

Angela Foster

030/11

From: David Conboy <David.Conboy@glhearn.com>
Sent: 29 January 2018 22:05
To: TRANSPORTANDWORKSACT
Subject: Midland Metro Wednesbury to Brierley Hill Order
Attachments: 2018.01.29 - Objection Letter.pdf

Dear Sir /Madam,

Pease find attached a letter in respect of the above.

Regards

David

[David Conboy](#)

CPO and Regeneration Director

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Our ref: CPO/Waterstones – Brierley Hill

Secretary of State for Transport
c/o Transport and Works Act Orders Unit
Department for Transport
Zone 1/18
Great Minster House
33 Horseferry Road
London
SW1P 4DR

29th January 2018

Dear Sir/Madam,

The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order ('the Order')

GL Hearn is instructed by Waterstones Booksellers Limited ('**Waterstones**') of 203-206 Piccadilly, London, W1J 9HD. Our client holds a leasehold interest in units 95 & 96 Merry Hill Centre, Dudley, West Midlands, DY5 1SJ ('**the Property**') from which it operates a store for the retail sale of books, stationery, toys and games. The Property itself is not included within the Order but elements of the circulation and access roads relating to the Merry Hill Shopping Centre, in which Waterstones and their customers rely upon for access to the shopping centre's car parks and service area, are included in the Order as plots 336 and 337. Under their lease, Waterstones have rights of access over these circulation and access roads.

The Order, if made, would give the West Midlands Combined Authority ('**the Authority**') powers to acquire the land identified as plot 336 and for securing new rights of access over the land identified as plot 337.

We hereby give notice of our client's objection to the Order on the following grounds:

- (i) The Authority has provided insufficient detail as to how the construction works for the new tram line and associated infrastructure will be undertaken so to minimise the impact to Waterstones and other occupiers of the Merry Hill Shopping Centre. The Order, if made, would permit the Authority to acquire land which forms of a private road ('**The Embankment**') which provides an important access route from the public highway to the car parks and service areas of the shopping centre for both Waterstones staff and customers. Discussions have been held with the Authority's representatives who have advised that the works will be undertaken in a manner that does not impede access to the shopping centre along this route, but to date no legally binding commitment has been provided nor any detail as to the works required in this area so to demonstrate why the extent of land included in the Order under plot 336 is required. Waterstones consider that the lack of assurance or engagement on this point illustrates that the Authority has not made sufficient attempts to acquire land by agreement.

It is Waterstones' position that their land should be removed from the Order.

We would be grateful if you could confirm receipt of this objection and we trust it will be given due and fair consideration.

On a final note, we reserve the right to amend, add to or withdraw this objection.

Yours sincerely



David Conboy
CPO and Regeneration Director

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