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Subject: West Midlands Interchange TR05005 Inglewood 20015438
Date: 23 April 2019 09:55:27
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Dear Sir

The Inglewood Investment Company Limited
Response in respect of Deadline 3

Having considered the representations made by Eversheds, for the Applicant, we would wish to make the following additional comments on behalf of our clients:

1: **Appendix 10:** paragraph 2.2 (document 000734): the '*compelling need*' referenced in paragraph 2.36 of the NPS is addressing the need for planning purposes; it does not follow that that need equates with the test applied to the '*compelling case*' which has to be met for CPO purposes, and the ExA should therefore be careful to distinguish these concepts. The point is made in the NPS at paragraph 16 (see our Written Representations paragraph 9.3); it is further explored in paragraphs 37-52.

We observe that in response to the ExA question 1.16.3, the Applicant has only addressed the points in the original representation as to minerals, and has not answered the ExA question as to the CA (that is, so as to provide an explanation for its case on compulsory acquisition).

2: **The Updated Market Assessment** (doc 000742) remains completely silent on the matter of viability. It reiterates the scale of market opportunity, but does not address the necessity for the market response to be in the control of a single developer/investor.

- Appendix 9 (document 000734) (ExQ 1.2.18) opens at Para 1.1 with the statement "*The Applicant's justification for the volume of warehousing proposed as part of WMI is based upon the scale of pent up market demand and the amount of space that the site is able to support in the context of its surroundings*".
- Appendix 10 (document 000734) (ExQ 1.2.18) comments on scale, also by reference to market need - "*If Vicarage Road were to be used as a Green Belt boundary, it would constrain the ability of the location to meet a very significant need*".

In fact, the Applicant does not offer a commitment to develop the whole scheme, (development being subject to occupier demand/funding etc...), and the Inglewood land is 'back ended' in the outlined program, demonstrating the point made above that the need for provision in a planning sense does not equate to a compelling case for CPO. It is notable that no case has been put forward by the Applicant as to viability. Deadline 2 having expired it is therefore concluded that the Applicant is not arguing its case on viability, so that the evidence on this point comes solely from Inglewood. (We repeat the point made above as to the failure of the Applicants to answer the ExA question at 1.16.3 as to its case on compulsory acquisition. If the Applicant does now set out a fuller case, Inglewood may request permission to respond)


The suggestion that the scheme would be 'constrained' is not borne out, since Inglewood support the scheme within the DCO red line boundary, and would bring forward the development on their land if the market demand is there - in other words, adopting the same position as the Applicants. Inglewood opposes the use of CPO powers over its land for such a long term eventuality. The Applicants continue to conflate market demand, planning need, and the question of whether there is a present compelling case for CPO

In respect of Appendix 10 para 2.12, It is noted that the outline program does not propose any of the environmental mitigation works south of Vicarage Road (Calf Heath) until Phase 2 (2026-2029), and then it is only partial. Phase 3 makes no reference to Calf Heath. Phase 4 (development south of Vicarage) includes further works to Calf Heath. There is no necessity for that part of the Calf Heath environmental mitigation that is on the Inglewood land

3: **Minerals:** response to ExA questions 1.16.3: we are grateful for the confirmation that the Applicant does intend to acquire the minerals in our client's land (so that the CPO should be considered on the basis that the minerals are thus 'named and conveyed'); now that it is expressly accepted that Inglewood's minerals are being acquired we re-assert the point that no case has been made out for sterilising them. The Applicant *appears* to suggest that SSG has some interest in the minerals : For the avoidance of doubt, that company has no such interest; our client is the sole owner of the minerals in its land, and it has not granted any lease or rights in respect of the minerals to SSG or to any other party.

Yours faithfully

**Niall
Blackie**
Consultant

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