

# Wednesbury to Brierley Hill Extension

**Evidence Given on Behalf of the Applicant: WMCA  
Town Planning  
Summary 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**

**Summary Proof of Evidence**

**-of-**

**Paul Ellingham**

**Regarding**

**Town Planning**

**APP/P5.2**

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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 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 It considers compliance with the relevant planning and economic policies at national and local level, both adopted and emerging, in so far as they relate to the WBHE.

2.1.3 In response to the Statement of Matters, I deal with the following:

Matter Ref	Scope	Section Ref
<b>1</b>	Justification for the Scheme in terms of national and local planning and economic policies	6.2
<b>3</b>	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
<b>4d</b>	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

### 3 Summary and Conclusions

3.1.1 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 and a summary of these are out below. 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.

#### 3.2 Matter 1

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

3.2.1 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 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.

3.2.2 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.

3.2.3 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.

### 3.3 **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.

### 3.4 **Matter 4d**

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

- 3.4.1 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.
- 3.4.2 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]**.
- 3.4.3 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.
- 3.4.4 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.

- 3.4.5 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]**.
- 3.4.6 In conclusion, I respectfully request that the Secretary of State determines to make the Midland Metro (Wednesbury to Brierley Hull Land Acquisition) Order.

## 4 Statement of Truth

4.1.1 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]**