BIRMINGHAM CITY COUNCIL

BIRMINGHAM CITY COUNCIL (PERRY BARR – COMMONWEALTH GAMES ATHLETES’ VILLAGE AND LEGACY) COMPULSORY PURCHASE ORDER 2018

THE TOWN AND COUNTRY PLANNING ACT 1990

THE ACQUISITION OF LAND ACT 1981

STATEMENT OF REASONS

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1. Introduction

1.1. This Statement of Reasons relates to a compulsory purchase order (“the CPO”) made by Birmingham City Council ("the Council") for the acquisition of various land, property and other interests in Perry Barr, Birmingham ("the Order Land") shown on the plan attached to the CPO ("the CPO Plan") (BCC1 & BCC2). The Council’s Cabinet approved the making of the CPO on 26th June 2018 (BCC5).

1.2. Birmingham City Council is both the planning and highways authority for the City of Birmingham, and makes the order in accordance with Section 226(1) (a) of the Town and Country Planning Act 1990 as amended. In deciding to make the CPO the Council has had regard to the Ministry for Housing, Communities and Local Government ("MHCLG") Guidance on Compulsory Purchase Process and the Criche Down Rules (Feb 2018) ("the CPO Guidance") (BCC30). This Statement addresses these considerations.

1.3. The Order includes all of the land and rights included in the Order plan, save for interests already in the freehold ownership of Birmingham City Council.

1.4. The order is made to enable the delivery of a scheme to facilitate the delivery of the Birmingham 2022 Commonwealth Games and promote the regeneration of Perry Barr. The scheme comprises the Commonwealth Games Athletes’ Village ("the Athletes’ Village"), legacy housing development, the upgrade of public transport and highways infrastructure, improvement of public realm, plus new residential and commercial development to create a high quality local centre at Perry Barr though comprehensive design and placemaking. These works are necessary to support the staging of the Birmingham 2022 Commonwealth Games ("the Games"). After the Games the Athletes Village will be converted to a mix of apartments, an Extra Care Village and family housing. The public transport and highways infrastructure improvements, public realm enhancements and other residential and commercial development will support the continued regeneration and growth of Perry Barr district centre. This approach is in line with the National Planning Policy Framework ("the NPPF") (BCC12), Birmingham Development Plan ("the BDP") (BCC13) and Aston, Newtown and Lozells Area Action Plan ("the AAP") (BCC14). The Games and post-Games (legacy) regeneration will deliver significant improvements to the social, economic and environmental well-being of the residents of the area and West Midlands region, as explained further below.

1.5. The scheme which will be delivered as a result of this CPO sees the Council working with a range of partners. This includes:

- Homes England ("HE"), which has a land interest within the CPO area. This is addressed at paragraphs 10.22 and 11.7.

- The West Midlands Combined Authority ("WMCA") which has provided and will continue to provide funding for certain elements of the scheme as set out in Section 8 of this Statement of Reasons.
• Transport for West Midlands ("TfWM") which will be delivering the Sprint bus rapid transit route, rail station and multimodal interchange.

• Games partners including Government, Commonwealth Games England ("CGE"), Commonwealth Games Federation ("CGF"), and the Birmingham 2022 Organising Committee ("the OC").
2. Background

2.1. Perry Barr is identified in the Birmingham Development Plan (“the BDP”) (BCC13) as an area to accommodate significant growth to help meet Birmingham’s housing needs in a sustainable way. This is described in more detail in section 6 of this Statement of Reasons.

2.2. The selection of Birmingham as Host City for the 2022 Commonwealth Games with the decision to develop the Athletes’ Village at Perry Barr, and the previous decision of Birmingham City University (“BCU”) to relocate to the City Centre, have provided a unique opportunity to pursue the scheme proposed, by providing a catalyst for the regeneration of Perry Barr. These circumstances enable accelerated delivery of, and an increase in the extent and scope of, growth which can be sustainably accommodated at Perry Barr. As well as facilitating the delivery of the Commonwealth Games, the scheme will enable the direct delivery of a significant number of new homes which, along with the placemaking and sustainable transport interventions, will deliver transformational change in the area and promote wider growth. The staging of the Games is therefore a key component in the wider regeneration of Perry Barr.

Commonwealth Games Bid Process

2.3. In January 2017 Birmingham City Council began to explore the feasibility of bidding to host the 2026 Games. This included a technical and financial feasibility, an economic impact assessment, and an assessment of Birmingham’s capacity to win. It was concluded that there was a huge potential for Birmingham and the surrounding region to put together an effective bid.

2.4. In March 2017, the CGF withdrew Host City rights for the 2022 Games from Durban and announced a competition would be undertaken for a replacement Host City. On 28 April 2017 Government agreed to submit an expression of interest to host the 2022 Games. The Government’s Commonwealth Games Delivery Unit (“the CGDU”) (part of Department for Digital, Culture, Media and Sport) released details of the competitive process to bid to become the host city, agreed with the CGF. Government made it clear that its support was now with a 2022 bid, and that it would not be considering bids for 2026. The Birmingham Commonwealth Games Bid Steering Group, chaired by the Leader of the Council, discussed the findings of the 2026 feasibility work and the possibility of Birmingham bidding to host in 2022. A decision was made to engage with the CGDU’s competitive process to host the 2022 Games, and was endorsed by the City Council’s Cabinet on 14th June 2017 (BCC6).

2.5. The Government’s rationale for bidding for the Games was set out in its vision which included the following:

- To demonstrate the very best of Global Britain to the world.
- To deliver a low cost, low risk but high quality major multi-sport event.
- To showcase the UK’s world-class event hosting abilities and as a destination for business, education and tourism.
• To promote elite and grassroots sport.
• To bring a modern and innovative approach to the hosting of these historic Games, that helps redefine how multi-sport events can be delivered in a more sustainable way.
• To redefine the UK’s position on the world stage and the future role of the Commonwealth.
• To see the Games have a lasting impact on its Host City and the people that live there.

2.6. The bid process as set out by CGDU and the CGF was condensed in response to the timescales for decision-making to enable delivery. The two-phase assessment process saw Birmingham and Liverpool completing preliminary and secondary phase questionnaires and hosting site visits and workshops for the CGDU and CGF assessment panel. The work required during the bid process was funded by the WMCA, the three regional Local Enterprise Partnerships (Greater Birmingham & Solihull, Coventry & Warwickshire, and the Black Country), Midlands Engine, NEC Group, higher education and private sector partners, who all continue to support the Games. On 7th September 2017 it was announced that subject to Treasury approval Birmingham was the Government’s preferred bidding city; following Treasury approval on 29th September 2017 Birmingham was named the Government’s official Bidding City.

2.7. An extensive formal submission was made, jointly by the Council, CGE and Government, to the CGF in September 2017. A series of negotiations around legal and financial compliance followed, before Birmingham was confirmed as 2022 Host City on 22nd December 2017.

2.8. Throughout the bid process the Council promoted Perry Barr as the location for the Athletes’ Village. The basis for this was that the location would meet both Games-time and legacy aspirations for the city, and also possesses many of the characteristics that have been essential to the success of some of the best multi-sport Villages of the past.

2.9. In Games mode it is highly desirable that the participants, athletes and support staff are able to embrace everything that the host city has to offer in its presentation of the Commonwealth Games – an ability to access the City Centre, and to participate in the wider Games experience is seen as important. The ability to provide a high quality Village experience, which meets the needs of athletes and officials, is equally important. In particular in Games-time the Village location offers:

• An opportunity to start with a ‘blank canvas’ to create a development which meets both Games-time and legacy aspirations.
• Perry Barr station, located directly opposite the Village offering a 13 minute journey to Birmingham New Street.
• Dual carriageway access to the City Centre and other venues via the A34 which links to the City’s principal highway network.
• A journey of less than 1.5km to the Alexander Stadium, hosting the Opening and Closing Ceremonies and Athletics competition.
• Proximity to retail and recreational opportunities.
2.10. The development of the Village at Perry Barr delivers an existing recognised development opportunity, and contributes to the delivery of Birmingham’s housing targets and development plan proposals, as set out in Section 6 of this Statement of Reasons.

2.11. The Council also promoted a strategy of maximising the use of existing facilities – as a result the majority of events will be held in existing venues, with Alexander Stadium being enhanced to provide some 40,000 seats in Games-time to host opening and closing ceremonies and the Athletics competition.

2.12. In addition, the event was promoted as a ‘public transport Games’. This has included a commitment to provide transport enhancements ahead of the Games – further details are provided in paragraph 2.20 below – and free public transport for ticket holders on the day of events. Government, the CGF and other partners were impressed by and supportive of the quality of the Village and transport connections that could be created at Perry Barr for Games-time as well as the legacy regeneration opportunities the proposals presented.

2.13. The capital costs of the Village and transport infrastructure for the Games, which will also provide a significant legacy for the City and region, will be funded locally – the funding for the acquisition, CPO costs and delivery of the scheme which is the subject of this Order is set out in section 8 of this Statement. However, the OC, which comprises the CGF, CGE, Government (CDGU), and the Council funds the delivery of Games-specific activity, and is expected to have an operating budget of more than £900m. 75% of the OC budget is funded by Government. The remainder is funded through local contributions from the Council, the WMCA, the regional Local Enterprise Partnerships, and the potential for donations from other organisations. This scale of investment in the City and region would not be achieved without hosting an event of this sort.

The Commonwealth Games

2.14. The Games was first held in 1930 in Canada. A total of 18 cities from 9 countries have played host, with England hosting on 2 occasions, in London in 1934 and Manchester in 2002. The Commonwealth currently has 52 members and 70 competing nations. The Games is classed as a “mega” event of 18 sports with a TV audience of over 1 billion. There are 11 days of competition, c. 4,300 athletes, 1.3 million available tickets and 12,500 volunteers.

2.15. The Games is a ‘once in a lifetime’ opportunity for Birmingham and the region to shine both nationally and internationally; the reputational gains for Manchester and Glasgow of hosting the Games in 2002 and 2014 respectively have been well documented and observed.

2.16. A study undertaken by PwC (BCC7) to support the bid process identified a range of economic, social and environmental benefits. These are expanded on in section 9, but headline figures included the Games generating an incremental increase to the Gross Value Added (GVA) of the West Midlands of £526m, supporting an average of 4,526 workers per year 2018 to 2022, and an estimated cost benefit ratio of 3.2.
Host City obligations

2.17. The Host City is required to deliver a Games which meets the needs and aspirations of the Commonwealth Games Federation. Birmingham and its partners showed through the bid process, and since the award of the Games in developing the projects and programmes for delivery, that it can do this in a way which will progress the UK’s global role and maximise links with the Commonwealth building on the diversity of the city. In practical terms Birmingham offers a location which is accessible regionally, nationally and internationally, which has many of the venues required for hosting, and a rich history of hosting successful sporting and cultural events.

2.18. CGF, CGE, Government and the Council each have obligations in relation to staging the 2022 Commonwealth Games. Birmingham’s responsibilities include ensuring the provision of city services and of venues including the Commonwealth Games Athletes’ Village.

2.19. The Village requires residential accommodation for a minimum of 6,500 athletes and officials (or more if agreed). It has also to prepare sites for temporary overlay (comprising the temporary facilities required in Games-time including dining provision, a transport mall, office, medical and storage space, social/leisure facilities, retail, ceremonial space, and operational/back of house facilities; more detail of this is provided in para 4.4 – 4.14. The whole Village including the residential and overlay areas must be handed over to the Birmingham 2022 Organising Committee on 1st January 2022 to enable time for Games-time fit out. The Village Masterplan, including Games mode layout and residential units in Games mode has to be agreed by all partners and approved by the CGF. The nature and scale of the space required to deliver the operational Games-time Village is to be agreed based on technical information prepared by the Commonwealth Games Federation Partnership (“CGFP”) (the commercial and delivery arm of the Commonwealth Games Federation) with input from the Council and other partners.

2.20. The staging of the Games necessitates a reliable system of transport between all Games Venues and the Host City Centre, the Athletes Village, key hotels and public transport nodes for all Games Family members and any other Games Stakeholders, Games Workforce and spectators, whilst minimising any detrimental impacts on business as usual activities in the City. Partners have committed to providing a ‘public transport Games’ with the customer experience at the heart of transport planning. To do this, there is a commitment to deliver a range of transport and movement enhancements across the region including the following which form part of the scheme promoted here:

- Accelerated delivery of the planned Sprint (Bus Rapid Transit) along the A34 from Birmingham City Centre to Walsall
- A dedicated cycle route along the A34
- A new scheme for the enhancement of Perry Barr station which would provide better access and capacity for Games-time movement
2.21. During the Games these permanent public transport enhancements will be supplemented by a range of shuttle buses and other provisions to maximise access to venues. There will be a need to facilitate this in the Perry Barr centre for venues in the vicinity of Perry Barr. Games-time movement, for spectators as well as staff and residents at the Village, will also be enhanced by the public realm and environmental enhancements proposed at Perry Barr.

2.22. The CGF requires the Host City and Government to develop a legacy strategy or strategies, and accompanying detailed action plans that identify the objectives of hosting the Games and the activities that will be undertaken to support the attainment of these objectives, in order to serve the Host community both in the lead-up to and beyond the Games. Topics to be addressed by the legacy strategy include aspects of economic, social and environmental legacy. The scheme proposed at Perry Barr will make a significant contribution to the Games legacy for the benefit of Birmingham and the region.
3. Description of the Order Land

3.1. The Order Land is shown hatched black on the CPO Plan and covers an area of approximately 27.6 hectares. It is located 3.5km north of the City Centre at Aldridge Road, Holford Drive, Wellhead Lane, Aston Lane, Walsall Road, Birchfield Road and Wellington Road, Perry Barr, Birmingham. A number of locational and context plans are provided at BCC4.

3.2. The area of Perry Barr included in the order currently suffers from a number of sites being – or becoming – vacant or underutilised, from a markedly poor pedestrian environment and public realm, and from severance caused by the nature of the highway infrastructure in the area. It lacks sense of place or local distinctiveness. However, it also presents a number of significant opportunities for change to address current challenges. These opportunities are enhanced, and delivery accelerated, by the acquisitions set out in this Order. Photographic evidence to support the description below is provided at document BCC8.

3.3. The relocation of BCU from its Perry Barr Campus to its new City Centre Campus, which has been long planned as part of the University’s estates strategy, provides the opportunity to explore redevelopment. The BCU teaching campus was only partially utilised during the 2017/18 academic year, with all use of the site by the University ceasing in September 2018. Part of the site was acquired by Homes England in early 2017, and the remainder was acquired by the Council in early 2018. Adjacent to this, BCU’s Coppice student accommodation has been vacant throughout the 2017/18 academic year and the Oscott Gardens accommodation is now vacant (from September 2018). The Doug Ellis Sports Centre, which is owned by BCU and has been operated for student and community use is now some distance from the University’s core population and as such is underutilised. The reuse and redevelopment of these sites will bring activity to the area and reduce local concern about the buildings sitting vacant.

3.4. The nature of the highway layout in the area means that highway infrastructure severs the area making east-west movement difficult for vehicles, cyclists and pedestrians. The existing network of subways in lieu of surface level pedestrian crossings is especially limiting and of poor quality. The highways scheme as described in paragraphs 4.15-4.24 will result in improved connectivity and public realm across the area.

3.5. The highway dominance as well as the poor condition of buildings and sites in the area contributes to a poor environment. Poorly maintained and underutilised or vacant sites and buildings are fly-posted and tipped. The redevelopment of such sites at Birchfield Island and Aston Lane in particular will be facilitated as a result of the Order.

3.6. Perry Barr rail station suffers from a poor environment and poor access. It is accessed via a narrow entry between shops from the west side of Birchfield Road or via a subway from the east. It has very few passenger facilities and relates poorly to other public transport provision, limiting opportunities for interchange. The improvements to the station and the transport interchange will respond to these challenges.
**The Order Land**

3.7. The Order Land is described in full in the schedule to the CPO but, in summary, it includes:

(a) Business units and premises and associated access way and car parks, at the corner of Holford Drive and Aldridge Road and described as Holford Corner

(b) BCU Campus North, comprising existing student accommodation at Coppice and Oscott Gardens, the Doug Ellis Sports Centre and car parking/ancillary space

(c) The National Express Perry Barr Bus Garage Wellhead Lane; an operational base for local service provision, and includes offices, facilities for staff, repairs and maintenance and overnight garaging

(d) 42 no. residential properties and gardens comprising 64 to 146 Wellhead Lane

(e) Part of the former Birmingham City University Teaching Campus at Wellhead Lane/Aldridge Road recently acquired by the Council having previously been in the ownership of the Department for Education (“DFE”)

(f) Part of the former BCU Teaching Campus at Wellhead Lane/Franchise Street in the ownership of HE

(g) The Hare of the Dog Public House and ancillary space at Franchise Street; the pub is currently closed

(h) Land on the south eastern corner of Perry Barr Stadium

(i) The bus interchange operating in front of One Stop Shopping Centre and associated footway and highway

(j) A ‘slab’ on the eastern side of Birchfield Road, forming part of the bridge over the railway

(k) The entrance to Perry Barr Station, 6 retail units, and footway

(l) The African Village Restaurant and adjacent land, with sites currently accommodating car parking, a hand car wash, and a number of small business units

(m) 17 no. retail units with a mix of uses on upper floors, and a range of commercial and residential uses to the rear, described as the High Street

(n) Forecourts, in multiple ownerships, along Birchfield Road

(o) 13 no. retail units on Aston Lane, access to the west and car parking to the rear. The adjoining former Library site, which is essential to the delivery of the scheme, is in the unencumbered freehold of Birmingham City Council and is not therefore included in the CPO.
(p) Vacant land, JobCentre Plus offices, Leacy Motor Group retail and wholesale car spares business and IMO Car Wash, at the corner of Aston Lane and Wellhead Lane; this will provide for the relocation of the bus garage identified above

3.8 For orientation these sites are identified at BCC4c.

Land Acquisitions

3.9 Acquisitions began in 2016 when the Council acquired the Gailey Park site, followed in March 2017 by HE’s acquisition of the former BCU teaching campus to deliver housing growth. At this point HE and the Council had already begun to work together to establish the scope for additional infrastructure works and wider land assembly.

3.10 The need to provide the Athletes’ Village and the related infrastructure works ahead of the 2022 deadline has led to further acquisitions being made in 2018 – namely 1.8ha from DfE to enable the assembly of the site for the residential element of the Athletes’ Village, and 1.8ha from BCU to provide an alternative site for the DfE.

3.11 Contracts have been exchanged between the Council and Midland Chromium, part of the Holford Corner site described at 3.7 above, in November 2018, with completion deferred for up to 12 months.

3.12 There is significant public sector ownership in the area required to deliver the scheme, including that immediately outside of the CPO area. More than a third of the land required to deliver the scheme is in the ownership of the Public Sector. Significant progress is being made in acquiring property in the CPO area, as described in paras 10.9 to 10.17.
4. Description of the scheme

4.1. This section provides a description of the scheme, which is the scheme to be disregarded for the purposes of assessing compensation in the no scheme world. Section 7 provides further detail of how the scheme is being advanced.

4.2. The proposals within the scheme are at different stages in the design process, with some largely fixed and some at early stages. The proposals will continue to be developed and refined as they are progressed, but will continue to adhere to the principles of creating a distinctive and well connected place with high quality transport and walking routes, capable of supporting high levels of growth, and of delivering the necessary infrastructure to support the Commonwealth Games in 2022. As proposals within the scheme are progressed and refined over the coming months there may be details which are altered and improved. These changes will be picked up through the proper procedures at the appropriate time.

4.3. The successful and sustainable delivery of the Commonwealth Games Athletes’ Village and legacy regeneration of Perry Barr will be achieved through a comprehensive and holistic approach which integrates the Village with sustainable transport, transformational placemaking interventions, and wider housing and commercial growth. Therefore while relocation of existing uses on the site and realignment of the existing highway are necessary to provide the land required for the Village, wider site acquisitions are also necessary to deliver the required connectivity enhancements, community infrastructure, and support additional growth, and are vital to the delivery of the scheme.

Athletes’ Village

4.4. The Games-time Athletes’ Village will comprise residential accommodation for 6,500 or more athletes and officials, which will be provided as permanent development with legacy residential use, along with a range of temporary Games-time facilities. The permanent residential development will be constructed to meet Games-time requirements, with additional dividing walls in apartments creating additional bedrooms – the majority of which will be utilised as twin rooms – and no kitchens being fitted. Post Games retrofitting will be necessary to prepare these homes for end use.

4.5. The temporary/Games-time specific facilities will include, but are not limited to:

- A temporary dining hall to seat c. 2400 athletes at any one time, with provision for 24 hour service of a range of hot and cold food. This will be located in an accessible location, and have essential utilities and services. It will be serviced by appropriate back of house provision for deliveries, food preparation, washing, waste removal, etc.
- Separate provision for staff dining.
- Additional ‘grab-and-go’ food and beverage provision is also required spread throughout the Village.
• A transport mall, the primary transport facility for athletes and officials during the Games, facilitating movement by bus to training and competition venues. It is expected that this will operate 24 hours a day and, at peak times, accommodate c. 1000 people an hour.
• Facilities for the individual teams or Commonwealth Games Associations (“CGA’s”) including office, medical and storage space, provided in close proximity to the residential accommodation.
• Management offices and facilities including security, accreditation, Village operations, and meeting space
• A polyclinic providing medical, testing and associated uses
• Recreational and leisure facilities including a fitness centre, outdoor space and social space
• Retail and other facilities to serve the residents of the Village.
• Operational and back of house facilities to service the operation of the Village, including housekeeping, deliveries, waste management, parking, logistics and workforce facilities.
• Security measures including a fully secure boundary with controlled access for people and vehicles

4.6. These Games-specific facilities can be provided either within the residential area or as temporary facilities for the period of the Games. The exact allocation of these temporary uses within the site is not yet fixed; the Games-time masterplan, whilst well advanced, is still evolving and will be finalised by the OC in conjunction with the Council. However, some key elements such as access arrangements will be fixed early as they relate to the legacy proposals being developed by the Council.

4.7. The proposed boundary and an indicative layout of the Athletes’ Village as at September 2018 is provided at BCC9. A planning application has been submitted to the Council for the residential element of the Village (application number 2018/06313/PA). A CGI of the scheme is provided at BCC10.

4.8. Post Games, the residential element of the Village will comprise c. 1400 units in a scheme proposed to be delivered as set out in a planning application submitted to Birmingham City Council in August 2018. It includes one and two bed apartments, and three and four bed town houses and mews houses, as well as an Extra Care Village to cater for older people with varying needs. The post-Games retrofitting described above will be carried out where necessary to provide housing to meet local need; this will be the first phase of the significant housing growth proposed at Perry Barr. The scheme includes a mix of tenures, including Private Rented Sector (“PRS”), properties for outright sale, and properties managed by the Council’s Birmingham Municipal Housing Trust (“BMHT”). Within the Extra Care Village there will also be a range of tenures. It also includes high quality public and private realm, with a significant green space at the heart of the development. As part of this legacy there will be elements of commercial development at ground floor in key locations within the scheme. A community facility is also proposed in legacy. This will be located adjacent to the main green space and designed flexibly to cater for a range of arts, cultural, sporting and social uses.
4.9. The land used for Games-time temporary overlay will offer a range of legacy opportunities. Some of the land will revert to sports/leisure uses, while the rest will accommodate further housing growth. The detail of the final scheme is still evolving.

4.10. Significant highways works (referred to as the ‘gyratory’ scheme, detailed in 4.21 below) are proposed and are integral to the assembly of the land for the residential element of the Athletes’ Village. These works are a key component in the wider regeneration of Perry Barr and support the enhancement of the public transport offer, public realm and permeability improvements including walking and cycling routes across the area.

4.11. The early site assembly for the Athletes’ Village necessitated the relocation of a proposed school, for which an alternative site was identified and acquired by the Council at Holford Drive. The new secondary school, providing for 11-18 year olds, is planned to be open in September 2021.

4.12. It also requires the relocation of the National Express Bus Garage, currently at Wellhead Lane, for which a site has been identified at Aston Lane/Wellhead Lane; both sites are included in this Order. The new site will provide a modern facility which meets the needs of National Express in delivering their local bus services.

4.13. The Hare of the Dog Public House sits within the secure boundary of the Games-time Athletes’ Village, inside the residential area. It is necessary for the Council to have control of this to ensure its obligation to provide the site for the Village can be fulfilled. After the Games the building will be brought back into use to provide a similar use for the local population.

4.14. The successful and sustainable delivery of the Commonwealth Games Athletes’ Village and legacy regeneration of Perry Barr will be achieved through a comprehensive approach which integrates the Village with sustainable transport, transformational placemaking interventions, and wider housing and commercial growth. Therefore while relocation of existing uses on the site and realignment of the existing highway are necessary to provide the land required for the Village, wider site acquisitions are also necessary to deliver the required connectivity enhancements, community infrastructure, and support additional growth (for both Games-time and legacy), and are vital to the delivery of the scheme.

**Highways and transport**

4.15. The Birmingham Commonwealth Games have been branded as the Public Transport Games, so it is essential that appropriate sustainable transport measures are implemented along key corridors and at principal gateways, alongside the more conventional highway works.

4.16. The Sprint bus based rapid transit route will provide a new connection from Birmingham City Centre to Walsall Town Centre along the A34. It aims to deliver journey times and comfort levels that are based on those of a light rail system while maximising the flexibility and lower costs associated with bus technology.
4.17. As part of the Birmingham Cycle Revolution (BCR) there is an ambition to create a segregated cycle route along the A34 between Birmingham City Centre and Walsall. The first phase of this, nearest to the city centre, is currently being implemented.

4.18. To accommodate Sprint/bus lanes and segregated cycle lanes along Birchfield Road, as well as maintaining a footway of sufficient width to facilitate safe and comfortable pedestrian movement, it will be necessary to widen the existing highway in places. The CPO scheme enables the delivery of the A34 Sprint/bus lanes, the segregated cycle route, and pedestrian footway through the Perry Barr centre.

4.19. The redevelopment of Perry Barr Rail Station and the adjoining retail units will include a new station building and concourse which will provide improved access to rail services in a more attractive environment. It is also planned to provide improved connectivity to buses, taxis and other transport modes. The station redevelopment will also support the development of the local centre, with new enhanced local retail re-provided as part of the scheme.

4.20. An enhanced public transport interchange facility and associated public space will deliver high quality multi-modal access with bus and Sprint services, as well as an improved setting and access to local retail and other facilities.

4.21. The current junction between the A453 and A34 is a partial gyratory system. In order to maintain a free flow of pedestrian movement within the Athletes’ Village, in Games-time and in legacy, it is required that usage of the southern section of A453 Aldridge Road is restricted to pedestrians and cyclists. The proposed new highway layout therefore needs to accommodate northbound movements to A453 Aldridge Road from the A34 underpass and the A4040 junction. The new layout also needs to accommodate the southbound movements from A453 Aldridge Road to the A34. Achieving this is an integral part of the scheme.

4.22. To the south of the railway, the junction between the A34 and the A4040 Aston Lane is known locally as Birchfield Island. At this location, slip roads from the A34 join the A4040 Aston Lane at a roundabout and the A34 passes beneath the island in an underpass. Pedestrian movements across the roundabout are provided by a series of subways and a footbridge that crosses the A34. The proposed new highway layout would replace the existing roundabout with a signalised crossroads incorporating signal controlled crossings for pedestrians and cyclists. A new bridge would be constructed over the A34 in the centre of the current roundabout, effectively capping the ‘hole’. The existing pedestrian subways would be filled in and the footbridge demolished. The A34 vehicular underpass remains.

4.23. The A34 flyover provides for a free flowing single lane in each direction to pass over the gyratory junction. The flyover and its approach ramps present an imposing barrier that contributes to the feeling of segregation between the east and west of the A34.

4.24. At the time of writing, options for the highway layouts are still being evaluated and the final option has not been selected. Document BCC11 shows the indicative layout as at October 2018.
Birchfield Gateway

4.25. The area at the existing Birchfield Island has the potential to provide a significant and distinctive ‘gateway’ to the area, which is central to the vision for successful legacy regeneration of Perry Barr – more detail of the legacy scheme is set out at 4.28 below.

4.26. However, more immediately the area is also central to the delivery of the highways and public transport improvements. Compound and working space necessary to deliver the schemes will be facilitated by the acquisition of sites here.

4.27. The proximity of the sites at Birchfield Gateway to the Athletes’ Village, Alexander Stadium, and public transport provision, provides opportunities for flexibility in planning for Games-time passenger transport and logistics movement in the most efficient way. A range of potential Games-time uses could be accommodated on sites here and as planning for this progresses these will be firmed up.

4.28. The more attractive and pedestrian friendly public realm created by the changes to the junction will be complemented by the legacy redevelopment of sites here. A real sense of place and ambition will be created through a holistic approach to the development of schemes of significant scale – up to 10 stories – which will provide activity, enclosure and quality design. Enhanced local centre facilities will be provided through commercial activity at ground floor level. There is the potential to provide around 400 new residential units on upper floors. The African Village Restaurant and adjoining sites, the site of 339-373 (odds) Birchfield Road (described as the High Street at 3.7), and the former Birchfield Library site and adjoining shops, will provide for the mixed use development at Birchfield Gateway.

Wider growth

4.29. The catalytic impact of the delivery of the Village and associated interventions facilitated by this Order will see the direct delivery of around 2000 new homes across the Games-time and legacy Village and sites at Birchfield Gateway as described above, with the impacts of the transport and environmental improvements in the corridor supporting the delivery of around 2,900 further homes across the wider Perry Barr area and along the A34 Corridor within the next 15 years.
5. MHCLG Guidance on the Compulsory Purchase process

5.1 The MHCLG Guidance (BCC30) contains in Tier 1 general advice to Local Authorities that should be considered when deciding to make a CPO. Tier 2 (section 1) of the Guidance gives specific advice with regard to CPO’s under Section 226 of the Town and Country Planning Act 1990. The Council has had regard to this advice in promoting this CPO.

5.2 Paragraph 1 of the Guidance notes that compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.

5.3 Paragraph 12 of the Guidance confirms that a Compulsory Purchase Order should only be made where there is a compelling case in the public interest. The Council believes for all the reasons set out in this Statement of Reasons that there is a clear and compelling case in the public interest for this CPO.

5.4 Paragraph 13 of the Guidance notes that the confirming Minister has to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land proposed to be acquired and the wider public interest. In the light of all the information contained in this statement the Council believes the confirming minister would be justified in confirming this CPO.

5.5 The Council has a clear idea of how it intends to use the land to be acquired. This is set out in sections 4 and 7 of this Statement of Reasons.

5.6 Additionally, in line with Paragraph 14 of the Guidance, this Statement of Reasons contains information on the sources of funding and timing of that funding likely to be available to secure the compulsory acquisition and deliver the scheme proposals within a reasonable timescale. See Section 8 of this Statement of Reasons for consideration of this matter.

5.7 The Council also believes that the scheme is unlikely to be blocked by physical or legal impediments to implementation including the programming of infrastructure accommodation works, remedial works and the need for planning permission or other consents. In respect of the need for planning permission see paragraph 7.3 of this Statement of Reasons.

5.8 Tier 2 (Section 1) of the Guidance gives specific advice with regard to CPOs under section 226 of the 1990 Act and matters the Secretary of State should take into account in determining whether to confirm a CPO. Paragraph 104 requires that land assembly be set within a clear strategic framework founded on appropriate evidence and subject to consultation. Paragraph 105 recognises that it is not always feasible or sensible to wait until full details of a scheme have been worked up, and planning permission obtained, before proceeding with the Order; and that where acquisitions form part of a longer term strategy the extent to which needs to
be flexible it may not always be possible to demonstrate with absolute certainty or clarity the precise nature of the end use proposed. Paragraph 105 requires the acquiring authority to put forward a compelling case for the acquisition in advance of resolving all the uncertainties.

5.9 Paragraph 106 of the Guidance sets out the factors the Secretary of State will take into account in deciding whether to confirm an order under section 226 (1)(a). These are:

I. **Whether the purpose for which the land is being acquired fits within the adopted Local Plan for the area and the National Planning Policy Framework.**

   The Council believes the purpose for which the land is being acquired in this CPO is firmly based within a strong adopted planning framework, and other national and local policy guidance. See section 6 of the Statement of Reasons for this information.

II. **The extent to which the purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area.**

   The Council believes the scheme at Perry Barr has the significant potential to deliver with respect to each of these 3 elements as outlined in Section 9 of this Statement of Reasons.

III. **Whether the purpose for which the land is being acquired could be achieved by any other means including alternative proposals put forward by owners of the land or alternative locations for the purpose for which the land is being acquired.**

   Given the size of the task and the time constraint for the Games in 2022 the Council believes that neither the Athletes’ Village nor the wider growth and supporting highways, transport infrastructure and public realm/placemaking improvements at Perry Barr could be achieved by a different scheme promoted by an individual owner of some of the land.

   The scheme cannot be delivered without the compulsory acquisition of land as proceeding by way of voluntary acquisition only, does not provide certainty as to timescale.

   Alternative locations for the delivery of the Athletes’ Village have previously been explored and discounted by the Council, as other sites were constrained by size, location, planning position and timescales.

   The Council believes it is best placed to deliver the comprehensive scheme proposed across the various sites. As the sites are in fragmented ownership the Council believes it has both the relevant expertise and access to resources to do so.

IV. **The potential financial viability of the scheme, a general indication of funding intentions and commitment from 3rd parties.**

   The funding proposals for the land acquisition and delivery of the scheme are set out in Section 8 of this Statement of Reasons. The Council is confident that it has access to the
necessary resources through both Central Government, regional and local funding as well as prudential borrowing.

5.10 In the light of the matters set out above the Council believes that the making of the CPO is fully justified and that a compelling case in the public interest exists for it being confirmed by the Secretary of State.
6. Planning Position and Strategic Planning Framework

6.1 There is a clear strategic framework, including the planning framework, for the Athletes’ Village and wider regeneration of Perry Barr which this Order supports. As such there is considered to be sufficient certainty that there is no reason why planning permission would not be granted when compliant development is proposed. This strategic framework is set out below; all documents referred are shown at BCC12-BCC21.


6.2 The Government published a revised NPPF in July 2018. The Framework contains sections which, taken as a whole, constitute the Government’s view of what sustainable development means in practice, including building a strong and competitive economy, ensuring the vitality of town centres, promoting sustainable transport, delivering a wide choice of quality homes and requiring good design. These principles are reflected in the Birmingham Development Plan (BDP) (2017), which contains the City’s strategic planning policies to guide new development across Birmingham. The plans to regenerate Perry Barr, with the Games as the catalyst, meet the requirements of the NPPF in that sustainable development will be achieved through the provision of a significant number of new homes (diverse type and tenure) and other uses, with an emphasis on high quality design and enhanced connectivity through highway infrastructure improvements.

6.3 The NPPF is designed to stimulate growth and sustainable development. In particular it identifies the need to optimise the use of land and buildings - Local Planning Authorities should avoid homes being built at low densities where there is an existing or anticipated shortage of land for meeting identified housing needs, and should use minimum density standards for city and town centres and other locations that are well served by public transport. It is the case that Birmingham cannot meet its objectively assessed need, that Perry Barr is a local centre well served by public transport, and that housing densities proposed in Perry Barr are in line with the policies in the Birmingham Development Plan for areas which are well served by public transport.

6.4 Paragraph 119 of the NPPF identifies that local planning authorities should use the full range of powers available to them, including identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.

6.5 Paragraph 119 states “Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase
powers, where this can help to bring more land forward for meeting development needs and/or securing better development outcomes.”

6.6 As such the scheme promoted in this Order, and the approach to achieving this, is in line with the NPPF.

Birmingham Development Plan (BDP) (2017)

6.7 The Birmingham Development Plan (“BDP”) is the Development Plan for the City for the purposes of s38 of the Planning and Compulsory Purchase Act 2004. The BDP was adopted in January 2017, and therefore does not provide for the Games. However the implementation of the Commonwealth Games, and the CPO scheme, are consistent with the policies set out in the plan.

6.8 Policy PG1 of the BDP plans for overall levels of growth. This policy identifies the need for significant levels of housing, employment, office and employment growth over the plan period, planned for in the BDP. In particular it identifies Birmingham’s objectively assessed housing need as 89,000 additional dwellings over the plan period; the BDP plans for the delivery of 51,100 homes, with the balance to be met within the Greater Birmingham Housing Market Area. It also plans for 350,000 sqm of new retail floorspace across the city. The spatial strategy for the delivery of this growth in identified Growth Areas is set out in the plan. In relation to Perry Barr this is detailed further in Policy GA3, described in paragraph 6.10 below.

6.9 Policy PG2 of the BDP states that Birmingham will be promoted as an international city supporting development, investment and other initiatives that raise the City’s profile and strengthen its position nationally and internationally. The Games will contribute to this objective, and the scheme at Perry Barr is central to its delivery.

6.10 Policy PG3 sets expectations of high design quality to be delivered in new developments. In line with this the scheme promoted in this Order will:

- Create a positive sense of place and local distinctiveness which responds to context – this is currently lacking in the Order area as set out in paragraphs 3.2-3.6.
- Create safe, attractive, inclusive and functional environments – all proposals will be designed to principles which ‘design out crime’, and which maximise accessibility for all: the removal of subways and increased activity in the area will improve natural surveillance; the environment will encourage cycling, walking and physical activity; housing at the Athletes’ Village is designed to lifetime homes standards.
- Integrate sustainability measures, such as green roofs and sustainable drainage, also in line with TP1 – TP3 and TP6 of the BDP.
- Support the creation of sustainable neighbourhoods in line with TP27.
- Make efficient use of land by enabling sustainable housing delivery at a high density by providing the necessary infrastructure and design quality to support this.
6.11 The regeneration and growth of Perry Barr is identified in policies GA3 and TP21 of the BDP. Policy GA3 states that an Area Action Plan (the Aston, Newtown and Lozells Area Action Plan) is in place to secure comprehensive regeneration and guide future development over a 15 year period. The BCU teaching campus site is specifically identified as a key development opportunity within the area, and high quality design to assist with place making and a more attractive public realm is essential given the site’s prominent location. Any proposals brought forward for the site should contribute to improving pedestrian linkages, particularly to the One Stop Shopping Centre, Perry Barr railway station and the more traditional retail area to the south at Birchfield Island. As referred to in section 2 of this Statement, the teaching campus site will form part of the Athlete’s Village for the Games, and has the potential to accommodate 1,400 new homes, comprising both family housing and apartments. These homes will be developed in advance of the Games, to accommodate the athletes during the event, and will be disposed of in line with a market strategy to provide a mix of tenures post Games. This significant housing scheme will be accompanied by supporting uses on adjacent sites, to ensure a mix of uses and a vibrant and diverse district centre offer in the longer term.

6.12 Since the adoption of the BDP, discussions with key landowners in Perry Barr have continued and greater development potential has been identified, namely land within BCU’s ownership, including their halls of residence and Doug Ellis Sports Centre within proximity to the teaching campus site. The University vacated Perry Barr in summer 2018. The site, together with adjacent land will provide for temporary Games-time uses as part of the Athletes’ Village in the short term, and additional land for housing and commercial growth in the longer term.

6.13 Policy GA3 refers to the wider development potential in Perry Barr, including the University site and the bus depot on Wellhead Lane. These sites form part of the Order Land and are key to maximising growth within the area. The Order Land is required to not only assemble development plots but also facilitate highway improvement works which will see the existing road network significantly altered to better integrate the District Centre and development opportunities.

6.14 Policy TP21 in the BDP refers to the network and hierarchy of centres in Birmingham. Perry Barr District Centre is identified as a ‘growth point’, with the potential to accommodate a significant level of growth up to 2031, including 20,000 sqm gross of comparison retail and 10,000 sqm gross of office floorspace. The proposals at Birchfield Island and for the legacy commercial uses in the Village will support the delivery of this quantum of growth.

6.15 Policy TP9 addresses open space and playing fields. The scheme promoted includes the creation of a new, high quality, accessible public open space. This, along with the existing open space in the wider area, means that the open space requirements set out in policy TP9 are met. The policy protects playing fields except where they are surplus and not required to make up open space standards, or where alternative provision of equivalent quality, accessibility and size is provided. The existing all weather pitch at Doug Ellis Sports Centre will be utilised for alternative uses in Games-time but reinstated in legacy.
6.16 Policy TP11 addresses sports facilities. The scheme promoted here will improve access to community sports facilities in line with the policy. By supporting the delivery of the Games it also promotes the improvement of sports facilities outside of the scheme area.

6.17 Policy TP27 addresses the delivery of sustainable neighbourhoods. The scheme addresses this by:

- Providing for a mix of housing types and tenures;
- Being located such that facilities such as shops, schools, leisure and work opportunities are within easy reach, including providing such facilities within the scheme area;
- Providing access to high quality public transport, pedestrian and cycling options;
- Maximising design quality to create a sense of place, including a distinctive design identity and high quality, multifunctional public spaces;
- Utilising design measures which maximise environmental sustainability; and
- Designing for effective management of space, including opportunities to build on the existing community stewardship in the area.

6.18 The housing elements of the scheme are also in line with the requirements of policies TP28, in respect of location, and TP30, in respect of housing type, size and density. Market assessments support the housing proposals within the scheme.

6.19 Policy TP38 sets out the factors required to deliver a sustainable transport network. These are developed through polices TP39–TP41 which promote measures around walking, cycling and public transport. All elements of the scheme consider and provide for walking and cycling. In particular the provision of cycle lanes along the A34 is in line with BDP policies – developed through the Birmingham Cycle Revolution programme – to deliver cycles routes on major radial routes. TP41 identifies that road space should be efficiently managed to support public transport through initiatives such as bus priority measures and infrastructure; the proposals within the scheme for carriageway space reconfiguration and widening are in line with this policy. The A34 Sprint route is identified in policy TP41.

6.20 Chapter 10 of the BDP addresses delivery, including working with partners, accessing Government funding and utilising the City’s prudential borrowing powers, and – in relation to land – pro-active use of the Council land holding as well as making use of the Council’s Compulsory Purchase powers.

Aston Newtown Lozells AAP (2012)

6.21 The Aston, Newtown and Lozells Area Action Plan (“the AAP”) was adopted by the Council in 2012 and provides a clear vision and strategy for the regeneration of the area. Perry Barr District Centre is a ‘growth point’ within the AAP boundary and there is a specific policy on the area entitled ‘LC1- Perry Barr/ Birchfield District Centre’. This policy sets a clear aspiration around the regeneration of the local centre. It refers to a number of opportunity sites which are suitable for local centre uses: the Crown and Cushion Public House (described in this
Statement of Reasons as the African Village site), and the land and temporary shops adjacent to the former Birchfield Library, both of which form part of the Order Land, and Gailey Park (described as the Gyratory site in the AAP) which the Council has already acquired. A number of these are located around Birchfield Island which is an area characterised by a poor environmental image, several underutilised sites and poor connectivity. A holistic approach to this area will enable comprehensive redevelopment to come forward and highway improvements to be delivered. Policy LC1A of the AAP identifies the need to improve the public realm.

6.22 The regeneration aspirations set out in the AAP extend to policies to improve connectivity within the Perry Barr area. Policies T7-T10 of the AAP address the creation of a high quality rapid transit corridor along the A34, junction improvements, improved pedestrian and cycle connectivity and modal interchange. The scheme delivers all of these aspirations.

6.23 The delivery and implementation section of the AAP notes that the Council will work with partners to deliver the objectives of the AAP, and that it will use its compulsory purchase powers where necessary. The CPO scheme is in line with this.

Design Guidance

6.24 Places for All and Places for Living (Supplementary Planning Guidance adopted in 2001) set out principles of good urban design. The proposals for Perry Barr embrace the key elements of these documents.

Local Centres

6.25 The Shopping and Local Centres SPD (2012) defines shopping centre boundaries and their primary shopping areas, categorises the centres as Town, District or Neighbourhood centres, and sets out policies that protect the primary shopping function by ensuring an appropriate balance of non-retail uses. Perry Barr is identified as a District Centre. A significant proportion of the Order land is included within the centre boundary. The sites around Birchfield Island and along Birchfield Road are within the Primary Shopping Area. This area is recognised to be detached from the One Stop shopping centre, poorly accessible, and in need of intervention.

6.26 It is noted above that Perry Barr district centre has been identified as an area for growth in the Birmingham Development Plan. This reflects the long established potential to support improved provision – of retail and other facilities – in the more traditional shopping area around Birchfield Island, and to better connect this to the One Stop shopping centre.

6.27 The Council has prepared an Urban Centres Framework which was published for consultation in November 2018. This identifies centres with potential for significant change including Perry Barr. The framework sets out the aspiration for Perry Barr centre, building on the BDP and other policies and proposals already in place. The scheme set out in this Statement of
Reasons is reflected in the Urban Centres Framework. Following consultation this framework will be amended as necessary and adopted by the Council as non-statutory guidance.

Birmingham Connected

6.24 Birmingham Connected, the City Council’s transport strategy, was published in November 2014. This sets out the long term vision for transport and connectivity in the city linking directly with the strategies and policies set out in the BDP. It highlights the importance of investing in integrated transport to offer choice and support sustainable growth, and of doing so in a collaborative and participatory way. It specifically identifies the delivery of Sprint bus rapid transit along the A34, as well as opportunities to improve rail infrastructure, and to provide new cycle routes. The scheme as proposed at Perry Barr aids the delivery of this vision.

Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) Strategic Economic Plan

6.25 The GBSLEP’s Strategic Economic Plan sets out the region’s ambition and priorities for growth. The scheme promoted at Perry Barr supports the delivery of strategic priorities around global connections (in relation to the hosting of the Commonwealth Games) and creating the conditions for growth. The scheme also delivers against some of the LEP’s key areas of focus, namely:

- Enhancing connectivity and mobility
- Developing thriving town and local centres
- Delivering major growth and regeneration opportunities
- Increasing the supply of viable housing land and ensuring that delivery meets needs and aspirations

West Midlands Combined Authority Strategic Economic Plan

6.26 The WMCA’s strategy, called the Strategic Economic Plan (SEP), contains eight priority actions which are of strategic importance across the whole area, or are of sufficient scale to warrant attention at a combined authority level. The scheme supports the delivery of priority action 7 - Housing: accelerating the delivery of current housing plans to increase the level of house building to support increased levels of growth. Also of particular relevance to the highways and transportation elements of the scheme is priority action 8 – exploiting the economic geography – which includes transport propositions which support the key economic links between the wider hinterland and the core of the conurbation. The proposals at Perry Barr are entirely consistent with the SEP in that they accelerate housing growth and significantly enhance public transport provision.

Summary

6.28 The scheme is entirely consistent with the planning framework, and there are no planning impediments to the scheme.
7. Clear proposals for the Land

7.1 Paragraph 13 the Guidance states that the acquiring authority should have a clear idea of how it intends to use the land which it is proposing to acquire. In this regard policies GA3 and TP21 of the BDP and LC1 of the AAP, which set out proposals for growth, are supplemented by the proposals described in section 4 of this Statement of Reasons.

7.2 It is recognised that the full details of every element of the scheme are not yet worked up. However, paragraph 105 of the guidance notes that it is not always sensible to wait for full details to be prepared before making an Order, and that in the case of making an Order in advance of resolving all uncertainties it is the responsibility of the acquiring authority to put forward a compelling case for doing so. The case in respect of timescales for delivery is made in paragraphs 8.11-8.17 of this Statement of Reasons.

7.3 The key elements of the scheme are clearly identified and will be accommodated within the extent of Order land; the precise disposition of uses within the scheme may change as more detailed work is developed. Where aspects of the scheme are yet to be consented, it is noted that the existing policy framework is sufficient to give certainty that there is no reason why planning permission would not be granted. The scheme is entirely consistent with the planning framework and as such there is no planning impediment to the delivery of the scheme as a whole.

7.4 The scheme described in Section 4 of this Statement, and the following, shows how the proposals for the land have been or are being advanced and clarified, either through planning consent or other approaches.

   i. A planning application for the residential element of the Commonwealth Games Athletes Village was submitted to the Local Planning Authority in August 2018 (2018/06313/PA).

   ii. A planning application for the development of a new bus depot at Aston Lane/Wellhead Lane is programmed to be submitted to the Local Planning Authority in spring 2019.

   iii. A scheme for the Games time Athletes’ Village is being prepared by Birmingham City Council and Commonwealth Games partners, and will need to be agreed by all Games partners. This will be the subject of a future planning application.

   iv. A scheme for the legacy development of the land which will be used for temporary facilities in Games-time is being developed. Significant masterplanning work is underway with key partners to identify proposals which will deliver housing growth and sports/leisure facilities. This will be the subject of a planning application programmed for submission in early 2019.

   v. Detailed schemes for highways works to be developed by early 2019 which can be delivered under the Council’s powers as the local highway authority. The final scheme will have been subject to public consultation and the Council’s gateway processes.
vi. The preparation of a detailed scheme for the multimodal interchange including a redeveloped station, which will be agreed with partners ahead of a planning application to be submitted in Summer 2019. The detail of the scheme is still being developed, and is subject to change as the most appropriate option is identified. The scheme will integrate with areas of highway or public realm to create a high quality and connected space.

vii. Development briefs and delivery plans for sites at Birchfield Gateway will be prepared.
8. Resources and Delivery

Resources

8.1 Delivery of the capital works for the Athletes’ Village, and certain transport infrastructure, is the responsibility of the Host City. The Council, along with partners, is also responsible for the delivery of the legacy proposals and growth. This is separate to the Organising Committee budget described at 2.13 which is for Games-time delivery.

8.2 In line with Paragraph 14 of the Guidance, the Council can show how the scheme for the Village and legacy schemes will be funded – through a package of funding, as set out below. The funding package has been developed to reflect the elements of the scheme, through outline and full business cases to various funders. It is considered that this package will provide sufficient funding to deliver the scheme and that there is no financial impediment to delivery.

8.3 The City Council set out its Outline Business Case for the delivery of the scheme in a report to Cabinet in June 2018 (BCC5). This included an indicative budget reflecting the position at that time. The progression of the scheme since June 2018 to the date of this Statement enables updated information to be provided here. Further updates will be provided by way of Full Business Cases which will be presented to the City Council or partners on specific projects.

<table>
<thead>
<tr>
<th>Funding source</th>
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<td>Government infrastructure funding</td>
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<tr>
<td>WMCA’s Brownfield Land and Property Development Fund</td>
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<td>(of which 19.975 is available to the project)</td>
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<tr>
<td>Disposal proceeds supported by prudential borrowing</td>
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<tr>
<td>High Speed 2 Connectivity Package</td>
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<tr>
<td>Other funding sources</td>
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<tr>
<td>Total</td>
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</table>

8.4 On 1st October 2018 Government announced £165m of infrastructure funding for Perry Barr (see BCC22). This will fund site assembly, infrastructure (including highways, Sprint, rail station and multimodal interchange) and provide gap funding for the Athletes’ Village residential scheme. Arrangements for the award and draw down of the funding are currently being progressed with MHCLG.

8.5 The WMCA has granted £20.025m (of which £19.975m is available to the project) through its Brownfield Land and Property Development Fund to Birmingham City Council (BCC23).
8.6 The Council will utilise prudential borrowing against disposals proceeds to fund a significant element of the Athletes' Village residential scheme, as described in the Outline Business Case to Cabinet (BCC5). This is expected to be in the region of £300m.

8.7 £30m is in place from the High Speed 2 Connectivity Package (see BCC24 and BCC25) to support the delivery of Sprint. The additional funding required for Sprint (£3.1m) is covered through the Government infrastructure funding described at 8.4.

8.8 An outline business case for funding for Perry Barr was submitted to the GBSLEP in 2015. The first phase of this has been spent, and the second phase of £1.6m is now subject of a Full Business Case. This will fund the delivery of the bus interchange element of the multimodal interchange through its Local Growth Fund.

8.9 The segregated two-way cycle route is funded through the City’s Birmingham Cycle Revolution programme, with the A34 route having been identified as a priority (see BCC26).

8.10 A projected £10m is being secured from a range of other grants and contributions including the Council Community Infrastructure Levy (“CIL”) and Affordable Housing Grant.

Delivery

8.11 It is essential that key elements of the scheme are delivered in good time ahead of the Commonwealth Games in 2022. Timescales for delivery are therefore constrained, with no opportunity for slippage. As such, and in line with paragraph 105 of the guidance, the Council is promoting this Order before the full details of every element of the scheme have been agreed. The Council can make a compelling case to do so, as waiting for full details of all element of the scheme to be finalised would result in delays to delivery, jeopardising the achievement of the Games-time deadlines for the Village and transport infrastructure. There are clear timescales in place by when full details will be known, and where details are not yet fully know there is a degree of certainty provided by the strategic framework and, where relevant, masterplanning.

8.12 There is significant impetus to deliver the scheme as proposed to meet Games and legacy requirements: the City is required to deliver an Athletes’ Village for the Games and the opportunity at Perry Barr is the preferred option for doing this. If the Village was not provided here the alternative would be to utilise existing accommodation, likely student accommodation dispersed across the city, at significant revenue cost and with no legacy outcomes. This would not meet the aspirations of Games partners including CGF and the UK Government. In terms of deliverability, the funding position is set out above and the approach to delivery – tested with contractors and delivery partners – is outlined below. Therefore it is considered that there is a compelling case for the successful delivery of the scheme.

8.13 The interventions of the Council to assemble and remediate sites, secure outline consent or provide guidance, and provide the supporting infrastructure de-risks investment and makes
the opportunity increasingly attractive. In addition, the residential element of the Athletes’ Village and site preparation for the temporary overlay will be developed by the Council.

8.14 The City Council is the developer of the residential element of the Athletes’ Village, and is also responsible for the preparation of the ‘overlay’ site. Demolition and remediation is already underway on the site for the residential element of the Athletes’ Village. The Council is currently in negotiations with a preferred contractor for this, and the preparation of the overlay site, with a formal appointment anticipated before the end of 2018. Development will begin in January 2019. The timeline for development enables the completion of construction in line with Games requirements.

8.15 Highways works will be delivered in part by the Council – who will be appointing a contractor in winter 2018/19 – and in part by the Athletes’ Village contractor such that construction within a small footprint can be efficiently managed.

8.16 Sprint, the new station, and the multi-modal interchange will be led by TfWM. To further the delivery of the station, a Basic Asset Protection Agreement (“BAPA”) between Network Rail and the WMCA was signed in October 2018.

8.17 The delivery of this scheme in Perry Barr is a priority for the Council and its partners and is being appropriately resourced. Governance arrangements have been in place since autumn 2017 to oversee and monitor development and delivery of the Perry Barr scheme, including the Athletes Village, residential growth, and the wider Perry Barr regeneration works.

Deliverability

8.18 It is considered that there are no impediments to the delivery of housing growth and associated infrastructure improvements at Perry Barr other than the assembly of land as achieved by the making of this CPO. Section 6 of this Statement explains the planning and wider policy position and paras 8.1 to 8.10 above describe the financial position.

8.19 The masterplanning and proposals have been informed by market and disposals advice and therefore reflect schemes which have a reasonable prospect of being delivered by the market.

8.20 There is clear evidence of housing need in Birmingham. Birmingham’s population is projected to increase by 156,000 by 2031. The objectively assessed housing need for the period 2011-31 is 89,000 new homes. The BDP (BCC13) plans to accommodate 51,100 within the City boundary.

8.21 The potential for regeneration and to accommodate growth at Perry Barr is well established and widely recognised. The City’s Unitary Development Plan (“UDP”), now superseded by the BDP, identified opportunities for improved connectivity across the area including enhancements to the station and public realm. The AAP developed this further to include identification of opportunity sites and capacity for commercial growth.
8.22 Within the BDP the wider Perry Barr area (as included in the AAP) is identified as a Growth Area, having the potential to accommodate housing and local centre growth. In addition Perry Barr district centre is one of a number centres identified as District Centre Growth Points to accommodate commercial growth.

8.23 The scale and scope of the opportunity has been increased by both the relocation of the BCU Campus to the City Centre and the selection of Birmingham as Host City for the 2022 Commonwealth Games with the decision to develop the Athletes’ Village at Perry Barr.

8.24 The Council has a strong track record of delivering major regeneration and capital projects where necessary using compulsory purchase powers over many years, in respect of which it has been supported by successive Secretaries of State who have confirmed the Orders. These include housing (with BMHT being the largest housebuilder in the city in recent years), and transport infrastructure such as New Street Station/Birmingham Gateway. A multi-disciplinary team, including a range of delivery partners, and strong governance is in place to manage and deliver the scheme. The Games-time delivery is supported by our strong links with Gold Coast – the previous Host City – and the input of other experts with learning opportunities from their recent experiences and their ongoing advice regarding delivery and legacy.
9. Public Interest and Wellbeing

9.1 The Council considers that there is a compelling case in the public interest for making the CPO. The CPO Guidance (BCC30) provides (at paragraph 13) that the Secretary of State confirming the Order will take a balanced view between the intentions of the acquiring authority, the concerns of those with an interest in the land affected and the wider public interest. The Council considers that after considering and balancing these various interests, the use of compulsory purchase powers in this case is justified.

9.2 The CPO will enable the delivery of the Commonwealth Games Athletes’ Village. It will also support the redevelopment of a number of key development sites in Perry Barr District Centre and beyond. These sites are currently underutilised, and sites coming forward on a piecemeal basis will not achieve the growth potential the area has to offer, as identified in the BDP. The CPO will also deliver a Games that supports the Council’s key priorities for the City – children and young people, housing, health, jobs and skills, inclusive economic growth.

9.3 It is the Council’s view that there is a compelling case in the public interest for making the CPO, as the proposed development will contribute to the promotion or improvement of the economic, social and environmental wellbeing of the area as required by section 226 (1A) of the 1990 Act. Specifically, it will deliver the following benefits:

*Economic*

(i) Facilitate the delivery of the Games, which will bring significant economic benefits to the immediate area, the City and the Region. The Games will demonstrate on a global stage that Birmingham is a young, diverse, entrepreneurial and exciting city, and will see a raised profile for the region before, during and after the Games. This will generate a range of economic opportunities– promoting tourism, investment, business and delivering employment, training and volunteering opportunities for our citizens. Working closely with partners across the region to deliver a Games that reflects the City and the wider West Midlands will strengthen regional partnership and drive a joint regional ‘effort’.

(ii) Directly enable and accelerate the development of around 2,000 new homes and support the longer term delivery of around 2,900 further homes in the area through enabling and promoting higher density development, in line with the strategy for growth set out in the BDP.

(iii) Enable major investment in transport infrastructure across the area as part of the delivery of the ‘Birmingham Connected vision’. This vision seeks to create a transport network which is equitable, efficient, sustainable, healthy and attractive to support economic growth. The delivery of infrastructure at Perry Barr and along the A34 corridor will be accelerated by this Order.
(iv) Deliver new residential and commercial premises at Birchfield Island and enhance the approach and accessibility to One Stop shopping centre as part of a modern District Centre offer.

(v) Stimulate significant private sector investment, thereby increasing investor confidence, employment opportunities and regeneration across the wider area.

(vi) Generate a significant income to the Council through Business Rates and New Homes Bonus.

(vii) Create new jobs through construction and end use.

Social

(viii) Facilitate the delivery of a successful Games which will remove barriers to participation in physical activity and sport, with a focus on communities that are currently inactive, promoting better mental and physical health outcomes for the City’s and region’s citizens, and which will see investment in sports infrastructure through the redevelopment of Alexander Stadium and upgrading of local and community sports facilities across the region. The Games will also present opportunities to develop cultural and social capital through associated events and activities across the city and region.

(ix) Provide a new and diverse housing offer, including apartments, family housing and an Extra Care Village within a range of tenures, which will create a revitalised and increasingly mixed community in the area.

(x) Provide an enhanced site for a new school, which is necessary given the amount of new residential development proposed.

(xi) Improve access to local leisure facilities. The existing Doug Ellis Sports Centre will be retained to the benefit of new and existing residents and businesses.

(xii) Improve local centre provision, both the ‘offer’ and quality of buildings (as many premises are out dated or in poor condition, which projects a poor environmental image).

Environmental

(xiii) Bring forward the redevelopment of brownfield land, including the demolition of poor quality and vacant buildings, and remediation of contaminated sites.

(xiv) Development of new homes and other facilities which contribute to the creation of a high quality place and incorporate high standards of sustainable design and construction.
(xv) Improve the quality of the urban environment and public realm including a number of accessible green spaces, new as well as retained/relocated trees, and significantly enhanced walking and cycling routes.

(xvi) Reduce the dominance of the road network through highway improvement schemes which will enable the infilling of subways and the creation of pedestrian crossings at grade making the area feel safer for all users. A sustainable transport network will be created which prioritises sustainable modes of travel with the provision of a new public transport hub (bus and rail).
10. Engagement with affected parties

10.1 It is recognised that a range of businesses and residential occupiers are affected by the Order. Owners affected will be compensated and offered assistance with relocation. The Council, as acquiring authority, is committed to working with those affected, and will continue to work with freeholders, leaseholders and occupiers as the CPO progresses.

10.2 To facilitate engagement ahead of making the order, including pursuing early acquisitions, there have been a range of approaches as set out below. Engagement has been carried out by both the Council and agents acting on their behalf. These agents are summarised below and detailed in section 15 of this Statement.

General engagement

10.3 On 15th February 2018, the Perry Barr ward committee received a presentation about the proposals for the Athletes’ Village. At that point the exact boundary had not been defined, but an indicative boundary was shown including a significant area of the Order land. Attendees were also briefed that wider regeneration proposals for the area existed and that acquisitions may be necessary to deliver these to create a legacy for the area. Because of the likely impact of the Village on their properties, individual invites were sent to properties on Wellhead Lane and at Holford Corner.

10.4 All parties identified as potentially affected by the Order in June 2018 were written to at that time (BCC27a and BCC27b). They were given named officers to contact as well as being invited to attend drop-in sessions held locally at the Doug Ellis Sports Centre, Wellhead Lane, during July, as detailed below.

For residential interests:
- Monday 9th July 2018, 2pm – 7pm
- Tuesday 17th July 2018, 9am – 1pm

For commercial interests:
- Tuesday 10th July 2018, 11am - 4pm
- Wednesday 18th July 2018, 2pm – 7pm

10.5 Attendees at the drop in sessions were able to have one to one meetings with the Council officers or agents acting on behalf of the Council who could explain the process and compensation. All were advised to appoint an independent surveyor to act on their behalf.

10.6 These letters, drop in sessions, and also the issue of notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, generated a significant number of phone calls, emails or face-to-face discussions between the Council and affected parties, and enabled
the Council to provide information on the scheme and the CPO process to suit the needs of individuals.

10.7 42 houses on Wellhead Lane, along with a number of residential units over and to the rear of shops on Birchfield Road, are affected by the Order. Where required, re-housing of residential owners/lawful occupants will be undertaken by an experienced dedicated officer within the Council’s Clearance Team. Those whose property is included in the Order will be supported throughout the process, from registration of their re-housing application through to their move, enabling them to secure alternative accommodation that meets their needs. Support will be tailored to meet the individual needs of each household. All parties with interests in residential properties within the CPO will be issued with information leaflets setting out the process and options for owner occupiers, tenants and landlords. Bookable ‘surgery’ sessions will take place shortly following the Making of the Order for anyone wishing to discuss their needs and options with the Council’s housing team.

10.8 In terms of the businesses affected by the Order, the Council will continue to meet with leaseholders and freeholders to determine their business requirements and relocation needs. When this information is obtained, potential relocation premises will be explored. The Council, through Birmingham Property Services, and its agents will provide support to identify suitable relocation premises.

Site specific engagement

10.9 The Council has appointed specialists to act on its behalf in providing valuation of all interest of land and premises, a timeline for individual acquisitions and compensation claims, to negotiate the acquisition of interests of the various premises and land, and negotiate any compensation payments due for the premises and land acquired. Reflecting the scale of the Order and the range of interests affected, a number of agents have been appointed – all with experience of CPO in the local market – as follows:

- In relation to the African Village site, Holford Corner, the bus depot relocation site, BCU and National Express – Savills
- In relation to the houses on Wellhead Lane – Gateley Hamer
- In relation to Perry Barr Station and adjacent shops, and the land in front of One Stop Shopping Centre – Gerald Eve
- In relation to Birchfield High Street, and the forecourts on Birchfield Road, and the land at the south-eastern corner of Perry Barr Stadium – Carter Jonas

10.10 The extent to which these agents have made contact with interests in the area has varied depending on the nature of the acquisitions, and with a degree of prioritisation having been applied, as set out below.

10.11 Those parties with interests on the site required for the Athletes’ Village residential scheme, which by necessity had to be secured first, were engaged at the earliest practical opportunity:
HE is a partner in the delivery of the scheme, and the approach to their land is addressed in paragraph 10.25.

The outstanding interest on this part of the scheme is the Hare of the Dog Public House; negotiations with the owners are ongoing and described further at paragraph 10.22.

The early engagement with DfE enabled site (e) as identified in paragraph 3.7 to be acquired from them by the Council, and a site outside of the Order land adjacent to Holford Corner to be acquired by the Council from BCU as a replacement site for the proposed school.

10.12 Those parties with interests required to deliver the Games-time temporary overlay site have been engaged in a phased way:

- The largest interests, being BCU and National Express, have been engaged in negotiations since mid-2017. Heads of Terms have been prepared for agreement with National Express, and negotiations are ongoing with BCU.

- Similarly the largest interest on the proposed site for the relocation of the National Express bus garage has been in dialogue with the Council since late 2017 and was formally informed of the intention to make an Order in February 2018. Negotiations with the owner are progressing, with Heads of Terms agreed and acquisition expected to be completed before the end of 2018. All other interests on the relocation site have also now been engaged. The freeholders of the JobCentre have accepted the Council’s offer to acquire the site and this is also expected to be completed before the end of 2018. DWP are actively working with the City Council to explore relocation options.

- All interests on the Holford Corner site have been engaged. Offers have been made to the majority and it is expected that a number of acquisitions will be completed in early 2019.

- Council officers, and Gateley Hamer acting for the Council, have engaged with interests on Wellhead Lane including owner occupiers, investment landlords and tenants. The majority of the properties have now been inspected, and offers had been made on some two thirds at the point of issue of this Statement.

10.13 At Birchfield Gateway the approach has varied based on the nature of the relationship with occupiers:

- There was an existing relationship between the Council and/or HE and a number of the owners on the African Village site. This was utilised to make early approaches and progress negotiations. Offers have been made to all of the owners on this site.

- Engagement with interests at Birchfield High Street has varied, with a number of interests attending drop in sessions and having discussions with Council officers. Agents are now pursuing active negotiations, with inspections substantially complete and a number of offers made.

10.14 The Council has had ongoing engagement with the owners and operators of the One Stop Shopping Centre, with regular meetings having been held over a number of years to discuss regeneration in Perry Barr. A briefing on the CPO has been provided and discussions are ongoing to secure a voluntary agreement which will enable the scheme to be implemented.
10.15 The Council is engaging with Network Rail directly, whilst agents acting on behalf of the Council have begun negotiations with the leaseholders on the Network Rail land to the west of the A34. An offer has been made to the long leaseholder on the Network Rail land, and also to the freeholder adjacent to the Network Rail holdings.

10.16 Interests required to deliver carriageway widening on Birchfield Road to the south of Birchfield Island comprise forecourts. Initial letters to these interests have yielded some early engagement. Agents are now appointed to begin negotiations.

10.17 An initial discussion was held with the long leaseholder of Perry Barr Stadium in spring 2018. Agents are now appointed to begin negotiations to acquire the land required for the highways scheme.

CPO as a last resort

10.18 It is necessary to demonstrate in line with paragraph 2 of the Guidance that CPO is a last resort – that the scheme being promoted is the only way to deliver the proposals, and that acquisitions are necessary. As such, all interests have been invited to engage prior to the making of the Order (see paragraphs 10.3 – 10.17 above) and proactive approaches have been and continue to be made to assemble the land.

10.19 However, it is recognised that in some limited cases there may be alternative approaches which would enable the delivery of the necessary outcomes without acquisition – compulsory or otherwise. These will be fully explored, and where voluntary agreements which meet the needs of the scheme can be achieved then this positive approach will be supported. Whilst not an exhaustive list, a number of such opportunities are described in the following paragraphs.

10.20 The Hare of the Dog Public House will sit within the secure boundary of the Athletes’ Village during the Games. As such it will not be able to be operated as a PH and will need to be part of the ‘clean’ (in security and branding terms) Village venue. The Council is seeking to secure the appropriate use of the property for that period, although it will later be returned to a food and beverage/hospitality use if there is market demand.

10.21 Negotiations with BCU include exploring a range of flexible options which would secure the land for the proposed Games-time and legacy scheme.

10.22 The Council and HE are collaborating to agree a land swap which will enable the Council to take ownership of the land at the former BCU Teaching Campus. It is expected that this deal can be agreed in late 2018.

10.23 Where it is intended to acquire land through the CPO for the purposes of working space (chiefly in respect of highways works) the Council will take a flexible approach in considering whether to agree to temporary access on a voluntary basis.
11. Special Considerations

11.1 There are no ancient monuments or statutorily listed buildings within the Order Land.

11.2 The Order Land is not within an Area of Outstanding Natural Beauty, Site of Importance for Nature Conservation, Site of Local Importance for Nature Conservation, or Conservation Area. The Order Land does not contain any Consecrated Land.

11.3 There are Tree Preservation Orders (“TPO”) at two locations within the Order Land.

- The Birmingham (Land at corner of Aston Lane & Wellhead Lane) TPO 2011 falls within the land identified for the relocation of the National Express bus depot. This will be considered appropriately in the planning application prepared for this site.

- TPO 489 concerns 10 individual trees and 3 groups of trees on the site referred in this Order as the African Village site. The TPO will be considered as part of proposals for the site.

Special Land

11.4 There are two electricity substations in the ownership of Western Power Distribution (West Midlands) plc within the Order land. The Council is working with Western Power to ensure that these are replaced as is appropriate within the scheme, and that the scheme is appropriately serviced in terms of utilities provision for Games-time and in legacy.

11.5 There is telecoms equipment owned by Vodafone adjacent to the CPO boundary. There is also telecoms equipment within the boundary on footway on Birchfield Road adjacent to the African Village site. Should the proposals impact upon this equipment then the Council will work with owners to ensure appropriate reprovision.

11.6 National Express is a statutory undertaker under Section 8(1) of the Acquisition of Land Act 1981. The Council is working with National Express to progress plans for the relocation of the bus garage, and the relocation site is included within this Order at the junction of Aston Lane and Wellhead Lane, identified as site (p) in paragraph 3.7.

11.7 Homes England is a statutory undertaker under section 17 of the Acquisition of Land Act 1981. HE is working in partnership with the Council to deliver the scheme and has been fully engaged throughout the process.

11.8 The JobCentre is a Department for Work and Pensions (“DWP”) operation and as such the leasehold interest held in respect of the site on Aston Lane is a Crown lease. The Council is working with DWP to address relocation and continuing provision in line with JobCentre need in the area. The Council has written to the Department of Work and Pensions in respect of this (see BCC28).
11.9 The synthetic pitch adjacent to the Doug Ellis Sports Centre is considered to be open space under the definition set out in Section 19 of the Acquisition of Land Act 1981. In seeking to acquire this site in conjunction with the sports centre, for the scheme proposed, the Council believes it is ensuring its preservation. As such a certificate under Section 19 of the Acquisition of Land Act 1981 is being sought from the Secretary of State for Housing, Communities and Local Government alongside this Order to avoid the need for Special Parliamentary Procedure.
12. Human Rights

12.1 Section 6 Human Rights 1998 Act prohibits public authorities from acting in a way that is incompatible with the European Convention on Human Rights (“The Convention”).

Relevant Articles

12.2 Article 8 and Article 1 of the First Protocol of the Convention are of importance in making a CPO:

Article 8(1) – Everyone has the right to respect for private and family life, his home and his correspondence.

Article 8(2) – There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1 of the First Protocol – Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

12.3 The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Guidance

12.4 Article 8 applies where a local authority is considering disturbing residents’ private and family lives and removing them from their homes. It may also be relevant where residents who, although not directly affected by removal or dispossession, suffer significant disruption to their lives as a consequence of the authority’s actions.

12.5 Article 1 of the First Protocol applies where a local authority is considering the use of CPO powers to acquire private interests, and where it is proposing to dispossess residents of their homes.

12.6 The approach to be taken to give effect to rights under The Convention is also reflected in paragraph 12 of the MHCLG’s Guidance on the Compulsory Purchase Process:

A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the
land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.

12.7 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”, i.e. compulsory purchase must be proportionate. Both public and private interests are to be taken into account in the exercise of the Council’s powers. Similarly, any interference with Article 8 rights must be “necessary in a democratic society” i.e. the proposed interference must be necessary. In pursuing a CPO, the Council has to carefully consider the balance to be struck between individual rights and the wider public interest having regarded also the availability of compensation for compulsory purchase.

Considerations

12.8 In considering rights under The Convention in the context of the CPO it is necessary to consider the following questions:

(a) Does a right protected by this Article apply?

(b) Has an interference with that right taken place or will take place as a result of the CPO being made?

12.9 Clearly Article 8 does apply and therefore it is necessary for the Council to consider the possible justifications for the interference (Article 8(2)) as follows:

(a) Is the interference in accordance with law?

There is a clear legal basis for making the CPO under section 226(1) (a) of the 1990 Act.

(b) Does the interference pursue a legitimate aim?

The CPO is necessary for the development of the Order Land in accordance with planning and other policy.

(c) Is the interference necessary in a democratic society, i.e. is it proportionate?

This requires a balanced judgement to be made between the public interest and the rights of individuals. The CPO is considered to be both necessary and proportionate in that the land to be acquired is the minimum to achieve the objectives of redevelopment of the Order Land.

12.10 Any decision to deprive a person of possessions (which includes land) must strike a fair balance between the public interest and the private rights which are being taken.
12.11 In the case of both of these Articles (and indeed other provisions in the Convention) the Council has been conscious of the need to strike a balance between the rights of the individual and the interests of the public. In the light of the significant public benefit that would arise from the implementation of the proposed redevelopment the Council has concluded that it would be appropriate to make the CPO. It does not regard that the Order as constituting an unlawful interference with individual property rights.

12.12 Article 6 of The Convention also requires that those whose civil rights may be affected by a decision are given a fair hearing by an independent and impartial tribunal. This is secured by means of the CPO process, including the holding of an inquiry into any objections which may be made, and the ability to challenge any CPO confirmation decision in the High Court.

12.13 The opportunity has been given to landowners to make representations regarding the Council planning policies that underpin the proposed CPO. Objections may be made to the making of the CPO. Further representations can be made in the event of any Public Local Inquiry that the Secretary of State may decide to hold in connection with the CPO. Those directly affected by the CPO will be entitled to compensation under the compensation legislation, equivalent to the loss that they incur as a result of the acquisition.

Equalities

12.14 Paragraph 6 of the CPO Guidance provides that:

All public sector...acquiring authorities are bound by the Public Sector Equality Duty as set out in Section 149 of the Equality Act 2010. Throughout the compulsory purchase process acquiring authorities must have due regard to the need to (a) eliminate unlawful discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In performing their public functions acquiring authorities must have due regard to meet these 3 aims of the Equality Act 2010

12.15 An Equalities Assessment (EA) was carried out as part of the report to the Council’s Cabinet seeking authority to make the Order. A copy of the Executive Summary is at Appendix 4 of BCC5. The EA concluded that there was the potential for the scheme to have differential impacts, but that appropriate measures could and would be identified to mitigate against potential negative impacts. This is ongoing, with mitigation being reviewed regularly in light of information about affected parties, and includes engagement with affected parties on an ongoing basis.
13. Related Orders, applications or appeals

13.1 An Order under s247 of the Town and Country Planning Act is being made alongside this Order to address the stopping up of highways necessary to deliver part of this scheme.
14. **Views expressed by Government Departments**

14.1 A number of Government departments and agencies have expressed views on the scheme:

- The UK Government was a partner in submitting the bid for Birmingham to host the Commonwealth Games and is a partner is the Commonwealth Games Organising Committee.
- Government support, including Treasury sign off, was confirmed in September 2017 as described at paragraph 2.6.
- DCMS leads on the Commonwealth Games for Government. DCMS sits on the Athletes’ Village Capital Programme Board, and is well briefed on and supportive of the scheme.
- Ministry for Homes, Communities and Local Government ("MHCLG") has supported the scheme through an early funding announcement enabling the Council to meet timelines for development.
- Department for Transport ("DfT") has conducted site visits, and is supportive of the scheme. DfT was engaged in the assessment of the bid for the £165m funding secured from Government.
- Department for Work and Pensions ("DWP") has been engaged and is supportive in exploring opportunities to relocate its interest in the area.
- Homes England is a partner in the delivery of the scheme.
15. Contacts for further information

15.1 The following officers of Birmingham City Council can be contacted for further information:

General enquiries about the development proposals

Rebecca Farr
Development Planning
Birmingham City Council
PO Box 28
B1 1TR
Tel. 0121 464 9857
Email rebecca.farr@birmingham.gov.uk

General Enquiries about compensation and valuation issues

Allyson Marke-Wilson
Birmingham Property Services
Birmingham City Council
PO Box 16255
B2 2WT
Tel. 0121 303 3470
Email allyson.marke-wilson@birmingham.gov.uk

Enquiries about legal issues

Darren Donavan
Legal Services
Birmingham City Council
P. O. Box 15992
Birmingham
B2 2UQ
Tel. 0121 303 2373
Email darren.donavan@birmingham.gov.uk

Enquiries about rehousing issues

Carol Nicholls
Housing
Birmingham City Council
P.O. Box
Birmingham
B1 1TR
Tel. 0121 675 2409
Email carol.nicholls@birmingham.gov.uk
15.2 The Council has appointed agents to act on its behalf to negotiate acquisitions ahead of the Order being confirmed:

For enquiries about residential property and compensation

For properties on Wellhead Lane:

Malcolm Newman
Gateley Hamer
One Eleven,
Edmund Street,
Birmingham
B3 2HJ
Tel. 0121 212 7860 or 0779 533 5274
Email malcolm.newman@gateleyhamer.com

For properties on Birchfield Road and Crown Avenue:

Paul Astbury
Carter Jonas LLP
One Chapel Place
London
W1G 0BG
Tel. 020 7518 3328 or 07801666182
Email Paul.Astbury@carterjonas.co.uk

For enquiries about commercial property and compensation

For properties on the western side of Birchfield Road adjacent to Perry Barr Station and the land adjacent to One Stop Shopping Centre:

Hilary Wescombe
Gerald Eve LLP
Bank House
8 Cherry Street
Birmingham
B2 5AL
Tel. 0121 616 4831 or 07889 708090
Email HWescombe@geraldeve.com

For properties and forecourts on the eastern side of Birchfield Road, and for land at Perry Barr Stadium:

Paul Astbury
For properties on Holford Drive, Aldridge Road, Wellington Road and north of Aston Lane:
Michael Maguire
Savills
55 Colmore Row
Birmingham
B3 2AA
Tel. 0121 615 2662
Email michael.maguire@savills.com

For any other property not covered above see general contacts at 15.1.

Further Advice and Assistance

15.3 Those who own land within the CPO, as well as those served with Notice of CPO by reason of a Table 2 interest, may wish to appoint a solicitor or a surveyor to help understand how the CPO affects you and/or agree your compensation entitlement.

15.4 The Council will pay reasonable surveyor/legal fees relating to the acquisition of property of those affected. Appropriate surveyors can be found at:

http://www.rics.org.uk/

http://www.ricsfirms.com/

Or suitable solicitors firms can be found at:

http://solicitors.lawsociety.org.uk/

To view the CPO documentation

15.5 The Order documentation is available to view at:

1 Lancaster Circus
Birmingham
B4 7DJ

Or

Doug Ellis Sports Centre
150 Wellhead Lane
Perry Barr
Birmingham
B42 2SY

15.6 It is also available online at www.birmingham.gov.uk/perrybarrcpo
16. **List of Background Documents**

16.1 This Statement of Reasons is not intended to be a Statement of Case in accordance with the Compulsory Purchase (Inquiries Procedure) Rules 2007, but a list of documents which may be referred to at an Inquiry is set out below. The Council reserves the right to introduce such other additional documents as may be relevant to any public inquiry.

**CPO Documents**

BCC1  Copy of the Birmingham City Council (Perry Barr: Commonwealth Games Athletes Village and Legacy) Compulsory Purchase Order 2018 (“the CPO”)

BCC2  Plan booklet accompanying the CPO

BCC3  Statement of Reasons for making the Order (this document)

**Background Documents**

BCC4  Perry Barr location and context plans


BCC7  Commonwealth Games 2022 Birmingham: West Midlands Economic Impact Assessment (PwC, 2017)

BCC8  Photos of the Order Land

**Proposals**

BCC9  Commonwealth Games Athletes Village Concept Masterplan (September 2018)

BCC10  CGI of the Athletes’ Village residential scheme (Planning Application 2018/06313/PA)

BCC11  A34 Perry Barr indicative highway layout (October 2018)

**Policy Documents**

BCC12  National Planning Policy Framework (MHCLG, 2018)

BCC13  Birmingham Development Plan (BCC, 2017)
BCC14  Aston, Newtown and Lozells Area Action Plan (BCC, 2012)
BCC15  Places for All (BCC, 2001)
BCC16  Places for Living (BCC, 2001)
BCC17  Shopping and Local Centres Supplementary Planning Document (BCC, 2012)
BCC18  Draft Urban Centres Framework (BCC, 2018)
BCC19  Birmingham Connected (BCC, 2014)
BCC20  Greater Birmingham & Solihull Local Enterprise Partnership Strategic Economic Plan
BCC21  West Midlands Combined Authority Strategic Economic Plan

**Funding and Delivery Documents**

BCC22  Extract from Government Policy Statement Budget 2018
BCC23  Offer letter: Brownfield land and Property Development Fund
BCC24  Board Report of west Midlands Combined Authority – HS2 Connectivity Package
BCC25  HS2 Connectivity Package
BCC26  Cabinet Report of Birmingham City Council – Birmingham Cycle Revolution

**Correspondence**

BCC27  Early correspondence with affected parties
BCC28  Letter to Department for Work and Pensions
BCC29  Statements of support from key partners

**Other**

BCC30  Compulsory Purchase Process and the Critchel Down Rules (MHCLG, 2018)