

The Birmingham City Council (Station Road / Iron Lane / Flaxley Road Highway Improvements at Stechford and Alum Rock Birmingham) Compulsory Purchase Order 2017

And the

**The Birmingham City Council
(Station Road / Iron Lane / Flaxley Road)
(A4040 Classified Road)
(Side Roads and other Works) Order 2017**

**STATEMENT OF CASE OF BIRMINGHAM CITY COUNCIL IN
ACCORDANCE WITH RULE 7 OF THE COMPULSORY PURCHASE
(INQUIRIES PROCEDURE) RULES 2007 AND THE HIGHWAYS
(INQUIRIES PROCEDURE) RULES 1994**

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Statement of Case

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1. Purpose of this Statement

- 1.1 This Statement is made in accordance with Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and the Highways (inquiries Procedure) Rules 1994.
- 1.2 It describes the land which is included in the Birmingham City Council (Station Road / Iron Lane / Flaxley Road, Highway Improvements at Stechford and Alum Rock Birmingham) Compulsory Purchase Order 2017, explains why Birmingham City Council (the Council) has made the Order and responds to objections to the Order.
- 1.3 This Statement also describes the highways to be improved, stopped up, routes of new highway and the stopping up of private means of access which are included in the Birmingham City Council (Station Road / Iron Lane / Flaxley Road) (A4040 Classified Road) (Side Roads and other Works) Order 2017, explains why the Council has made the Order and responds to objections to the Order.

2. The Acquiring Authority

- 2.1 The acquiring authority is the Council.

3. The Compulsory Purchase Order and Side Roads Order

- 3.1 The Birmingham City Council (Station Road / Iron Lane / Flaxley Road, Highway Improvements at Stechford and Alum Rock Birmingham) Compulsory Purchase Order 2017 (BCC5) was made on the 13th September 2017 under sections 239 and 240 of the Highways Act 1980. The purpose of the Order is to facilitate the acquisition of land to enable the implementation of highway and junction improvements at Station Road, Flaxley Road and Iron Lane, Stechford, Birmingham.
- 3.2 The Birmingham City Council (Station Road / Iron Lane / Flaxley Road) (A4040 Classified Road) (Side Roads and other Works) Order 2017 (BCC1) Order was made on the 23rd August 2017 under Sections 14 and 125 of the Highways Act 1980. The purpose of the Order is to secure the necessary changes to the highway and private means of access to enable the implementation of highway and junction improvements at Station Road, Flaxley Road and Iron Lane, Stechford, Birmingham.
- 3.3 The highway improvements are necessary to address long term traffic congestion and poor access and crucial in advancing the economic growth potential of the Stechford area and Eastern Triangle (Birmingham Development Plan Policy GA8). There are currently 4 statutory objections to the both the Compulsory Purchase Order and Side Roads Order at the date of this Statement of Case.

The proposed scheme forms a key component of the Council's regeneration strategy and is supported by the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) through allocation of Local Growth Fund. The highway scheme and case for the Order is explained more fully in Sections 5 to 7.

4 Location and Description of the Order Lands

- 4.1 The highway scheme for which this Order is made is located in Stechford/Alum Rock in East Birmingham. Stechford is located approximately 4.5 miles (approximately 7 km) east of the city centre and lies on the A4040 – the key “outer circle” orbital route which broadly runs north to south through the area. The west coast main rail line runs through the area east to west, with Stechford station providing for local stopping services between the city centre and the Airport/NEC.
- 4.2 The area has a wide mix of residential, retail, community and industrial uses. The Stechford local centre is located south of the order lands and rail line and provides local shopping facilities as well as swimming and other sporting activities at the Stechford Cascades leisure centre. To the north of the railway is the Stechford Retail Park (although this is not recognised as forming part of the local centre), and a mix of industrial uses, residential and a number of vacant sites that have potential for development and redevelopment. This includes the former Bulls Head allotments and older industrial premises on Station Road and a cleared site at Station Road/Flaxley Road.
- 4.3 Running through the area to the north is the River Cole Valley – an important leisure and wildlife corridor that runs through much of east Birmingham. To the east of Stechford Bridge, the valley forms statutory Green Belt. (See location plan document BCC8).
- 4.4 The wider area comprises significant areas of established housing – Stechford and Yardley to the south and Hodge Hill to the north. Stechford has long been recognised as having a number of development opportunities although these have been partly restricted by the current highway arrangements.
- 4.5 The order lands are identified on the Order map and are detailed in the accompanying schedule. The order lands comprise the following:
- City Council Land with third party sub soil interests.
 - Any other third party interests
 - City Council Land with third party advertisement hoardings and lease agreements
 - Part of the east car park and land to the western section of Stechford Retail Park
 - Public Highway with third party sub soil interests

5 The Proposed Scheme

5.1 The proposed scheme will deliver road widening and junction improvements at Iron Lane, Flaxley Road and Station Road in Stechford. The scheme comprises the widening of Stechford Lane and Station Road from the Burney Lane roundabout to the junction with Albert Road and the replacement of the existing gyratory along Flaxley Road and Iron Lane with the provision of two new roundabouts. A realigned access is proposed to the Stechford Retail Park. The scheme includes a new slip lane at the Burney Lane roundabout and improved pedestrian and cycling facilities throughout. The proposal will increase junction capacity and reduce congestion in this location and greatly improve this section of the A4040 outer circle route.

5.2 The works required to deliver the scheme consist of:

- Demolition of the Flaxley Road Snooker Hall (demolished in 2016)
- Widening of Stechford Lane and Station Road (between Burney Lane and Flaxley Road) to dual carriageway, including a new road bridge structure over the River Cole, (a non-navigable river), to allow for a dual two lane carriageway section between Burney Lane roundabout and a new roundabout at the junction of Iron Lane / Station Road / Flaxley Road;
- Modifications to Burney Lane / Stechford Lane / Station Road roundabout including new dedicated slip lane from Stechford Lane to Station Road;
- Replacement of the existing signal controlled gyratory system at Iron Lane / Station Road / Flaxley Road with two new roundabout junctions one of which will form the revised access to the realigned Flaxley Parkway which provides access to the Stechford Retail Park;
- New shared use and segregated cycle / footways;
- Five new Toucan crossings and relocation and upgrading an existing pedestrian crossing to a Toucan crossing;
- A new access off Station Road to proposed development land;
- Loss of 3 highway trees, 2 trees in the public open space and one tree on the forecourt of the Shell petrol station, all of which will be replaced on a two for one basis within the scheme;
- A one way slip road from Albert Road onto Station Road (northbound), creation of a parking bay outside properties 51 to 61 Station Road;
- A new service road for properties 16 to 30 Flaxley Road;
- Relocation of 4 bus stops and provision of a new bus stop on Station Road opposite the Stechford Retail Park;
- Accommodation works to the car park of Stechford Retail Park and Imex Business Park.

5.3 The scheme cost is £12.984m including, works, statutory undertakers, land, fees and contingency provision. The scheme is funded from £7.038m Bus Lane Enforcement surplus, £0.946m Integrated Transport Block and £5.000m Local Growth Fund (LGF). See appendix A of BCC14.

On 16th March 2015, a report of the Deputy Chief Executive entitled 'Local Growth Fund Transport and Connectivity Projects: Programme Definition Document' was approved by Cabinet. The report allocated £0.55m to the Iron Lane / Station Road / Flaxley Road improvement scheme to develop the scheme to Full Business Case and for the advanced demolition of the Flaxley Road Snooker Hall BCC 12.

In November 2015 a Business Case for the scheme was submitted to the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP), requesting the release of £5m of LGF. Approval was given on 25th January 2016 BCC 13.

In May 2017, a report of the Strategic Director Economy entitled 'Iron Lane, Stechford, Junction Improvement, Full Business Case' was approved by Cabinet. The report approved the Full Business Case at a cost of £12.984m and accepted the £5m of LGF. This report also gave approval to make the Compulsory Purchase and the Side Roads Order

5.4 The construction works are currently programmed to commence on site in 2018, with 18 month contract duration.

6 Purpose of Acquisition and Changes to the Highway and Private Means of Access

6.1 To enable the implementation of the approved and funded Iron Lane, Flaxley Road and Station Road junction improvement scheme:

- i. The compulsory purchase order will allow the acquisition of all necessary outstanding interests
- ii. The side roads order will allow the necessary changes to the highway and private means of access.

7 The Case for the Compulsory Purchase Order and Side Roads Order

7.1 Stechford is a key location on the A4040 outer circle and as well as being an important transport corridor, is a focus for employment, retail and development opportunities. The area suffers from congestion and the existing junction arrangements at Station Road, Flaxley Road and Iron Lane are of a poor standard. This has led to the area being recognised as a "pinch point" on the A4040 with subsequent impacts on journey times for all vehicles, including public transport, pedestrians, cyclists and connectivity in general. A number of alternative junction improvements have been explored, but the current proposal is considered to be able to deliver the best solution in terms of enhancing junction capacity, reducing congestion and improving connectivity. The scheme can be delivered with the minimal acquisition of additional land and funding has now been agreed through the Local Growth Fund.

The needs for highway improvements have been recognised for a long time and have been set out in local planning policy in both the original Birmingham Plan (UDP) and more recently in the adopted Birmingham Development Plan

(BDP). The BDP also recognises the development potential of the Stechford area and the current proposals will both complement and facilitate growth proposals within the Eastern Triangle (Policy GA8).

There will be a number of benefits with respect to both the highway improvement scheme itself and the economic and residential development that will help to facilitate in the immediate and wider area.

The anticipated benefits to the area include:

- (a) Removal of pinch point on highway network
To remove a major pinch point on the A4040 Outer Ring Road at the junction of Station Road/Flaxley Road/Iron Lane
- (b) Improve access to urban employment sites
To provide improved access to a number of large urban employment sites outside of Birmingham city centre such as Heartlands Hospital, National Exhibition Centre, Birmingham Airport, Fort Dunlop, Jaguar Land Rover, Bromford and Washwood Heath.
- (c) Improve access to regeneration areas
To provide improved access to areas targeted for regeneration in the east of the City area such as the Eastern Triangle which includes Stechford, Meadway and Shard End, North Chelmsley Wood and the Fox and Goose and other shopping centres.
- (d) Increase highways capacity
The widening of Stechford Lane/Station Road (between Burney Lane and Flaxley Road) to dual carriageway, including a new road bridge structure over the River Cole to allow for a dual two lane carriageway section between Burney Lane roundabout and a new roundabout at the junction of Flaxley Road / Iron Lane and Station Road will increase the highway capacity.
- (e) Reduction in congestion
The increased highway capacity will help reduce congestion by increasing the throughput of traffic. This will increase the attractiveness of the area for investment in new housing, local businesses and jobs.
- (f) Reduced journey times
Reducing congestion will improve journey times made by public transport on the strategically important Number 11 "Outer Circle route" and also the numbers 14 and 8 bus routes
- (g) Improved pedestrian / cycle links
The provision of new shared and segregated cycle footways together with the new toucan crossings will enhance active travel.
- (h) Improved access to development sites

The increase in highway capacity, reduced congestion and provision of a new access into the site of former Bulls Head allotments, will improve access to both local and other adjacent development sites e.g. the former B & Q site and the site of the former Manor House Public House. This will make such sites more attractive to the market and encourage their effective use.

7.2 The Department for Communities and Local Government (DCLG) “Guidance on Compulsory Purchase Process and The Crichel Down Rules for the disposal of land acquired by, or under the threat of compulsion” October 2015 (updated 2017) provides advice to acquiring authorities in the preparation and submission of compulsory purchase orders and the matters that the Secretary of State can be expected to take into consideration when reaching a decision on whether to confirm an order.

To summarise, a compulsory purchase order should only be made

- Where there is a compelling case in the public interest. This statement and the supporting documents provide comprehensive evidence as to the benefits to be delivered by the junction improvement scheme, including improvement in terms of highway capacity, reduction in congestion, improving journey times for all vehicles including key public transport bus routes, improving pedestrian and cycle facilities and permeability, providing improved accessibility to large urban employment sites as well as to areas targeted for regeneration and development sites thereby enhancing the local economy. The Council considers all these factors demonstrate a compelling case in the public interest.
- Where the Council is sure that the purposes for which the CPO is made justify interfering with the human rights of those with an interest in the land affected. The Secretary of State confirming the order will take a balanced view between the intentions of the Council, the concerns of those with an interest in the land affected and the wider public interest. The Council considers that after reviewing and balancing these various interests, the use of compulsory purchase powers in this case is justified.
- Where the Council has a clear idea of how it intends to use the land which it is proposing to acquire – for this Order there is an approved scheme for the highway improvements. This is in accordance with local policy as set out in the Birmingham Development Plan which itself has been subject to substantial consultation.
- Where resources are likely to be available within a reasonable time-scale to deliver the proposals - this statement of reasons and supporting documentation contain the necessary financial approvals and information to show funding exists for the Order process, acquisition of the land and delivery of the highway improvements
- Where the Council can show that the scheme is unlikely to be blocked by any impediments to implementation. Other orders such as the Side Roads Order or other consents necessary for the scheme, will be sought alongside the Order to ensure this requirement of the Guidance is met. Planning consent is deemed granted under the provisions of Schedule 2

Part 9 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The scheme requires alterations to the access to Stechford Retail Park and related works and planning permission (Ref: 2017/02934/PA) has been obtained by the Council for these modifications. All that is now required is the confirmation of the Compulsory Purchase Order and the Side Roads Order after which the Council will be in a position to deliver the junction improvement scheme.

The Council has considerable experience of successfully delivering highway schemes. Including:

- The Selly Oak New Road, this scheme was successfully taken through public inquiry in 2005 and delivered in phases. The road was opened in 2010 to provide access to the new Queen Elizabeth Hospital.
- Other Local Growth Fund Projects including:
 - Minworth Island – signalisation of Minworth Island, works completed May 2017.
 - Infilling of A34 Subways – works completed October 2016.
- Pinch Points Programme:
 - Haden Circus, Bordesley Circus and Curzon Circle – all roundabout improvement works completed 2016.
- Local Sustainable Transport Fund Programme:
 - A mix of sustainable transport improvements along the Bristol Road, Pershore Road and Warwick Road Corridors. The works programme was completed 2016.
- Cole Hall Lane Bridge:
 - Replacement of single lane temporary Bailey Bridge controlled by traffic signals at both ends with permanent two way bridge not requiring traffic signal control. The works programme was completed
 - The Council is also involved in wider transport projects that aim to support economic growth and connectivity such as the Birmingham metro Extension and HS2.

8 Planning Matters

Planning Permission

8.1 Under the Town and Country Planning (General Permitted Development)(England) Order 2015 (Schedule 2 Part 9 Class A – Development by Highway Authorities), the proposed highway scheme constitutes permitted development.

Class A defines permitted development as the carrying out by a highway authority:

(a) on land within the boundaries of a road, of any works required for the maintenance or improvement of the road, where such works involve

- development by virtue of section 55(2)(b) of the Town & Country Planning Act 1990; or
- (b) on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.

8.2 Planning permission for the new road to replace that part of Flaxley Parkway to be stopped up along with the proposed accommodation works required to Stechford Retail Park as a result of the highway scheme was approved on 6th July 2017 Application reference 2017/02934/PA BCC17.

9.0 Planning Policy Context

9.1 The following sections summarise relevant planning and related policies at the national and local level. In particular it sets out how the proposals for the scheme are in accordance with policies both at the national and local level.

9.2 The proposals are also consistent with other local initiatives such as the Birmingham Cycle Revolution, Birmingham Connected, West Midlands Strategic Transport Plan and the objectives of the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) Strategy for Growth and Strategic Economic Plan. Crucially, part funding for the proposals has been secured from the GBSLEP through the Local Growth Fund BCC 16

9.3 The National Planning Policy Framework BCC9

9.3.1 Development proposals accord with national guidance in the National Planning Policy Framework (NPPF). The NPPF sets out a clear presumption in favour of sustainable development, which all new developments should follow. Paragraph 7 of the Framework sets out the three dimensions to sustainable development, which comprise economic, social and environmental. The economic role includes the provision of infrastructure, the social role includes providing the supply of housing and accessible local services that the local community needs, and the environmental role includes contributing to protecting and enhancing our natural, historic and built environment. Paragraph 9 of the Framework sets out that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life. This includes making it easier for jobs to be created, replacing poor design with better design, improving the conditions in which people live, work, travel and take leisure and widening the choice of high quality homes.

Paragraph 14 of the Framework sets out that "At the heart of the National Planning Policy framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking."

9.3.2 The proposals for Stechford are also consistent with the planning core principles set out in paragraph 17. The proposals will support growth in this part of the city which will particularly accord with the following principles:

- To proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- To encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- To actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

9.4 The Birmingham Development Plan BCC10

9.4.1 The City Council's Birmingham Development Plan (BDP) was adopted on 10 January 2017. It has been subject to significant public consultation, Examination in Public, and Inspectors report and modifications. It also replaces the majority of the original Unitary Development Plan (UDP). A number of Design policies and city-wide policies within the UDP have, however, been retained pending the completion and adoption of the Planning Management Development Planning Document.

9.4.2 The BDP provides the key part of the City Council's statutory planning framework guiding decisions on all development and regeneration activity in the city over the period to 2031. It responds to the projected increase in population of 156,000 over the period, and supports the development of homes and jobs to cater for this rise as well as all the necessary infrastructure and services that will be required.

9.4.3 The BDP recognises the important role that transportation and improved connectivity plays in both helping Birmingham deliver its growth agenda and attract investment. Paragraph 3.37 recognises that:

“The provision of high quality infrastructure will underpin the successful delivery of growth that is sustainable and long term.”

9.4.4 Section 5 of the plan sets out proposals for the spatial delivery of growth across the city and how this will require focussing significant development into a number of locations which currently play an important role in providing homes, jobs and supporting facilities. A number of key locations are identified including the “Eastern Triangle” – where regeneration and growth of around 1000 new homes and improvements to local centres is focussed on the Meadway, Stechford and Shard End. Policy GA8 Eastern Triangle gives further detailed information on the approach to development including how at Stechford this will include the promotion of new residential development at a number of sites, the growth and improvement of Stechford local centre, improved accessibility by all means, a resolution to the transport and congestion issues within the area including the junction of Station Road, Flaxley Road and Iron Lane along with environmental improvements and enhanced access to the Cole Valley.

The junction improvement proposals for Stechford are therefore a key element in delivering growth as set out in the BDP.

9.4.5 The BDP also recognises that high quality transport connections are vital to the city's future economic prosperity and social inclusiveness. Paragraph 9.2 recognises that:

“Transport is an enabler for economic growth and for the City to successfully deliver its sustainable growth agenda it will need to develop its existing transport networks ensuring that they provide an effective, efficient and comprehensive public transport system, high quality routes and environments for pedestrians and cyclists, an efficient road network and modern digital infrastructure.”

9.4.6 Paragraph 9.5 goes on to state that the City Council will seek to ensure that transport initiatives promote;

“Economic sustainability by providing effective and efficient connections between people and jobs, and between businesses and their suppliers and customers.

Social sustainability by providing a comprehensive and fully accessible transport system which connects and serves all members of Birmingham's diverse communities.

Environmental sustainability by supporting the development of a connected city whilst seeking to minimise the negative impacts of the current and future environment.”

The proposal which is the subject of this order accords with all three of these objectives. It both provides better connectivity for businesses and communities in this part of the city; it facilitates the industrial and other development and incorporates an enhanced environment for both cyclists and pedestrians.

9.4.7 The proposal incorporates cycling provision with dedicated or shared cycle lanes throughout the scheme. These facilities then connect into the wider Cole Valley Cycle Route and it therefore accords with policy TP40 of the BDP which states that;

“Cycling will be encouraged through a comprehensive city-wide programme of cycling infrastructure improvements (both routes and trip end facilities) supported by a programme of cycling promotion, accessible cycling opportunities, training and travel behavioural change initiatives.”

9.4.8 The BDP also recognises the importance of public transport and policy TP41 deals with various aspects improving public transport facilities and infrastructure. This includes working to ensure road space is managed efficiently to support public transport through initiatives such as bus priority and infrastructure, and the development and extension of metro/bus rapid transit to facilitate the improvement of the public transport offer on key corridors. TP41 identifies a number of potential projects, including a range of

additional SPRINT/rapid transit routes. This includes the Outer Circle/route 11 which forms the orbital route through Stechford.

- 9.4.9 Most important of all, the proposal accords with policy TP44 on traffic and congestion management which states that;

“The optimum use of existing highway infrastructure across all modes will be encouraged and priority investment in the highway network to support the city’s sustainable transport network and development agenda will be promoted.”

- 9.4.10 As such the implementation of the Station Road/Iron Lane junction improvement proposals is protected by a Highway Improvement Line (HIL) and it is one of the 14 “Key HIL Schemes” identified and protected within policy TP44.

9.5 The Birmingham Connected White Paper BCC11

- 9.5.1 The Birmingham Development Plan (BDP) sets out the Council’s strategy for jobs and growth, meeting housing needs and sustainability. The Birmingham Connected White Paper is directly linked to the strategies and policies of the BDP. It sets out the agenda for investing in a radically improved integrated transport system that will realise the city’s potential to support sustainable economic growth, job creation and linking communities. Its vision is to create a transport system which puts the user first and delivers the connectivity that people and businesses require. In particular people’s daily lives will be improved by making travel more accessible, more reliable, safer and healthier and using investment in transport as a catalyst to improve the fabric of the city. In this way the transport system will be used as a way of reducing inequalities across the city by providing better access to jobs, training, healthcare and education as well as removing barriers to mobility.

- 9.5.2 The Birmingham Connected White Paper sets out the following five guiding principles for transportation in the city.

Efficient Birmingham – Birmingham Connected will facilitate the city’s growth agenda in the most efficient and sustainable way possible, strengthening its economy and boosting jobs.

Equitable Birmingham – Birmingham Connected will facilitate a more equitable transport system; linking communities together and improving access to jobs and services.

Sustainable Birmingham – Birmingham Connected will specifically reduce the impacts of air and noise pollution, greenhouse gas emissions and energy consumption.

Healthy Birmingham – Birmingham Connected will contribute to a general raising of health standards across the city through the promotion of walking and cycling and the reduction of air pollution.

Attractive Birmingham – Birmingham Connected will contribute to enhancing the attractiveness and quality of the urban environment in local centres, key transport corridors and the city centre.

The proposal will contribute either directly or indirectly to all these objectives but particularly by helping to facilitate the city's growth agenda within the Eastern Triangle.

- 9.5.3 The Birmingham Connected White Paper also sets out the vision for Active Travel which will include the establishment of walking and cycling as default modes of travel across the city. People will choose these active modes because they will be safe, fast, healthy and affordable. The scheme has been developed and designed to help promote these active travel modes.
- 9.5.4 In particular the scheme has been designed to promote cycling and dedicated or shared cycle lanes are provided throughout the scheme which connect into the wider cycling network across the city. The proposal will therefore contribute to Birmingham Connected objective that cycling will become a mainstream form of transport over the next 20 years including the target for 5% of all trips in the city to be made by bike by 2023 and to double this again to 10% by 2033.
- 9.5.5 Importantly the proposal is also identified as a committed scheme for 2015-2017 in Birmingham Connected's delivery programme.

9.6 Birmingham's Green Agenda

- 9.6.1 The City Council has an ambitious agenda to become a leading green city and reduce carbon dioxide emissions by 60% by 2027. A number of priorities have been identified to achieve this target as set out in 'The Green Commission Report' (2013). These include investment in combined heat and power schemes, energy efficiency in buildings and creating local renewable energy and sustainable travel systems.
- 9.6.2 A commitment to achieving sustainable development is now expected to be demonstrated from all proposals. Guidance for developers will be set out within the draft document 'Your Green & Healthy City' SPD, which is currently in preparation following previous consultation on the Places for the Future Draft Supplementary Planning Document. The draft SPD will address how developments can be shaped to be as sustainable as possible and include standards all development proposals should meet.
- 9.6.3 Although the proposal is for a significant junction improvement, it does have benefits for the local environment and has been designed with the principles of sustainability in mind. It will help to facilitate brownfield development on a site that has been vacant for several years as well as improve access for other local development opportunities and for the Stechford local centre. It will also help to tackle congestion on the local and wider highway network. The design of the scheme also incorporates measures to promote sustainable transport including benefits for bus services and facilities for both cyclists and pedestrians.

9.7 The Birmingham Growth Agenda

- 9.7.1 After a number of decades of decline, the population of Birmingham is increasing, with projections that the population of the city will increase by 156,000 by 2031. This level of growth brings with it increased demands for a whole range of services and facilities, as well as greater demands for jobs and training. Area based regeneration will become increasingly important in providing for a rising population.
- 9.7.2 The BDP states at paragraph 4.8 that in order to provide employment for the City's growing population and reduce existing levels of unemployment and worklessness an additional 100,000 jobs need to be created.
- 9.7.3 Section 5 of the BDP outlines how growth will be delivered spatially and details the Growth Areas which will make a significant contribution to this. The Eastern Triangle which includes Stechford is identified as Growth Area GA8.

10 Funding and Delivery

- 10.1 The capital cost of this proposal is £12.984m (including, works, contingency, statutory undertakers, land costs and fees). The project is funded by £7.038m Bus Lane Enforcement surplus, £0.946m Integrated Transport Block and £5.000m Local Growth Fund (LGF). The Full Business Case for the project was approved on 16th May 2017 by Birmingham City Council. .

Approval for £5.000m of the LGF element was given by GBSLEP in January 2016. See also BCC14, BCC16 and BCC17.

- 10.2 The highway works will be procured as a single contract through the Birmingham City Council Highways and Infrastructure Works Framework. Contractors on Lot 4 works (over £0.5m) will be invited to tender under the National Engineering & Construction Contract. Quotations will be assessed in accordance with the Price / Quality split section, 4.1.1. of Volume B of the Highways and Infrastructure Works Framework.
- 10.3 The appointment of the contractor to carry out the construction works would follow completion of the land acquisitions either by negotiation or CPO.
- 10.4 The landscaping works will be procured through the Birmingham City Council's Landscape Construction Framework Agreement 2015-2019.
- 10.5 The demolition of the snooker hall was procured through the "finditinbirmingham" route. Approval for the demolition was given in the report dated 16th March 2015 see BCC14. As the demolition works were below £200k, authority to appoint a contractor and place an order was sought through a delegated authority from the Assistant Director Transportation & Connectivity on 11th May 2016. The demolition works were completed in November 2016.

11 Special Considerations

- 11.1 No part of the Order Lands falls within a Conservation Area nor are there any statutorily listed or locally listed buildings within the Order Lands.
- 11.2 There are no scheduled Ancient Monuments within the Order Lands. The area contains a number of listings within the Council's Historic Environment Record, including reference to the Stechford Settlement and to sites of a tile kiln and watermill.
- 11.3 Land within the Cole Valley to the north east of Stechford Bridge comprises both open space and statutory Green Belt but is not affected by the Order of the works.

12 Views Expressed by Government Departments

- 12.1 No views have been made by a government department

13 What steps the acquiring authority has taken to negotiate

- 13.1 Negotiations with the representatives of Stechford Retail Park (SRP) and Birmingham City Council Property Services have been ongoing since June 2015 to secure the land required for the scheme.
- 13.2 In principle SRP have no objection to the proposed highway improvements and negotiations are ongoing. Discussions are proceeding with all affected tenants / lease holders within the retail park.
- 13.3 Discussions have taken place with respect to the proposed changes to private means of access. No objections have been received to the proposed changes.

14 Consultation.

- 14.1 A public consultation exercise was carried out on the Highway proposals between June 2015 and September 2015.
- 14.2 Ward Councillors, the Executive Members for Hodge Hill and Yardley Districts, Emergency Services, Centro, bus operators, cycling groups, other key stakeholders and residents were all consulted of the scheme development stage and the results are given in Appendix D to the Full Business Case. In summary there is an overwhelming public support of the scheme with over 90% of the consultation responses received in support of the scheme. BCC15
- 14.3 The planning application (2017/02934/PA) for the amendment of the Stechford Retail Park access and reconfiguration of car parking layout, totem structures and landscaping was subject to consultation between 12th April and 26th May 2017 which included press and site notices. No comments were received from either residents or traders.
- 14.4 Local planning policies which underpin the Council's proposals have also been subject to consultation over a number of years. The various consultation versions of the Birmingham Development Plan have included references to

highway improvements and development opportunities at Stechford. This included the 2010 Core Strategy consultation draft and the 2014 Submission Version of the BDP. The plan was subject to Examination in Public in October and November 2014. No consultation comments were received with respect to the proposals.

15 Human Rights and Public Sector Equality Duty

- 15.1 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.”) There are 2 main articles of The Convention which are applicable to the making of the Order.

ARTICLE 8

“Everyone has the right to respect for private and family life, his home and his correspondence.”

“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.

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. “

15.2 Guidance

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.

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

The approach to be taken to give effect to rights under The Convention is also reflected in paragraph 12 of DCLG guidance on Compulsory Purchase Process October 2015:- “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”.

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 to the availability of compensation for compulsory purchase.

15.3 Consideration of Human Rights Issues

Article 8(1) provides that everyone has the right to respect for his/her property but Article 8(2) allows the State to restrict the rights to respect for the property to the extent necessary in a democratic society and for certain listed public interest purposes e.g. public safety, economic well-being, protection of health and protection of the rights of others.

In considering Articles 8 and Article 1 of the First Protocol of The Convention in the context of dispossession and compulsory purchase, it is necessary to answer the following:

- Does a right protected by these Articles apply?
- Is the interference in accordance with law?
- Does the interference pursue a legitimate aim?
- Is the interference necessary in a democratic society?

15.3.1 Does a right protected by these Articles apply?

ARTICLE 1 of the FIRST PROTOCOL

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions...”

Clearly the dispossession of an owner of their property through CPO (and if relevant enforced rehousing) will impinge on this right. Also, as a tenancy is a possession under this provision, the rights of tenants must be taken into

consideration. The Council must therefore consider all the possible justifications for this interference as detailed in considerations (b), (c) and (d) set out below.

ARTICLE 8

Article 8.1 provides that everyone has the right to respect for his/her private and family life, home and correspondence. Article 8.2 allows the State to restrict these rights to respect to the extent necessary in a democratic society and for certain listed public interest purposes.

The essence of this right lies in the concept of respect for the home as a right to privacy, in the same context as private and family life and correspondence. Article 8.1 does not concern itself with the person's right to the peaceful enjoyment of their home as a possession; this is dealt with under Article 1 of the First Protocol.

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:

15.3.2 Is the interference in accordance with law?

There is a clear legal basis for making the CPO under sections 239 and 240 of the Highways Act 1980

15.3.3 Does the interference pursue a legitimate aim?

The CPO is necessary to implement a junction improvement scheme to which there is no impediment to implementation (subject to the confirmation of the CPO/SRO)

15.3.4 Is the interference necessary in a democratic society?

This requires a balanced judgement to be made between the public interest and the rights of individuals, and the rights and freedoms of others.

15.4 Conclusion

The Council has considered the effect of the above articles of The Convention and decided that, on balance, it is in the general public interest and of benefit to the community to make the CPO over and above the interest of the individuals affected.

Interference with Convention rights is considered by the Council to be justified. The Council in making this Order has noted no residential properties are being acquired and therefore has not needed to have particular regard to meeting the alternative housing needs of the affected households. It has had regard to the rights of individuals to compensation in accordance with the Land Compensation Act 1973 (as amended.) and the Land Compensation Act 1961 and Compulsory Purchase Act 1965 is considered to be both necessary and proportionate in that the land to be acquired is the minimum to achieve this Scheme's objectives

15.5 Equalities duties

In addition authorities must also have regard to the Public Sector Equalities Duty in determining whether to use compulsory purchase powers, and in particular the differential impacts on groups with protected characteristics. This has been considered as part of the reports to approve the making of the order see Document (BCC15)

With regards to removing/minimising disadvantages suffered by those with protected characteristics and steps that can be taken (as well as encouragement) as part of the compulsory purchase process, the Council can provide copies of the explanatory Statement of Case in braille, moon, audio tape or in different languages. The Council has published all the Order core documents on its website to make them as accessible and available as early as possible it will also provide hard copies of Order documents for those without access to the internet. Those affected by the Order are encouraged to seek professional advice and the Council will meet professional fees in appropriate circumstances. Before the compulsory purchase process, there was significant local consultation on both the emerging Development Plan and development proposals for the area.

As the Order progresses, should there be a need for a Public Local Inquiry, when choosing a venue the Council will have regard to those with disabilities and will consider what other steps it can take in respect of eliminating/minimising discrimination for those with protected characteristics.

16 Inquiries Procedure Rules

This Statement is a Statement of Case in accordance with the Highways (Inquiries Procedure) Rules 1994 and the Compulsory Purchase (Inquiries Procedure) Rules 2007. A list of documents which may be referred to at an Inquiry is attached.

17 Related Orders, applications or appeals which would require a coordinated decision by a confirming minister.

This Statement of Case deals with the Birmingham City Council (Station Road / Iron Lane / Flaxley Road Highway Improvements at Stechford and Alum Rock Birmingham) Compulsory Purchase Order 2017 and the Birmingham City Council (Station Road / Iron Lane / Flaxley Road) (A4040 Classified Road) (Side Roads and other Works) Order 2017.

There are no other related Orders.

18 Objections to the Compulsory Purchase Order and Side Roads Order

Objections have been received from four parties to both the Compulsory Purchase Order and the Side Roads Order. Three being statutory objections and the fourth a non-statutory objection from a business on the Stechford Retail Park

The case of each objector is considered in turn below and the Council reserves the right to expand and add to its response. As the objections raised by each objector to the Compulsory Purchase Order and the Side Roads Order are identical or substantially the same the summary of the objections and responses are given once covering both Orders.

18.1 ERF Birmingham SARL (Luxembourg), Plots 4 & 6

ERF Birmingham SARL (Luxembourg) acquired the freehold interest on 26th March 2014 for the Stechford Retail Park. They have objected to the Orders by way of letters dated 5 October 2017 from their agents, Lambert Smith Hampton.

18.1.1 Summary of objection

- (a) The Company is concerned over the permanent loss of car parking on the east side of the retail park, which it claims will have a material adverse impact upon the ability of the occupational tenants to trade and will impact upon employment in the area and the performance of the retail park as a whole.
- (b) The Company maintains the Acquiring Authority has not engaged in meaningful negotiations and therefore it is premature to use of compulsory powers.
- (c) The Company is concerned about the impact of the works on the performance of the retail park. The Company claims the Acquiring Authority has not properly engaged with the Objector or the occupational tenants in respect of the impacts of the scheme. Nor has the Acquiring Authority helped to identify what, if any, measures could be taken to mitigate the effects of the scheme on the Objector or the retailers. The company is concerned over the anticipated level of interference to the retail park will be significant and the potential damage to the occupational tenants' businesses is likely to severely impact upon employment in the area.
- (d) The Company claims the Acquiring Authority has not presented an analysis of peak hour Saturday data, which is when traffic in and out of the retail park is busiest and has stated that some of the data was collected in June 2015 when some schools and colleges may have departed post exams.
- (e) The Company has expressed a concern regarding the extent of 'working space' and the temporary loss to two areas of car parking and interference to means of access and egress to property over and above the permanent loss that will be suffered if the Order is made.
- (f) The Company claims there has been inadequate consultation with all affected parties, in particular the retailers who will be affected both during and upon completion of the works. The Company claims there has been very limited consultation between the Acquiring Authority and the occupational tenants other than one site meeting held on 9 August 2017.

18.1.2 Response

- (a) In order to deliver the Iron Lane scheme, it is necessary to acquire part of the Stechford Retail Park on the eastern side of Flaxley Parkway. The scheme will require the temporary loss of some parking spaces during the construction of the re-aligned Flaxley Parkway and completion of the accommodation works on Stechford Retail Park to the east and west of Flaxley Parkway. However the duration of the temporary loss of parking will be kept to a minimum with a phased construction approach being adopted as shown on the Construction Plans (BCC19). On completion of the scheme the overall parking provision will be 551 spaces an increase from the existing provision of 491 spaces for the whole site. The scheme, which is part funded by the Greater Birmingham and Solihull Local Enterprise Partnership supports house building in the area which will contribute to economic growth through supporting existing businesses and wider economic development.
- (b) Birmingham City Council held an Initial Public Consultation on 1st June to 21st June 2015 – with letter / plans delivered to all the tenants at Stechford Retail Park, including a letter to Lambert Smith Hampton. Site notices and advance signage promoting the public consultation and address to the consultation website were erected in the vicinity. The City Council then held ‘drop in sessions’ with an Exhibition Bus parked on the Stechford Retail Park where the proposals could be viewed and discussed with Council Officers. The dates of the ‘drop in sessions’ were as follows:
- Wednesday 3rd June 2015, 10.00 to 14.00
 - Monday 8th June 2015, 14:00 to 17:00
 - Saturday 13th June 2015, 10.00 to 14.00
 - Tuesday 16th June 2015, 16:00 to 19:00

A second public consultation was held, following feedback received from the initial consultation, between 7th September and 20th September 2015.

The Planning Application (Ref: 2017/02934/PA) for the reconfiguration of the car parking, totem structures and landscaping on Stechford Retail Park was validated and recorded being received on 3rd April 2017 and notices served to Lambert Smith Hampton. Press and site notices were published and no comments were received in respect of the application, which was subsequently approved at Planning Committee on 6th July 2017. Furthermore, prior to the submission of the Planning Application the City Council corresponded with Lambert Smith Hampton and agreed the proposed layout prior to formal submission.

There has been an ongoing dialogue between the City Council (through its’ appointed property consultants Bruton Knowles) and Lambert Smith Hampton from May 2016. All correspondence between Bruton Knowles and Lambert Smith Hampton is detailed in the ‘Correspondence Schedule’ (BCC22). As shown on the schedule, the majority of contact relates to fees, exchanging of current information and queries regarding independent traffic modelling data. Bruton Knowles has not yet received a claim from Lambert Smith Hampton in

respect of their client's loss and therefore has not been in a position to discuss any matters relating to valuation and compensation.

Furthermore, Lambert Smith Hampton requested on 28th July 2017 that no direct contact be made from the City Council / Bruton Knowles to the tenants. Any contact with the tenants will be made by Lambert Smith Hampton.

- (c) The Council is of the view the majority of the highway improvement works will have no direct impact on the Stechford Retail Park and can be constructed off line without affecting the existing highway network. The works will be delivered in a phased approach where off line works are to be constructed first to increase the capacity of the highway, approximate duration 12 months. The works at the retail park will be undertaken in phases to minimise disruption to the operation of the park, it is anticipated the duration of the works directly relating to Stechford Retail Park to be approximately 10 months. Indicative Construction plans have been prepared (BCC19) and these were issued to Lambert Smith Hampton on 5th December 2017, the indicative Construction Plans will be issued as part of the tender package to appoint a works contractor.
- (d) The Council has updated the existing Traffic Model to include the Saturday peak time, the draft model has been issued to Lambert Smith Hampton on 24th November 2017.

The comparative flow, travel time and network performance assessment demonstrate that the scheme provides a clear improvement when compared against the respective Do-Nothing scenario and that:

- The scheme provides a clear benefit in terms of journey time, flow and generic network performance most notably at the Iron Lane gyratory where the twin-roundabout scheme has unlocked congestion and improved north-south movements along the A4040 corridor.
 - The access and egress to the retail park (Flaxley Parkway) operates efficiently within the Saturday Do-Something modelling under a 2021 scenario.
 - Access to the retail park will be improved following the introduction of the scheme, given that the large queues that currently exist on the northern and southern approaches to the existing gyratory will be removed.
 - The Automatic Traffic Counts and data was collated during 22nd June – 28th June 2015, this period was not during half term time and local schools / colleges were operating as normal. Therefore any associated traffic volumes with schools / colleges trips would have been included within the data.
- (e) The working space shown on the drawing CA_02709_S1_048 is required to construct the permanent highway works and reconfiguration of the parking on Stechford Retail Park in a safe manner. The working space is not required for the duration of the 18 month construction contract. The works will be delivered in phases and the working space on Stechford Retail Park

will only be required when works relating to the Park are being carried out. Access and egress to / from Stechford Retail Park will be maintained at all times, this will be a contractual requirement stipulated in the roadwork's contract. The Construction Plans (BCC19) indicate the vehicle and pedestrian access points during the construction works.

- (f) This has been addressed in response (b) where details of communications and consultations have been provided.

18.2 T J Morris Ltd., trading as Home Bargains, Plot 6

T J Morris Ltd., Home Bargains has a leasehold interest in Unit B on the Stechford Retail Park. They have objected to the Orders by way of a letter dated 11 October 2017.

18.2.1 Summary of objection

- (a) The Company is concerned there will be a permanent loss of car parking facility in the area of the Park upon which Home Bargains are situated. The Company is of the view that the Park should be considered as two retail parks, given the divide in the middle of the Park. The Company maintains Car Park capacity in the area of the Park on which Home Bargains is situated, is currently limited and therefore the loss of 30 spaces is of material concern and as a result customers will be deterred from using Home Bargains and other stores on the Park and this will have a significant adverse impact upon trading.
- (b) The Company is concerned over the impact of the 18 month construction works period on trade. The Company claims in similar scenarios, at other stores, customers have reduced by as much as 15% with takings down by up to 20%, effectively reducing annual takings by £2.1 million. The Company claim a similar impact will be felt by other traders on the Park, and this will have a significant and material adverse impact upon businesses trading from the Park for a significant period of time, resulting in traders seeking to reduce costs and thereby reducing the number of employees they employ.

18.2.2 Response

- (a) Stechford Retail Park was developed on former industrial land that had been occupied by the Parkinson Cowan stove factory. The original 1992 outline planning application was for retail warehousing, industrial business units, car parking and highway works. The retail park was developed as a single retail park with units served by communal parking areas arranged around a single access road. The level of parking provided at the retail park and currently available exceeds the standard that which would now be applied by the Council in considering planning applications for new development, as set out in the Car Parking Guidelines Supplementary Planning Document adopted in February 2012 (BCC27). The scheme will require the temporary loss of some parking spaces during the construction of the re-aligned Flaxley Parkway and completion of the accommodation works on Stechford Retail Park to the east and west of Flaxley Parkway. However the duration

of the temporary loss of parking will be kept to a minimum with a phased approach being adopted as shown on the Construction Plans (BCC19). On completion of the scheme the overall parking provision will increase from the existing provision of 491 spaces for the whole site to 551 spaces. This will continue to exceed the parking standards set out in the Supplementary Planning Document.

- (b) The Council undertook parking surveys at Stechford Retail Park on the following dates 17th, 19th, 21st and 27th November 2016 (BCC23). The parking survey shows that the maximum occupancy of the parking was 73% for the site as a whole and on average occupancy fell below 60%.
- (c) The Council is of the view the majority of the highway improvement works will have no direct effect on the Stechford Retail Park and can be constructed off line without impacting on the existing highway network. The works will be delivered in a phased approach where off line works are to be constructed first to increase the capacity of the highway, approximate duration 12 months. The works at the retail park will be undertaken in phases to minimise disruption to the operation of the park, it is anticipated the duration of the works directly relating to Stechford Retail Park to be approximately 10 months. Indicative Construction plans have been prepared (BCC19) and these will be issued as part of the tender package to appoint a works contractor. The working space shown on the drawing CA_02709_S1_048 is required to construct the permanent highway works and reconfiguration of the parking on Stechford Retail Park in a safe manner. The working space is not required for the duration of the 18 month construction contract. The works will be delivered in phases and the working space on Stechford Retail Park will only be required when works relating to the Park are being carried out. Access and egress to / from Stechford Retail Park will be maintained at all times, this will be a contractual requirement stipulated in the roadwork's contract. The Construction Plans (BCC19) indicate the vehicle and pedestrian access points during the construction works.

There is no evidence at this stage to suggest a temporary or permanent detrimental effect on trade.

18.3 Argos Ltd, Plot 4 and McDonalds Restaurants Ltd, Plot 4

Argos Ltd has a leasehold interest in Unit J on the Stechford Retail Park. They have objected to the Orders by way of letters dated 16 October 2017.

McDonald's Restaurants Ltd has a leasehold interest in Unit K/L on the Stechford Retail Park. They have objected to the Orders by way of letters dated 16 October 2017.

Chartered Surveyors, Montagu Evans, acting for both Argos Ltd and McDonald's Restaurants Ltd have submitted identical objections for both companies, as such the 'Summary of Objection' and 'Response' given below covers the objections of both companies.

18.3.1 Summary of objection

144523/05618764

- (a) The Company has stated it does not object in principle to the proposed scheme underlying the Order. However, the Company is concerned at the potential adverse impacts of the scheme and the underlying works which are programmed to take 18 months, for the continued operation of its retail business.
- (b) The Company claims it is unaware of any previous or ongoing contact having been made with its representatives to discuss the scope and nature of the works or the steps being taken to mitigate potentially adverse impacts.
- (c) The Company states it is dependent upon unrestricted customer and service access for the success of its business and the removal or reconfiguration of existing rights and any restrictions on access during construction of the works will have a significant and adverse impact on the business and it is contended that this will not be in the public interest.
- (d) The Company states in the absence of discussions initiated by the Council, it has various concerns which it contends that the Council needs to address before either the Order or related Stopping Up Order can be approved. These include;-
 - i. Accommodating continued customer access and service access during the scheme works period.
 - ii. The retention of existing levels of available customer parking during and after the scheme works.
 - iii. Maintaining full services and utilities during the scheme works.
 - iv. The provision of access for emergency vehicles during the scheme works.
 - v. Confirmation of the final scheme position and the detail of boundary treatments proposed.
 - vi. Details of protective provisions and safeguards to be put in place to prevent adverse environmental impacts on the Property whilst construction takes place given the particular sensitivities of this business.
 - vii. Confirmation of how access in the wider locality is to be maintained throughout the scheme works period.
 - viii. The provision of a traffic plan and method statement with phasing plans for the period of the scheme works illustrating how access will be maintained to the retail park for customers and service deliveries alike.

18.3.2 Response

- (a) The Council notes both companies do not object in principle to the scheme however they are concerned over the 'potential adverse impacts' of the scheme and the operation of the retail businesses during construction. The

latter point is addressed below. The benefits of the scheme are given in Sections 5 to 7 and 9.4 of this Statement.

The Council is of the view the majority of the highway improvement works will have no direct effect on the Stechford Retail Park and can be constructed off line without impacting on the existing highway network. The works will be delivered in a phased approach where off line works are to be constructed first to increase the capacity of the highway, approximate duration 12 months. The works at the retail park will be undertaken in phases to minimise disruption to the operation of the park, it is anticipated the duration of the works directly relating to Stechford Retail Park to be approximately 10 months. Indicative Construction plans have been prepared (BCC19) and these will be issued as part of the tender package to appoint a works contractor. The working space shown on the drawing CA_02709_S1_048 is required to construct the permanent highway works and reconfiguration of the parking on Stechford Retail Park in a safe manner. The working space is not required for the duration of the 18 month construction contract. The works will be delivered in phases and the working space on Stechford Retail Park will only be required when works relating to the Park are being carried out. Access and egress to / from Stechford Retail Park will be maintained at all times, this will be a contractual requirement stipulated in the roadwork's contract. The Construction Plans (BCC19) indicate the vehicle and pedestrian access points during the construction works.

- (b) Birmingham City Council held an Initial Public Consultation on 1st June to 21st June 2015 with a letter and plans delivered to all the tenants at Stechford Retail Park. Site notices and advance signage promoting the public consultation and address to the consultation website were erected in the vicinity. The City Council then held 'drop in sessions' with an Exhibition Bus parked on the Stechford Retail Park where the proposals could be viewed and discussed with Council Officers. The dates of the 'drop in sessions' were as follows:

- Wednesday 3rd June 2015, 10.00 to 14.00
- Monday 8th June 2015, 14:00 to 17:00
- Saturday 13th June 2015, 10.00 to 14.00
- Tuesday 16th June 2015, 16:00 to 19:00

A second public consultation was held, following feedback received from the initial consultation, between 7th September and 20th September 2015.

The Planning Application (Ref: 2017/02934/PA) for the reconfiguration of the car parking, totem structures and landscaping on Stechford Retail Park was validated and recorded being received on 3rd April 2017 and notices were served to Lambert Smith Hampton being the agent representing the interest of the freeholder and the retail park's managing agents. Site and press notices were published and no comments were received in respect of the Application, which was subsequently approved at Planning Committee on 6th July 2017. Furthermore, prior to the submission of the

Planning Application the City Council corresponded with Lambert Smith Hampton and agreed the proposed layout prior to formal submission.

There has been an ongoing dialogue between the City Council (through its' appointed property consultants Bruton Knowles) and Lambert Smith Hampton from May 2016. All correspondence between Bruton Knowles and Lambert Smith Hampton is detailed in the 'Correspondence Schedule' (BCC22). As shown on the schedule, the majority of contact relates to fees, exchanging of current information and queries regarding independent traffic modelling data.

Furthermore, Lambert Smith Hampton requested on 28th July 2017 that no direct contact be made from the City Council / Bruton Knowles to the tenants. Any contact with the tenants will be made by Lambert Smith Hampton.

- (c) Access and egress to / from Stechford Retail Park will be maintained at all times, this will be a contractual requirement stipulated in the roadwork's contract. The working space shown on the drawing CA_02709_S1_048 is required to construct the permanent highway works and reconfiguration of the parking on Stechford Retail Park in a safe manner. The working space is not required for the duration of the 18 month construction contract. The works will be delivered in phases and the working space on Stechford Retail Park will only be required when works relating to the Park are being carried out.
- (d) Comments to summary of points raised are as follows:
 - i. Access and egress to / from Stechford Retail Park will be maintained at all times, this will be a contractual requirement stipulated in the roadwork's contract. The Construction Plans (BCC19) indicate the vehicle and pedestrian access points during the construction works.
 - ii. The scheme will require the temporary loss of some parking spaces during the construction of the re-aligned Flaxley Parkway and completion of the accommodation works on Stechford Retail Park to the east and west of Flaxley Parkway. However the duration of the temporary loss of parking will be kept to a minimum with a phased approach being adopted as shown on the Construction Plans (BCC19). On completion of the scheme the overall parking provision will be 551 spaces an increase from the existing provision of 491 spaces for the whole site.
 - iii. The City Council and the appointed roadwork's contractor will work with utility companies to divert / protect services affected by the works. It is normal practice for services to be maintained at all times.
 - iv. Access and egress to / from Stechford Retail Park and through the works will be maintained at all times for emergency services, this will be a contractual requirement stipulated in the roadwork's contract.

- v. The position of and detail of the boundary treatment formed part of the planning application (Ref: 2017/02934/PA) for the reconfiguration of the existing car parking layout, totem structures and landscaping as shown on Drawing 80301 PL01 (BCC25).
- vi. The controls for noise, vibration and dust are set out in the Highway and Infrastructure Works Framework 2014 – 2018. The works contract for Iron Lane will be in accordance with this Framework. The controls are set out below:

NOISE CONTROL GENERAL

- The Contractor will be bound by the requirements of this Clause as to the work which the Project Manager will permit at various times and locations throughout the site.
- Permitted maximum levels of neighbourhood noise must be within the limits set in the Regulations. It will be the responsibility of the Contractor to obtain all necessary approvals/ consents.
- The Contractor furnishes such information as may be required by the Local Authority responsible for the granting of Consents under Section 61 of the Control of Pollution Act 1974 in relation to noise levels emitted by plant or equipment used or installed on the site or which the Contractor intends to use or install on the site.
- The Contractor affords all reasonable facilities to enable authorised officers of the Local Authority responsible for the granting of consents under Section 61 of the Control of Pollution Act 1974 in order to carry out such site noise monitoring as may be necessary.
- The work to be carried out is to comply with the general recommendations of British Standard BS 5228 'Code of Practice for Noise Control on Construction and Open Sites' and attention is drawn in particular to Part 1 of the Code, entitled 'Noise'.
- All equipment is to be operated, sited and maintained so that disturbance to people living or working in the immediate area is minimised. In particular, all items of machinery powered by internal combustion engines must be fitted with effective and well-maintained mufflers and that all parts of such vehicles, Contractor's Equipment are maintained in good repair and in accordance with the manufacturer's instructions, and are so operated as to minimise noise emissions. Only "sound reduced" compressors will be used, and any equipment or panel fitted by the manufacturer for the purpose of the reduction of noise shall be maintained and operated so as to minimise noise. Any pneumatically operated percussive tools shall be fitted with approved muffles or silencers which shall be kept in good repair. Damped steels shall be used wherever practicable. Engines of motors or machines which will be out of use for a period exceeding 15 minutes shall be turned off.

- The Contractor's attention is drawn to Section 16 of the West Midlands County Council Act 1980, relating to the minimising of noise from air-powered tools and compressors.
- Should the Project Manager so direct, the Contractor will notify the occupiers of nearby buildings likely to be affected by the works, explaining the type of work and measures taken to minimise noise disturbance.

VIBRATION CONTROL

- The Contractor should be aware that nuisance caused by construction machinery in the form of vibration must be kept to the minimum.
- The Contractor's attention is drawn to British Standard 6472 and BS 5228 Part 2 for advice concerning vibration.
- The attention of the Contractor is drawn to the Special Requirements for Statutory Undertakers and Other Bodies, and in particular the need to avoid excessive vibration when working in the vicinity of gas mains.

DUST CONTROL

The Contractor will ensure that dust is kept to a minimum on the site and will ensure that:

- The plant required to dampen down the site is available at all times.
 - A source of water is secured to enable watering to continue during periods when the use of water from stand pipes for such a purpose is prohibited.
 - All unbound materials being delivered to site or transported off site are covered to prevent dust arising when they are deposited or transported.
 - All vehicles delivering or transporting off site unbound materials will have covers. All covers will be free from tears and properly fitted.
- vii. The works at the retail park will be undertaken on a phased approach to minimise the potential for any disturbance to the operation of the park. It is anticipated the duration of the works directly relating to Stechford Retail Park to be approximately 10 months, indicative Construction plans have been prepared (BCC19) and these will be issued as part of the tender package to appoint a works contractor. As shown on the Construction Plans it is intended to construct the new section of dual carriageway Stechford Lane and Station Road as the first phase to add additional traffic capacity.

- viii. Access and egress to / from Stechford Retail Park will be maintained at all times, this will be a contractual requirement stipulated in the roadwork's contract. The Construction Plans (BCC19) indicate the vehicle and pedestrian access points during the construction works. A method statement covering the construction works directly relating to Stechford Retail Park has been prepared (BCC28) this document will be issued as part of the tender package to appoint a works contractor.

Documents Supporting the Orders

- BCC1 - The Birmingham City Council (Station Road/Iron Lane/Flaxley Road) (A4040 Classified Road) (Side Roads and other Works) Order 2017
- BCC2 - Plan accompanying the Birmingham City Council (Station Road/Iron Lane/Flaxley Road) (A4040 Classified Road) (Side Roads and other Works) Order 2017
- BCC3 - Scheme Plan accompanying the Birmingham City Council (Station Road / Iron Lane / Flaxley Road) (A4040 Classified Road) (Side Roads and other Works) Order 2017.
- BCC4 - Statement of Reasons for the Birmingham City Council (Station Road / Iron Lane / Flaxley Road) (A4040 Classified Road) (Side Roads and other Works) Order 2017.
- BCC5 - The Birmingham City Council (Iron Lane / Station Road / Flaxley Road, Highway Improvements at Stechford and Alum Rock Birmingham) Compulsory Purchase Order 2017.
- BCC6 - Plan accompanying the Birmingham City Council (Iron Lane / Station Road / Flaxley Road, Highway Improvements at Stechford and Alum Rock Birmingham) Compulsory Purchase Order 2017
- BCC7 - Statement of Reasons for the Birmingham City Council (Iron Lane / Station Road / Flaxley Road, Highway Improvements at Stechford and Alum Rock Birmingham) Compulsory Purchase Order 2017
- BCC8 - Location Plan
- BCC9 - National Planning Policy Framework
- BCC10 - Birmingham Development Plan 2031 – Extracts and Policies Map

- BCC11 - The Birmingham Connected Moving Our City Forward Birmingham Mobility Action Plan White Paper November 2014
- BCC12 - Cabinet Report 16th March 2015 Local Growth Fund Transport and Connectivity Projects: Programme Definition Document.
- BCC13 - GBSLEP Full Business Case for Iron Lane, Stechford submitted November 2015
- BCC14 - Cabinet Report 16th May 2017 Iron Lane, Stechford, Junction Improvement, Full business Case
- BCC15 - Consultation Schedule/Summary/ letters sent and consultation area map
- BCC16 - Letter from GBSLEP approving funding dated 25th January 2016
- BCC17 - Approved Planning Permission Decision Letter 6th July 2017 for new road layout at Flaxley Parkway and alterations to Stechford Retail Park. (Ref: 2017/02934/PA) and report to Planning Committee 6th July 2017
- BCC18 - This Statement of Case
- BCC19 - Indicative Construction Phasing Plans
- BCC20 – VISSIM STUDY - Traffic Model Report November 2017
- BCC21 - LSH Iron Lane Junction Improvement Letter dated 22nd March 2016
- BCC22 - 'Correspondence Schedule' – Schedule of correspondence between Birmingham City Council / Bruton Knowles and Lambert Smith Hampton.
- BCC23 - Stechford Retail Park Parking Count Survey November 2016
- BCC24 – Photographs – November 2017
- BCC25 - Retail Park Tree & Hedge Planting Plan 80301 PL01
- BCC26 - The Birmingham Plan – Birmingham Unitary Development Plan 2005 - Extracts
- BCC27 - Car Parking Guidelines SPD 2012
- BCC28 - Method Statement for the Highway Works and Accommodation Works at Stechford Retail Park