

**TRANSPORT AND WORKS ACT 1992: PROPOSED MIDLAND METRO  
(BIRMINGHAM EASTSIDE EXTENSION) ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990: REQUEST FOR DEEMED  
PLANNING PERMISSION**

**TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004**

**STATEMENT OF MATTERS**

This statement relates to the public inquiry to be held into the applications by Midland Metro for:

- (i) the above Order under the Transport and Works Act 1992 (“TWA”), and
- (ii) a direction as to deemed planning permission for the development for which provision is included in the TWA Order.

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 applications.

**1. The aims and the need for the proposed Midland Metro (Birmingham Eastside Extension) Scheme (“the scheme”).**

**2. The main alternative route options considered by Midland Metro and the reasons for choosing the proposals comprised in the scheme.**

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

**4. The likely impacts of constructing and operating the scheme on land owners, tenants and local businesses,, the public, utility providers and statutory undertakers, including any adverse impact on their ability to carry on their business or undertaking. Consideration under this heading should include:**

**(a) the impacts of noise, dust and vibration including the effects of construction and operation on the local road networks and bus services;**

**(b) the impacts on means of access to businesses and car parking;**

**(c) impacts on flood risk and groundwater;**

**(d) impacts on air quality;**

**(e) impacts on landscape, ecological, visual amenity and archaeological interests.**

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

**6. The measures proposed by Midland Metro to mitigate any adverse impacts of the scheme including:**

**a) the proposed Code of Construction Practice;**

**b) any measures to avoid, reduce or remedy any major or significant adverse social, economic and environmental impacts of the scheme;**

**c) whether, and if so, to what extent, any adverse social, economic and environmental impacts would remain after the proposed mitigation; and**

**(d) any protective provisions proposed for inclusion in the draft TWA Order or other measures to safeguard the operations of statutory undertakers.**

**7. Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the DCLG 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)**

**a) whether there is a compelling case in the public interest for conferring on Midland Metro powers compulsorily to acquire and use land for the purposes of the scheme; and**

**b) whether the land and rights in land for which compulsory acquisition powers are sought are required by Midland Metro in order to secure satisfactory implementation of the scheme.**

**8. 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).**

**9. Midland Metro’s proposals for funding the scheme.**

**10. Any other matters which may be raised at the inquiry.**

Notes

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.

**TWA Orders Unit  
Department for Transport  
5 July 2017**