

TRANSPORT AND WORKS ACT 1992: PROPOSED MIDLAND METRO (WEDNESBURY TO BRIERLEY HILL LAND ACQUISITION) ORDER

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

STATEMENT OF MATTERS

This statement relates to the public inquiry to be held into the application by the West Midlands Combined Authority (“WMCA”) for the above Order under the Transport and Works Act 1992.

This statement sets out pursuant to rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004 the matters about which the Secretary of State for Transport particularly wishes to be informed for the purposes of his consideration of the application.

- 1. Justification for Transport and Works Act (“TWA”) Order in relation to the proposed Wednesbury to Brierley Hill Extension scheme (“the scheme”). (See note 2 at the end of this document.)**
- 2. The alternatives to compulsory acquisition considered by WMCA for meeting the objectives of the scheme.**
- 3. The anticipated benefits of the scheme.**
- 4. The likely impact of the exercise of the powers in the proposed TWA Order on land owners, tenants, occupiers and statutory undertakers, including any adverse impact on their ability to carry on their business and undertakings effectively and safely and to comply with any statutory obligations applying to their operations. Consideration under this heading should include:**
 - (a) the impacts on access to and within the area, including the effects on local road networks, access to businesses and car parks, and access by emergency vehicles;**
 - (b) the economic impacts on local businesses and occupiers;**
 - (c) the impacts on members of the general public, including users of the Churchill Shopping Centre in Dudley and the Merry Hill Shopping Centre in Brierley Hill; and**
 - (d) any measures proposed by WMCA to mitigate any significant adverse impacts arising from the exercise of the powers in the proposed Order, and whether any such measures are appropriate and sufficient.**
- 5. Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the MHCLG Guidance on the “Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” published on 29 October 2015 (as amended on 28 February 2018):-**

(a) whether there is a compelling case in the public interest to justify conferring on WCMA powers to compulsorily acquire and use land for the purposes of the scheme.

(b) whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected (having regard to Article 1 of the First Protocol to the European Convention of Human Rights);

(c) whether there are likely to be any impediments to WMCA exercising the powers contained within the Order, including the availability of funding;

(d) whether all the land and rights in land over which WMCA has applied for such powers is necessary to implement the scheme.

6. The purpose and effect of any substantive changes proposed by WMCA to the Order since the application was made, and whether anyone whose interests are likely to be affected by such changes have been notified.

7. Whether the statutory procedural requirements have been complied with.

8. Any other matters which may be raised at the inquiry.

Notes

1. It should be noted that whilst the above matters appear to the Secretary of State, from the evidence so far available, to be the principal ones that need to be addressed, this statement does not preclude the inquiry Inspector from hearing evidence on any other matters that he may consider relevant to the consideration of the application. In addition, this statement does not pre-determine the order in which issues are to be addressed at the inquiry, nor does it imply any order of importance.

2. The proposed TWA Order has been made by the WMCA which is the successor body to the West Midlands Passenger Transport Executive. The Order would confer further powers of compulsory acquisition on WMCA for the purpose of the works already authorised by the Midland Metro (Wednesbury to Brierley Hill and Miscellaneous Amendments) Order 2005 as the original compulsory acquisition powers expired in 2010. The Order does not contain works powers.

The Secretary of State does not therefore need to be informed about the appropriateness of the development comprised in the scheme as it is already consented. It is nevertheless necessary for him to consider whether in all the circumstances, there is a compelling case in the public interest to justify making the TWA Order and whether relevant legislation and guidance relating to compulsory purchase and human rights has been met in this case.

**TWA Orders Unit
Department for Transport
January 2019**