

Birmingham Eastside Extension

APP/P6.2

Transport and Works Act 1992

The Transport and Works
(Applications and Objections Procedure)
(England and Wales) Rules 2006

APP/P6.2 Paul Ellingham Town Planning Summary Proof of Evidence



WEST MIDLANDS
COMBINED AUTHORITY

TRANSPORT AND WORKS ACT 1992

PROPOSED MIDLAND METRO (BIRMINGHAM EASTSIDE EXTENSION) ORDER 201[X]

SUMMARY PROOF OF EVIDENCE

OF

**Paul Ellingham MA Town Planning MRTPI
Town Planning**

FOR

WEST MIDLANDS COMBINED AUTHORITY

19 October 2017

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1. QUALIFICATIONS AND EXPERIENCE

- 1.1.1 I hold an MA in Town Planning from the City of Birmingham University and have been a Member of the Royal Town Planning Institute since 1994. I have over 29 years of experience in the planning and development sectors both in the private and public sectors.
- 1.1.2 I hold the position of Planning Director in the Birmingham office of Mott MacDonald and joined them in November 2015. 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. During this period of employment, I have acted for the West Midlands Combined Authority (WMCA), formerly known as Centro (The West Midlands Passenger Transport Executive) on a number of town planning matters, including appearing as an expert witness for the Midland Metro (Birmingham City Centre Variation) Order 2015 and the Midland Metro (Wolverhampton City Centre Extension) Order 2016.
- 1.1.3 I was previously employed by Centro as Planning Team Leader (2000-2005) between 1996 and prior to that (1996-2000), as a Senior Planner. In my role as Planning Team Leader, 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 Birmingham City Centre Extension 2005 Transport and Works Act Order. Whilst at Centro, I was also involved with the promotion of Transport and Works Act Orders for the extension of Midland Metro into Wolverhampton City Centre and the Wednesbury to Brierley Hill Extension.
- 1.1.4 I am therefore, familiar with the TWA Order process and with the planning and environmental issues associated with the development of tramway infrastructure within Birmingham City Centre and the wider West Midlands region.
- 1.1.5 In this matter, I am instructed by the WMCA on a consultancy basis, whereby I provide specialist town planning advice on a range of transportation projects. As a planning consultant under this arrangement, I have continued to provide planning advice to the WMCA on matters associated with the Midland Metro and the further development of the Network.

- 1.1.6 In particular, I have been responsible for co-ordinating the discharge of planning conditions associated with the deemed planning consent for the Midland Metro Birmingham City Centre Extension between Birmingham Snow Hill and Centenary Square. This has included work to secure additional planning and listed building consents as necessary for the development of the Midland Metro network.
- 1.1.7 The evidence I shall give is true, given in good faith and represents my professional opinion regarding the merits of the Midland Metro (Birmingham Eastside Extension) Order 2017.

2. SCOPE OF EVIDENCE

- 2.1.1 This evidence covers the town planning aspects associated with the works proposed as part the Midland Metro Birmingham Eastside Extension(BEE) Transport and Works Act(TWA) Order application.
- 2.1.2 It considers compliance with the relevant planning policies at the national and local levels, both adopted and emerging, in so far as they relate to the BEE TWA Order.
- 2.1.3 It also covers the relevant regeneration strategies, policies, and proposals in so far as they relate to this Order and related development by High Speed 2(HS2).
- 2.1.4 I address in my evidence the key matters that objectors raise in so far as they relate to planning policy and land use considerations, along with the proposed draft conditions that accompany the Deemed Planning Consent.
- 2.1.5 In response to the Statement of Matters, I also deal with the following matters in so far as they relate to the Statement of Matters:-

2.2 Matter 3

- 2.2.1 *The extent to which the proposals in the TWA Order are consistent with the National Planning Policy Framework, ~~national transport policy, and local transport,~~ environmental and local planning policies.*

2.3 Matter 4d and 4e

- 2.3.1 The likely impacts of constructing and operating the scheme on land owners, tenants and local businesses, the public, utility providers and statutory undertakers, including any adverse impact on their ability to carry on their business or undertaking. Consideration under this heading should include:
- d) Impacts on air quality;
 - e) Impacts on landscape, ecological, visual amenity and archaeological interests.
- 2.3.2 Matters 4a and 4b are dealt with by Mr Edward Mellor in his evidence (APP/P4.1) and Matter 4c is dealt with in the evidence of Mr Stephen Luke (APP/P3.1).

2.4 Matter 5

- 2.4.1 The adequacy of the Environmental Statement submitted with the application for the TWA Order, having regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006, and whether the statutory procedural requirements of the Transport and Works (Applications and Objections Procedure) Rules 2006 have been complied with.

2.5 Matters 6b and 6c

- 2.5.1 The measures proposed by Midland Metro to mitigate any adverse impacts of the scheme including:
- b) Any measures to avoid, reduce or remedy any major or significant adverse social, economic and environmental impacts of the Scheme;
 - c) Whether, and if so, to what extent, any adverse social, economic and environmental impacts would remain after the proposed mitigation;

2.6 Matter 8

- 2.6.1 The conditions proposed to be attached to the deemed planning permission for the Scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Planning Practice Guidance, Use of Conditions (Section ID:21a).
- 2.6.2 With reference to the Statement of Matters and objections lodged to the Order (BEE/E2/4), I have dealt with in full or part the following matters that I believe to be of relevance to the scope of my evidence.
- 2.6.3 All other matters such as 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.

3. MY FINDINGS ON THE PLANNING AND ENVIRONMENTAL MATTERS

3.1 Matter 3

3.1.1 I am satisfied that the Order is consistent with the objectives of, the National Planning Policy Framework (BEE/E1), the Birmingham Plan (BEE/E3) and other local planning policies and strategies. In particular, it aligns fully with the objectives of the Birmingham Development Plan, specifically Policies TP38 and TP41. It also supports and delivers the transport related objectives set out in the Curzon Street Masterplan (BEE/E19) and City Centre Masterplan (BEE/E22/1 and BEE/E22/2). I believe it delivers the improved public transport connectivity required between the HS2 Curzon Street Station and Eastside, Digbeth and Deritend and will contribute to the ongoing programme of regeneration.

3.2 Matter 4d and 4e

3.2.1 With reference to the submitted ES (BEE/A13/1) and ES Update (BEE/A13/5), I have identified the key environmental impacts of the constructing and operating revised tramway alignment and the measures proposed by the WMCA to mitigate any adverse impacts of the proposals forming part of the BEE Order.

3.3 Matter 5

3.3.1 I am content that the ES submitted with the application for the TWA Order (BEE/A13/1-3) and the subsequent ES Update (BEE/A13/5), has been prepared in accordance with and regard to the requirements of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. I have provided evidence to demonstrate that the ES has been prepared in line with the statutory procedural requirements.

3.4 Matters 6b and 6c

3.4.1 With reference to the submitted ES (BEE/A13/1) and subsequent ES Update (BEE/A13/5), I have identified the key environmental impacts of the constructing and operating revised tramway alignment and the measures proposed by the WMCA to mitigate any adverse impacts of the proposals forming part of the BEE Order.

Table 1: Significant effects of the BEE

Environmental topic	Significant effects identified	
	Construction phase	Operational phase
Land Use and Land Take	No	Yes (adverse)
Climate Resilience	No	No
Traffic and Transport	No	Yes (beneficial and adverse)
Noise and Vibration	No	no
Air Quality	No	No
Greenhouse Gases	No	No
Townscape and Visual Amenity	Yes (adverse)	No
Historic Environment	Yes (adverse)	No
Soils, Geology and Contaminated Land	No	No
Land Drainage and Water Resources	No	No
Ecology and Biodiversity	No	No
Socio-economic	Yes (adverse)	Yes (beneficial)
Electromagnetic Fields	No	No

3.4.2 I am satisfied that all significant economic, social and environmental effects have been identified and assessed in the ES and that suitable and adequate mitigation measures are available to ensure the Scheme is acceptable in all respects. I am also satisfied that the update to the ES has taken account of best and most up to date information and reinforces that no additional adverse effects arise from the Scheme compared to those identified in the original ES.

3.5 Matter 8

3.5.1 I have noted that a collaborative approach has been adopted between the WMCA and Birmingham City Council in the drafting of the planning conditions and that they meet the tests of the Planning Policy Guidance – Use of Conditions (BEE/E2/4).

3.5.2 In conclusion, I respectfully request that the SoS approves the BEE Order and the associated deemed planning permission and attach the recommended draft planning conditions as set out in BEE.A2).