner of the above Property which is subject to compulsory acquisition under the above Order being sought through the Transport and Works Act 1992.

2.2 I was also instructed to participate in the ongoing discussions with the Combined Authority in order to see whether agreement could be reached in terms that would allow the University to withdraw its objection to the CPO.

3 QUINTAIN

- 3.1 Quintain City Park Gate Birmingham Ltd, is a subsidiary company of Quintain Limited, a British-based property developer which is wholly owned by Lone Star Real Estate Fund IV.

- 3.2 Quintain has a long term leasehold interest in a large development site located in the Nechells ward in the district of Ladywood, Birmingham. The site is situated in the Digbeth area of Birmingham City Centre between Park Street to the East, Moor Street Queensway to the West, Masshouse Lane to the North and the West Coast Mainline Railway to the South, adjacent to Moor Street Station and is known as City Park Gate. Part of the site in the ownership of Quintain has already been developed as the Hotel La Tour.

4 DESCRIPTION OF SITE

- 4.1 The Property area totals approximately 4.66 hectares (11.52 acres) and comprises mostly derelict former commercial and industrial land, the majority of which is currently used for parking. Birmingham City Council granted an outline planning consent (Planning reference number 2006/07395/PA) on land at City Park Gate (including the Property) for 93,700 sq. ft. of development and has entered into a development agreement with Quintain to implement that scheme. Quintain also obtained another planning consent (Planning reference number 2008/04177/PA) in 2008 for an office scheme incorporating 20,000sqm of floor space on part of the proposed City Park Gate site.

5 LAND TO BE ACQUIRED BY THE COMBINED AUTHORITY

5.1 The Transport and Works Act Order is seeking, if confirmed, to provide for (1) the right temporarily to use the land in plots 30, 33, 34, 36, 37 and 40 contained in the Schedule, to which Quintain has an interest; and (2) the right to carry out safeguarding works to the building(s) situated on that land.

5.2 The Transport and Works Act Order is seeking, if confirmed, to provide for (1) the compulsory acquisition of the land in plots 31, 32, 35, 38, 39 and 45 contained in the Schedule, to which Quintain has an interest; (2) the compulsory acquisition of rights over any of that land that is not acquired, including for the purposes of installing, retaining and maintaining overhead line equipment; (3) the right temporarily to use the land, where it is not acquired or before it is acquired; and (4) the right to carry out safeguarding works to the building(s) situated on that land.

6 QUINTAIN'S OBJECTIONS TO THE ORDER

6.1 Quintain object to the proposed Transport and Works order on just two grounds.

6.2 Below I produce evidence to support their objection I these two areas:-

- a. That the order is not in the public interest in that the land has already been identified for compulsory purchase by HS2 Limited and it is not necessary or appropriate to seek a further Order for the land.
- b. That the objectives and purpose for which the acquiring authority is proposing to acquire the land can be achieved by other means, namely by seeking agreement with HS2 Limited, who are likely, by the time this Order is confirmed, to have ownership and possession of the land required.

7 CONCLUSION

- 7.1 Finally, I would conclude that the use of compulsory purchase powers to acquire land which has already been authorised for acquisition by another authority is not in the public interest. Secondly, that it is not the best use of public funds and resources. Finally, if the land was genuinely required for the permanent use for HS2, then it cannot be available for use by the Combined Authority.
- 7.2 Given the above evidence I believe that the Inspector should recommend to the Secretary of State that the The Midland Metro (Birmingham Eastside Extension) Order should be refused in so far as it seeks to include the Quintain Land.

Signed:

Dated: 24th October 2017

Richard Asher FRICS

Savills