

THE BIRMINGHAM CITY COUNCIL
(THE AXIS BUILDING, HOLLIDAY STREET, CITY CENTRE)
COMPULSORY PURCHASE ORDER 2018

The Town and Country Planning Act 1990, the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981

1. Notice is hereby given that Birmingham City Council, in exercise of the powers of the confirming authority under the above Acts, on 8th November 2018, confirmed the Birmingham City Council (the Axis Building, Holliday Street, City Centre) Compulsory Purchase Order 2018 made by it. Objections to the order were received within the permitted period, all of which were subsequently withdrawn and consequently notification was given by the Secretary of State for Housing, Communities and Local Government that the power to confirm the Order may be exercised by the acquiring authority in accordance with section 14A of the Acquisition of Land Act 1981.
2. The Order as confirmed provides for the purchase of the land and the new rights described in Schedule 1 below for the purposes of facilitating development, redevelopment and improvement by the demolition of buildings and the construction of a new office led mixed use development comprising new office and retail floorspace, together with associated car and bicycle parking, a new public square and associated means of access and other associated works to contribute to the promotion and improvement of the economic, social and environmental well-being of the area.
3. A copy of the Order as confirmed by Birmingham City Council and of the map referred to therein have been deposited at the offices of the acquiring authority's Planning and Regeneration Department, 1 Lancaster Circus Queensway, Birmingham, B4 7DJ or Library of Birmingham, Centenary Square, Broad Street, Birmingham B1 2ND, and may be seen and may be seen at all reasonable hours.
4. The Order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the Order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the Order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the Order.
5. Once the Order has become operative, Birmingham City Council may acquire any of the land 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 below.
6. Every person who, if a general vesting declaration were executed under section 4 of that Act in respect of the land comprised in the Order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to Birmingham City Council care of Fatima Chandoo at Legal and Governance Department, Birmingham City Council, P. O. Box 15992, Woodcock Street, Birmingham B2 2WT (reference LS/PTY/FC/172126) about the person's name, address and interest in land, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

SCHEDULE 1
LAND AND THE NEW RIGHTS COMPRISED IN THE ORDER AS CONFIRMED

Plot No	Description of land
1	All interests in 14651 square metres, or thereabouts, of car park and premises known as the Axis Building, 10 Holliday Street, Birmingham except for those held by London & Continental Railways Limited or any Crown interests but excluding the building itself and that part of the car park access road which lies under plot 2 (the south wing of the Axis Building)
2	All interests in 2104 square metres, or thereabouts, of offices and premises known as The Axis Building, 10 Holliday Street, Birmingham except for those held by London & Continental Railways Limited or any Crown interests together with car park access road at lower ground level which lies under the South wing of the Axis Building
3	All interests in 30 square metres, or thereabouts, of land and generator unit (The Axis, 10 Holliday Street, Birmingham) except for those held by London & Continental Railways Limited
4	The right for the acquiring authority and any person authorised by it to swing the jib of a crane loaded or unloaded through the airspace over 973 square metres, or thereabouts, of car park, public road and footways (Navigation Street) and viaduct carrying public road and footways (A38) Suffolk Street Queensway, Birmingham) except any interest held by the local highway authority
5	The right for the acquiring authority and any person authorised by it to swing the jib of a crane loaded or unloaded through the airspace over 1123 square metres, or thereabouts, of public road and footways (Royal Mail Street, Birmingham) except any interest held by the local highway authority
6	The right for the acquiring authority and any person authorised by it to swing the jib of a crane loaded or unloaded through the airspace over 896 square metres, or thereabouts, of car park, shopping centre and flats known as The Mailbox (Royal Mail Street, Birmingham)
7	The right for the acquiring authority and any person authorised by it to swing the jib of a crane loaded or unloaded through the airspace over 522 square metres, or thereabouts, of car park, shopping centre and flats known as The Mailbox (Royal Mail Street, Birmingham)
8	The right for the acquiring authority and any person authorised by it to swing the jib of a crane loaded or unloaded through the airspace over 106 square metres, or thereabouts, of car park, shopping centre and flats known as The Mailbox (Royal Mail Street, Birmingham)
9	The right for the acquiring authority and any person authorised by it to swing the jib of a crane loaded or unloaded through the airspace over 1533 square metres, or thereabouts, of car park, private road and buildings (rear of Centenary Plaza, Holliday Street, Birmingham)
10	The right for the acquiring authority and any person authorised by it to swing the jib of a crane loaded or unloaded through the airspace over 945 square metres, or thereabouts, of footway, landscaped area and hotel known as Centenary Plaza, Holliday Street, Birmingham
11	The right for the acquiring authority and any person authorised by it to swing the jib of a crane loaded or unloaded through the airspace over 586 square metres, or thereabouts, of public road and footway (A456) Holliday Street, Birmingham) except any interest held by the local highway authority
12	The right for the acquiring authority and any person authorised by it to swing the jib of a crane loaded or unloaded through the airspace over 102 square metres, or thereabouts, of public road (A456) Holliday Street, Birmingham) except any interest held by the local highway authority

SCHEDULE 2
FORM OF 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 Birmingham City Council (The Axis Building, Holliday Street, City Centre) Compulsory Purchase Order 2018 has become operative, Birmingham City Council (hereinafter called the "Acquiring Authority") may acquire any of the land 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 the Acquiring Authority at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2. As soon as may be after the Acquiring Authority 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 Confirmation Notice of the Order. 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 the Acquiring Authority together with the right to enter on the land and take possession of it. Every person on whom the Acquiring Authority 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 a 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 is 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 run which 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 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 the Acquiring Authority 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 BIRMINGHAM CITY COUNCIL (THE AXIS BUILDING, HOLLIDAY STREET, CITY CENTRE) COMPULSORY PURCHASE ORDER 2018

To: Fatima Chandoo, Legal and Governance Department, Birmingham City Council, P. O. Box 15992, Birmingham B2 2UO.
 Ref: LS/PTY/FC/172126

[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 compulsory purchase 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 the provisions of section 15 of, or paragraph 6 of Schedule 1, to the Acquisition of Land Act 1981.

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, e.g. name of building society and roll number.

Kate Charlton, City Solicitor Dated: 6th December 2018