

Wednesbury to Brierley Hill Extension

Evidence Given on Behalf of the Applicant: WMCA
Town Planning
Main Proof of Evidence
Paul Ellingham



Transport and Works Act 1992

The Transport and Works

(Inquiries Procedure) Rules 2004

TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004
Evidence on behalf of
West Midlands Combined Authority
MIDLAND METRO (MIDLAND METRO WEDNESBURY AND BRIERLEY HILL
EXTENSION) ORDER

Main Proof of Evidence

-of-

Paul Ellingham

Regarding

Town Planning

APP/P5.1

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1 Qualifications and Experience

- 1.1.1 This evidence is prepared by Paul Ellingham MA Town Planning MRTPI.
- 1.1.2 I am instructed by the WMCA on a consultancy basis, whereby I provide specialist Town Planning advice in relation to the proposed Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order.
- 1.1.3 I hold an MA in Town Planning from the City of Birmingham University and have been a Member of the Royal Town Planning Institute (RTPI) since 1994. I have over 30 years of town planning practice in both the private and public sectors, with extensive experience in securing a range of consents for major infrastructure projects.
- 1.1.4 I am the national lead for Town Planning at Mott MacDonald, which is a global multidisciplinary environmental and engineering consultancy. I joined them in November 2015 as a Planning Director, heading up the Midlands Team and prior to that, I was employed as a Director with WYG between 2014 and 2015. Between 2007 and 2014, I was a Director of Alliance Planning and subsequently employed as an Associate Director with Alliance Planning between 2005 and 2007. I was previously employed by the West Midlands Passenger Transport Executive (“Centro”) as Planning Team Leader between 2000 and 2005 and prior to that, as a Senior Planner between 1996 and 2000.
- 1.1.5 In my roles at Centro, I was responsible for all town planning and environmental related matters including securing consents for a range of major transport infrastructure projects. I was directly involved in the development of Midland Metro Line One and was a key part of the Centro Team for the promotion of the Midland Metro (Birmingham City Centre Extension) Order 2005 and the Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005.
- 1.1.6 Since moving into private consultancy in 2005, I have continued to provide town planning advice to Centro and, more recently, to the WMCA, on matters associated with various aspects of the light Rapid Transit Network. For example, I have acted for the Centro and the WMCA as an expert witness for the Midland Metro (Birmingham City Centre Variation) Order 2015, the Midland Metro (Wolverhampton City Centre Extension) Order 2016 and the Midland Metro Birmingham City Centre Extension Order 2017.

- 1.1.7 I am therefore, familiar with the Transport and Works Act Order (TWAO) process and with the planning and environmental issues associated with the development of tramway infrastructure within the Black Country, and the wider West Midlands region.
- 1.1.8 The evidence I shall give is true, given in good faith and represents my professional opinion regarding the merits of the Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order.

2 Scope of Evidence

2.1 Overview

2.1.1 My evidence covers the town planning and environmental matters associated with the proposed Midland Metro (Wednesbury to Brierley Hill Land Acquisition) Order Application ('WBHE' hereafter).

2.1.2 In Section 3 of my evidence, I provide background and context to the WBHE Scheme and the 2005 Order **[WBHE/B2]**. I draw on the Wednesbury to Brierley Hill updated Strategic Business Case **[WBHE/D3- WBHE/D7]**, Statement of Case **[WBHE/F5]** and the evidence given by Peter Adams **[APP/P1.1]** and Dave Carter **[APP/P2.1]** on the need for the WBHE and how it will achieve the following transport, regeneration, economic and social objectives:

- Meet a transport deficiency in the network and provide a world class sustainable transport solution;
- Improve connectivity and accessibility between the Black Country Strategic Centres and Transport Corridors;
- Contribute significantly to regeneration and investment; and
- Improve social mobility and help reduce deprivation.

2.1.3 In Section 4 of my evidence, I provide an overview of the route alignment and set out the elements of the WBHE in terms of tram stops, overhead line equipment (OHLE), landscaping and public realm works and measures for delivering the necessary environmental mitigation measures. An engineering overview is provided in the evidence given by Ian Collins **[APP/P3.1]**.

2.1.4 In Section 5, I identify the relevant planning and economic policies at national and local level, both adopted and emerging, in so far that they relate to the WBHE.

2.1.5 I acknowledge the objections lodged to the Proposed Order, however I do not believe these are relevant to this scope of evidence and are dealt with in evidence provided by others.

2.1.6 In Section 6, I go on to deal with the matters from the Secretary of State's Statement of Matters relating to my evidence which include:-

Matter Ref	Scope	Section Ref
1	Justification for the Scheme in terms of national and local planning and economic policies	6.2
3	Benefits of the Scheme in terms of achieving sustainable development (in particular the contribution the Scheme makes to the regeneration of the Black Country and wider West Midlands Region)	6.3
4d	Any measures proposed by WMCA to mitigate any significant adverse impacts arising from the powers of the proposed Order and whether any such measures are appropriate and sufficient	6.4

2.1.7 All other matters such as the need and funding of the Scheme, design and engineering, transport planning, noise and vibration, compulsory purchase and land acquisition, are addressed in evidence provided by others. A full list of witnesses for the WMCA, along with their respective areas of expertise and Proof References, are set out below:-

Witness Name	Specialism	Proof Document	Proof Reference
Peter Adams	Scheme Overview	Main Proof	APP/P1.1
		Summary Proof	APP/P1.2
		Appendices to Proof	APP/P1.3
Dave Carter		Main Proof	APP/P2.1

	Transport and Economic Case	Summary Proof	APP/P2.2
		Appendices to Proof	APP/P2.3
Ian Collins	Civil Engineering	Main Proof	APP/P3.1
		Summary Proof	APP/P3.2
		Appendices to Proof	APP/P3.3
Himanshu Budhiraja	Transport Modelling	Main Proof	APP/P4.1
		Summary Proof	APP/P4.2
		Appendices to Proof	APP/P4.3
Bruce Fowler	Acquisition Surveyor	Main Proof	APP/P6.1
		Summary Proof	APP/P6.2

3 Background to the Scheme

3.1 The 2005 Order

3.1.1 On 20 December 2004, the Secretary of State for Transport (“the Secretary of State”) approved the Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 (‘the 2005 Order’) [WBHE/B2]. The 2005 Order authorised the construction and operation of an extension to Line 1 of the Metro system, connecting Wednesbury to Brierley Hill. The 2005 Order also provided for powers of compulsory acquisition (or ‘purchase’, as in paragraph below) for the purposes of the WBHE, which expired in 2010, and included protective provisions for specified bodies. The Secretary of State also issued a direction deeming conditional planning permission to be granted for the development authorised by the 2005 Order [WBHE/B7].

3.1.2 Although the works powers of the 2005 Order were preserved, and the deemed planning permission was implemented by the discharge of conditions and carrying out of material operations, the powers of compulsory purchase relating to the 2005 Order, expired in March 2010 due to a lack of Government funding at the time and other investment priorities at that time. The compulsory powers, therefore, must be refreshed to ensure that WMCA can secure all the land and rights over land required to implement the WBHE.

3.2 The Proposed Order

3.2.1 Through the authorisation of the 2005 Order [WBHE/B2], the Inspector and Secretary of State, concluded that the WBHE would bring clear transportation, regeneration and socio-economic benefits to Dudley Sandwell and the wider Black Country [WBHE/B6; WBHE/8]. They also concluded that the benefits outweighed any adverse impacts on the local community and environment.

3.3 The Strategic Case

3.3.1 The Wednesbury to Brierley Hill Strategic Business Case [WBHE/D3-7] demonstrates that the WBHE will create a sustainable, fast and congestion free link between Brierley Hill, Dudley, Wolverhampton and Birmingham. Future development of the Midland Metro will provide a further direct link to HS2 and Birmingham Airport.

3.3.2 In Paragraph 2.9 of the Strategic Business Case **[WBHE/D5]** for the Scheme, the following objectives are identified:-

- Support regeneration in areas of high deprivation through improved connectivity with areas of opportunity;
- Support economic development by improving the accessibility of (major) employment and residential sites;
- Enhance the prosperity of Black Country residents and businesses through providing better access to employment and a wider workforce;
- Improve the education and skill base of the residents of Sandwell and Dudley by providing wider access to universities and colleges throughout the West Midlands;
- Encourage modal shift from private car by delivering a high quality and reliable public transport service;
- Support an integrated transport network through providing seamless interchange; and
- Deliver a high quality public transport service in a manner that supports local environmental and safety benefits.

3.4 Improving Connectivity and Accessibility

3.4.1 The deficiencies and need for significant improvement and investment into the Black Country transport network as identified in the 2005 Order are still relevant. The Wednesbury to Brierley Hill Business Case, Strategic Case **[WBHE/D5]** identifies a wide range of key transport difficulties and challenges across the Black Country, including:

- Lack of direct rail service between Dudley, Brierley Hill and surrounding urban centres;
- Heavy reliance on the car as a mode of transport;
- Heavy congestion within sub-regional centres; and
- Poor links with the wider transport network for travel to work to main urban centres, such as Wolverhampton and Birmingham.

3.4.2 The WBHE is a major part of providing a high quality, reliable and fast transport network and, hence, will be key to delivering improved levels of connectivity that will contribute to linking existing and new communities to employment, shopping, leisure, health and

education opportunities in the Regeneration Corridors and Strategic Centres (see paragraph 3.8.5 of this Proof of Evidence).

3.4.3 In addition to the WBHE playing a major role in relation to the 'Regeneration Corridor' and supporting the growth and prosperity of the Black Country Strategic Centres, it will provide a further form and choice of local transport to access a whole range of services and education opportunities. For example, the WBHE, and the connectivity already provided by the Birmingham to Wolverhampton Line, will provide access to a wide ranging network of education and health institutions in the Black Country and Birmingham, including amongst others:-

- Wolverhampton University
- Birmingham City University
- Aston University
- Sandwell College
- Dudley College
- Birmingham Metropolitan College
- Sandwell Hospital
- Dudley Road Hospital

3.5 Reducing the Reliance on Private Transport

3.5.1 With no existing direct rail link from Brierley Hill or Dudley, bus and car usage are higher than the national average. With the introduction of the WBHE extension, access to major centres such as Wolverhampton and Birmingham City Centre on the existing Metro network will contribute to reducing reliance on the private car and the associated environmental and air quality benefits.

3.5.2 A journey time comparison between the proposed Metro route and existing bus routes servicing Birmingham City Centre shows that with the WBHE in place, public transport times will reduce by around 50% [WBHE/D5]. This will significantly improve the potential employment prospects for residents of Sandwell and Dudley and broader connectivity within the Black Country sub region and the wider West Midlands Metropolitan area.

3.6 Creating a World Class Sustainable Transport System

- 3.6.1 The WBHE will contribute to creating a World Class Transport System through the delivery of 11.5 km of a high quality reliable public system, which will be accessible to all and link local communities in the Black Country to key strategic centres and the wider West Midlands region.

3.7 Unlocking the benefits of HS2

- 3.7.1 The WBHE will ensure that the residents of Sandwell and Dudley have high quality access to the HS2 station at Curzon Street and ultimately also the HS2 Interchange Station at UK Central. It will, therefore, be able to maximise the significant economic opportunities that HS2 is predicted to produce for the West Midlands area. It is proposed that the HS2 route will be completed as far as Birmingham by 2032, being available to residents of the Black Country so as to provide a further means of accessing the significant number of construction jobs associated with HS2 using public transport. This will be made possible by this Scheme linking to the current service between Wednesbury to Birmingham (Line1) and the planned extension to the HS2 Station at Curzon Street in Birmingham City Centre.

3.8 Supporting Regeneration and Investment in the Black Country

- 3.8.1 The introduction of the WBHE is key to supporting regeneration of Dudley and Sandwell as it will contribute significantly to improved access and connectivity to existing and new sites. This extra development and regeneration will enable further growth and job creation.
- 3.8.2 In paragraphs 10 and 11 of the Decision letter **[WBHE/B6]**, the Secretary of State considered the need, objectives and justification for the WBHE, and indicated agreement with the inspector's analysis of the overall need and justification for the Scheme as set out in paragraphs 7.58 to 7.68 of the Inspector's report **[WBHE/B8]**. The Secretary of State made the following conclusions:

“Although some objectors had questioned the need for the scheme, the Inspector considered that the points made in the pages 12-14 of the Environmental Statement submitted with the TWA application (“the ES”), regarding the need and general justification for the scheme remained valid. He noted in particular that the proposed route would pass through some deprived areas and contribute to regeneration, as well as serving areas of new development.”

“The Secretary of State agrees with the Inspector’s analysis of the overall need and justification for the scheme. He agrees that the scheme is supported by planning and transport policies at the national, regional and local levels and that the scheme would bring transport, re-generation and socio-economic benefits to the area.”

3.8.3 Pages 12-14 of the Environmental Statement (ES) submitted with the application for the 2005 Order **[WBHE/B9]**, includes consideration of the need for the Scheme and Section 2.3 of the ES states that:

“Light rail provision is a key policy objective for the West Midlands, identified as the most appropriate solution to meeting the high level of identified travel demand and capable of making a “step change” required to sustain the economic future of the region.”

3.8.4 Section 2.3 of the ES went on to state that *“the need to improve public transport accessibility to help foster economic growth and employment opportunities in the area is also an important driver for the scheme”* and that the proposed alignment would serve to link eight redevelopment areas.

3.8.5 Since the making of the 2005 Order **[WBHE/B2]**, new policies and strategies have been put in place by DMBC (Dudley Metropolitan Borough Council) and SMBC (Sandwell Metropolitan Borough Council) which support the Scheme (see Sections 5 and 6 of this Proof of Evidence). The key planning policy change is the development plan that has been prepared jointly by all the Black Country local authorities, namely the ‘Black Country Core Strategy’, which was adopted in 2011 **[WBHE/E23]**. This sets out a strategic framework for growth, development and regeneration of the Black Country as a whole, including a focus on commercial investment at a series of “Strategic Centres” and “Regeneration Corridors” up to 2026. The WBHE forms an essential part of the strategy in terms of being a part of key Regeneration Corridor linking the strategic centres of Brierley Hill to West Bromwich and Wolverhampton, and also Birmingham via the Midland Metro network.

3.8.6 The Black Country Core Strategy **[WBHE/E23]** proposes focussed investment in the “Strategic Centres” where it targets the greatest level of growth in commercial, employment, retail and leisure developments. These Strategic Centres include Brierley Hill, West Bromwich, Wolverhampton and Walsall. A further objective of the Core Strategy is providing a first class transport network that will provide rapid, convenient and sustainable links between the Strategic Centres and new and existing employment

hubs and communities. With respect to the Strategic Centres, the Core Strategy proposes the provision of the following scale of development:-

- 345,000m² of retail floorspace
- 880,000m² of high quality office floorspace
- 7,500 new homes

3.8.7 The Core Strategy goes on to set out the distribution of this growth across the Strategic Centres. Of direct relevance to the WBHE are the following:

Centre/Use	Office(m ²)	Retail(m ²)	Residential(dwelling)
Brierley Hill	220,000	95,000	2940
West Bromwich	220,000	65,000	900
Wolverhampton	220,000	100,000	3230

3.8.8 The Black Country Core Strategy **[WBHE/E23]** also envisages that the Strategic Centres will have excellent transport links and connectivity to the Regeneration Corridors, these corridors being the primary focus for new employment opportunities and the bulk of the housing growth. The scale of developments in these corridors for housing and employment amounts to the following in the Plan period:

- 1,564 hectares of new high quality employment land
- 115 hectares of protected employment land
- 35,000 new homes

3.8.9 The Regeneration Corridors will be the focus of improved and new public transport and routes, and the WBHE is identified as being part of one of the key Regeneration Corridors (11a Dudley-Brierley Hill-Stourbridge, 4 Wolverhampton to Bilston and 8 Hilltop). Appendix 2 of the Core Strategy **[WBHE/E25]** refers to the proposed high quality transit route from Wednesbury to Brierley Hill as a feature and sits at the top of the list.

3.8.10 Table 3 of the Core Strategy goes on to set out the distribution of this growth within the Dudley to Stourbridge Regeneration area and includes:

Regeneration Corridor/Use	Employment Land (ha)	Residential(dwelling)
11a Dudley – Brierley Hill- Stourbridge 4 Wolverhampton to Bilston 8 Hilltop	693	10,942

- 3.8.11 A key component for the corridor and these sites is to be served by a rapid transit link connecting Dudley, Brierley Hill and Stourbridge, with the rest of the Black Country and Birmingham. The BCCS **[WBHE/E23]**, Sandwell Site Allocations and Delivery Development Plan Document **[WBHE/E30]**, Dudley Borough Development Strategy **[WBHE/E27]**, Brierley Hill Area Action Plan **[WBHE/E29]** identify a number of sites and regeneration areas alongside or close to the route. These sites and development opportunities are captured and illustrated in my Appendix 1.
- 3.8.12 A number of broader investments are proposed by Dudley MBC to assist revitalisation of Dudley Town Centre and include:
- extensions to, and a new visitor entrance to, the Black Country Living Museum;
 - a new Dudley College research and development centre;
 - the Very Light Rail National Innovation Centre,
 - enhancements to Dudley Zoological Gardens;
 - the Portersfield mixed use residential and commercial development; and
 - Dudley Bus Interchange and a new Dudley leisure centre.
- 3.8.13 The Black Country Living Museum, Dudley College and those bringing forward the Very Light Rail National Innovation Centre (VLRNC) have each been in dialogue with WMCA regarding the WBHE stop in the vicinity of Tipton Road as they consider this integral to their respective development and expansion proposals (as also evidenced by Dudley Zoological Garden’s letter of support for the Proposed Order **[WBHE/F3]**. The Wednesbury to Brierley Hill Business Case Economic Case **[WBHE/D7]** (paragraph 5.77) considers that the WBHE is critical to meeting the future growth objectives for the Black Country Museum and Dudley Zoological Gardens and anticipates that, following the implementation of the WBHE, they will experience an additional 280,000 visitors over and above that which they could otherwise expect based on general yearly growth.

3.9 Tackling Deprivation

3.9.1 Both the Inspector and Secretary of State noted that the WBHE passes through areas of deprivation and would contribute to regeneration. At paragraph 7.59 of his report **[WBHE/B8]**, the Inspector wrote:

“The need and general justification for the scheme is described in the Environmental Statement (ES) [CD 81, page 12]. Although some objectors have questioned the need for the scheme, in my view the points set out in the ES remain valid. The proposed Metro extension would pass through some deprived areas and would contribute to regeneration [3.101]. For example, the route would run through a part of Dudley designated as a “central employment zone” which contains over one third of the jobs in the borough but also many disadvantaged areas with high levels of unemployment”

3.9.2 The position remains the same now as in 2005. The Government’s 2015 published Index of Multiple Deprivation (‘IMD’) **[WBHE/D33]** is evidence of the degree of deprivation in the area and is referenced in paragraphs 5.13 onwards of the Wednesbury to Brierley Hill Business Case, Strategic Case **[WBHE/D5]**. Paragraph 5.15 identifies that the Lower Super Output Areas within Sandwell and Dudley that are most impacted by the Scheme have the most significant amount of areas that fall within the 10% of most deprived areas in the UK. This includes the following:

- Tipton Green;
- Great Bridge;
- Wednesbury South;
- Brierley Hill;
- Netherton, Woodside and St.Andrews;
- St James’; and
- St Thomas.

3.9.3 As described in paragraphs 5.22 onwards of the Wednesbury to Brierley Hill Business Case, Strategic Case **[WBHE/D5]**, the West Midlands as a whole, and Sandwell and Dudley in particular, have significantly higher rates of unemployment than the national average. The WBHE will improve connectivity and choice of transport for those living close to the route, including providing access to a more sustainable choice of travel, and more cross boundary working opportunities.

3.9.4 The WBHE will not just link areas along the alignment but will also provide links to other destinations in the Black Country and West Midlands across the Metro network as a

whole as other planned extensions of the Midland Metro are implemented, which will include further connections to rail stations and also to other transport services such as HS2, Birmingham and Wolverhampton Coach Stations and Birmingham International Airport.

- 3.9.5 Effective integration with transport is invaluable to ensure that development and regeneration sites deliver economic and social benefits for the West Midlands region, and supports the wider proposals set out by the local authorities and the BCLEP (Black Country Local Enterprise Partnership).

3.10 Stakeholder Consultation

- 3.10.1 An extensive programme of Stakeholder Consultation and Engagement was undertaken ahead of the submission of the application for the proposed Order and is set out in further detail in the Consultation Report **[WBHE/A5]**.
- 3.10.2 I draw your attention in particular, to the letter of support from Dudley Metropolitan Borough Council **[SUPP/01]**. It reinforces the importance of the Scheme in terms of it contributing to the ongoing regeneration of the Borough and supporting the 'renaissance' for future prosperity through improved connectivity and accessibility.

4 The Scheme

4.1.1 I set out below a summary of the route and alignment of the WBHE and the tram stop locations. I also give evidence about design principles for the stops, OHLE, soft and hard landscaping and environmental mitigation measures. Details in relation to the construction and operation are provided in the WMCA's Statement of Case [WBHE/F5] and the evidence of Ian Collins [APP/P3.1] and Peter Adams [APP/P1.1].

4.2 Route and Alignment

4.2.1 The route of the WBHE falls within two local authority administrative areas of Dudley Metropolitan Borough Council (DMBC) and Sandwell Metropolitan Borough Council (SMBC). These two local authorities, plus Walsall and Wolverhampton Metropolitan Borough Councils make up the 'Black Country' sub region of the West Midlands. Both DMBC and SMBC are within the Black Country an economic sub-region of the West Midlands Metropolitan Area. The Black Country as a whole covers an area of some 356km² and has a population of 1,139,781 million people (2011 census).

4.2.2 The WBHE comprises of a 11.5 km length extension of the existing Metro network commencing at the Midland Metro depot at Wednesbury and runs west along the former South Staffordshire railway formation until Tipton Road in Dudley. From Tipton Road, it traverses through the former freightliner site onto Castle Hill and then passes through the town centre where a stop is located at Dudley bus station. From here, it runs along the George Edwards Way and re-joins the railway formation at Cinder Bank. The WBHE then departs from the railway formation at Canal Street to run through the Waterfront traversing Level Street and through Merry Hill Centre preparatory to arriving at Brierley Hill where it terminates at Cottage Street near the junction with Mill Street. A plan of the route is shown at Ian Collins Appendices to Proof [APP/P3.3].

4.3 Metro Stops

4.3.1 Along the WBHE route, up to seventeen stops are proposed and are shown on Plan at Ian Collins Appendices to Proof [APP/P3.3]. The locations of the stops are as follows. It is acknowledged that this will depend upon third party development and has not yet been confirmed.

Stop Locations	Descriptor
Gold's Hill	This would serve planned new residential development
Great Bridge	This would serve existing residents and communities
Horseley Road	This would serve existing residents and communities
Dudley Port	This would serve residents and businesses in the area. It would also serve Dudley Port Rail Station and two existing Park and Ride Sites.
Sedgley Road East	This would serve existing residents and communities
Birmingham New Road	This would serve existing residents and communities
Tipton Road	This would serve the Black Country Living Museum, Dudley Zoological Gardens, Castle Gate and also residents and businesses in the area.
Station Drive	This would serve the north side of Dudley Town Centre including the Very Light Rail Innovation Centre, Castle Gate and businesses in the area.
Dudley Bus Station	This would serve Dudley Town Centre, Dudley Bus Station and businesses in the area. It will also serve the new Dudley College campus and the proposed Portersfield development.

Flood Street	This would serve residents, businesses as well as redevelopment in the area and the new leisure complex.
New Road	This would serve residents and businesses. A Park and Ride Site will also utilise this.
Cinder Bank	This would serve residents and businesses.
Buxton Road / Pedmore Road	This would serve residents and businesses.
Canal Street	This would serve redevelopment.
The Waterfront	This would serve the Waterfront Area.
Merry Hill	This would serve the Merry Hill Centre.
Brierley Hill	This would serve Brierley Hill Town Centre, Stourbridge College Art and Design Centre, Brierley Hill Health and Social Care Centre, residents and businesses.

- 4.3.2 The tramstop platforms will be approximately 300mm high and provide easy step free access and egress for all users. Every stop will be fully accessible to mobility impaired users with ramp and lift access provided, in addition to steps and other means of passenger access. Mindful that the Scheme incorporates a former rail corridor and also street running sections, each stop will be a slightly different configuration due to its location, access arrangements and gradients.
- 4.3.3 However, all the stops will incorporate a number of common design elements as presently used on the Metro network. This will include a passenger shelter incorporating seating, passenger information, help points, lighting and CCTV.
- 4.3.4 The tramstops will either consist of two side platforms or one island platform configuration. An example of this is illustrated in Section 2 pages 18-20 of the Midland Metro Centro Street Design Guide, Gillespies (18 November 2005) **[WBHE/F17]**.

4.3.5 Conditions (3 and 4) were imposed as part of the deemed planning consent forming part of the 2005 Order **[WBHE/B7]** and relate to the prior approval of details for the design, external appearance and materials of the tramstop elements. The detailed design of the tramstops has yet to be developed by TfWM and the MMA, but will be the subject of approval by the relevant local authority of an application to discharge conditions. By way of illustration, I refer you to the Midland Metro Centro Street Design Guide, Gillespies (18 November 2005) **[WBHE/F17]**, Section 2 pages 17-23, which shows typical design elements for each of the stops and associated infrastructure.

4.4 Overhead Line Equipment and Catenary Free Running

4.4.1 The 2005 Order **[WBHE/B2]** made provision for the Scheme to be powered by overhead line equipment (OHLE), the detailed design of its external appearance, being the subject of approval by matter of discharging part of conditions 3 and 4 attached to the 2005 Order **[WBHE/B7]**. As noted in Ian Collins Main Proof **[APP/P3.1]**, this will still be necessary for WBHE in general, but since the granting of the Order, new technologies have emerged in tram vehicle design that may replace the OHLE with a battery powered system in certain circumstances. This could mean that, on some sections of the route, there is the potential for 'catenary free running'; in particular, where there is a need to reduce visual impacts or to provide additional clearances at structures. However, further feasibility studies need to be undertaken to determine which sections of the route would be viable to operate on a catenary free system. For example, where there are steep gradients and tight curvature in locations such as Castle Hill in Dudley town centre catenary free operation isn't likely to be practicable and viable.

4.5 Landscape and Public Realm Treatment

4.5.1 Within the former railway corridor there will be a need to undertake vegetation clearance to construct the alignment, stops, sub stations, means of access and working areas. For the vegetation that is retained there will be a management plan put in place to encourage biodiversity in the corridor and supplementary planting will also be undertaken to compliment the landscape quality of the route.

4.5.2 In the street running sections and at key stops and interchanges, a combination of more formal tree and shrub planting is envisaged along with a palette of high quality surfacing materials. Again the detailed design of the hard and soft landscaping to be used in the corridors, at stops and larger expanses of public realm where the tram interfaces with high volumes of pedestrians or at multi modal interchanges, has not been developed

and will be the subject of approval under Conditions 3, 4 and 5. This is outlined in the Midland Metro Centro Street Design Guide, Gillespies (18 November 2018) [WBHE/F17] provided at Section 12.

Deemed Consent and Discharge of Conditions

4.5.3 I note that there are two locations where conditions relating to tramstop works have been satisfactorily discharged and a material operation has occurred to implement the deemed consent. In relation to these, I refer to you to the Decision Notice from Sandwell Metropolitan Borough Council [WBHE/B11], confirming approval of the relevant conditions and also its letter [WBHE/F23] confirming a material operation has occurred and the consent is extant. I also note the Decision Notice from Dudley Metropolitan Borough Council [WBHE/F6] and letter confirming carrying out of the works [WBHE/B10].

4.6 Environmental Mitigation Measures

4.6.1 With reference to the Environmental Statement (ES) prepared and submitted with the 2005 Order [WBHE/B9] and the Addendum ES prepared in April 2018 [WBHE/B14] to support the discharge of planning condition 2 and other planning conditions namely condition 12 (ecology surveys and mitigation) that form part of the deemed planning consent granted at the same time as the TWAO was determined, I have set out in Appendix 2 of this Proof, a summary of the mitigation measures so far as reasonably practicable identified in relation to the construction phase and permanent works [APP/P5.3].

4.6.2 An Addendum to the 2005 ES prepared in April 2018 [WBHE/B14] was prepared to support the discharge of Planning Condition 2 and other conditions (namely Planning Condition 12 'Ecology Surveys and Mitigation') that form part of the deemed planning consent granted within the TWAO [WBHE/B7].

4.6.3 Condition 2 relates to a variation of the alignment from the centreline as shown on the work plans that accompanied the TWAO. As part of the TWAO process a suite of plans was produced that illustrated where this Condition would apply; namely the 'green hatched areas' [WBHE/B12]. To address Condition 2, an assessment of potential effects at those areas where a proposed variation in alignment would enter the 'green hatched areas' only has been undertaken. A variation to the centreline of the tramway alignment has now been considered and henceforth, to address the discharge of Condition 2, the Addendum ES was submitted [WBHE/B14]. Respondence confirm the

Local Authority were satisfied with the condition being discharged **[WBHE/F22; WBHE/F23]**.

5 Planning Policy Context

5.1 Introduction

5.1.1 At the time of the making of the 2005 Order [WBHE/B2], the WBHE was considered by the Secretary of State to be compliant with planning policies and objectives [WBHE/B6]. As set out in paragraph 3.85 of my evidence, the planning policy framework for the Black Country has changed since approval of the 2005 Order and so I have set out below an update on the policy position. This includes the current and emerging planning and economic planning policies at a national and local level. I also identify non-statutory guidance documents and strategies, including transport policies, in so far as they are relevant to the Order.

5.2 Planning Policy Documents

Policy Document	Inquiry Document Reference
National	
National Planning Policy Framework (July 2018) <ul style="list-style-type: none"> ○ Paragraph 8 (Achieving Sustainable Development) ○ Paragraph 102 (Promoting Sustainable Transport) ○ Paragraph 103 (Promoting Sustainable Transport) 	WBHE/E8
Local	
Black Country Core Strategy (February 2011) <ul style="list-style-type: none"> ○ Policy CSP1 (The Growth Network) ○ Policy CSP5 (Transport Strategy) ○ Policy TRAN1 (Priorities for the Development of the Transport Network) ○ Policy DEL1 (Infrastructure Provision) 	WBHE/E23

<ul style="list-style-type: none"> ○ Policy TRAN5 (Influencing the Demand for Travel and Travel Choices) ○ Policy CSP4 (Place-Making) ○ Policy CEN1 (The Importance of the Black Country Centres for the Regeneration Strategy) ○ Policy ENV3 (Design Quality) ○ Policy ENV2 (Historic Character and Local Distinctiveness) ○ Policy ENV1 (Nature Conservation) ○ ENV6 (Open Space, Sport and Recreation) 	
Black Country Core Strategy (February 2011) Appendix 2	WBHE/E25
Black Country Core Strategy Review – Issues and Options (September 2017)	WBHE/E26
Dudley MBC: Dudley Borough Development Strategy (March 2017) <ul style="list-style-type: none"> ○ Policy S16 (Infrastructure Improvements) 	WBHE/E27
Dudley MBC: Dudley Area Action Plan (March 2017) <ul style="list-style-type: none"> ○ Policy 27 (Public Transport) 	WBHE/E28
Dudley MBC: Brierley Hill Area Action Plan (August 2011) <ul style="list-style-type: none"> ○ Policy 50 (Rapid Transit) ○ Objective 6 	WBHE/E29
Sandwell MBC: Site Allocations and Delivery Development Plan Document ('DPD') (December 2012) <ul style="list-style-type: none"> ○ Policy SAD H1 (Housing Allocations) ○ Policy SAD EMP 1 (Employment Land Development Sites) 	WBHE/E30

5.3 Economic Policy Documents

Policy Document	Inquiry Document Reference
Local	
Black Country Capacity Review (May 2018)	WBHE/E31
West Midlands Industrial Strategy – Consultation Document (September 2018)	WBHE/E32
Blackbrook Valley Area Local Development Order (2018)	WBHE/E33
Black Country Strategic Economic Plan (March 2017)	WBHE/E34
West Midlands Combined Authority Strategic Economic Plan 2030 (2016)	WBHE/E35
Midlands Engine for Growth Prospectus (2015)	WBHE/E2
Looking Forward: The Black Country in 2033 (2003)	WBHE/E36

5.3.1 The above policies are set in full in the Core Documents and I comment further on them in Section 6.2 of my Proof, in so far as the Scheme conforms or otherwise with the relevant planning and economic policies, along with other material considerations.

5.4 Transport Policies

Policy Document	Inquiry Document Reference
National	
Transport White Paper (July 2017)	WBHE/E21
Transport White Paper, Creating Growth, Cutting Carbon, Making Sustainable Local Transport Happen (January 2011) <ul style="list-style-type: none"> ○ Section 2 (Local Transport – choices and implications) 	WBHE/E11
Local	
West Midlands Strategic Transport Plan: Movement for Growth, West Midlands Combined Authority (June 2016) <ul style="list-style-type: none"> ○ Policy 1 (To accommodate increased travel demand by existing transport capacity and new sustainable transport capacity) ○ Policy 4 (To improve connections to new economic development locations to help them flourish, primarily through sustainable transport connections) ○ Policy 6 (To improve connections to areas of deprivation) ○ Policy 8 (To improve connections to new housing development locations to help them flourish, primarily through sustainable transport connections) 	WBHE/E10
Movement for Growth: 2026 Delivery Plan for Transport (September 2017)	WBHE/E22
West Midlands Combined Authority Transport Plan 2017/18 (2017)	WBHE/E9
HS2 Growth Strategy – Connectivity Programme (July 2015)	WBHE/E7
Towards a World Class Integrated Transport Network: Supporting Growth and Regeneration in the West Midlands (April 2013)	WBHE/E5

West Midlands Local Transport Plan (2011-2026): Making the Connections (2011)	WBHE/E1
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- 5.4.1 I am familiar with the above transportation policies but these are dealt with in further detail in the evidence by Peter Adams with respect to the strategic transport case for the Scheme [**APP/P1.1**].

6 Matters for the Inquiry into the Proposed Order

6.1.1 I have provided below my responses to the Statement of Matters identified by the Secretary of State [GEN/3] that are relevant to my scope of evidence, in so far as they relate to town planning and environmental matters.

6.2 Matter 1

The extent to which the objective of the TWA Land Acquisition Order is consistent with National and Local planning and economic policies

6.2.1 I am familiar with the policy framework in so far as it relates to the WBHE Land Acquisition Order and I have set out below, my assessment of how objectives of the Scheme are consistent or otherwise with the National Planning Policy Framework (2018) and local planning and economic policies. The evidence by Peter Adams [APP/P1.1] covers the consistency of the Scheme with regards to transportation policy.

The National Planning Policy Framework (2018)

6.2.2 The National Planning Policy Framework ('the NPPF' hereafter) [WBHE/E8], sets out what sustainable development means in practice for the planning system in England. The framework sets out three overarching objectives (see paragraph 3.2.6), which are independent and need to be pursued in mutually supportive ways. The WBHE Scheme achieves the principles of sustainable development by:

- i. promoting an environmentally friendly form of transport that is aimed at providing a high quality, reliable and fast transport network, minimising the use of the private car, reducing congestion and maximising the opportunity of non-car mode usage;
- ii. promoting social inclusion through the provision of safe, affordable and highly accessible public transport facilities; and
- iii. supporting the local economy through construction related employment and also improving levels of access and connectivity to support regeneration in the Black Country and Birmingham.

- 6.2.3 The NPPF identifies a series of core planning principles which include actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling and focussing development in locations which are or can be made sustainable (Paragraph 102 – 103).
- 6.2.4 The WBHE Scheme does this by improving connectivity to and within the Black Country, improving links between existing and new communities as well as a variety of modes of transport including the coming of HS2, rail, light rail and bus services.
- 6.2.5 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. **Paragraph 7** confirms that the purpose of the planning system is to contribute to the achievement of sustainable development which, for the purpose of the planning system, is defined by paragraphs 15 to 211 of the Framework and is taken as a whole.
- 6.2.6 **Paragraph 8** sets out three overarching objectives of sustainable development (economic, social and environmental) and the corresponding role of the planning system:
- An economic objective* – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- A social objective* - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- An environmental objective* - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.2.7 **Paragraph 8** makes clear that these should not be undertaken in isolation and should be pursued in mutually supportive ways.

- 6.2.8 **Paragraph 11** states that at the heart of the Framework is a presumption in favour of sustainable development. For decision taking, this means approving development proposals that accord with the development plan without delay.
- 6.2.9 The NPPF seeks to promote sustainable transport (**Section 9**). Paragraphs 102 - 103 make it clear that opportunities to promote walking, cycling and public transport use should be pursued, offering a genuine choice of transportation modes and in doing so, reducing congestion and improving air quality and public health. It is noted that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 6.2.10 **Paragraph 104** encourages local authorities to work with neighbouring authorities and transport providers to develop strategies and investments for supporting sustainable transport and aligning development patterns.
- 6.2.11 **Section 12** of the Framework confirms that great importance is attached to achieving well-designed place. It states that “the creation of high quality buildings and place is fundamental to what the planning and development process should achieve” (Paragraph 124). This is a key component of sustainable development, creating better places for people to live and work.
- 6.2.12 **Paragraph 108** states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 6.2.13 **Paragraph 109** notes that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.2.14 **Paragraph 130** states that permission should be refused for development which is of a poor design and fails to take the opportunities available for improving the character and quality of an area.

6.2.15 I am satisfied that the WBHE accords in all respects to the Framework and in particular, will deliver a sustainable form of transport and support the ongoing regeneration of the Black Country. The conditions attached the deemed planning consent will also ensure a high quality level of design is secured with respect to the tram infrastructure, public realm areas around key nodes and the corridor planting within the former railway corridor.

Local Planning Policy

6.2.16 I have set out below the current and emerging local planning policy documents which include:-

- Black Country Core Strategy **[WBHE/E23]** - adopted February 2011
- Black County Core Strategy Review – Issues and Options **[WBHE/E26]** – adopted September 2017
- Dudley Borough Development Strategy **[WBHE/E27]** – adopted March 2017
- Dudley Area Action Plan **[WBHE/E28]** – adopted March 2017
- Brierley Hill Action Plan **[WBHE/E29]** – adopted April 2011
- Sandwell Strategic Allocation Development Plan **[WBHE/E30]** – adopted December 2012
- West Bromwich Action Plan **[WBHE/F21]** – adopted December 2017

Black Country Core Strategy

6.2.17 The Black Country Core Strategy ('the BCCS' hereafter) **[WBHE/E23]** was adopted on 3 February 2011 and now forms the basis of the SMBC's and DMBC's Local Development Framework. The BCCS sets out a strategic framework for growth, development and regeneration of the Black Country as a whole, including a focus on commercial investment at a series of "Strategic Centres" and "Regeneration Corridors".

6.2.18 One of the Spatial Objectives of the BCCS is the creation of a first-class transport network providing rapid, convenient and sustainable links between the "Strategic Centres", existing and new communities, and employment sites.

6.2.19 The WBHE Scheme forms an essential part of the strategy in terms of being part of a key Regeneration Corridor linking the Strategic Centres of Brierley Hill to West Bromwich and Wolverhampton, and also Birmingham via the wider Metro network. I

refer you to the Key Diagram on page 19 of the BCCS [WBHE/E23] which shows the strategic transport corridors and specifically includes the route of the WBHE Scheme.

- 6.2.20 **Policy TRAN 1** (Priorities for the Development of the Transport Network) of the BCCS in particular supports the development of the WBHE. It states that the development of transport networks in the Black Country is focused on a step change in public transport provision serving and linking centres, improving sustainable transport facilities and services across the area and improving connectivity to national networks. It identifies key transport policies, one of which is providing rapid transit extensions to the Midland Metro to connect the Black Country Strategic Centres to each other and to Birmingham. It notes the first priority being within the Walsall to Stourbridge corridor, providing high quality access to Merry Hill and Brierley Hill. This is identified in the Black Country Core Strategy Transport Key Diagram (Page 116 [WBHE/E23]).
- 6.2.21 The BCCS asserts that the “Strategic Centres” will be the main focus for growth in commercial, employment, retail and leisure developments. These Strategic Centres comprise of Brierley Hill, Walsall, West Bromwich and Wolverhampton.
- 6.2.22 **Policy CSP 1** of the BCCS sets out the Spatial Strategy for Growth in the Black Country and the roles that the Strategic Centres and Regeneration Corridors will play. In regard to the Strategic Centres, the provision of the following level of development will be provided:
- 345,000m² of retail floorspace;
 - 880,00m² of high-quality office floorspace; and
 - 7,500 new homes.
- 6.2.23 In addition to this, it notes that the Strategic Centres will have excellent public transport links, making the centres highly accessible to increased catchment areas, including new residential communities in the Regeneration Corridors.
- 6.2.24 **Policy CEN 1** reinforces this and confirms that the Strategic Centres will provide the main focus for higher order sub-regional retail, office, leisure and service activities, balanced by a network of Town, District and Local Centres, providing for town centre uses including meeting day-to-day shopping needs. It states that support will be given for appropriate complementary uses to enhance the evening economy.
- 6.2.25 The BCCS sets out a detailed set of proposals and objectives for each Strategic Centre. Of direct relevance to the WBHE are the following:

Centre/Use	Office(m ²)	Retail(m ²)	Residential(dwelling)
Brierley Hill	220,000	95,000	2940
West Bromwich	220,000	65,000	900
Wolverhampton	220,000	100,000	3230

- 6.2.26 Appendix 2 of the BCCS sets out a more detailed set of proposals and objectives for each of the Strategic Centres. **Policy SC 1** refers to Brierley Hill Strategic Centre. In addition to forming a key area for new employment opportunities and a significant proportion of housing growth as detailed above, it will also have “a highly integrated, high quality public transport system which offers people choice in where, when and how they travel” (Paragraph SC1.5). The role of the proposed Rapid Transit is valued and the policy recognises the importance of the provision of alternative means of public transport.
- 6.2.27 Furthermore, **Policy CSP 5** of the BCCS reinforces support for an effective and integrated transport network which will serve existing and new developments and promote greater use of transport networks, helping to reduce growth in car borne journeys. It states that this transport strategy is intended to reflect a number of strategic outcomes. Listed at the top of this is the expansion of the Strategic Centres, followed by providing communities with improved access to employment, residential services and other facilities and amenities, with travel choices that are attractive, viable and sustainable.
- 6.2.28 **Policy CSP 4** also promotes this in regard to place-making. It acknowledges the unique heritage and urban structure of the Black Country and the bespoke approach required to place-making and a high quality of design of the built and natural environment. It confirms that all new development will be required to demonstrate a clear understanding of the historic character and local distinctiveness of the area and show how proposals make a positive contribution to place-making and environmental improvement. It sets out what this will mean in spatial terms. One of which includes the hierarchy of centres that will provide a focus for essential local services and activities with easy access by walking, cycling and public transport. Another includes a high

quality of design and utility of all transport proposals which will be sought to ensure that interventions make a positive contribution to place making as well as increasing accessibility and connectivity.

- 6.2.29 **Policy DEL 1** provides support for the provision of infrastructure. It sets out that all new developments should be supported by necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that development is sustainable to the proper planning of the wider site.
- 6.2.30 **Policy TRAN 5** identifies the Black Country Local Authorities commitment to considering all aspects of traffic management in the centres and wider area in accordance with the Traffic Management Act 2004. Amongst others, priorities for traffic management in the Black Country include the promotion and implementation of Smarter Choices measures that will help to reduce the need to travel and facilitate a shift towards using sustainable modes of transport. Public transport is referred to as part of this.
- 6.2.31 The WBHE fully accords with the BCCS [**WBHE/E23**] and forms a key component for improving connectivity within the Black Country and to the wider West Midlands Region. It also forms part of a package of measures for supporting and delivering regeneration and investment into the Strategic Centres and Corridors.

Black Country Core Strategy Review – Issues and Options

- 6.2.32 This is the first stage of the formal review of the BCCS and was published in September 2017 [**WBHE/E23;WBHE/E26**]. The review is to ensure the spatial objectives and strategy are being delivered effectively and the plan is kept up-to-date. The next stage of this is the preferred spatial option consultation.
- 6.2.33 At Paragraph 2.12 of the Review [**WBHE/E26**], it makes a note of transport priority improvements that have been delivered or are committed for delivery in the short term. Amongst others, it lists Midland Metro between Wednesbury and Merry Hill / Brierley Hill as a commitment.
- 6.2.34 Key Issue 7 is keeping the Black Country connected. It acknowledges that the existing spatial strategy focuses regeneration into a series of highly accessible high volume transport corridors where public transport accessibility is greatest. The emerging strategy is proposing a balanced approach to transport investment which recognises the need to invest in all modes of transport but also the critical need to increase the proportion of people using public transport and walking and cycling.

6.2.35 Emerging policy reaffirms the approach set out in Core Strategy policy **TRAN 1** and states (at paragraph 6.1.36) that a key transport priority is to continue to provide rapid transit extensions to the Midland Metro and re-introduce rail services to connect the Black Country Strategy Centres to each other and Birmingham. First priority now being to complete committed schemes for Wednesbury to Merry Hill / Brierley Hill and Wolverhampton Interchange Strategic Centre Extension.

6.2.36 As this document is at an early stage of drafting it can only be afforded limited weight. However, the emphasis of policy and in particular the support for improved public transport connectivity in the identified regeneration corridors remain unchanged. As such, the WBHE fits with the thrust of this emerging review of the BCCS.

Dudley Borough Development Strategy

6.2.37 The Dudley Borough Development Strategy ('DBDS') **[WBHE/E27]** forms part of DMBC's Local Plan alongside other documents which have been prepared and adopted to replace the Dudley Unitary Development Plan 2005. It was adopted in March 2017 and guides the development within the Borough until 2026 by providing allocations and local planning policies to give greater certainty to the development process.

6.2.38 It makes note of key transport objectives set out in the West Midlands Local Transport Plan, which in turn, support the transport priorities with the Dudley Borough. Included within this list, is the rapid transit encompassing the A461 Stourbridge to Walsall corridor (p. 36).

6.2.39 **Policy S16** of the DBDS confirms that the Council will undertake a programme of major and minor works as circumstances require and resources allow in order to integrate and improve:

- Public Transport;
- Traffic Management;
- Sustainable Modes of Travel;
- Road Safety; and
- Access to support the regeneration of specific sites and areas.

6.2.40 I am satisfied that the WBHE is fully consistent with the DBDS **[WBHE/E27]** in that it promotes a sustainable mode of public transport and delivers improved access to key regeneration sites and areas through increased connectivity.

Dudley Area Action Plan

- 6.2.41 The Dudley Area Action Plan ('DAAP') **[WBHE/E28]** was adopted in March 2017 and sets out how Dudley Town Centre will develop and change over the plan period. This forms part of Dudley Borough's Local Plan. It contains a vision for the town centre by 2026 and, through its policies and site allocations, sets out how this vision will be achieved.
- 6.2.42 **Policy 27** of the DAAP relates to public transport and notes that Dudley Council will continue to safeguard existing public transport provision as appropriate. In particular, it refers to the route of the WBHE and confirms that this will be safeguarded to provide long term connectivity across the Black Country.
- 6.2.43 The WBHE achieves this and will provide long term connectivity across the Black Country. I am satisfied therefore, that the WBHE is fully consistent with the DAAP **[WBHE/E28]** by improving connectivity to Dudley Town Centre and the creation of a multi modal interchange to enable easy transfer between bus and metro services.

Brierley Hill Area Action Plan

- 6.2.44 The Brierley Hill Area Action Plan ('BHAAP') **[WBHE/E29]** was adopted in August 2011 and sets out the framework for the transformation and will guide investment in the area to 2026. The ambition of this is to deliver an integrated, accessible and vibrant Brierley Hill Town Centre that will inspire a sense of pride to those who live there. It notes that it will be the epitome of modern 'place-shaping'.
- 6.2.45 One of the objectives of the BHAAP is stated as follows:
- "Create a fully integrated town centre by connecting the Merry Hill Shopping Centre, Brierley Hill High Street and the Waterfront triangle, making it easier for people to travel between these areas on foot, by cycle and by public transport"*
- 6.2.46 **Policy 50** refers to rapid transit in the area. It states that the route allocated for the proposed Midland Metro extension (Wednesbury-Dudley-Brierley Hill) be safeguarded from development in order to deliver Rapid Transit.
- 6.2.47 The WBHE achieves this and will provide long term connectivity across the Black Country. I am satisfied therefore, that the WBHE is fully consistent with the BHAAP **[WBHE/E29]** by improving connectivity to Brierley Hill Town Centre and supporting growth and investment into the Strategic Centre.

The Sandwell Site Allocations and Delivery Development Plan

- 6.2.48 SMBC is currently preparing a range of planning documents to replace the Sandwell Unitary Development Plan 2004. These will form the Borough's Local Development Framework and will guide future planning decisions. The Sandwell Site Allocations and Delivery Development Plan ('SSADDP') [WBHE/E30] was adopted in December 2012 and is a key aspect of the Sandwell LDF, guiding development within the Borough until 2021. It provides a series of local policies to respond to particular issues within the Borough which are not covered by the Black Country Core Strategy.
- 6.2.49 Corridor 9 (Dudley Port/Tivdale/Brades Village) was established with the vision to by 2026, present a new image of cohesive and prosperous communities, within new housing environments, which make the most of the canal network and are supported by vibrant and attractive centres offering a range of facilities. Paragraph 14.48 makes reference to transport and accessibility. It notes that it provides good multi modal transport linkages and where this is not the case, there are proposals for improvement.
- 6.2.50 Subsequently, Paragraph 14.52 directly acknowledges the WBHE as a key proposal in the BCCS and West Midlands Transport Plan 3 [WBHE/E9] linking into the existing Metro Line 1 at Wednesbury. It acknowledges this as a priority to link together the strategic centres in the Black Country and it is anticipated that the integrated route would raise the profile of sustainable modes of travel.
- 6.2.51 I am satisfied that the WBHE is fully consistent with the SSADD [WBHE/E30] by providing a sustainable mode of public transport and furthermore supporting access to support the regeneration of specific sites and areas in Sandwell through increased connectivity and accessibility.

West Bromwich Area Action Plan

- 6.2.52 The West Bromwich Area Action Plan ('WBAAP') [WBHE/F21] sets out a vision and strategy for the future development of West Bromwich Town Centre and its immediate catchment area. Its intention is to guide future change and development in the area over the period to 2026. West Bromwich is a strategic centre for growth within the Black Country and the principal town centre in the Metropolitan Borough of Sandwell.
- 6.2.53 The WBAAP is promoting significant growth within the area. Amongst others, this includes an improved transport network.

6.2.54 **Objective 4** of the Area Action Plan seeks to improve accessibility and movement to and within the area.

6.2.55 The WBHE achieves this and will provide long term connectivity across the Black Country. I am satisfied therefore, that the WBHE is fully consistent with the WBAAP **[WBHE/F21]** by improving connectivity and the range of destinations accessible to West Bromwich Town Centre by extending services to Brierley Hill and the wider Black Country.

Summary

6.2.56 I am satisfied that the objectives of the WBHE are consistent with National Planning Policy Framework **[WBHE/E8]**. I am also satisfied that the objectives of the Scheme are consistent with and strongly align with, the Black Country Core Strategy **[WBHE/E23]** - adopted February 2011, Black County Core Strategy Review – Issues and Options **[WBHE/E26]** - September 2017, Dudley Borough Development Strategy **[WBHE/E27]** – adopted March 2017, Dudley Area Action Plan **[WBHE/E28]** – adopted March 2017, Brierley Hill Action Plan **[WBHE/E29]** – adopted April 2011, Sandwell Strategic Allocation Development Plan **[WBHE/E30]** – adopted December 2012 and the West Bromwich Action Plan **[WBHE/F21]** – December 2012.

6.2.57 I have also set out in para 4.5.3 of my Proof, the position in relation to planning consent for the Scheme, where the Order is the subject of a deemed planning permission, subject to a series of conditions. Furthermore, no further consent is required as the planning permission has been implemented through the satisfactory discharge of conditions and the carrying out of works that constitute ‘a material operation’ in relation to the Dudley Town Centre and Dudley Port Stops.

6.2.58 In relation to these, I refer to you to the Decision Notice from Sandwell Metropolitan Borough Council **[WBHE/B11]** confirming approval of the relevant conditions and also its letter **[WBHE/F23]** confirming a material operation has occurred and the consent is extant. I also note the Decision Notice from Dudley Metropolitan Borough Council **[WBHE/F6]** and letter confirming carrying out of the works **[WBHE/B10]**.

ECONOMIC POLICY CONSIDERATIONS

Black Country Capacity Review (May 2018)

6.2.59 The Black Country Capacity Review **[WBHE/E31]** sets out the current position of need and supply of land for housing and employment in the Black Country authorities up to

2036. It is being prepared to inform the Black Country Core Strategy review. The report reviews current assumptions about the supply of land for housing and employment developments across the Black Country. It takes current available evidence one step further to seek to maximise delivery in the urban area by reviewing previous assumptions with a view to optimising opportunities to identify any further additional potential development capacity across the urban area. Ultimately, it provides 'potential urban capacity' figures, to seek to demonstrate if any or all of the additional development needs of the Black Country up to 2036 can be accommodated within the urban area, without the need to consider green belt locations.

- 6.2.60 Table 3.1.64 of the Review makes note of Metro extensions and that these should be considered for future transport improvements that may add to future capacity.

West Midlands Industrial Strategy – Consultation Document (September 2018)

- 6.2.61 This Consultation Document [WBHE/E32] sets out the West Midlands Local Industrial Strategy. It focuses on what public and private sector partners need to do to support inclusive growth and productivity gains in the years ahead. This has been developed by the three LEPs and Combined Authority working together with our Local Authorities, universities, colleges, business sectors, representative groups and independent academics, voluntary, community and stakeholder groups.
- 6.2.62 This builds on the 2016 Strategic Economic Plan and integrates existing and agreed priorities such as skills, transport and housing, using devolution to make different kinds of investment work together.
- 6.2.63 It makes note of a significant programme of future investment over the next decade which will continue to build a connected, inclusive and innovative economy, integrating private and public capital. Amongst others, it refers to a new Metro system including extensions to Dudley/ Brierley Hill (p. 8).
- 6.2.64 Furthermore, it sets out sectors of the West Midlands manufacturing heritage which has transformed into a globally significant advanced manufacturing sector. It refers to the rail supply chain. The sector is underpinned by academic excellence and private sector leadership through Birmingham Centre for Railway Research and Education which specialises in digital train technology and Quinton Rail Technology Centre as the UK's leading facility for rail testing, trialling and product development. Major planning investments including, amongst others, Midland Metro extensions present significant opportunities for growth and applying innovation locally (p. 18).

Blackbrook Valley Area Local Development Order (2018)

- 6.2.65 The Blackbrook Valley Local Development Order (2018) **[WBHE/E33]** provides a simplified planning regime for the Blackbrook Valley Area which includes part of the DY5 EZ with a focus on incentivising and easing the progression of suitable industrial employment development, to facilitate the development of new high value manufacturing units and the expansion of industrial uses, thereby aligning with the aspirations of DY5 EZ. This covers the specific areas of the Blackbrook Valley Industrial Area with Dudley Metropolitan Borough. The purpose of this is to help deliver area based economic growth and regeneration, with a focus on enabling industrial employment development, through a simplified regime, specifically without the requirement of a formal planning application submission.
- 6.2.66 The proposed route of the Metro runs along the path of the disused railway line which forms part of the northern boundary of this area. There are two Metro Station currently proposed within the area. These are located at Cinder Bank and Pedmore Road.
- 6.2.67 The overall vision for the DY5 EZ is the provision of a high technology office hub for the Black Country, connecting advanced manufacturing to office and industrial sites via a new sustainable Metro link. It is anticipated that the DY5 EZ will place Brierley Hill on the national and international map as a location of choice for business innovation in both advanced manufacturing and digital and professional services with low cost, high quality, business accommodation which is well connected to the regional transport infrastructure.

Black Country Strategic Economic Plan (March 2017)

- 6.2.68 The Black Country Strategic Economic Plan (March 2017) **[WBHE/E35]** underpins the long term, ambitious, evidenced-based vision for the Black Country. At the heart of this, a set of six priority propositions are put forward which are intended to enable growth and demonstrate commitment to transformational change. These have been designed to capitalise upon strengths and assets to address the issues that predicate low productivity. They provide a prioritised and focused framework by the private and public sector to help Black Country businesses to fulfil their growth ambitions.
- 6.2.69 One of these is a 'Connected Black Country' which entails a programme of investment in transport to support growth by enabling the movement of goods and people.

6.2.70 Priority actions in relation to this includes the progression of the Wednesbury to Brierley Hill Metro Extension. This will bring significant improvement to the areas accessibility, enabling it to exploit its new enterprise zone status and become a high tech office hub supporting the Black Country's advanced manufacturing businesses.

6.2.71 The pipeline of projects in the City of Wolverhampton and West Bromwich centres is on or above target. However, it is noted that it faces significant challenges in achieving targets in the other two centres. The construction of the Metro and enterprise zone status should enable faster progress to be made in Brierley Hill.

6.2.72 Section 7.6 of the Plan is concerned with connecting the Black Country. The priorities include:

- Investment in a high quality mass transit system providing increased capacity in existing rail lines, new rapid transport links and high quality interchanges with local bus networks;
- A key route network programme, including junction and corridor improvements to improve the delivery of goods to market, employees' travel to work and travel to the area by investors and visitors;
- Investment at a local level to both open up development sites and address specific local issues and hotspots.

6.2.73 Its aim is to ensure that transport investment is aligned with development opportunities. It identifies the Metro extension as a key component to deliver the ambitions for the Brierley Hill Business and Innovation Enterprise Zone and a Garden City development at Lye. Collectively, this will show the impact of the integrated approach to exploiting opportunities. Poor public transport has contributed to a decline in the demand for office space in Brierley Hill office hub of the Black Country advanced manufacturing heartland. The development will also reinforce the skills strategy through links with the Very Light Rail Innovation Centre in Dudley and a proposed Music Institute in the EZ providing a music and sound technology. The Metro extension will also connect to the Garden City development at Lye, linking economic and housing growth.

West Midlands Combined Authority Strategic Economic Plan 2030 (2016)

6.2.74 The West Midlands Combined Authority Strategic Economic Plan **[WBHE/E34]** sets out the vision, objectives, strategy and actions to improve the quality of life for everyone who lives and works in the West Midlands. It has been developed and agreed by a wide partnership of people, organisations and businesses who share a pride in, and ambition

for, an area with unique assets, challenges and opportunities. Its vision is stated as “making our mark... the West Midlands, the best region in the UK to do business” (p. 11).

- 6.2.75 It identifies challenges across the West Midlands including the requirement to improve rail infrastructure.
- 6.2.76 Accordingly, to deliver its vision it sets out a range of targets and objectives. Accessibility is one of these headlines to improve the connectivity of people and businesses to jobs and markets respectively. By 2030, the WMCA smart objectives will achieve a significant increase in the percentage of residents with access to jobs.
- 6.2.77 It notes that an efficient and resilient transport system will underpin future economic success. Significant investment in transport will help widen labour markets, unlock high value growth clusters and support regeneration and place making initiatives. As well as giving people access to skills, education and training, a balanced and effective transport system will enable agglomeration and reduce business overheads in accessing the supply chain and markets.
- 6.2.78 It refers to the Movement for Growth: 2026 Delivery Plan for Transport (September 2017) **[WBHE/E22]** and the Midlands Engine Initiative “Midlands Connect” programme which will provide wider West and East Midlands inter-regional connectivity improvements. Together these strategies will see significant investment and new infrastructure construction, which will provide long-term benefit and directly support many new jobs and business opportunities.
- 6.2.79 A significant work stream will unpack how West Midlands businesses can benefit from this opportunity and how sufficient operational resilience can be maintained during construction to enable continued economic growth.

The Midlands Engine for Growth Prospectus (2015)

- 6.2.80 The Midlands Engine for Growth Prospectus **[WBHE/E2]** responds to Government ambitions announcing that the Midlands economy could grow by £34 billion by 2030, if it matched the predicted growth rate for the UK. The Midlands Engine stakeholders, from its business base to its Local Authorities, have come together to discuss how to embrace these aims. The outcomes of these discussions are presented in this Prospectus and demonstrate the collective wish to improve productivity, drive economic growth, create jobs and improve quality of life across the region.

- 6.2.81 The ambition for this is to improve the economy of the Midlands and the UK, deliver an enhanced quality of life for our citizens and communities and become a globally recognised driver of the economy. Connectivity across the Midlands is essential for supporting and attracting businesses as well as highly skilled workers. Midlands Connect will develop the vision for our regional strategy for the Midlands Engine.
- 6.2.82 It notes that Midlands Connect will address wider road and rail network challenges that impact the on the competitiveness of both the Midlands and the wider UK economy. Midlands Connect will address the congestion, slow journey times and unreliability on the Midlands' rail and road arteries.

Looking Forward: The Black Country in 2033 (2003)

- 6.2.83 The Looking Forward: The Black Country in 2033 (2003) [WBHE/E36] report presents the main findings from a series of workshops attended by 150 civic and business leaders, community representatives, educationalists and young people. These workshops identified several alternative futures for the Black Country and a preferred vision. This Vision is the starting point for the comprehensive Plan for the renaissance of the Black Country.
- 6.2.84 As party of this Vision, a 'Transport Revolution' is identified. Metro will play a part in this and most people in the future will make their journey to work and to learn by public transport.

Summary

- 6.2.85 The key drivers behind these policies are improved connectivity, better public transport services and infrastructure and supporting regeneration and inward investment into the Black Country. In particular, the local planning policy framework promotes the regeneration of the Black Country with a strategy to focus investment and growth into key centres and regeneration corridors. To this end, I consider that the objectives of the WBHE are consistent with all aspects of the national and local planning policy frameworks.
- 6.2.86 I have considered the Black Country Capacity Review (May 2018) [WBHE/E31], West Midlands Industrial Strategy – Consultation Document (September 2018) [WBHE/E32], Blackbrook Valley Area Local Development Order (2018) [WBHE/E33], Black Country Strategic Economic Plan (March 2017) [WBHE/E35], West Midlands Combined Authority Strategic Economic Plan 2030 (2016) [WBHE/E34], the Midlands Engine for

Growth Prospectus (2015) [WBHE/E2], and Looking Forward: The Black Country in 2033 (2003) [WBHE/E36]. I am satisfied that the objectives of the WBHE are consistent with these.

6.3 Matter 3

Benefits of the Scheme in terms of achieving sustainable development (in particular the contribution the Scheme makes to the regeneration of the Black Country and wider West Midlands Region)

6.3.1 Sustainable development is the 'golden thread' of planning policy at a national and local level and in this section of my evidence I set out how the WBHE contributes to delivering sustainable forms of transport and in particular the economic and social aspects. In Section 6.4 of my evidence I cover the environmental aspects in more detail along with a consideration of the suitability of mitigation measures identified in the Environmental Statement [WBHE/B9] and Addendum [WBHE/B14].

Economic and Regeneration Benefits

6.3.2 Along this corridor and at the Strategic Centres, a number of major development sites and opportunities have been identified both in the Core Strategy itself and in supporting policy documents prepared by DMBC and SMBC. The following planning and regeneration policy documents are of relevance to the WBHE:

- DMBC – Dudley Borough Development Strategy (March 2017) [WBHE/E27] (See Page 94 Regeneration Corridor 11a and the site allocations map on page 95);
- DMBC – Dudley Area Action Plan (March 2017) [WBHE/E28] (See paragraph 12.11, Policy 27 and page 118);
- DMBC – Brierley Hill Area Action Plan (August 2011) [WBHE/E29] (See Policy 50 and 97 and sections 6.8, 6.19, Appendix 1 and Appendix 3); and
- SMBC – Site Allocations and Delivery Development Plan (DPD) (December 2012) [WBHE/E30] (See sections 2.3, 2.6 and section 14 for Dudley Port).

6.3.3 A key component is for the corridor and these sites to be served by a rapid transit link connecting Dudley, Brierley Hill and Stourbridge, with the rest of the Black Country and Birmingham. The documents listed in paragraph 6.5.2 identify sites and regeneration areas alongside or close to the route. These are provided at Appendix 1 of this Proof [APP/P5.3].

6.3.4 A key component for the corridor and these sites, is to be served by a rapid transit link connecting Dudley, Brierley Hill and Stourbridge, with the rest of the Black Country and Birmingham.

6.3.5 The WBHE clearly plays a key role in providing an improved level of connectivity and accessibility to the Strategic Centre and Regeneration Corridor, with over 50 development sites being within 800m or less walking distance from the Midland Metro.

Social and Community Benefits

6.3.6 As described in paragraphs 5.22 onwards of the Wednesbury to Brierley Hill Business Case - Strategic Case **[WBHE/D5]**, the West Midlands as a whole, and Sandwell and Dudley in particular, have significantly higher rates of unemployment than the national average. The WBHE will improve connectivity and choice of transport for those living close to the route, including providing access to a more sustainable choice of travel, and more cross boundary working opportunities.

6.3.7 The WBHE will not just link areas along the alignment but will also provide links to other destinations in the Black Country and West Midlands across the Metro network as a whole. As other planned extensions of the Midland Metro are implemented, they will provide further connections to rail stations and also to other transport services such as HS2, Birmingham and Wolverhampton Coach Stations and Birmingham International Airport. Effective integration with transport is invaluable to ensure that development and regeneration sites deliver economic and social benefits for the West Midlands.

Summary

6.3.8 In view of the above I believe the WBHE will contribute significantly to the economic prosperity of the Black Country by providing much needed improved levels of public transport and connectivity to Brierley Hill, Dudley and West Bromwich Centres along with over 50 major development opportunity sites located along the route. The WBHE will also contribute to tackling social deprivation by providing opportunities for improved access to jobs, health and education facilities and leisure and retail attractions. I consider the Scheme to deliver a sustainable form of development in line with the framework **[WBHE/E8]**.

6.4 Matter 4d

Any significant adverse environmental impacts arising from the powers of the proposed Order and whether any such measures are appropriate and significant

- 6.4.1 The 2005 Order application was subject to an environmental impact assessment and accompanied by an environmental statement (“ES”) [WBHE/B9].
- 6.4.2 With reference to the submitted ES [WBHE/B9], I am familiar with the key environmental impacts of constructing and operating revised tramway alignment and the measures proposed by the WMCA to mitigate any adverse impacts of the works authorised by the 2005 Order. I refer you to Appendix 2, where I summarise the proposed mitigation measures identified at the construction and operational phases respectively. I also refer you to the evidence of Ian Collins (APP/P3.1) at Section 8.2, where he recommends a number of measures during the construction phase and in particular the importance of the Code of Construction Practice Part 2 and its approval by the relevant Local Planning Authority through the discharge process associated with Condition 7 of the Deemed Consent.
- 6.4.3 I refer you again to the Midland Metro Centro Street Design Guide, Gillespies (18 November 2005), [WBHE/F17], which sets out parameters and requirements for the design of the permanent works including stops, tramway infrastructure and associated public realm and soft landscaping. I am content that this document in tandem with Conditions 4, 5, and 6 of the “Deemed Consent” will provide the Local Planning Authority with adequate controls to ensure high quality standards in the detailed design of the Scheme are achieved.
- 6.4.4 At the time of making and the granting of the Order, it was anticipated that these design standards would be secured by means of a ‘Concession Deed’. This Concession Deed would be a contractual requirement between the Transport Executive at the time and the appointed Concessionaire who would be responsible for the detailed design, construction and operation of the Extension. However, the WMCA has since taken back the Concession and formed the Midland Metro Alliance(MMA) which is now responsible for delivery and management of the operation of the Midland Metro Network. I refer you to paragraphs 6.2.1 – 6.2.4 of Mr Collins Evidence [APP/P3.1] and paragraphs 8.52 – 8.56 of Mr Adams Evidence [APP/P1.1] which sets out more details of the MMA. I am satisfied therefore, that the arrangements with the MMA with respect to ensuring high

standards of design in combination with the discharge of conditions process can be met, which would be.

- 6.4.5 In view of this, I am satisfied that all significant economic, social and environmental effects have been identified and assessed in the 2005 Order ES **[WBHE/B9]** and that suitable and adequate mitigation measures are available to ensure the WBHE is acceptable in all respects.

7 Summary and Conclusions

7.1.1 I have dealt in full or part with the matters in the Statement of Matters **[GEN/3]**, in so far that I believe are of relevance to this scope of evidence. I acknowledge the objections lodged to the Proposed Order, however I do not believe these are relevant to this scope of evidence and are dealt with in evidence provided by others.

7.2 Matter 1

The extent to which the objective of the TWA Land Acquisition Order is consistent with National, Local planning and economic policies

7.2.1 I am satisfied that the objectives of the WBHE are consistent with National Planning Policy Framework **[WBHE/E8]**. I am also satisfied that the objectives of the Scheme are consistent with and strongly align with the Black Country Core Strategy **[WBHE/E23]** - adopted February 2011, Black Country Core Strategy Review – Issues and Options **[WBHE/E26]** – September 2017, Dudley Borough Development Strategy **[WBHE/E27]** – adopted March 2017, Dudley Area Action Plan **[WBHE/E28]** – adopted March 2017, Brierley Hill Action Plan **[WBHE/E29]** – adopted April 2011, Sandwell Strategic Allocation Development Plan **[WBHE/E30]** – adopted December 2012 and the West Bromwich Action Plan **[WBHE/F21]** – December 2012.

7.2.2 I have considered the Black Country Capacity Review (May 2018) **[WBHE/E31]**, West Midlands Industrial Strategy – Consultation Document (September 2018) **[WBHE/E32]**, Blackbrook Valley Area Local Development Order (2018) **[WBHE/E33]**, Black Country Strategic Economic Plan (March 2017) **[WBHE/E35]**, West Midlands Combined Authority Strategic Economic Plan 2030 (2016) **[WBHE/E34]**, the Midlands Engine for Growth Prospectus (2015) **[WBHE/E2]**, and Looking Forward: The Black Country in 2033 (2003) **[WBHE/E36]**. I am satisfied that the objectives of the WBHE are consistent with these.

7.2.3 The key drivers behind these policies are improved connectivity, better public transport services and infrastructure and supporting regeneration and inward investment into the Black Country. In particular, the local planning policy framework promotes the regeneration of the Black Country with a strategy to focus investment and growth into key centres and regeneration corridors. To this end I consider that the objectives of the

WBHE are consistent with all aspects of the local planning policy and economic policy frameworks.

7.3 **Matter 3**

Benefits of the Scheme in terms of achieving sustainable development (in particular the contribution the Scheme makes to the regeneration of the Black Country and wider West Midlands region)

I believe the WBHE will contribute significantly to the economic prosperity of the Black Country by providing much needed improved levels of public transport and connectivity to Brierley Hill, Dudley and West Bromwich Centres along with over 50 major development opportunity sites located along the route. The WBHE will also contribute to tackling social deprivation by providing opportunities for improved access to jobs, health and education facilities and leisure and retail attractions.

7.4 **Matter 4d**

Any significant adverse environmental impacts arising from the powers of the proposed Order and whether any such measures are appropriate and significant

- 7.4.1 With reference to the submitted ES **[WBHE/B9]**, I am familiar with the key environmental impacts of the constructing and operating the WBHE and the measures proposed by the WMCA to mitigate any adverse impacts of the works authorised by the 2005 Order.
- 7.4.2 I am content that the ES submitted with the application for the 2005 Order **[WBHE/B9]**, was prepared in accordance with and regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 **[WBHE/E20]**.
- 7.4.3 I am satisfied that all significant economic, social and environmental effects were identified and assessed in the ES **[WBHE/B9]** and that suitable and adequate mitigation measures are available to ensure the Scheme is acceptable in all respects.
- 7.4.4 I have also set out in para 4.5.3 of my Proof the position in relation to planning consent for the Scheme, where the Order is the subject of a Deemed planning permission, subject to a series of conditions. Furthermore, no further consent is required as the planning permission has been implemented through the satisfactory discharge of conditions and the carrying out of works that constitute 'a material operation' in relation to the Dudley Town Centre and Dudley Port Stops.

- 7.4.5 In relation to these, I refer to you to the Decision Notice from Sandwell Metropolitan Borough Council **[WBHE/B11]** confirming discharge of the relevant conditions and also their letter **[WBHE/F23]** confirming a material operation has occurred and the consent is extant. I also note the Decision Notice from Dudley Metropolitan Borough Council **[WBHE/F6]** and letter confirming carrying out of the works **[WBHE/B10]**.
- 7.4.6 In conclusion, I respectfully request that the Secretary of State determines to make the Midland Metro (Wednesbury to Brierley Hull Land Acquisition) Order.

8 Statement of Truth

8.1.1 I can confirm that the facts stated in this Proof of Evidence are within my own knowledge, I have made clear which they are and I believe them to be true. In my professional opinion, I believe that this Proof of Evidence represents an unbiased and true assessment of the town and country planning matters of the WBHE Scheme.

Paul Ellingham MA MRTPI Town Planning

[19.02.2019]

Appendix 1	Regeneration and Development Sites Plan
Appendix 2	Summary of Mitigation Measures from the 2005 ES