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Our Ref: TJE/kmPS12014
email: tim.earl@montagu-evans.co.uk

29 January 2018

The 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

By email and post: transportandworksact@dft.gsi.gov.uk

Dear Sirs

The Transport and Works Act 1992
The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
The Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order
In Respect of Unit K Merry Hill Shopping Centre Hill, Dudley
Argos Ltd ("The Company")

We are instructed by the Company to advise in connection with the above Order, which the West Midlands Combined Authority ("WMCA") applied for on 12 December 2017.

The Company is the leaseholder of the above retail premises in Merry Hill Shopping Centre which are traded as part of the Company's catalogue retailing business. The Company holds a standard modern lease in the premises which includes for rights of customer and service access to the Premises, and parking.

The Company's ability to trade successfully from the Premises is dependent on having unrestricted pedestrian and vehicular access for customers and service vehicles.

The Company has received notification of WMCA's application for the above named Order by Notice dated 12 December 2017. The proposed draft Order succeeds the Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 ("the 2005 Order"). In this regard the draft Order would authorise:

"...further powers of compulsory acquisition on the Authority (WMCA) in respect of the extension of its Midland Metro Tram System from Line 1 at Wednesbury along the abandoned rail corridor to Brierley

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CHARTERED SURVEYORS

5 Bolton Street

London

W1J 8BA

Tel: 020 7493 4002

Fax: 020 7312 7548

www.montagu-evans.co.uk



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Hill via Dudley Town Centre and the waterfront / Merry Hill for the purpose of the works authorised by ..., the 2005 Order.

More specifically, the Order will enable WMCA to acquire land and rights in land compulsorily, to use that land and to extinguish rights over land. As proposed, such powers will be exercised over land parcel No.336 within the Book of Reference which comprises "private road (The Embankment), footways, steps, retaining wall, advertising hoardings and land, Brierley Hill".

Additionally, the Order will enable WMCA to acquire rights in land in relation to land parcel No.337 within the Book of Reference which comprises "private roads (the embankment and central way), footways, bus stop, shelters, roundabout and land, Brierley Hill".

The Company does not object in principle to the scheme underlying the Order application which has been submitted following the expiry of the original powers of compulsory acquisition under the 2005 Order on 22 March 2010. However the Company is concerned at the potential adverse impacts of the scheme arising from the acquisition and extinguishment of rights in land and with this, for the continued operation of the retail business. Accordingly, we are instructed to **formally object** to the draft Order Application on the Company's behalf.

The powers of compulsory acquisition proposed under the draft Order Application extend in part over key access roads and footways serving Merry Hill Shopping Centre where the Company's premises are located. The Parties rely on these private roads for enabling both customer access and service access. The loss of existing rights for customers and service access or any restrictions on these will have significant and adverse trading impacts for the Company's business. It is contended that this would not be in the public interest.

The Company has yet to be provided with details of the nature of new rights being acquired, or those being extinguished and as a consequence the impact for access over The Embankment and Central Way both during and after the scheme works period. In addition to requesting this information, the Company has various other concerns which they contend that WMCA should also address before the draft Order Application can be approved. These include:

1. Accommodating continued customer access and service access during the scheme works period.
2. The retention of access to existing levels of available customer car parking during and after the scheme works.
3. Maintaining full services and utilities during the scheme works.
4. Provision of access for emergency vehicles during the scheme works.
5. Confirmation of the final scheme position and the details of boundary treatments proposed.
6. Details of protective provisions and safeguards to be put in place to prevent adverse environmental impacts on the properties whilst construction takes place given the particular sensitivities of the business.

7. Confirmation of how access in the wider locality is to be maintained throughout the scheme works period.
8. The provision of a traffic plan and method statement with phasing plans for the period of the scheme works illustrating how access will be maintained to the shopping centre and retail park for customers and service deliveries alike.

The Company maintains that the draft Order Application should not be approved until these matters have been properly addressed and formal assurances given by WMCA. The Company intends to maintain the grounds of the Objection to the Order and request that the Order should not be approved because WMCA, as Acquiring Authority, has not satisfactorily addressed the above issues.

We would be grateful if you would acknowledge safe receipt of this letter. Furthermore we would ask for the objection to be considered at any public inquiry held to assess the merits of the draft Order. We reserve our Client's right to add to or amend these grounds of objection.

Should you require any further information or clarification of the issues raised then we would be grateful for all contact and correspondence to be addressed to Tim Earl of this Firm in the first instance.

Yours faithfully



Montagu Evans LLP

