

Notice of Compulsory Acquisition under Section 134(7) of the Planning Act 2008

THE M42 JUNCTION 6 DEVELOPMENT CONSENT ORDER 2020

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 21 May 2020, includes provision authorising the compulsory acquisition of land, existing rights over land, of a right over land by creating a new right over it as described in Schedule 1.

The Order includes provisions authorising the acquisition for the purpose of the creation of a dual carriageway and works to existing junctions.

The Order in summary involves:

- Construction of a new 1.5 mile (2.4 km) dual carriageway (in the main in cutting) to the west of Bickenhill between the Clock Interchange on the A45 and a new junction (5a) on the M42, north of the Solihull Road.
- New free flow links around the north west and north east of the M42 junction 6.
- Works to the Clock Interchange and the A45 between the Clock Interchange and the M42.
- Works to the south east side of the M42 junction 6, the A45 westbound (east of the M42 junction 6) and the M42 junction 6 southbound slip roads.

DUE TO GOVERNMENT GUIDANCE ON THE COVID-19 MOVEMENT RESTRICTIONS AND IN LIGHT OF THE PUBLIC HEALTH RISK, PAPER COPIES OF THE: ORDER; NOTIFICATION OF THE DECISION LETTER; RECOMMENDATION REPORT; AND THE SECRETARY OF STATE'S DECISION LETTER ARE NOT AVAILABLE TO VIEW AT DEPOSIT LOCATIONS. THESE DOCUMENTS ARE AVAILABLE TO VIEW ON-LINE AT:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m42-junction-6-improvement/>

If you cannot view the documents on-line, please contact the Project Team via M42Junction6@highwaysengland.co.uk or 0300 123 5000 who will be able to arrange for a paper copy or a USB stick of the documents to be sent to you free of charge.

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 was published).

Once the provision in the Order authorising compulsory acquisition comes into force Highways England may acquire any of the land (including any existing rights and/or new rights) described in Schedule 1 below 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 Highways England information about the person's name, address and interest in land, using a prescribed form. The prescribed form is set out in Schedule 3 and should be returned to Highways England's agent for the scheme at the following address:

Post: M42 Team, Gateley Hamer, 111 Edmund Street, Birmingham, B3 2HJ

or by **email:** m42junction6@highwaysengland.co.uk

SCHEDULE 1

DESCRIPTION OF THE LAND, EXISTING RIGHTS AND NEW RIGHTS

The Order land (as defined in Article 2 of the Order) is shown on the land plans (as defined in Article 2 of the Order) and described in the deposited book of reference (as defined in Article 2 of the Order) within the local authority areas of Solihull Metropolitan Borough and North Warwickshire. This notice relates to so much of the Order land as is shown on the land plans shaded pink (compulsory acquisition of all interests and rights in land (including, as required, subsoil and surface land)), shaded blue (creation and compulsory acquisition of new rights (including, where necessary, a right to impose restrictive covenants)) and shaded green (temporary possession and use of land).

The Order grants Highways England compulsory acquisition powers over the Order land and such rights over the Order land may be required for any purpose for which that land may be acquired under article 24 (compulsory acquisition of land) of the Order, by creating them as well as acquiring rights already in existence. The Order grants Highways England powers to compulsory acquire rights and create new rights in the land, including for the benefit of the public or other parties. The Order also authorises interference with existing rights and the breach of existing restrictive covenants over the land described and provides for the extinguishment, temporary suspension or discharge of such rights or restrictive covenants.

In the case of the Order land specified in column (1) of Schedule 8 (land in which only new rights etc. may be acquired) of the Order, Highways England's powers of compulsory acquisition are limited to the creation of such new rights in the land or the imposition of restrictive covenants, as may be required for the purpose specified in relation to that land in column (2) of that Schedule.

In accordance with article 27 of the Order, where Highways England acquires a right over land, Highways England is not required to acquire a greater interest in that land.

Highways England may also temporarily use the Order land to carry out the authorised development (as defined in article 2 of the Order) pursuant to article 33 of the Order and may temporarily use the Order land to maintain the authorised development pursuant to article 34 of the Order.

SCHEDULE 2

STATEMENT ON THE 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 M42 JUNCTION 6 DEVELOPMENT CONSENT ORDER 2020, which authorises compulsory acquisition comes into force, the acquiring authority (hereinafter called Highways England) may acquire any of the land (including any existing rights and/or new rights) described in Schedule 1 above 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 Highways England at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2. As soon as may be after Highways England 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 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 Highways England together with the right to enter on the land and take possession of it. Every person on whom Highways England 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 the 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", i.e. 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 Highways England 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 M42 JUNCTION 6 DEVELOPMENT CONSENT ORDER 2020

To: Highways England, M42 Team, Gateley Hamer, 111 Edmund Street, Birmingham, B3 2HJ

Email: m42junction6@highwaysengland.co.uk

[I] [We] (*delete as applicable*) being [a person] [persons] (*delete as applicable*) 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] (*delete as applicable*) 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 land is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other encumbrance, details should be given, e.g name of building society and roll number.

Highways England
28 May 2020