



The Planning Inspectorate

Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State for Transport

Date: 18 August 2015

TRANSPORT AND WORKS ACT 1992

TOWN AND COUNTRY PLANNING ACT 1990

ACQUISITION OF LAND ACT 1981

**THE MIDLAND METRO (WOLVERHAMPTON CITY CENTRE EXTENSION)
ORDER 201[X]**

**REQUEST FOR A DIRECTION UNDER SECTION 90(2A) OF THE TOWN AND
COUNTRY PLANNING ACT 1990**

Date of Inquiry: 9 June 2015

Ref: DPI/D4635/14/38

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CASE DETAILS

1 Purpose

- The purpose of the Midland Metro (Wolverhampton City Centre Extension) Order 201[X] (the Order) would be to authorise the West Midlands Passenger Transport Executive (Centro) to construct, operate and maintain an extension to the Midland Metro tramway system in Wolverhampton city centre. This would be from a point on Bilston Street to the west of the junction of Market Street and Garrick Street, running north on Piper's Row and east along Railway Drive, culminating at a point just south east of Wolverhampton railway station. The Order would also authorise the compulsory acquisition and the temporary use of land for the purposes of the works and confer other powers in connection with the construction, operation and maintenance of the works.

2 The Midland Metro (Wolverhampton City Centre Extension) Order 201[X]

- The Order is drafted under section 1 of the Transport and Works Act 1992. The application for the Order was made to the Secretary of State for Transport on 27 May 2014. If made, it would authorise Centro to construct and operate works and to compulsorily acquire land and rights in land for the purpose stated at 1 above.

Summary of Recommendation: That the Order should be made as modified.

3 Request For Deemed Planning Permission

- A request was made on 11 December 2014 for a direction granting deemed planning permission, subject to conditions, for the works that are the subject of the Order.

Summary of Recommendation: That a Direction in respect of Deemed Planning Permission should be given subject to conditions.

Document references are shown in square brackets.

1 PREAMBLE

- 1.1 On 9 June 2015, I held an Inquiry at the Novotel Hotel, Union Street, Wolverhampton WV1 3JN to hear representations regarding an application by Centro to the Secretary of State for Transport to make an Order and give a direction in respect of deemed planning permission, all as described in the case details above. The Inquiry sat on one day; sitting on other programmed days was unnecessary because of the late withdrawals of objections. In view of the nature of the evidence to be heard and the absence of objectors wishing to be

heard, the Inquiry was held on a less formal round table basis.

1.2 No pre-Inquiry meeting was held. A pre-Inquiry note [INSP/7] was issued to the parties on 23 March 2015 and was made generally available through the Inquiry website. Before the Inquiry, I undertook unaccompanied visits to various locations which were the subject of representations to the Inquiry. These were described at the Inquiry, and those at the Inquiry did not wish me to undertake any further visits.

1.3 Whilst the application had been made on 27 May 2014, an updated draft Order, replacement Land and Works Plans, an updated Book of Reference, a replacement planning direction application and an updated planning application drawing were submitted to the Secretary of State on 11 December 2014. These made minor amendments to areas of land to be acquired or used or used temporarily at Wolverhampton railway station, the Old Steam Mill north of Corn Hill and the Midland Metro Line 1 Sub-Station 2 on Chillington Street. Whilst the amendments extend the draft Order limits and areas for temporary use at the sub-station, they do not extend the land to be compulsorily acquired in terms of land, easements or new rights anywhere. The remainder of the amendments comprise changes from compulsory acquisition to temporary use within the original application draft Order limits.

Purpose and Scale of the Proposal

1.4 The applicant's Statement of Aims under Rule 10(2)(c) [WCCE/A3] reports that the key aims of the proposal are:

- a) to improve and facilitate an effective public transport interchange in Wolverhampton across a range of modes providing connections and improved accessibility across the Black Country and with the national and international gateways of Birmingham Airport and High Speed 2;
- b) to make it easier for people to get to local and regional employment opportunities and educational institutions, including support for the implementation of the Black Country apprenticeship programme, by providing improved access to rail, tram and bus services;
- c) to enable the delivery of office, retail and leisure development to support business growth and the local supply chain, encourage inward investment and complement the Black Country's aspiration of creating conditions that encourage high value manufacturing; and
- d) to unlock the city's economic potential by realising significant commercial development upon land to either side of the alignment, including much needed Grade A offices and high quality leisure and retail facilities.

1.5 The Non-Technical Summary of the Environmental Statement (ES) [WCCE/A15/1] includes sections identifying the location and a description of the scheme, together with its background and design evolution. The document sets out that the draft Order would give powers to:

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- a) construct and operate approximately 700m of Metro tramway together with the compulsory acquisition or use and temporary use of land;
 - b) extend the existing Line 1 Sub-Station 2 on Chillington Street;
 - c) demolish the steel clad section of the Old Steam Mill and stabilise the remainder of the building;
 - d) demolish a section of the existing Wolverhampton railway station buildings;
 - e) provide temporary railway related accommodation and a ticket office on the Banana Yard; and
 - f) relocate the vehicular access to Wolverhampton railway station and a nearby multi-storey car park.

1.6 The proposal forms part of the Wolverhampton Interchange Project (WIP). The applicant's Statement of Case [APP/SOC1] summarises the objectives of the WIP, as set out in its business case [WCCE/D1] which are to:

- a) improve access to and within Wolverhampton city centre, to improve the mobility of residents and raise the attraction of Wolverhampton as a place to work;
- b) support the economic growth of Wolverhampton by creating a new commercial hub around a good public transport network to provide the capacity required for a growing city - if Wolverhampton is to compete with other Midlands cities, it must be able to offer high specification and well located office space;
- c) significantly enhance perceptions of the city by improving the environment and arrival experience at this major gateway to the city centre;
- d) facilitate an effective public transport interchange in Wolverhampton across a range of modes providing improved quality of connections to a variety of destinations across the region and the country - with its wealth of connection options, Wolverhampton can build a strong economic future as a commercial centre, and a legible public transport interchange will help Wolverhampton achieve this goal;
- e) contribute to tackling climate change, through reducing the carbon impact of transport - faster public transport interchange in Wolverhampton will result in modal shift from car to train, metro or bus, reducing net carbon emissions;
- f) promote equality of opportunity by enhancing access to jobs and enabling greater participation in a range of leisure, retail and health activities through improving transport accessibility between the city centre and some of the most deprived areas of the West Midlands;

- g) West Midlands through reducing highway accidents and improving security on the public transport network; and
- h) provide opportunities for the expansion of the region's transport system and to enhance Wolverhampton's role as a hub to connect other parts of the Black Country region.

Number of Objectors

1.7 11 Objections were made in respect of the draft Order. Objections from the Canal and River Trust [OBJ/2], Select Services Partners trading as Pumpkin [OBJ/3], Fairstone Investments Ltd [OBJ/4], West Coast Trains Ltd [OBJ/5], Network Rail Infrastructure Ltd [OBJ/6], London Midland Railway [OBJ/7], NCP Ltd [OBJ/10] and Bovale Ltd [OBJ/11] were withdrawn [OBJ/2/WD1, OBJ/3/WD1, OBJ/4/WD1, OBJ/5/WD1, OBJ/6/WD1, OBJ/7/WD1, OBJ/10/WD1 & OBJ/11/WD1] before the start of the Inquiry.

1.8 At the start of the Inquiry, three objections remained. These objections had been made by the Wulfrun Hotel [OBJ/1], Gladedale Estates Ltd [OBJ/8] and CP Co 3 Ltd [OBJ/9].

Main Grounds for Objection

1.9 The main grounds for objection to the draft Order were that, in the view of the objectors:

- a) the closure of the alley way between CRC and the Wulfrun Hotel would cause disruption and inconvenience to the business [OBJ/1];
- b) the land to be compulsorily acquired does not include all of the land that is the subject of a listed building consent which permits the demolition of the steel clad section of the Old Steam Mill [OBJ/8];
- c) the demolition of the steel clad section of the Old Steam Mill would affect the integrity of the original listed brickwork building to which it is attached [OBJ/8];
- d) the compulsory acquisition of open land at the Old Steam Mill would severely compromise the owner's ability to bring the listed building back into use, and this effect has not been taken into account in the applicant's ES [OBJ/8];
- e) significant traffic congestion during construction operations would change parking habits and affect trade and revenue at the NCP Piper's Row car park [OBJ/9];
- f) the compulsory acquisition of part of the car park and changes to access arrangements would render the car park commercially inoperable [OBJ/9];
- g) the creation of the tram line and stops in the immediate vicinity of the car park would create unfair competition [OBJ/9]; and
- h) the use of compulsory powers is premature and without statutory right, as meaningful negotiations have not taken place and it has not been demonstrated that acquisition is essential [OBJ/9].

Statutory Formalities

- 1.10 The applicant has confirmed that it has complied with all necessary statutory formalities [APP/GEN6].

Written Representations

- 1.11 In addition to the objections noted above, an additional representation objecting to the proposal was received from Mr S Young shortly before the Inquiry [OBJ/12/L]. Representations supporting the proposal were received from Wolverhampton City Council [SUPP/1, WCCE/F7.1 & WCCE/F7.2] and the Black Country Local Enterprise Partnership [SUPP/2].

Statement of Matters

- 1.12 The Department for Transport issued a Statement of Matters on 11 February 2015 pursuant to Rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004 [INSP/4]. This sets out the matters about which the Secretary of State for Transport wishes to be informed for the purposes of consideration of the draft Order and the application for deemed planning permission.

Scope of this Report

- 1.13 This report contains a brief description of the site and its surroundings, a report of procedural matters raised in advance of the Inquiry and the gist of the evidence presented. It then contains my conclusions and recommendations in relation to the objections and the Secretary of State's Statement of Matters. Lists of recommended conditions, Inquiry appearances, documents and abbreviations used in the report are also attached as Appendices 1 to 4.

2 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The route of the proposed tramway extension is shown in detail on the Works and Land Plans Sheet No.1A [WCCE/A11/2] and, in relation to the wider area, in Figure 1.1 of the Environmental Statement (ES) [WCCE/A15/3 Part 1]. The relationship between the proposal and the wider Wolverhampton Interchange Project is shown in Figure 2.1 of the ES.
- 2.2 Following the proposed tramway route as it extends from south to north, it leaves the existing tramway to the east of the junction of Bilston Street and Piper's Row, opposite the Wolverhampton Combined Court. It then runs along the entire length of Piper's Row and into Railway Drive where it turns towards the railway station. Whilst on Railway Drive, it crosses over the St David's section of the City ring road utilising the existing highway over bridge. The on-street section of the extension route then ends, and the route continues onto the existing forecourt of the railway station. After passing onto the forecourt, the route then curves to run broadly parallel with the existing railway lines, where it terminates.
- 2.3 The site for the proposal includes the highway and railway station forecourt along the length of the route together with various other areas for construction purposes in connection with the tramway

extension. Examples of such areas are those necessary to facilitate the demolition of railway station buildings connected to those on the proposed route and areas necessary to provide alternative vehicular access to the railway station following the imposition of restrictions that would be required to allow the tramway route to pass along Railway Drive.

- 2.4 The proposal also includes work to revise the layout of the existing tramway between where the extension route leaves the existing tracks in Bilston Street and the junction of Bilston Street, Market Street and Garrick Street. Furthermore, works are required at the existing Midland Metro Line 1 Sub-Station 2 to accommodate new tramway overhead line power equipment. A discrete area of the site has therefore been identified within and adjacent to the sub-station at the junction of Bilston Road and Chillington Street, to the south-east of the remainder of the site.

3 PROCEDURAL MATTERS

Application for Adjournment

- 3.1 On 26 May 2015, an application was made on behalf of NCP Ltd for an adjournment of the Inquiry [OBJ/10/GEN3]. The application was made as a result of the unavailability of their Counsel. I considered that to immediately adjourn for one week, as suggested by NCP, would carry an unreasonable risk of inconvenience and additional cost to all concerned. I further considered that to adjourn the Inquiry mid-way before the cross examination of the applicant's witnesses, also suggested by NCP, would not be helpful to my understanding of the evidence presented. I therefore refused the request for the adjournment [INSP/9.1, 9.2 & 9.3]. In the event, the NCP objection was withdrawn before the opening of the Inquiry [OBJ/10/WD1].

4 THE CASE FOR THE APPLICANT

The material points were:

The Secretary of State's Statement of Matters

Matter 1 - The aims and the need for the scheme

- 4.1 The scheme forms part of the wider Wolverhampton Interchange Project (WIP). The WIP will deliver a multi-modal transport hub, commercial floor space and improve the strategic gateway to Wolverhampton and the Black Country. It is anticipated that the WIP will facilitate the development of 73,862 ft² of office/leisure/retail floor space providing 278 jobs. It is envisaged that a further 321,000 ft² of floor space will be created over subsequent years, providing 1,590 jobs.
- 4.2 The lack of connectivity between the Midland Metro Line 1 and the railway and bus stations is a serious deficiency. That lack of connectivity disadvantages the travelling public and undermines the Black Country Local Enterprise Partnership (BCLEP) strategy of enhancing public transport connectivity between the four strategic

centres of Brierley Hill, Walsall, West Bromwich and Wolverhampton [APP/P1.1/SCH para 6.1]. The analysis conducted indicates that providing such linkages will prove attractive to the travelling public and, as a result, patronage levels on Midland Metro will increase by 4.6% by 2016 and by 5.4% by 2026 [APP/P1.1/SCH para 6.3].

- 4.3 There can be little doubt that there is a need to improve the connection between the Metro and the existing bus and rail services. The scheme would achieve that connection and, as part of the WIP, would make a significant contribution towards regeneration and job creation in Wolverhampton city centre. The need is therefore established and the draft Order, if made, would enable that need to be met.

Matter 2 - The main alternative options considered and the reasons for choosing the proposals comprised in the scheme

- 4.4 The Environmental Statement (ES) identifies the main alternatives considered [WCCE/A15 secn 3.7]. A number of alternative means of linking the Metro and the railway station have been considered since at least 1999 and, in 2001, the Wolverhampton to Walsall via Wednesfield route was given priority [WCCE/A15 secn 3.7.8]. This route was endorsed in the 2006 Local Transport Plan, and the route envisaged for Wolverhampton was a city centre loop [WCCE/A15 secn 3.7.12].
- 4.5 A series of plans showing the city centre options subsequently considered were submitted to the Inquiry [APP/INQ5]. Options 1, 3a, 4 and 6 would be longer and affect more stakeholders. Option 2 would not go to the railway station. Option 5 would also be longer, would affect more stakeholders and would not interchange with the railway station. Option 3b was taken forward.
- 4.6 In 2011/12, the city centre Option 3b proposal was replaced with the current, and more direct, twin track route along Piper's Row [WCCE/A15 secn 3.7.14]. This route would have required the demolition of the Grade II listed Old Steam Mill building. That route was revised to avoid the need to demolish the building following objections from Historic England and others [WCCE/A15 secn 3.7.16].
- 4.7 A summary assessment of the options is set out at page A17 of the Business Case for the WIP [WCCE/D1 tbl 2.1]. It was considered disproportionate to prepare a full business case for each option, with a resultant Benefit Cost Ratio (BCR). The alternative options to Option 3b would however be likely to have a lower BCR, as the benefits would be similar, whereas the route would be longer and therefore cost more. The examination of alternatives has also included detailed consideration of the stops on Piper's Row, and in particular the northbound stop [APP/P3.3 app 3].
- 4.8 There can be little doubt that there has been a thorough consideration of alternatives, including extensive consultation over a considerable period. There is thus no preferable alternative to the scheme now proposed. Alternatives are often relevant in decision making when the preferred scheme is held to cause some harm or has some other disadvantage. In those circumstances, it can be appropriate to

consider whether the aims of the scheme could be achieved without causing the harm complained of.

4.9 This is however not such a case, as there is no suggestion that the proposals would cause such harm that it becomes desirable or necessary to search for an alternative means of achieving the desired objective. To the extent that the scheme does cause harm, such as the less than substantial harm to the setting of certain heritage assets, it is not suggested by any objector that such harm could be overcome by an alternative alignment or other alternative.

4.10 It is therefore the case that: any harm is not such as to require alternatives to be considered any further; there has been careful and detailed consideration of alternatives; and there is no realistic alternative means of achieving the desirable outcomes that the scheme would bring.

Matter 3 - The extent to which the scheme would be consistent with the National Planning Policy Framework, national transport policy, and local transport, environmental and planning policies

4.11 There is no dispute that the proposals are consistent with, and would advance the objectives of the National Planning Policy Framework (NPPF), national transport policy and local transport, environmental and planning policies [APP/P7.1/TOW para 6.58]. In terms of designated and non-designated heritage assets during the construction and operation phases, the greatest impact of the scheme would not exceed low negative without mitigation or minor adverse with mitigation [APP/P6.1/CUL tbls 7.4 & 7.5].

4.12 The representation from Mr Young alleges conflict with Core Strategy (CS) Policy TRAN4 which seeks to create coherent networks for cycling and for walking [OBJ/12/L]. There is no conflict with that policy as: specific consideration has been given to impact on cyclists; crossing facilities have been provided to allow cyclists to cross the tramway tracks; and alternative, convenient and safe routes are available for cyclists enabling them to avoid using Piper's Row [WCCE/C2 para 4.2 & APP/GEN7 app E]. Those routes form part of the coherent network desired by CS Policy TRAN4 and provide safe and direct links for cyclists.

4.13 The clear conclusion is that the proposals accord fully with the objectives of national and local transport and planning policies.

Matter 4 - The adequacy of the Environmental Statement submitted with the application for the 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 have been complied with

4.14 The ES submitted with the application [WCCE/A15] should be considered alongside the further environmental information contained in the April 2015 Addendum [WCCE/A15/6]. Not only have the 2006 Rules been complied with, but good practice has also been followed [APP/P5.1/ENV para 5.9]. Furthermore, no other party contests this conclusion.

Matter 5 - *The likely impact on the public, businesses and the environment of constructing and operating the scheme, including:*

(a) impact of the proposed works on storage, access and servicing arrangements to premises

- 4.15 Control of road closures during construction is provided for by Article 43 of the draft Order [WCCE/A9/2]. It could be relied upon to put in place temporary traffic regulation measures, although these could only be exercised with the consent of Wolverhampton City Council (WCC) as Traffic Authority.
- 4.16 The impact of the proposal on storage, access and servicing arrangements to premises are considered in the Transport Assessment (TA) and the Engineering and Transport Proofs of Evidence [WCCE/C7 secn 10, APP/P3.1/ENG paras 5.13 to 5.22 & APP/P4.1/TRA secn 5]. It is considered that acceptable mitigation has been identified for each access and servicing issue and incorporated within the proposal where appropriate. The proposal is therefore not considered to have an unacceptable impact on the access and servicing requirements of existing operations and businesses in the study area.
- 4.17 In response to the Inspector's questions during the Inquiry in relation to access during the construction period, it is proposed that: alternative arrangements would be made for Judges' parking at the Combined Court Centre; vehicles transporting those in custody to the court would be able to access the court from the bus station; and alternative loading arrangements would be available in Queen Street, which would allow the Wulfrun Hotel to be serviced over the limited period during which the alleyway adjacent to the Wulfrun Hotel would not be accessible.
- 4.18 During operation of the tramway, existing operations and businesses may be affected by changes to traffic regulation. These changes are made in Schedule 7 of the draft Order and include controlling the use of Railway Drive [WCCE/A9/2]. Physical measures would be put in place to restrict eastbound traffic over Railway Drive by the use of rising bollards.
- 4.19 On the basis of the construction activities envisaged, the changes to traffic regulation and other changes during operation, there would be no unacceptably adverse impact.
- (b) effect on Piper's Row and Fryer Street car parks and the City ring road*
- 4.20 Agreement has been reached with NCP Ltd in relation to the Piper's Row and Fryer Street car parks. Access to both car parks would be maintained during construction and operation [APP/P4.1/TRA paras 5.4 & 5.8-5.10], and the applicant has agreed not to exercise its powers in relation to the Fryer Street car park. The applicant has also agreed that the new Piper's Row car park entrance onto Tower Street would be opened simultaneously with the closure of the current Piper's Row access. At the same time new signage would be provided to direct people to the Tower Street entrance.
- 4.21 The provision of a new northbound tram stop in Piper's Row would lead to a reduction in the number of parking spaces at the Piper's Row

- car park. The reduction is not however significant when compared to the approximately 3,800 parking spaces in the WV1 postcode area [APP/R1/1/OBJ10 para 29]. The benefit to be derived by the siting of the tram stop in such a position as to avoid impeding right turning bus movements out of the bus station would far outweigh any minor detriment arising as a result of the loss of 15 parking spaces [APP/P3.1/ENG para 2.11 & 2.12].
- 4.22 As a consequence of the proposal, there would be an increase in journey times to the Piper's Row car park, in both the am and pm peak periods, ranging from 20 to 45s [APP/P4.1/TRA para 5.10 & APP/P4.3/TRA]. There would however be a reduction in journey times from the car park in both peak periods, ranging from 1 to 15s. In all cases, the change in journey times would be less than 1min, and the majority of the car park demand would be outside of the peak periods where there is a greater level of network capacity. The journey time impact of the proposal on the Piper's Row car park is therefore considered to be negligible.
- 4.23 As a consequence of the proposal, the change in journey times to and from the Fryer Street car park would be within $\pm 15s$ [APP/P4.1/TRA para 5.11 & APP/P4.3/TRA]. The journey time impact of the proposal on the Fryer Street car park is therefore also considered to be negligible.
- 4.24 Impact on the City ring road during construction would be related to the future Corn Hill access to the railway station car park. This would replace the existing Piper's Row and Railway Drive route, along which the tramway would be constructed [APP/P4.1/TRA para 5.5]. If the Corn Hill access to the car park had been already been opened, as a result of the WIP, then less traffic would be using the existing Piper's Row and Railway Drive route, thus reducing any impact on the ring road from traffic blocking back along Bilston Street and onto the ring road.
- 4.25 If the Corn Hill access to the car park had not been opened, it would have to be provided as part of the application scheme. Whilst a detailed traffic management strategy would be developed by the appointed contractor, it is likely that this access would be constructed as the first part of the application scheme. This would again reduce the blocking back described above. Both of these scenarios would therefore result in minimal transportation access impact between Piper's Row and the Bilston Road junction of the City ring road and hence minimise impact on the ring road [APP/P4.1/TRA tbl 4.1].
- 4.26 In 2026, the City ring road will be more congested than it is now. This is primarily due to the wider and committed WIP scheme and, in particular, the relocation of the railway station car park access from Railway Drive to Corn Hill [APP/P4.1/TRA para 5.12, WCCE/D1 & APP/P4.3/TRA]. Northbound ring road journey times would however vary by less than $\pm 2s$ in the peak periods between the Reference Case scenario, which assumes that the Corn Hill access and the development related to the WIP has taken place, and the Do Something 1 scenario, which adds the tramway extension to this [APP/P4.3/TRA app 3]. In a similar comparison, southbound journey times would increase by 5s and decrease by 3s in the am and pm peak

periods respectively. The impact on the ring road from tramway operation in isolation is therefore considered to be negligible.

- 4.27 On the basis of all of the above points, there would therefore be no unacceptably detrimental impact on the car parks or the City ring road, whether during construction or operation.

(c) impact on pedestrian, cycle and motor traffic during construction and operation

- 4.28 The assessment of traffic impact has utilised the outputs of a VISSIM multi-modal traffic simulation model as reported in the TA [APP/P4.1/TRA para 5.7]. It is clear, from the average delay times to all traffic [APP/P4.1/TRA tbl 3.3], that the delays which could be attributable to the proposal, as distinct from the wider WIP, could not be described as unacceptable [WCCE/C7 para 5.6]. The reference to an average also masks the fact that there would be an improvement to bus journey times. Furthermore, even if there is some delay attributable to the proposal, it would have to be balanced against its advantages, and those advantages would far outweigh the delays identified.

- 4.29 The TA also concludes that, with mitigation, impact on cyclists would be negligible [WCCE/C7 para 7.3]. The same conclusion is reached in relation to pedestrians [WCCE/C7 para 7.2.7].

(d) ecological impacts and whether any licences are likely to be required from Natural England

- 4.30 A number of ecological surveys were undertaken in the vicinity of the proposal in order to identify habitats present and the presence of protected species. The potential ecological impacts resulting from the construction and operation of the proposal which have been assessed include the loss of habitat for and harm to, or disturbance of, protected species [WCCE/A15/2 ch 8].

- 4.31 The footprint of the proposal would result in the loss of some areas of habitat. Mitigation, including grassland and planting into areas of urban realm, has however been proposed to offset this. In some instances, this could result in positive but not significant effects.

- 4.32 During construction, there would be the potential for indirect effects as a result of spillages, dust, lighting and noise. Through the use of good practice construction methods and by undertaking works in accordance with the Code of Construction Practice, the effects are not considered to be significant.

- 4.33 There would be some impact on bats resulting from the operation of the proposal. This could be due to noise and lighting but, taking account of the proposed mitigation including the avoidance of direct illumination of areas likely to be used by bats, the impacts would not be significant.

- 4.34 Health and safety issues prevented access to the tunnel and void at the Old Steam Mill to establish whether bats were present. The Environmental Impact Assessment was therefore undertaken on the basis that bats or bat roosts could be present. It was noted that, in order to mitigate potentially significant effects, further surveys

would be required prior to construction. If bats were then found to be present, an application would need to be made to Natural England for a European Protected Species Licence to allow for the disturbance and removal of any bat roosts.

- 4.35 Since the application for the Order was made, it has been possible to access the tunnel and void and undertake bat surveys [WCCE/A15/6]. The surveys confirmed that no bats were present and that the void space and tunnel are not suitable for bats. No European Protected Species Licences would therefore be required to enable the construction and operation of the proposal.
- 4.36 The evidence in relation to Matter 5 has not been contradicted and should be accepted, as it has been shown that there would no unacceptable impact on the public, businesses and the environment from constructing and operating the proposal.

Matter 6 - The effects of the scheme on statutory undertakers and other utility providers, and their ability to carry out undertakings effectively, safely and in compliance with any statutory or contractual obligations

- 4.37 Article 45 and Schedule 8 of the draft Order make standard provisions relating to statutory undertakers. These would enable, in relation to land acquired under the draft Order, statutory undertakers' rights to be extinguished, subject to the payment of compensation.
- 4.38 As the majority of the construction works would take place within existing public highways, the New Roads and Street Works Act (NRSWA) 1991 regime applies, and the stages set out under that regime have been and would continue to be followed [APP/P3.1/ENG para 4.2]. Responses to Stage C3 enquiries under the NRSWA have been received containing outline details of any diversions required by utility companies together with budget costs for those diversions. The nature and costs of all utility company diversions are therefore known. Notice of the draft Order was also served on all the statutory undertakers and other utility providers, and no objections were, or have subsequently been made [APP/P3.1/ENG para 4.6].
- 4.39 The strategy would be to undertake the majority of the requisite diversion works before the commencement of the tramway works [APP/P3.1/ENG para 4.17]. This has both a time and cost benefit to a project and significantly de-risks the scope of the scheme. This is because the act of undertaking the diversions would give greater certainty of ground conditions and provide contractors with a 'clear site'. Best value would be obtained through the diversion of utilities by the utility companies' own contractors. To ensure best value, optimum programme and appropriate stakeholder communications, the applicant would actively co-ordinate and manage the utility companies' programmes. This would take place in conjunction with WCC pursuant to their statutory role as Traffic Manager and NRSWA co-ordinator.
- 4.40 From all of the above, there would be no undue impact on statutory undertakers. In any case, where there would be an impact, appropriate measures would be in place to protect the interests of statutory undertakers.

Matter 7 - *The effects of the scheme on the statutory obligations, waterway operations and navigational management of the Canal and River Trust, and proposals to mitigate these effects*

4.41 No significant works are anticipated to be required to the existing bridge over the Birmingham Canal at Railway Drive. It would however have its waterproofing renewed and minor repairs to the brick arch soffit and abutments as part of the scheme. The protective provisions within the draft Order would protect the Canal and River Trust's interests by preventing the exercise of certain powers unless consent is given by the Trust. Agreement has been reached with the Trust, who has withdrawn its objection.

4.42 The draft Order therefore contains appropriate and adequate provisions to mitigate impact upon, and to afford protection to, the Canal and River Trust.

Matter 8 - *The implications for rail users, train operators, Network Rail and businesses located at Wolverhampton Railway Station of works to the station in connection with the scheme (including safety, parking, staff facility, and access issues)*

4.43 Any scheme to improve facilities at a railway station is likely to cause some degree of interference with existing arrangements. As a result, all works have to be carried out with care so as to avoid unnecessary disruption to rail operators and passengers.

4.44 The main protection for rail interests in this case is that the works would be undertaken in accordance with the agreements reached with the rail companies [APP/P1.1/SCH para 10.6]. These provide for standard template rail industry agreements, regulated by the Office of Rail and Road, to be entered into at a later date, and by the inclusion of protective provisions in the draft Order. The rail companies would then have the ability to exercise control, so as to ensure that the works would be carried out in such a way as to avoid undue interference with their interests. Whilst the scheme would have no direct impact on operational train services, those agreements would ensure that passengers could access the station safely and efficiently while construction works are underway [APP/P1.1/SCH para 10.26].

4.45 On completion of the works, the new tram stop at the railway station would provide a significant benefit to railway station accessibility and interchange [APP/P4.1/TRA para 3.16]. The environment for rail users accessing the station would also be improved by the relocation of vehicular access from Railway Drive to Corn Hill [APP/P3.1/ENG para 2.22]. There would therefore be likely to be a positive impact on the business of West Coast Trains [APP/P1.1/SCH para 10.28].

4.46 Network Rail, the station facility owner, the train operating companies and businesses located at the station have reached agreement with the applicant. This can, and should be, taken as indicating that, so long as the relevant protective provisions are included in the draft Order, adequate arrangements would be in place to protect those interests.

4.47 It is therefore the case that, subject to the inclusion of the proposed protective provisions, the interests of rail users, train operators,

Network Rail and businesses located at Wolverhampton Railway Station would be adequately protected.

Matter 9 - *The effects of the scheme on the Old Steam Mill (though noting that listed building consent has been sought separately and granted for this element of the works)*

- 4.48 In May 2013, consultation was undertaken on a proposed alignment of the tramway that would have required demolition of the Grade II listed Old Steam Mill, to which HE and others raised objections [WCCE/A15/2 para 3.7.16]. In response to those objections, the alignment, in the vicinity of the Old Steam Mill, was revised and the current alignment put forward. That change of alignment was endorsed by HE [WCCE/A15/2 para 3.7.17 & WCCE/A16]. The fact that HE now raise no objection and have expressed their satisfaction with the changes should be given considerable weight.
- 4.49 Land would be compulsorily acquired to provide space for the new access to the revised Network Rail car parking spaces and for the new taxi drop off and turnaround area [APP/P3.1/ENG para 7.6]. The 20th century steel clad north west corner of the Old Steam Mill would be demolished, for which listed building consent has been obtained. The remainder of the building would also be stabilised and made safe.
- 4.50 The effect of the scheme on the setting of the Old Steam Mill during operation would be minor beneficial, based upon the improvement to its existing, derelict condition [APP/P6.1/CUL para 8.1.3]. The scheme would therefore have a positive effect on the significance and setting of the mill.
- Matter 10** - *The measures proposed for mitigating any adverse impacts of the scheme, including: the proposed Code of Construction Practice; any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme; and whether, and if so to what extent, any adverse environmental impact would still remain after the proposed mitigation*
- 4.51 A draft Code of Construction Practice has been prepared [WCCE/A15/3 App 3.3], and the imposition of application Condition 6 would ensure that a code in substantial accordance with the draft is adhered to. A Construction Strategy Report has also been prepared [APP/P3.1/ENG para 5.1 & WCCE/C1].
- 4.52 The measures to avoid, reduce or remedy environmental impacts of the scheme and an analysis of the residual effects are described in the ES in each of the specialist chapters and summarised in Chapter 16 [WCCE/A15/2 para 16.5.3 & APP/P5.3/ENV app 2]. The conclusions to be drawn are that: a range of appropriate mitigation measures are proposed and, where appropriate, would be secured by the conditions proposed or by the draft Order; the residual effects are, in the main neutral, negligible or beneficial; and where residual effects are adverse, they are slight or minor save in the case of views during construction activity [WCCE/A15/2 tbl 16.4 item 9 & APP/P5.3/ENV app 2 pg 55]. Construction noise and vibration, which would be short term, could be regulated by the Code of Construction Practice.

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- 4.53 From all of the above, the environmental effects are therefore acceptable.
- Matter 11** - *Whether there is a compelling case in the public interest for conferring on the applicant powers compulsorily to acquire and use land for the purposes of the scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004, paragraphs 16 to 23; and whether the land and rights in land for which compulsory acquisition powers are sought are required by Centro in order to secure satisfactory implementation of the scheme*
- 4.54 The need for the scheme has already been established as set out in the response to Matter 1. From the options previously considered and described in the response to Matter 2, there are no realistic alternatives. The scheme would also realise transport and regeneration benefits as set out in the response to Matter 1 [APP/P1.1/SCH paras 6.4-6.16]. The scheme is also an integral part of the WIP, which is predicted to deliver commercial development which will result in the provision of over 1,500 jobs. The BCR of 2.5:1 demonstrates that the scheme is high value for money [APP/P2.1/ECO para 2.52], and the economic benefits cannot be secured unless the draft Order is made.
- 4.55 A schedule has been prepared to identify each plot of land and the purpose for which it is to be acquired or used [APP/P3.3/ENG app 4]. It is clear, from the schedule, that each plot of land is required in order to carry the scheme into effect.
- 4.56 The disadvantages of the scheme, such as some less than substantial harm to the significance of heritage assets as a result of impact on setting, are minor. This less than substantial harm should however be given considerable weight and importance when considering whether to direct that planning permission be deemed to be granted [APP/P6.3/CUL app 5 para 29].
- 4.57 The very significant economic, transport and regeneration benefits cannot be secured unless the draft Order is made and the compulsory acquisition of land and rights is authorised. Those benefits would far outweigh any negative impact. To the extent that the rights afforded by Article 1 Protocol 1 of the European Convention on Human Rights would be engaged, the deprivation of possessions would also clearly be justified in the public interest.
- 4.58 There is a compelling case in the public interest for the draft Order to authorise the promoter to acquire the necessary land and rights and to use land temporarily. Without such authorisation, the very many benefits would not be realised in the public interest.
- Matter 12** - *Having regard to Section 25 of the TWA 1992, whether the relevant Crown authority has agreed to the compulsory acquisition of interests in, and/or the application of provisions in the TWA Order in relation to, the Crown Land identified in the Book of Reference.*
- 4.59 The Wolverhampton Combined Courts Centre is land held by the Ministry of Justice (MoJ) and is land in which there is a Crown interest for the purposes of Section 25 of the TWA 1992. In this case,
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the appropriate authority under the Act is the MoJ who is the Government Department having management of the land.

- 4.60 The MoJ has indicated that, whilst a legal agreement has not yet been entered into, it has agreed in principle to the acquisition of those parts of the Crown land which will form new public highway [OBJ/MJ/GEN4]. The MoJ has also indicated that it agrees in principle to measures to mitigate impact during construction. The applicant requests that, when recommendations are made to the Secretary of State, they are on the basis that, in due course, the agreement which has been given in principle, will result in formal agreement.

Matter 13 – The applicant’s proposals for funding the scheme

- 4.61 The application was accompanied by an estimate of the costs of the works [WCCE/A5] and a funding statement [WCCE/A6]. The total outturn cost of the WIP is stated to be £39.4m, which includes the £18m cost of the application scheme [APP/P1.1/SCH tbl 7.1]. The approach to capital funding is set out in the Financial Case section of the business case [APP/P1.1/SCH tbl 7.2].
- 4.62 The required funding from the BCLEP, the West Midlands Integrated Transport Authority and WCC has been allocated or confirmed to be allocated for the WIP [APP/P1.1/SCH para 7.5]. The remainder of the required funding for the WIP would be obtained through Prudential borrowing. The loan repayments would be financed from the net income of the extended station car park, which would be leased from Network Rail to the applicant until the loan is repaid. Full repayment is anticipated to take 35 years from scheme opening. An independent review has concluded that the loss of car park income that currently accrues to the rail industry would be more than offset by the additional income arising from the redevelopment and secure gating of the new railway station [APP/P1.1/SCH tbl 7.3].
- 4.63 Expenditure on the application scheme is planned to fall towards the end of the overall construction programme for the WIP. It would therefore be likely that the majority of funding would come from the Prudential borrowing funding stream. The Secretary of State has confirmed support for the Prudential borrowing arrangements proposed [APP/P1.4/SCH App 1]. The Secretary of State’s support for that agreement provides significant additional grounds for concluding that the funding streams relied upon are likely to deliver the necessary funds to ensure that the scheme proceeds. Moreover, no objector has sought to question the fact that funding will be forthcoming to allow the scheme to be delivered.

Matter 14 - 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)

- 4.64 The application for deemed planning consent [WCCE/A2/1] included a series of draft planning conditions. These were subject to minor amendments prior to the Inquiry [APP/P7.3/TOW app 1].
- 4.65 The proposed planning conditions, with these amendments, accord with established TWA Order precedent [APP/P7.3/TOW app 1].

The conditions would be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in other respects and therefore accord with paragraph 206 of the NPPF. This conclusion is shared by WCC [APP/P7.1/TOW para 6.83].

Matter 15 - *Any other relevant matters which may be raised at the Inquiry*

- 4.66 Shortly before the opening of the Inquiry, a Mr Young raised concerns about the impact of the scheme on cyclists [OBJ/SY/GEN5]. The applicant has provided a written response to those concerns [APP/GEN7] and a plan which shows two alternative routes for cyclists [APP/P3.1/ENG app 2]. In its letter of support for the scheme, WCC expressed the view that: "At this stage, Centro, in partnership with WCC, have done everything reasonable to accommodate cyclist's needs within the Wolverhampton City Centre Extension proposals....." [APP/SOC1 7 & SUPP/1/GEN6]. The concerns, whether in relation to alleged lack of information or failure to make adequate provision for cyclists, are therefore wholly unjustified.

Conclusions

- 4.67 There is no serious challenge to the applicant's case that the scheme will deliver the following key benefits [APP/SOC1 para 14.1 & APP/P7.1/TOW paras 4.24 & 4.34]:
- a) improving integration between Metro, bus and rail modes and providing new and improved journeys for the travelling public;
 - b) encouraging modal shift from private to public transport;
 - c) enhancing railway station accessibility;
 - d) providing a connection between the bus station and the railway station and to all areas along the Metro Line 1 route;
 - e) facilitating access to HS2 in the future via Line 1 and the proposed Metro Birmingham Eastside Extension to Curzon Street Station;
 - f) improving access to investment opportunities in the Black Country and more widely in the West Midlands region; and
 - g) encouraging and facilitating the regeneration of land either side of Railway Drive and the rail station as part of the WIP leading to the provision of over 1,500 jobs and the provision of mixed leisure and commercial facilities for Wolverhampton.
- 4.68 The scheme is deliverable, there is no challenge to the feasibility of introducing it and funds are in place. It would deliver very significant benefits to Wolverhampton without causing any unduly adverse impacts. It is worthy of a recommendation to the Secretary of State that he should make the Order, with the modifications put forward, and give the associated planning direction.

The Draft Order

- 4.69 A 'Filled Up' version of the draft Order was submitted prior to the Inquiry [APP/GEN8]. This included amendments made to the application version [WCCE/A9/1], the updated application version [WCCE/A9/2] and the version submitted with the applicant's Statement of Case [APP/SOC1] which were identified in a comparison document [APP/GEN9]. The 'Filled Up' version of the draft Order was then subject to errata changes during the Inquiry [APP/INQ6.1 & 6.2].
- 4.70 The only substantive changes proposed are firstly the addition of protective provisions in relation to railway interests and the Canal and River Trust, in connection with the withdrawal of objections. Secondly, additional construction compound and construction areas within, and at one location outside, the original application draft Order limits have been identified.

5 THE CASE FOR THE SUPPORTERS

- 5.1 No party, other than the applicant, appeared at the Inquiry to give evidence in support of the scheme. Written representations were received from two parties in support of the scheme, and the gist of those was as follows:

Wolverhampton City Council

- 5.2 Wolverhampton is a principal station on the West Coast Mainline handling over 4.75m passengers per annum, which has doubled since 2005 [WCCE/F7/1]. The existing station and facilities are not fit for purpose. The WIP will provide a seamless 21st Century interchange between buses serving the local area, the tram providing services towards Birmingham through the Black Country and the national rail network.
- 5.3 The scheme is a key element of the WIP [SUPP/1]. The WIP is a project of strategic importance in the Strategic Economic Plan for the Black Country. The WIP represents over £40m of investment for the city, which would unlock nearly 30,000m² of office, leisure and retail floor space and create 2,000 jobs. The scheme supports the region's aspirations for good connectivity to the broader region and national transport networks.
- 5.4 The City Council is fully supportive of the scheme, and agreements reached with the applicant include: provision for cyclists, users with restricted mobility and coaches; restricted access along Railway Drive; a detailed design palette; road safety; structures; the Birmingham Canal; temporary possession of the highway; draft planning conditions; and land ownership and highway boundaries [WCCE/F7/2].

Black Country Local Enterprise Partnership

- 5.5 Within the WIP, the scheme would meet the aims of the Partnership relating to transport and regeneration. These aims are identified below, stating how the scheme would achieve them:

Place - ensure the availability of high quality employment land and deliver a portfolio of mixed use development opportunities

- 5.6 The integration of the scheme with the redevelopment of the Wolverhampton Railway Station and the WIP would be important in unlocking the city's economic potential by realising significant commercial development upon land either side of the alignment. This would include much needed Grade A offices and high quality leisure and retail facilities.

Place - improve the Black Country's connectivity

- 5.7 The scheme would improve and facilitate an effective public transport interchange in Wolverhampton through linking the Metro with Wolverhampton bus station and Wolverhampton railway station, as well as providing an interchange between them. The scheme would enable connections and improved accessibility across the Black Country and with national and international gateways through linking to Birmingham International Airport and High Speed 2.

People - improve access to opportunities for developing skills and raising performance

- 5.8 By providing improved access to local and national rail, tram and bus services, the scheme would reduce travel times. It would therefore make it easier for people to get to local and regional employment opportunities and educational institutions. The scheme would also support the implementation of the Black Country apprenticeship programme.

Business - develop and enable the local supply chain, through indigenous business growth and inward investment generated

- 5.9 The scheme, as part of the WIPs new primary infrastructure, would enable the delivery of office, retail and leisure development supporting business growth and the local supply chain. This in turn would encourage inward investment and complement the Black Country's aspiration of creating conditions that encourage high value manufacturing.
- 5.10 The Partnership very much supports the scheme.

6 THE CASE FOR THE OBJECTORS

- 6.1 No party appeared at the Inquiry to give evidence in objection to the scheme. Three objections were made by written representations and not withdrawn. These were from The Wulfrun Hotel, Gladedale Estates Limited and CP Co 3 Limited. In addition to these objections, an additional representation objecting to the proposal was received from Mr S Young. The gist of these cases was as follows.

The Wulfrun Hotel

- 6.2 The Wulfrun Hotel is the owner of the alleyway between the hotel and the adjacent property, CRC [OBJ/1]. The alleyway is used for parking and refuse collection. It would also be used in connection with the construction of an extension to the hotel which has been granted planning permission.

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- 6.3 The closure of the alleyway under the scheme would cause disruption and inconvenience to the hotel business.
- Gladedale Estates Limited**
- 6.4 Gladedale Estates Limited is the owner of the Grade II listed Old Steam Mill situated on Corn Hill [OBJ/8 & OBJ/8/SOC1]. The applicant is seeking powers to acquire a steel clad section of the building, which is then to be demolished, and to use the remainder of the building temporarily.
- 6.5 The building was damaged by fire in 2008, and this has required scaffolding to be erected to support the building which has necessitated the closure of Corn Hill. Gladedale has recently obtained listed building consent for the partial demolition of the Old Steam Mill, to allow for the relocation of the scaffolding and the re-opening of Corn Hill.
- 6.6 The objection by Gladedale concerns the extent of land to be acquired and the lawfulness of the Environmental Statement (ES). From the application, the applicant does not intend to permanently acquire the entire site that is to be demolished. Furthermore, the application indicates that the applicant is seeking compulsory acquisition powers over an area of land on which it has not been granted listed building consent. Listed building consent for the remainder of the building to be temporarily used has though now been granted. Concerns however remain that the scope of the consent does not include all of the work required to demolish the steel clad structure while maintaining the stability of the brick structure of the mill. Furthermore, whilst the applicant has undertaken to correct errors identified on the Works and Land Plans Sheet No 1, no corrections have been received.
- 6.7 The ES recognises that the mill would be affected by the scheme and that the building is of a high value due to its designation. It then goes on to state that the effect of the demolition of the steel clad section would be a minor positive one. The ES however does not consider the effect of the scheme on the remainder of the building that would not be compulsorily acquired, and which is in a derelict condition and in need of regeneration.
- 6.8 The intention of Gladedale, prior to notification of the draft Order, was to utilise an area of open land adjacent to the western point of the building for enabling development. This would ensure the viability of the regeneration of the mill. The area of open land would be included in the proposed compulsory acquisition, and the enabling development, a 14 storey residential structure, could therefore not take place.
- 6.9 Without the enabling development, the regeneration of the mill could not take place, and the building would remain in its present condition. The effect of the scheme on the building therefore cannot be described as minor positive.
- 6.10 Furthermore, the ES specifically excludes works to the retained part of the mill, on the basis that they are not known. This position appears to be inappropriately speculative in the light of the above points. The failure to consider the proper effect on the mill is therefore a
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significant omission from the ES and calls into question its lawfulness and the applicant's failure to comply with legislative requirements.

- 6.11 The Gladedale representations will be developed to show a realistic prospect of the enabling development being brought forward. This will be on the assumption that the applicant's proposals do not advance in their current form, to ensure that the restoration of the listed mill can be delivered.

CP Co 3 Limited

- 6.12 CP Co 3 Limited owns the reversionary freehold title to the car park at Plot 13 which is let to National Car Parks (NCP) Ltd by an occupational lease for a term expiring in 2037 [OBJ/9]. This objection has been drafted in consultation with NCP Ltd.
- 6.13 Serious concerns are raised that significant traffic disruption, including blockages and closures, during the works would damage commercial activity. This would have a materially adverse impact on the above freehold titles.
- 6.14 The proposed use of compulsory powers on part of the car park, the temporary closure of the remainder and alterations to the access would render the car park commercially inoperable. The provision of a tram stop in the immediate vicinity of the car park would also create unfair competition. This long term impact would result in a significantly adverse impact on the reversionary freehold interest and the ability to re-let.
- 6.15 The proposed use of compulsory powers is premature, since meaningful negotiations have not taken place and it has not been demonstrated that acquisition is essential or in the public interest. CP Co 3 is prepared to enter into negotiations for the grant of necessary rights by agreement, so the draft Order is unnecessary in this regard. It is also not accepted that there is a statutory right to acquire compulsorily temporary rights over the land. The impact of the proposal on the provision of proper and adequate car parking spaces in the city centre has also not been considered properly.
- 6.16 The scheme would cause disruption and increase the likelihood of accidents in relation to vehicles turning in and out of Tower Street from Piper's Row.

Mr S Young

- 6.17 The proposed tramway alignment would have a serious adverse effect on National Cycling Network route NCN81, along with cycling in the surrounding area [OBJ/12/L]. Taking space from pedestrians when converting it to shared use in a high footfall area would also be likely to lead to conflict, especially when the pavement is already so narrow, as is the case along Railway Drive.
- 6.18 No mitigation is proposed for the junction at Victoria Square where NCN81 crosses. The tramway tracks here would be at a very acute angle to the direction of cyclists exiting from the station. Cyclists would also be expected to wait at two push button Toucan crossings, rather than using the road for 15m.

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- 6.19 The scheme would encourage cyclists to take a massive detour, including increased cyclist and pedestrian conflict at the Bilston Road roundabout. Moreover, no explanation has been provided as to how vehicles will access the proposed Banana Yard development.
- 6.20 The scheme would be contrary to policy TRAN 4 of the Black Country Core Strategy. It would also conflict with the West Midlands Cycle Charter which seeks to make roads safer for cyclists, improve facilities to connect cycling with public transport and ensure that cycle journeys are considered when improving roads. Furthermore, the scheme would not accord with the Wolverhampton City Council Cycle Strategy which seeks to create a safe, direct, attractive, and convenient cycle network to integrate cycling with public transport.
- 6.21 Policy CC6 of the December consultation draft of the Wolverhampton Area Action Plan sought to: improve linkages across the City ring road; reduce the perception of physical barriers to access; give greater priority to pedestrians and cyclists in the design of public realm schemes and new developments; and provide new linkages, particularly to key regeneration initiatives and public transport facilities. The scheme would not be compatible with these aims and, as an integrated transport interchange for Wolverhampton, cycling appears to have been missed out of the integration.

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7 INSPECTOR'S CONCLUSIONS

- 7.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions. The considerations arising from the proposed Transport and Works Act (TWA) Order and the application for deemed planning permission overlap to a considerable degree. I have therefore structured these conclusions around the matters about which the Secretary of State particularly wishes to be informed and considered the remaining objections within the relevant matters. In view of the limited nature of the amendments submitted to the Secretary of State by the applicant prior to the Inquiry, these conclusions relate to the application as amended. References in sub-script are to previous paragraphs in the report. ^{1.3}

The Proposed Order and Application for Deemed Planning Permission

Matter 1 - The aims and the need for the scheme

- 7.2 The scheme would extend the Midland Metro Line 1 tramway to allow it to become an integral part of the wider Wolverhampton Interchange Project (WIP). The current lack of connectivity between the tramway and other modes of transport is a serious deficiency in this area. This deficiency undermines the Black Country Local Enterprise Partnership (BCLEP) strategy of enhancing public transport connectivity between the four strategic centres of Brierley Hill, Walsall, West Bromwich and Wolverhampton. ^{4.1, 4.2 & 5.2-5.10}
- 7.3 The key aims of the scheme are set out in the applicant's Statement of Case, and these clearly support the objectives of the WIP and seek to increase tramway patronage over time. No case was put that those objectives lacked merit or that the scheme would not contribute to them. Rather, the evidence of Wolverhampton City Council (WCC) and the BCLEP was particularly supportive of the scheme and its compatibility with local policies and strategies. Furthermore, both of these organisations have allocated or confirmed future allocations of funding towards the scheme. Whilst there is a difference between the future job creation figures of the applicant and BCLEP, the applicant's figures are the lower of the two, both show over 1,500 jobs in future years. ^{1.4, 1.6 & 4.62}
- 7.4 I am satisfied that there is a current and growing need for the improved public transport access that the scheme would provide. I am also satisfied that the aims of the scheme, and indeed its detail, would greatly assist in satisfying this need. I therefore attach substantial weight to those important public benefits.

Matter 2 - The main alternative options considered and the reasons for choosing the proposals comprised in the scheme

- 7.5 The scheme, and alternative options, have been under consideration for a number of years and have undergone various consultation exercises as part of the development of wider strategies. It can be seen, from the information provided, that each of the scheme options, other than that chosen, would have had a greater impact in terms of

stakeholders or cost, due to their lengths, or would not have given the direct interchange benefits, due to their route. 4.4-4.9

7.6 In addition to the above considerations, detailed options were assessed in the area of the Old Steam Mill. These again were the subject of a comprehensive consultation exercise. 4.48

7.7 In view of all of the above points, I consider that the main alternatives to the scheme have been considered by the applicant. I also concur with the applicant that there is no realistic alternative means of achieving the desirable outcomes that the scheme would bring.

Matter 3 - *The extent to which the scheme would be consistent with the National Planning Policy Framework, national transport policy, and local transport, environmental and planning policies*

7.8 The applicant has drawn attention to various elements of the National Planning Policy Framework (NPPF). Insofar as those relate to the scheme, I find as follows:

- i) The scheme would be consistent with the three dimensions to sustainable development described in NPPF paragraphs 7 and 14.
- ii) NPPF paragraph 29 highlights the importance of sustainable transport, the provision of which is among the objectives for the scheme.
- iii) Paragraph 31 encourages transport providers and neighbouring local authorities to work together in the provision of viable infrastructure to support sustainable development. Such joint work lies behind the 2006 Local Transport Plan. The tramway would provide a cross-boundary means of serving the scheme's objective to deepen labour pools and exploit opportunities for the use of sustainable transport modes in line with paragraph 35 of the NPPF.
- iv) Section 7 and paragraph 64 of the NPPF identify the importance that should be attached to good design and the improvement of an area's character and quality. The tramway would be an integral part of the redevelopment of the station area in accordance with this policy aim.
- v) Section 12 seeks to preserve and enhance the historic environment. The re-routing of the tramway to avoid the Old Steam Mill and the stabilisation of the mill following the removal of the steel clad element would seek to preserve this asset. The future development opportunities that the scheme would afford in the area around the mill would also increase the likelihood of the enhancement of the currently derelict mill. This would help to secure its optimum viable re-use. Moreover, whilst the scheme would result in less than substantial harm to the significance of heritage assets, this would not outweigh the public benefits of the scheme found under Matter 1.

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- 7.9 The scheme is therefore consistent with the NPPF's relevant provisions. ^{4.11}
- 7.10 The applicant has drawn attention to various elements of the 2006 Wolverhampton Unitary Development Plan, which is part of the statutory development plan. Insofar as those relate to the scheme, I find as follows:
- i) Policy AM8 supports the further development of the Midland Metro of which the scheme is a part.
 - ii) Policy CC4 seeks to achieve high standards of design in new developments, which would be the case here with the imposition of the suggested planning conditions.
 - iii) Policy CC5 supports improved access and interchange together with the maximisation of the regeneration of the Canalside Quarter, a key aim of and an opportunity provided by the scheme.
- 7.11 The applicant has also drawn attention to various elements of the 2011 Black Country Joint Core Strategy, which is also part of the statutory development plan. Insofar as those relate to the scheme, I find as follows:
- i) Policy CSP 5 seeks to improve the accessibility and connectivity of an integrated public transport network. This would be the case here, where the scheme fits within the WIP.
 - ii) Policy TRAN 1 identifies the key improvements in transport infrastructure required to deliver the strategic objectives for the Black Country. These include the extension of the Midland Metro Network, and again, the scheme aligns well with this policy.
 - iii) Policy TRAN 4 seeks to create coherent networks for cycling and for walking. I am satisfied with the nature of and level of detail within the response to the objection concerning conflict with this policy. I can therefore see no reason to conclude that there would indeed be any conflict between the scheme and the policy as suggested by Mr Young [OBJ/12/L]. ^{4.12 & 6.20}
- 7.12 The scheme is fully in line with all of the above development plan policies.
- 7.13 The West Midlands Local Transport Plan (LTP) 2011-2026 focuses on providing sustainable travel and transport choices in the West Midlands with improved connectivity within and between centres. The LTP also provides support for key cross boundary principles and policies. The provision of Midland Metro extensions in appropriate high volume corridors are seen as key challenges for the region to: underpin private sector led growth and economic regeneration; tackle climate change; improve health, personal security and safety; improve equality of opportunity; and enhance wellbeing, quality of life and quality of the local environment. The scheme would help to address all of these challenges.
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- 7.14 From all of the above, it is therefore clear that the scheme would be consistent with the National Planning Policy Framework, national transport policy, and local transport, environmental and planning policies.
- Matter 4 - The adequacy of the Environmental Statement submitted with the application for the 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 have been complied with***
- 7.15 In considering the draft Order and the application for deemed planning permission, I have had regard to the Environmental Statement (ES) submitted with the application and the associated addendum, together with the relevant evidence submitted prior to and during the Inquiry. The approach taken in the ES reflects the Scoping Report prepared in advance of the ES and the comments received from Scoping Report consultees. These were: the Environment Agency; WCC; the Canal and River Trust; Natural England (NE); and Historic England (HE). No formal Scoping Opinion was requested from the Secretary of State for Transport under Rule 8 of the TWA Application Rules as consultation had already been undertaken with these consultees. ^{4.14}
- 7.16 An objector Gladedale Estates Limited [OBJ/8] suggested that the failure to consider the proper effect of the scheme on the Grade II listed Old Steam Mill is a significant omission from the ES. It is further suggested that this calls into question the lawfulness of the ES and the applicant's failure to comply with legislative requirements. ^{6.4, 6.11}
- 7.17 The ES has assessed the effect of the removal of the steel cladding from part of the derelict Old Steam Mill from the time of the Scoping Report to the production of the ES itself. There has been no objection from HE as to the scope of this work. The ES does however exclude further work that may be carried out on the mill, on the basis that this is unknown.
- 7.18 From what I have seen, and I note that the objector did not develop its representations during the Inquiry period as initially suggested, any work could take different forms. It therefore would not be realistic to include an assumption as to such future work in the ES. Moreover, I have not seen anything to suggest that it would be undertaken within the same timescale as the application scheme, and therefore any cumulative impact would be very unlikely.
- 7.19 The objector also questions the impact assessment of minor benefit to the mill as a result of the scheme. The mill is derelict, and I have not seen any evidence of recent work to the building. The listed building consent held by the applicant requires that WCC approve a method statement, including any required stabilisation, prior to the removal of the steel cladding. Should the structure not be in a stable condition, this would be likely to be identified in order that stabilisation work can be properly considered. The structure therefore would be subject to an up to date assessment of its condition, as well as the visual improvement from the removal of the steel cladding. I thus can see no reason to question the outcome of a minor beneficial impact from the assessment in the ES.

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- 7.20 The applicant has confirmed that it has complied with all necessary statutory formalities, and I can see no reason to suggest otherwise.
1.10
- 7.21 I am therefore satisfied that the Environmental Statement is adequate in terms of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and that statutory procedural requirements have been complied with.
Matter 5 - *The likely impact on the public, businesses and the environment of constructing and operating the scheme, including:*
(a) *impact of the proposed works on storage, access and servicing arrangements to premises*
- 7.22 Temporary traffic regulation measures, including road closures, could only be put in place with the consent of WCC as traffic authority. I am therefore satisfied that the impact of the proposed works on storage, access and servicing arrangements to premises would be adequately regulated to avoid unacceptable impact. I am also satisfied that the changes to traffic regulation proposed in the draft Order are appropriate and reasonable in the context of the scheme as a whole. Moreover, there has been no objection from any statutory bodies. 4.15-4.18
- 7.23 In terms of the Wulfrun Hotel [OBJ/1], alternative loading arrangements would be available nearby during the temporary closure of its alleyway access during construction. The applicant's indicative programme shows that this would be likely to be a maximum of 20 days. There would undoubtedly be some impact, but I consider that this is far outweighed by the benefits of the scheme set out in my response to Matter 1. 4.17, 6.2 & 6.3
- 7.24 I am therefore satisfied that there would be no unacceptable impact from the proposed works on storage, access and servicing arrangements to premises.
(b) *effect on Piper's Row and Fryer Street car parks and the City ring road*
- 7.25 Agreement has been reached with NCP Ltd in relation to all matters concerning the Piper's Row and Fryer Street car parks. From the assessment work undertaken, the scheme would not have an impact of any significance on the City ring road, although the WIP and its associated development would result in some increase in congestion. The unlikely prospect of the existing railway station access being disrupted by tramway construction before the alternative is available from Corn Hill could be resolved within the scheme contractor's management plan and regulated by WCC as traffic authority. 4.20-4.26
- 7.26 CP Co 3 Limited [OBJ/9] has objected to the impact on the Piper's Row car park, to which it has the reversionary freehold title and which is let to NCP Ltd. In view of the applicant's agreement with NCP Ltd, the objection, which does not include any practical points over those raised by NCP, reverts to one of commercial compensation, which lies outside the scope of the Inquiry and report. 6.12-6.16
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- 7.27 I am therefore satisfied that there would be no unacceptable impact from the proposed works on Piper's Row and Fryer Street car parks and the City ring road.
- (c) impact on pedestrian, cycle and motor traffic during construction and operation*
- 7.28 The Transport Assessment concludes that there would be some delays to traffic as a result of the scheme, but that these could not be described as unacceptable. It also concludes that, with mitigation, the impact on cyclists and pedestrians would be negligible.
- 7.29 Mr Young [OBJ/12/L] has raised various concerns concerning impact on cycle traffic. These have been the subject of a detailed response from the applicant and a subsequent representation from WCC expressing full agreement with the applicant's submissions in relation to cycling to date. 6.17 & 4.66
- 7.30 Whilst I can understand the points made by Mr Young, and believe that there would be some impact, I can see no reason to disagree with the position of the applicant and WCC that the provisions for cyclists are safe and inclusive. I therefore consider that any impacts would not be unacceptable.
- 7.31 I am therefore satisfied that there would be no unacceptable impact from the proposed works on pedestrian, cycle and motor traffic during construction and operation.
- (d) ecological impacts and whether any licences are likely to be required from Natural England*
- 7.32 The assessment work undertaken has shown that there would be some loss of areas of habitat as a consequence of the scheme, but that mitigation would offset any effects. Indeed, the work has shown that the scheme could result in some benefit. Construction mitigation measures would also ensure that any negative effects are not significant. Following additional bat surveys, no European Protected Species Licences would be required from NE to undertake the works. 4.30-4.35
- 7.33 I am therefore satisfied that there would be no unacceptable ecological impacts from the proposed works and that no licences would be likely to be required from Natural England.
- Matter 6 - The effects of the scheme on statutory undertakers and other utility providers, and their ability to carry out undertakings effectively, safely and in compliance with any statutory or contractual obligations.***
- 7.34 No statutory undertaker or other utility provider has raised any objections regarding its ability to carry out its undertakings effectively, safely and in compliance with any statutory and contractual obligations. Article 45 and Schedule 8 of the draft Order make standard provisions relating to statutory undertakers. These would enable, in relation to land acquired under the draft Order, statutory undertakers' rights to be extinguished subject to the payment of compensation. 4.37-4.40

- 7.35 I am therefore satisfied that there would be no unacceptable impact from the proposed works on statutory undertakers and other utility providers, and their ability to carry out undertakings effectively, safely and in compliance with any statutory or contractual obligations.
- Matter 7** - *The effects of the scheme on the statutory obligations, waterway operations and navigational management of the Canal and River Trust, and proposals to mitigate these effects.*
- 7.36 Agreement has been reached with the Trust in respect of all matters relating to their obligations and operations. The protective provisions within the draft Order would protect the Canal and River Trust's interests by preventing the exercise of certain powers unless consent is given by the Trust. 4.41
- 7.37 I am therefore satisfied that there would be no unacceptable effects from the scheme on the statutory obligations, waterway operations and navigational management of the Canal and River Trust, and the draft Order contains adequate provisions to mitigate any effects
- Matter 8** - *The implications for rail users, train operators, Network Rail and businesses located at Wolverhampton railway station of works to the station in connection with the scheme (including safety, parking, staff facility, and access issues)*
- 7.38 Works to the station in connection with the scheme would be likely to cause some degree of interference with existing arrangements for rail users, train operators, Network Rail and businesses located at the station. Agreement has been reached with all these bodies in respect of all matters relating to their interests. 4.43-4.46
- 7.39 The protective provisions within the draft Order would provide for standard template rail industry agreements, regulated by the Office of Rail and Road, to be entered into at a later date. The rail companies would then have the ability to exercise control, so as to ensure that the works would be carried out in such a way as to avoid undue interference with their interests.
- 7.40 I am therefore satisfied that there would be no unacceptable implications for rail users, train operators, Network Rail and businesses located at Wolverhampton railway station of works to the station in connection with the scheme (including safety, parking, staff facility, and access issues).
- Matter 9** - *The effects of the scheme on the Old Steam Mill (though noting that listed building consent has been sought separately and granted for this element of the works).*
- 7.41 As part of the scheme, the 20th century steel clad north west corner of the Old Steam Mill would be demolished and the remainder of the building, which is derelict, would be stabilised and made safe. This work would be carried out under the applicant's listed building consent. The retention of the remainder of the structure has resulted in the withdrawal of an objection by HE to the scheme. Land would also be required in the vicinity of the mill for works associated with the new access to the railway station. 4.48-4.50 & 6.4-6.11

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- 7.42 The work to stabilise the derelict mill would be likely to assist in preserving the listed building and the removal of the incongruous 20th Century steel clad section of the mill would also be likely assist in preserving its setting. This work would accord with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Bearing in mind the current derelict condition of the building, I cannot see how the work proposed would result in harm to the listed building or its setting. This assistance towards the preservation of the listed building and its setting by the work proposed is therefore a matter to which I attach considerable importance and weight in favour of this element of the scheme.
- 7.43 This work would also sustain the significance of the heritage asset in accordance with paragraph 131 of the NPPF. Furthermore, the scheme, as part of the WIP, would increase the likelihood of the mill being put to a viable use consistent with its conservation. The enhancement of the significance of the heritage asset would also accord with the NPPF.
- 7.44 It has been suggested by Gladedale Estates Limited [OBJ/8] that the scope of the listed building consent does not include all of the work required to demolish the steel clad structure while maintaining the stability of the brick structure of the mill. I have not however seen anything to support this contention. I am satisfied that the consent, and indeed the areas for compulsory acquisition and temporary use, is compatible with the work proposed and necessary.
- 7.45 The compulsory acquisition of the land identified for the enabling development would prevent the enabling development from taking place. The draft Order however provides for compensation in relation to the acquisition, the level of which is outside the scope of the Inquiry and this report. Whilst the regeneration of the mill itself would undoubtedly benefit from the associated enabling development, this benefit could only arise without the scheme in place.
- 7.46 From what I have seen, and on balance, the future situation of the mill in a regenerated and better accessed locality, together with the cladding removal and stabilisation work, would appear to offer the best prospect for its regeneration. The fact that no specific proposals for the mill have been put before me and that it has lain derelict and fire damaged for a number of years adds weight to my view. I therefore do not consider that the objection undermines the case for the scheme in any way.
- 7.47 I am therefore satisfied that the scheme would have no unacceptable effects on the Old Steam Mill.
- Matter 10*** - *The measures proposed for mitigating any adverse impacts of the scheme, including: the proposed Code of Construction Practice; any measures to avoid, reduce or remedy any major or significant adverse environmental impacts of the scheme; and whether, and if so to what extent, any adverse environmental impact would still remain after the proposed mitigation*
- 7.48 A draft Code of Construction Practice has been prepared and the imposition of Condition 6 of the recommended planning conditions would ensure that a code in substantial accordance with the draft
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would be adhered to. A Construction Strategy Report has also been prepared. 4.51 & 4.52

- 7.49 I am satisfied that the measures provided for in the draft conditions and the draft Order would allow the effects identified in the ES to be satisfactorily mitigated. Furthermore, this would avoid any significant adverse environmental impacts.

Matter 11 - *Whether there is a compelling case in the public interest for conferring on the applicant powers compulsorily to acquire and use land for the purposes of the scheme, having regard to the guidance on the making of compulsory purchase orders in ODPM Circular 06/2004, paragraphs 16 to 23; and whether the land and rights in land for which compulsory acquisition powers are sought are required by Centro in order to secure satisfactory implementation of the scheme*

- 7.50 I have found, under Matter 1, that there is an identified need for the scheme and that the draft Order, if made, would enable that need to be met. I have also seen nothing to suggest that any of the land proposed for compulsory acquisition and temporary possession is not necessary in order to implement the scheme. I therefore consider that there is a compelling case in the public interest for conferring on the applicant powers compulsorily to acquire and use land for the purposes of the scheme. 4.54-4.57 & 7.2-7.4

- 7.51 The majority of the amendment to the application changed powers of compulsory acquisition to temporary use, which carried a lesser burden in terms of loss of possessions. It did however extend the draft Order land in relation to land over which the applicant would have powers of temporary use at the Metro Line 1 Sub-Station 2 on Chillington Street. The freehold or reputed freehold owner of this land is Fairstone Investments Limited, and there are no tenants or occupiers. 1.3

- 7.52 Fairstone Investments Limited objected to the draft order in terms of the original application. This objection was however withdrawn following the submission of the amendment to the application. A countersigned letter of assurance between the applicant and Fairstone Investments Limited has also been submitted as evidence of agreement between the parties by the applicant. I am therefore satisfied that, notwithstanding the timing of the amendment following the original application, there has been no breach of Article 1 of the European Convention on Human Rights in terms of the amendment. 1.7

- 7.53 I have also considered the circumstances of this entire case in the light of Articles 1 and 8 of the European Convention on Human Rights. Article 1 establishes that no-one shall be deprived of his possessions except in the public interest and subject to the conditions imposed by law. Article 8 identifies that interference with a person's right to respect for the home, private and family life (for the purpose of compulsory acquisition) may be justified if it pursues a legitimate aim, is in accordance with the law, is in the interest of the economic well-being of the country and is proportionate. No case was put that the aim of the scheme is not legitimate or not in accordance with the law, or that it is not proportionate or that it is not in the interest of the

economic well-being of the country. As a result of all of the above, I am satisfied that the scheme passes these tests.

- 7.54 In view of the evidence submitted, I am satisfied that the acquiring authority has a clear idea of how it intends to use the land which it now proposes to acquire.
- 7.55 I have found, under Matter 13, that sufficient arrangements have been made for funding the scheme. 7.61 & 7.62
- 7.56 The applicant has obtained the necessary listed building consent in relation to the Old Steam Mill and no European Protected Species Licences are likely to be required from NE. The scheme also appears to have the full support of those bodies which would have regulatory or approval roles under the draft Order and planning conditions.
- 7.57 I therefore consider that, if the Secretary of State was minded to make the Order, there would be a reasonable prospect of the scheme going ahead and that it would be unlikely to be blocked by an impediment to implementation.
- 7.58 I therefore consider that there is a compelling case in the public interest to confer on the applicant powers compulsorily to acquire and use land for the purposes of the scheme and that the land and rights in land for which compulsory acquisition powers are sought are required by Centro in order to secure satisfactory implementation of the scheme.

Matter 12 - *Having regard to Section 25 of the TWA 1992, whether the relevant Crown authority has agreed to the compulsory acquisition of interests in, and/or the application of provisions in the TWA Order in relation to, the Crown Land identified in the book of reference*

- 7.59 The Wolverhampton Combined Courts Centre is land held by the Ministry of Justice (MoJ) and is land in which there is a Crown interest for the purposes of Section 25 of the TWA 1992. This land is identified as such in the Book of Reference. The MoJ has agreed in principle to the acquisition of those parts of the Crown land which will form new public highway and has indicated that it agrees in principle to measures to mitigate impact during construction. 4.59 & 4.60
- 7.60 There is however no specific agreement to the proposed compulsory acquisition or draft Order provisions from the MoJ. Negotiations on a formal legal agreement, based on the above agreement in principle, between the MoJ and the applicant are however continuing. Whilst I consider that this is unlikely to be an impediment to implementation, it would be necessary for this specific and legal agreement to be in place before the draft Order is made.

Matter 13 - *The applicant's proposals for funding the scheme*

- 7.61 Evidence has been submitted that the required funding from various bodies has been allocated or is confirmed to be allocated for both the scheme and the WIP. The Secretary of State for Transport has also confirmed support for the funding from the Prudential borrowing funding stream. 4.61-4.63
- 7.62 I am therefore satisfied that that applicant has sufficient and adequate arrangements in place in relation to the funding of the scheme.

Matter 14 - *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)*

- 7.63 The draft planning conditions submitted prior to the Inquiry have been agreed with WCC. No objection was raised, by any party, to any of the submitted draft planning conditions, nor were any other conditions suggested.
- 7.64 Discussion at the Inquiry identified a number of points of clarification, and I have made minor amendments to some of the submitted conditions in the interests of precision and enforceability. My only material issue in relation to the conditions is set out below.
- 7.65 In terms of Condition 1 – Time limits, Planning Practice Guidance suggests that the relevant time limit for beginning development should be three years from the date of a permission. Here however, the project, by its linear nature, is complex and needs to be appropriately programmed within the WIP. I am thus not satisfied that three years would be sufficient to allow all the necessary preparations to be completed before development can start. I am therefore in agreement with the applicant’s suggested five year commencement period.
- 7.66 Appendix 1 to this report contains conditions which I consider should be attached to any deemed planning permission for the scheme.
- 7.67 I am satisfied that the planning conditions I recommend would meet the six tests referred to in Planning Practice Guidance, Use of Conditions 21a-003-20140306 and in paragraph 206 of the NPPF of being necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.

Matter 15 - *Any other relevant matters which may be raised at the Inquiry*

- 7.68 No relevant matters beyond those addressed above were raised.

Overall Conclusion

- 7.69 In the light of all of the above, I conclude that the draft Order, as amended by the applicant prior to the Inquiry, is justified on its merits. There is a compelling case in the public interest for making it, with clear evidence that the substantial public benefit from public transport improvements and economic development would outweigh private losses. The scheme would accord with relevant national, regional and local policies. Funding is available for the scheme, no impediments to its implementation have been identified and there is a reasonable prospect of it going ahead. Whilst there is satisfactory evidence in principle from the relevant Crown authority, the MoJ, in relation to Crown land compulsory acquisition and provisions in the draft Order, I do not consider that this satisfies the level of agreement required by s25(1) of the TWA 1992.
- 7.70 On this basis, I conclude that, subject to the submission to the Secretary of State, by the applicant, of satisfactory evidence of the full

and legal agreement of the MoJ, the Order should be made, subject to modifications as indicated below.

- 7.71 For similar reasons I conclude that deemed planning permission, as amended by the applicant prior to the Inquiry, should be granted for the works that would be authorised by the Order, subject to conditions.

8 RECOMMENDATIONS

Recommendations to the Secretary of State for Transport

- 8.1 I RECOMMEND that:

- (a) The Midland Metro (Wolverhampton City Centre Extension) Order 201[X] be made, in accordance with the filled up draft Order submitted prior to the Inquiry and subject to the full and legal agreement of the Ministry of Justice in accordance with s25(1) of the TWA 1992 together with following modification:

In the draft Order itself

In Schedule 1 - Work No 1 - Description of Work, after 'of the junction of' replace 'Dudley' with 'Bilston', before 'Garrick Street' replace 'and' with 'with' and after 'Garrick Street' add 'and Market Street'.

- (b) A Direction be made granting deemed planning permission for the works authorised by the Order, in accordance with the replacement application dated 11 December 2014 and subject to the conditions set out in Appendix 1 to this report.

Stephen Roscoe

INSPECTOR

APPENDIX 1 – RECOMMENDED PLANNING CONDITIONS

Definitions

In these conditions, unless the context otherwise requires:

"the development" means the works and operations authorised by the Order, including any ancillary development;

"the Environmental Statement" means the Environmental Statement accompanying the application for the Order submitted on 27 May 2014 together with the Addendum to the Environmental Statement dated May 2015;

"the local planning authority" means Wolverhampton City Council; and

"the Order" means The Midland Metro (Wolverhampton City Centre Extension) Order 201[X].

1. Time Limits

The development hereby permitted shall be begun not later than five years from the date that the Order comes into force.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and the National Planning Policy Framework.

2. Design and External Appearance

Works of construction shall not be commenced in respect of any of the following elements of the development:

- (i) tram stop;
- (ii) permanent boundary treatment;
- (iii) poles and brackets required to support the overhead line system;
- (iv) electricity substation and ancillary electrical equipment; or
- (v) bridge or viaduct,

until details of the design and external appearance of that element have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To sustain the significance of listed buildings and conservation areas in accordance with the National Planning Policy Framework, to preserve and enhance the character and appearance of conservation areas, to preserve listed buildings and their settings and to protect the character and appearance of the surrounding area.

3. Materials

Details of materials to be used in any external surface of any of the following elements of the development:

- (i) tram stop;
- (ii) permanent boundary treatment;
- (iii) adopted highway;
- (iv) poles and brackets required to support the overhead line system;
- (v) electricity substation and ancillary electrical equipment; or
- (vi) bridge or viaduct,

shall be submitted to, and approved in writing by, the local planning authority before that element of the development is commenced. The materials used shall be in accordance with the approved details.

Reason: To sustain the significance of listed buildings and conservation areas in accordance with the National Planning Policy Framework , to preserve and enhance the character and appearance of conservation areas, to preserve listed buildings and their settings and to protect the character and appearance of the surrounding area.

4. Landscaping

No part of the development shall commence until details of all proposed hard and soft landscaping, including the proposed times for the implementation of planting, in relation to that part have been submitted to, and approved in writing by, the local planning authority. All landscaping shall be carried out in accordance with the approved details. If, within a period of five years from the date of the planting, that planting, or any replacement planting, is removed, uprooted or dies, another plant of the same species and size as that originally planted shall be planted at the same place in the next available planting season, unless the local planning authority gives its written consent to any variation.

Reason: To sustain the significance of listed buildings and conservation areas in accordance with the National Planning Policy Framework , to preserve and enhance the character and appearance of conservation areas, to preserve listed buildings and their settings and to protect the character and appearance of the surrounding area.

5. Archaeology

The development shall not commence until a scheme of archaeological investigation has been submitted to, and approved in writing by, the local planning authority. All archaeological work shall be undertaken in accordance with the approved scheme of investigation.

Reason: To record and protect the historic environment.

6. Code of Construction Practice

The development shall not commence until a Code of Construction Practice, which must be in substantial accordance with the draft Code of Construction Practice at Appendix 3.3 of the Environmental Statement, has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved Code of Construction Practice.

Reason: To ensure adequate environmental protection during construction and to safeguard the amenities of occupiers of premises in the vicinity of the development.

7. Contaminated Land

No part of the development shall commence until a scheme to deal with any contamination of the land on which that part will take place has been submitted to, and approved in writing by, the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and measures to be taken to avoid risk to the public and the environment when the works are carried out. No part of the development shall begin until the measures approved in the scheme for that part have been fully implemented.

Reason: To ensure that any necessary site investigation and remediation works in relation to contaminated land are undertaken in the interests of public safety.

8. Highway Access

No part of the development shall commence until details, for that part, of the siting, design and layout within the limits of deviation of any new permanent means of access to a highway to be used by vehicular traffic, or of any permanent alteration of an existing means of access to a highway used by vehicular traffic, has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory development in the interests of highway safety.

9. Airborne Noise

The development shall be designed and operated in accordance with the Midland Metro Extension Noise and Vibration Policy February 2014 (or any subsequent version). For the purposes of Section 5 of the policy, Noise Mitigation at Source, the pre-existing ambient noise levels shall be those in Tables 11.10 and 11.1 of the Environmental Statement, or those from any later survey which has been agreed in writing by the local planning authority.

Reason: To safeguard the amenities of occupiers of premises or dwellings in the vicinity from airborne noise caused by the running of trams.

10. Ground-Borne Noise

Where the dominant source of noise is ground-borne, the following noise standards shall be applied to the development for the purposes of Sections 6 and 7 of the Midland Metro Extension Noise and Vibration Policy applied by Condition 9 above:

- (i) Inside noise sensitive rooms in residential buildings – 40 dB L_{MAX} , slow
- (ii) Inside noise sensitive rooms in office buildings - 40 dB L_{MAX} , slow

Reason: To safeguard the amenities of occupiers of premises or dwellings in the vicinity from ground-borne noise and vibration caused by the running of trams.

11. Ecology Surveys and Mitigation

Works of construction at the Old Steam Mill, or within the car park adjacent to the mill, shall not be commenced until:

- (i) surveys to establish the presence or absence of bats have been undertaken in accordance with Section 8.7.9 of the Environmental Statement and paragraph 8.7 of the draft Code of Construction Practice at Appendix 3.3 of the Environmental Statement; and
- (ii) the surveys, and details of any necessary programme of mitigation measures for any bats identified by the surveys and affected by the development, have been submitted to, and approved in writing by, the local planning authority.

Any approved programme of mitigation measures shall be implemented in full.

Reason: To ensure that any species of interest are properly protected and appropriate ecological mitigation undertaken in the interests of the natural environment.

12. Electro-Magnetic Compatibility

The development shall be designed and constructed in accordance with the electromagnetic compatibility standards set out in 'EN 50121, Parts 1 to 6: Railway applications - Electromagnetic compatibility', or any successor standards.

Reason: To ensure that the development does not give rise to unacceptable electromagnetic interference.

APPENDIX 2 – APPEARANCES**THE APPLICANT**

Mr Neil Cameron QC	Instructed by Pinsent Masons
Mr Robbie Owen	Pinsent Masons
Mr Duncan O'Connor	Pinsent Masons
Mr Peter Adams BSc (Hons), CEng, MICE, MCIHT	Head of Metro Development, Centro
Mr Neil Chadwick BA (Hons), MSc, MA	Director, Steer Davies Gleave
Mr Jeremy Gardiner BSc (Hons), CEng, MICE	Technical Director, Mott Macdonald Ltd
Mr George Lunt BSc (Hons), MSc, MCIHT	Associate Director, AECOM
Mr David Ritchie BSc (Hons)	Associate Director, AECOM
Mr Chris Surfleet MA (Hons), MSc, PGDipUD, IHBC	Director of Heritage and Urban Design, Alliance Planning
Mr Paul Ellingham MA, MRTPI	Director, Alliance Planning
Mr Paul Lidgley BSc (Hons), MRICS	Director, Lambert Smith Hampton

APPENDIX 3 – INQUIRY DOCUMENTS*Version 12 – 10 June 2015*

PRE-INQUIRY DOCUMENTS DEPOSITED BY APPLICANT	
WCCE/A	Formal Application Documents (all 27 May 2014 unless stated otherwise)
WCCE/A1	Transport and Works Act Application Letter
WCCE/A2/1	Planning Direction Application
WCCE/A2/2	Replacement Planning Direction Application (11 December 2014)
WCCE/A3	Concise Statement of Aims
WCCE/A4	Report Detailing Consultation Undertaken
WCCE/A5	Estimate of Costs
WCCE/A6	Funding Statement
WCCE/A7	Declaration as to status of Applicant
WCCE/A8	List of all Consents Permissions and Licences
WCCE/A9/1	Draft Order
WCCE/A9/2	Updated Draft Order (11 December 2014)
WCCE/A10	Explanatory Memorandum
WCCE/A11/1	Land Plans and Work Plans
WCCE/A11/2	Replacement Key Plan and Sheet nos 1A and 2A of Land Plans and Work Plans (11 December 2014)
WCCE/A12/1	Book of Reference
WCCE/A12/2	Updated Book of Reference (11 December 2014)
WCCE/A13/1	Planning Direction Drawings
WCCE/A13/2	Updated Planning Direction Drawing Sheet 1A (11 December 2014)
WCCE/A14	Traffic Regulation Order Plan

WCCE/A15/1	Environmental Statement Vol. 1 (Non-Technical Summary)
WCCE/A15/2	Environmental Statement Vol. 2 (Main Report) (Chapters 1 to 16)
WCCE/A15/3	<p>Environmental Statement Vol. 3a (Figures 1 to 14 and Appendices 1.1 to 6.1)</p> <p>Part 1 Contents & Figures 1.1 - 3.1</p> <p>Part 2 Figures 3.2 - 7.2</p> <p>Part 3 Figures 9.1 - 9.6</p> <p>Part 4 Figures 9.7 - 11.1</p> <p>Part 5 Figures 11.2 - 13.1</p> <p>Part 6 Figures 14.1, Appendix 3.1 - Design and Access Statement (chapter 1)</p> <p>Part 7 Appendix 3.1 cont. (chapters 2-5)</p> <p>Part 8 Appendix 3.1 cont. (chapter 6) & Appendix 3.2</p> <p>Part 9 Appendix 3.3 - Code of Construction Practice (chapters 1 - 3.1)</p> <p>Part 10 Appendix 3.3 cont. (chapter 3.2 - chapter 8)</p> <p>Part 11 Appendix 3.3 cont. (chapter 9 - appendices)</p> <p>Part 12 Appendix 3.3 cont.(appendices) & Appendix 4.1 - Scoping report (contents)</p> <p>Part 13 Appendix 4.1 cont. (chapters 1 - 5)</p> <p>Part 14 Appendix 4.1 cont. (chapters 5 - 6.4)</p> <p>Part 15 Appendix 4.1 cont. (chapters 6.5 - chapter 8)</p> <p>Part 16 Appendix 4.1 cont. (chapters 8.33- 10)</p> <p>Part 17 Appendix 4.1 cont. (chapters 10.2 - 13)</p> <p>Part 18 Appendix 4.1 cont. (chapter 14)</p> <p>Part 19 Appendix 4.2 - Scoping Responses</p> <p>Part 20 Appendix 4.2 cont. & Appendix 5.1 - Geotechnical & Geo-Environmental Desk Study Report (chapter 1)</p> <p>Part 21 Appendix 5.1 cont. (chapters 2 - 4.1)</p> <p>Part 22 Appendix 5.1 cont. (chapters 4.2 - 6.2)</p> <p>Part 23 Appendix 5.1 cont. (chapters 6.3 - appendix A)</p> <p>Part 24 Appendix 5.1 cont. (appendix A cont. - C)</p> <p>Part 25 Appendix 5.1 cont. (appendix C cont.)</p> <p>Part 26 Appendix 5.1 cont. (appendix C cont.)</p> <p>Part 27 Appendix 5.1 cont. (appendix C cont.)</p> <p>Part 28 Appendix 5.1 cont. (appendix C cont.)</p>

	<p>Part 29 Appendix 5.1 cont. (appendix C cont.)</p> <p>Part 30 Appendix 5.1 cont. (appendix C cont.)</p> <p>Part 31 Appendix 5.1 cont. (appendices C cont. D & E)</p> <p>Part 32 Appendix 5.1 cont. (appendices F-H)</p> <p>Part 33 Appendix 5.1 cont. (appendix I) & Appendix 6.1 – Surface Water Quality & Flood Risk Legislation & Planning Policy</p>
WCCE/A15/4	<p>Environmental Statement Vol. 3b (Appendices 6.2 to 13.2)</p> <p>Part 1 ES Introduction to ES Appendix and start of ES Appendix 6.2 Flood Risk Assessment</p> <p>Part 2 ES Appendix 6.2 Flood Risk Assessment (continued) ES Appendix 6.3 Water Resources Baseline Data, ES Appendix 6.4 Outline Drainage Strategy, start of ES Appendix 7.1 Known Heritage Assets</p> <p>Part 3 ES Appendix 7.1 Known Heritage Assets (continued) and start of ES Appendix 8.1 Environmental Constraints Report</p> <p>Part 4 ES Appendix 8.1 Environmental Constraints Report (continued), ES Appendix 10.1 Construction Phase Assessment Methodology, ES Appendix 10.2 Explanation of AAQuIRE Software, ES Appendix 10.3, Meteorological Data, ES Appendix 10.4 Verification Procedures, ES Appendix 11.1 Acoustic Terminology and Glossary</p> <p>Part 5 ES Appendix 11.2 Midland Metro Extensions Noise and Vibration Policy, ES Appendix 11.3 Road Traffic Speeds used in Noise Models, ES Appendix 11.4 information to be supplied as for Applications for Consent under Section 61 Control of Pollution Act 1974, ES Appendix 11.5 Noise and Vibration Survey and Results and start of ES Appendix 12.1 Transport Assessment</p> <p>Part 6 ES Appendix 12.1 Transport Assessment (continued)</p> <p>Part 7 End of ES Appendix 12.1 Transport Assessment and start of ES Appendix 12.2 VISSIM Study Traffic Forecasting Report main document</p> <p>Part 8 ES Appendix 12.2 VISSIM Study Traffic Forecasting Report main document</p> <p>Part 9 ES Appendix 12.2 VISSIM Study Traffic Forecasting Report Appendices A-D</p> <p>Part 10 ES Appendix 12.2 VISSIM Study Traffic Forecasting Report Appendices D-G and start of ES Appendix 13.1 Location of Regional Waste Management Facilities in the Black Country</p> <p>Part 11 ES Appendix 13.1 Location of Regional Waste management Facilities in the Black Country (continued) and start of ES Appendix 13.2 Design Stage Site Waste</p>

	<p>Management Plan</p> <p>Part 12 ES Appendix 13.2 (continued) Design Stage Site Waste Management Plan</p>
WCCE/A15/5	Listed Building Consent for demolition of part of Steam Mill (12 March 2014)
WCCE/A15/6	Addendum to Environment Statement (April 2015)
WCCE/A16	Letter of no objection from English Heritage (6th June 2014)
WCCE/B	Legislation and Government Guidance
WCCE/B1	Transport and Works Act 1992
WCCE/B2	Section 90(2A), Town and Country Planning Act 1990
WCCE/B3	Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006
WCCE/B4	Transport and Works (Inquiries Procedure) Rules 2004
WCCE/B5	Midland Metro Act 1989
WCCE/B6	Midland Metro (Penalty Fares) Act 1991
WCCE/B7	Midland Metro Act 1992
WCCE/B8	Midland Metro (No.2) Act 1992
WCCE/B9	Midland Metro Act 1993
WCCE/B10	Midland Metro (No.2) Act 1993
WCCE/B11	Integrated Transport Authority approval under s.10 (1) (xix) of the Transport Act 1968
WCCE/B12	Transport and Works (Model Clauses for Railways and Tramways) Order 2006
WCCE/C	Technical Documents
WCCE/C1	<p>WCCE Construction Strategy Report, Aecom (December 2014)</p> <p>Part 1 Contents and chapters 1 – 3</p> <p>Part 2 Chapters 3 (cont.) – chapter 5</p> <p>Part 3 Chapters 5 (cont.) & 6 & Appendix A</p> <p>Part 4 Appendix A (cont.)</p>

	Part 5 Appendix A (cont.) Part 6 Appendix B
WCCE/C2/1	Cycling Strategy, Centro (December 2013)
WCCE/C2/2	Cycling Strategy Appendix A, Centro (December 2013)
WCCE/C3	Site Waste Management Plan (SWMP) , Aecom (March 2014)
WCCE/C4	Railway Drive Road Bridge Assessment, Aecom (February 2014)
WCCE/C5	Railway Drive Arch Bridge Assessment, Aecom (February 2014)
WCCE/C6	Code of Practice For Working On or Near Metro, Centro (October 2013)
WCCE/C7	Transport Assessment, Aecom (February 2014)
WCCE/C8	Office of Rail Regulation Tramway Technical Guidance Notes (2006)
WCCE/C9	Midland Metro Noise and Vibration Policy, Centro (December 2013)
WCCE/D	Economic and Business Case Documents
WCCE/D1	Wolverhampton Interchange Business Case, Centro (August 2014)
WCCE/D1/2	Business Case Appendices
WCCE/D2	WIP Programme Entry Letter (November 2013)
WCCE/D3	Black Country Growth Deal Announcement (July 2014)
WCCE/D4	<i>Document removed as incorrect version</i>
WCCE/D4/1	Black Country Assurance Framework
WCCE/D4/2	Appendices to Black Country Assurance Framework
WCCE/D5	Green Book (April 2013)
WCCE/D6	Value for Money Assessment - Advice Note for Local Transport Decision Makers (December 2013)
WCCE/D7	WebTAG 1 a13 User Provider Impacts (May 2014)
WCCE/D8	WebTAG a1 1 Cost Benefit Analysis (January 2014)
WCCE/D9	WebTAG Proportionate Appraisal Update (October 2013)

WCCE/D10	WebTAG al 2 Scheme Costs (January 2014)
WCCE/E	Policy Documents
WCCE/E1	National Planning Policy Framework (March 2012)
WCCE/E2/1	Extracts from National Planning Policy Guidance: Ensuring the vitality of town centres (March 2014)
WCCE/E2/2	Noise (March 2014)
WCCE/E2/3	Travel plans, transport assessments and statements in decision-taking (March 2014)
WCCE/E2/4	Use of Planning Conditions (March 2014)
WCCE/E3/1	Black Country Core Strategy (adopted 3 February 2011) extracts: Chapter 2: 'The Black Country in 2026 (including Spatial Objectives)
WCCE/E3/2	Chapter 5: Transportation and Accessibility (including Policy TRAN1)
WCCE/E4	Wolverhampton City Centre Action Plan Issues and Options Document (Development Plan Document), Wolverhampton City Council (December 2013)
WCCE/E4	Wolverhampton City Centre Area Action Plan Consultation Draft (Development Plan Document), Wolverhampton City Council (December 2014) <i>this replaces Issues and Options Document (December 2013)</i>
WCCE/E6/1	Saved Policies of Wolverhampton Unitary Development Plan (UDP) - AM8: Public Transport, Wolverhampton City Council (2006)
WCCE/E6/2	UDP CC5: City Centre Access and Mobility
WCCE/E7	Black Country Strategic Economic Plan, Black Country Local Enterprise Partnership (March 2014)
WCCE/E8	West Midlands Local Transport Plan 2011-2026, Centro (2011)
WCCE/E9	'Towards a World Class Integrated Transport Network' Vision Document, Centro (2013)
WCCE/E10	White Paper 'Creating Growth, Cutting Carbon': Making Local Sustainable Transport Happen, Department for Transport (January 2011)

WCCE/E11	European Commission Transport White Paper 2011: Roadmap to a Single European Transport Area - Towards a competitive and resource efficient transport system (March 2011)
WCCE/E12	Centro Constitution (2013 Edition)
WCCE/E13	Utilities Contract Regulations (2006)
WCCE/E14	Centro Integrated Public Transport Prospectus (2010)
WCCE/F	TWA and Other Pre-Inquiry Documents
WCCE/F1	Order Advertisements in the Wolverhampton Express and Star (23 May & 30 May 2014)
WCCE/F2	Order Advertisement in the London Gazette (27 May 2014)
WCCE/F3	Letter from Secretary of State of intention to hold Inquiry (30 October 2014)
WCCE/F4	Statement of Case, Centro (December 2014)
WCCE/F5	Letter of no objection from West Midlands Fire Service (17 June 2014)
WCCE/F6	Letter of support from Wolverhampton City Council (23 July 2014) (also at SUPP/1)
WCCE/F7/1	Letter of support from Wolverhampton City Council (9 December 2014)
WCCE/F7/2	Letter of support from Wolverhampton City Council - TWA Land Queries Resolution (8 December 2014)
OBJECTIONS & LETTERS OF SUPPORT	
OBJ	Objections (including withdrawal letters)
OBJ/1	Wulfrun Hotel
OBJ/2	Canal & River Trust
OBJ/2/WD1	Withdrawal letter – Canal & River Trust
OBJ/3	Select Services Partners trading as Pumpkin

OBJ/3/WD1	Withdrawal letter - Select Services Partners trading as Pumpkin (2 February 2015)
OBJ/4	Fairstone Investments Ltd
OBJ/4/WD1	Withdrawal letter - Fairstone Investments Ltd (29 January 2015)
OBJ/4/WD2	Counter-signed letter of assurance - Centro and Fairstone (19 January 2015)
OBJ/5	West Coast Trains Ltd
OBJ/5/WD1	Withdrawal letter - West Coast Trains Ltd
OBJ/6	Network Rail Infrastructure Ltd
OBJ/6/WD1	Withdrawal letter - Network Rail Infrastructure Ltd
OBJ/7	London Midland Railway Ltd
OBJ/7/WD1	Withdrawal letter - London Midland Railway Ltd
OBJ/8	Gladedale Estates Ltd
OBJ/9	CP Co 3 Ltd
OBJ/10	NCP Ltd
OBJ/10/WD1	Withdrawal letter - NCP Ltd (5 June 2015)
OBJ/11	Bovale Ltd
OBJ/11/WD1	Withdrawal letter - Bovale Ltd (26 March 2015)
OBJ/12/L	Steve Young - representation received under Rule 18 (11) of the Inquiry procedure rules (28 May 2015)
SUPP	Letters of Support
SUPP/1	Wolverhampton City Council (also at WCCE/F6) including further letters also at WCCE/F7.1 & WCCE/F7.2
SUPP/2	Black Country Local Enterprise Partnership (LEP)
STATEMENTS OF CASE	

	Applicant's Statement of Case
APP/SOC1	Centro (also at WCCE/F4)
SOC	Objectors' Statements of Case
OBJ/2/SOC1	Canal and River Trust (original objection serves as Statement of Case)
OBJ/4/SOC1	Fairstone Investments Ltd Part 1 Cover letter Part 2 Statement of case Part 3 Appendix 1 – objection Letter (3 July 2014) Part 4 Appendix 2 –email from Centro (13 Nov 2014) Part 5 Appendix 3 - email from Centro (24 Nov 2014) Part 6 Appendix 4 – email from Western Power Distribution (8 Oct 2014)
OBJ/5/SOC1	West Coast Trains Ltd Part 1 Letter from Centro (21 Aug 2014) Part 2 Statement of Case Part 3 Acquisition of Land Act 1981 Part 4 Franchise Agreement (18 June 2014) Part 5 Letter to Pinsent Masons (11Nov 2014) Part 6 Letter from Pinsent Masons (6 Nov 2014) Part 7 Health and Safety Statutory Instrument 2006 No. 599 Part 8 Health and Safety Statutory Instrument 2011 No. 1860 Part 9 Health and Safety Statutory Instrument 2013 No. 950 Part 10 Letter from ORR (7 Nov 2007) Part 11 Health and Safety Statutory Instrument 2013 No. 950 Part 12 National Station Access Conditions 2013 Part 13 Station Licence Part 14 Supplemental Agreement (13 Aug 2014) Part 15 Transport and Works Act 1992 – chapter 42 Part 16 Objection Part 17 Wolverhampton Station Common Station Services and Amenities
OBJ/6/SOC1	Network Rail Infrastructure Ltd

	Part 1 Cover letter (11 Dec 2014) Part 2 Statement of Case Part 3 Appendix 1 – objection letter (7 July 2014) Part 4 Appendix 2 – plan showing plot 42 Part 5 Appendix 3 – official copies of title WM669114
OBJ/7/SOC1	London Midland Railway Ltd
OBJ/8/SOC1	Gladedale Estates Ltd
OBJ/10/SOC1	NCP Ltd
PROOFS OF EVIDENCE	
	Applicant's Proofs of Evidence (submitted 11 May 2015)
	Scheme Overview (Peter Adams)
APP/P1.1/SCH	Main Proof
APP/P1.2/SCH	Summary Proof
APP/P1.3/SCH	Appendices to Proof
APP/P1.4/SCH	Supplementary proof (submitted 4 June 2015)
	Economic Case (Neil Chadwick)
APP/P2.1/ECO	Main Proof
APP/P2.2/ECO	Summary Proof
APP/P2.3/ECO	Appendices to Proof
	Engineering (Jeremy Gardner)
APP/P3.1/ENG	Main Proof
APP/P3.2/ENG	Summary Proof
APP/P3.3/ENG	Appendices to Proof
	Transport (George Lunt)
APP/P4.1/TRA	Main Proof
APP/P4.2/TRA	Summary Proof

APP/P4.3/TRA	Appendices to Proof
	Appendix 1
	Appendix 2
	Appendix 3
	Appendix 4
APP/P4.4/TRA	Erratum
	Environment (David Ritchie)
APP/P5.1/ENV	Main Proof
APP/P5.2/ENV	Summary Proof
APP/P5.3/ENV	Appendices to Proof (incl Townscape Appendix by Rebecca Condillac)
	Cultural Heritage (Chris Surfleet)
APP/P6.1/CUL	Main Proof
APP/P6.2/CUL	Summary Proof
APP/P6.3/CUL	Appendices to Proof
APP/P6.4/CUL	Supplementary proof (submitted 5 June 2015)
	Town Planning (Paul Ellingham)
APP/P7.1/TOW	Main Proof
APP/P7.2/TOW	Summary Proof
APP/P7.3/TOW	Appendices to Proof
	Land Acquisition (Paul Lidgley)
APP/P8.1/LAN	Main Proof
APP/P8.2/LAN	Summary Proof
APP/P8.3/LAN	Appendices to Proof
	Objectors' Proofs of Evidence
	National Car Parks Ltd

OBJ/10/P1.1	Main Proof
OBJ/10/P1.2	Appendix A - AECOM Technical Note
OBJ/10/P1.3	Appendix B - NCP Patronage Details
OBJ/10/P1.4	Appendix C - Patronage Calculation Spreadsheets;
	Part 1 - 2026 AM VISSIM Models - flow analysis in morning
	Part 2 - 2026 AM VISSIM Models - flow analysis in late afternoon
OBJ/10/P1.5	Appendix D - Car Park Layout Drawings;
	Existing layout of NCP car park
	General arrangement of NCP car park
	General arrangement of car park (AECOM drawing)
	NCP car park option 2
	General arrangement of car park option 2
	Swept path analysis of relocated access
	Swept path analysis of proposed internal site layout
REBUTTAL PROOFS OF EVIDENCE	
	Applicant's Rebuttals
APP/R1.1/OBJ/10	Centro's rebuttal to Proof of Evidence of James McKechnie / NCP (26 May 2015)
	Objectors' Rebuttals
OBJ/10/R1.1	National Car Parks Ltd rebuttal re. transportation (26 May 2015)
GENERAL DOCUMENTS SUBMITTED BY APPLICANT	
APP/GEN1.1	Cover letter to Programme Officer re. Addendum to Environmental Statement ref. WCCE/A15/6 (21 April 2015)

APP/GEN1.2	Notice re. Addendum to Environmental Statement WCCE/A15/6 (April 2015)
APP/GEN2	Cover letter to Programme Officer re. Accountability Framework WCCE/D4 and appendices to Wolverhampton Interchange Project WCCE/D1 (28 April 2015)
APP/GEN3	Cover letter to Programme Officer re. replacement document - Wolverhampton City Centre Area Action Plan Consultation Draft WCCE/E4 (11 May 2015)
APP/GEN4	Completed appearance form from Centro (11 May 2015)
APP/GEN5	Centro's detailed timings for evidence and cross-examination (26 May 2015)
APP/GEN6	Compliance with Application Rules Report (4 June 2015)
APP/GEN7	Centro's response to written representation of Mr Young OBJ/SY/GEN5 (4 June 2015)
APP/GEN8	"Filled Up" Order - clean version (June 2015)
APP/GEN9	Comparison highlighting changes between "Filled Up" Order, Statement of Case version (December 2014) and application version (June 2015)
APP/GEN10	Summary of Agreements (8 June 2015)
APP/GEN11	Note on Bus Issues relating to Piper's Row Tram Stop (8 June 2015)
GENERAL DOCUMENTS SUBMITTED BY OTHER PARTIES	
OBJ/10/GEN1	Email from NCP Ltd confirming they do not wish to comment on Centro's Statement of Case (28 April 2015)
OBJ/10/GEN2	Completed appearance form and covering email from NCP Ltd (12 May 2015)
OBJ/10/GEN3	NCP's detailed timings for evidence and cross-examination and availability of Counsel / request for adjournment (26 May 2015)
OBJ/MJ/GEN4	Letter from Ministry of Justice to PO (27 May 2015)
OBJ/SY/GEN5	Steve Young - representation received under Rule 18(11) of the 2004 Inquiry procedure rules (28 May 2015) TWA Unit ref is REP/2.

	<i>Centro's response is APP/GEN7</i>
SUPP/1/GEN6	Submission from Wolverhampton City Council re. cycling made in response to representation from Mr Young (3 June 2015)
GENERAL INQUIRY DOCUMENTS SUBMITTED BY INSPECTOR / PROGRAMME OFFICER	
INSP/1	TWA Unit deferral procedure letter to Centro (31 July 2014)
INSP/2	TWA Unit notification of intention to hold inquiry (30 October 2014) (also at WCCE/F3)
INSP/3.1	TWA Unit letter with inquiry arrangements sent to Centro (21 January 2015)
INSP/3.2	TWA Unit letter with inquiry arrangements sent to objectors wishing to appear (21 January 2015)
INSP/3.3	TWA Unit letter with inquiry arrangements sent to objectors not wishing to appear (21 January 2015)
INSP/4	Statement of Matters (11 February 2015)
INSP/5	Transport and Works Act Orders – A Brief Guide
INSP/6	Circular 3/94 Awards of Costs in Applications Proceedings under Section 6 of the Transport and Works Act 1992, Department for Transport
INSP/7	Inspector's Pre-Inquiry Note (23 March 2015)
INSP/8	Programme Officer's letter re. rebuttals and detailed timings (20 May 2015)
INSP/9.1	Inspector's response to NCP's request re. adjournment [OBJ/10/GEN3] (28 May 2015)
INSP/9.2	Centro's response to Inspector re. refusal to adjourn
INSP/9.3	NCP's response to Inspector re. refusal to adjourn
INSP/10.1	Initial Draft Programme (1 June 2015)
INSP/10.2	Updated programme - version 2 (8 June 2015)
INSP/11	Inquiry attendance sheets (paper copy only)

DOCUMENTS SUBMITTED AT INQUIRY	
	Documents submitted at inquiry by Applicant
APP/INQ1	Centro's Opening Statement made by Neil Cameron QC
APP/INQ2	Noise and Vibration Policy (February 2014)
APP/INQ3	R (Samuel Smith) v SofS for Energy and Climate Change [2012] EWHC 46
APP/INQ4	Centro Witness Qualifications
APP/INQ5	March 2010 Route Options
APP/INQ6.1	Errata to Filled Up Order APP/GEN8 (clean version)
APP/INQ6.2	Errata to Filled Up Order APP/GEN8 (tracked changes version)
APP/INQ7	Centro's Closing Statement made by Neil Cameron QC

APPENDIX 4 – ABBRIVIATIONS USED IN THE REPORT

app	Appendix
BCLEP	Black Country Local Enterprise Partnership
BCR	Benefit Cost Ratio
ch	Chapter
CS	Core Strategy
ES	Environmental Statement
HE	Historic England
LTP	Local Transport Plan
MoJ	Ministry of Justice
NE	Natural England
NCP	National Car Parks
NPPF	National Planning Policy Framework
NRSWA	New Roads and Street Works Act
para	Paragraph
pg	Page
TA	Transport Assessment
tbl	Table
TWA	Transport and Works Act
WCC	Wolverhampton City Council
WIP	Wolverhampton Interchange Project