STATEMENT OF REASONS

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257

BIRMINGHAM CITY COUNCIL (PUBLIC FOOTPATH (ID:2086) (PART ADJOINING WISHAW LANE)) PUBLIC PATH STOPPING UP ORDER 2020

1. Introduction
   1. This is the Statement of Reasons **(‘SoR’**) of the order making authority, Birmingham City Council **(‘BCC’),** setting out why it considers that the Birmingham City Council (Public Footpath (ID: 2086) (Part Adjoining Wishaw Lane)) Public Path Stopping Up Order 2020 (‘**Order’**) should be confirmed by the Secretary of State for the Environment, Food and Rural Affairs (‘**Secretary of State’**).
   2. The SoR is provided pursuant to paragraph 1.5 of the *Planning Inspectorate’s Guidance on procedures for considering objections to Definitive Map and Public Path Orders in England* dated September 2020 (‘**Guidance’**). In accordance with the Guidance, this SoR:
      1. Explains how the Order meets the relevant statutory and policy criteria for confirmation;
      2. Confirms that the requisite consultation exercise has been undertaken; and
      3. Comments on the objections made to the Order.
2. Background
   1. The Order was made by BCC on 6 August 2020 in support of the delivery of one of the UK’s most significant new manufacturing and logistics sites.
   2. The effect of the Order, if confirmed, will be to stop up that part of the public right of way adjoining Wishaw Lane (ID:2086) shown by a bold black line on the Order Map, commencing at a point 507 metres north north east of the junction between Summer Lane and Wishaw Lane (point A1 on the order map) with a width of 2 metres and running in an easterly direction for 5 metres and continuing in an east north easterly direction for 308.5 metres and terminating at a point 603.4 metres north north west of Wiggins Hill Bridge (point B1 on the order map).
   3. Following the making of the Order, the requisite notices of the making of the Order were given by BCC on 13 August 2020 in prescribed form pursuant to Schedule 14, Part 1, paragraph 1(2) of the Town and Country Planning Act 1990 (as amended) **(‘1990 Act’**).
   4. Any representations about or objections to the Order were invited to be sent to BCC by post or email by 18 September 2020. In recognition of the risk of postal delays due to the covid-19 pandemic, BCC allowed for a representations period of 36 days, 8 days in excess of the statutory period of 28 days prescribed in Schedule 14 of the 1990 Act.
   5. Three objections (‘Objections’) to the Order have been received from:
      1. Dr Paul Hoad by email dated 17 September 2020;
      2. Mr Chris Jennings on behalf of Save Our Rights of Way (SOROW) by letter dated 14 September 2020; and
      3. Mr Jack Jennings by letter dated 17 September 2020.
   6. Copies of the Objections to the Order accompany the Order submission. BCC’s comments on the Objections are set out below at section 6 of this SoR.
3. Legal and Policy Framework
   1. Section 257(1) of the 1990 Act provides for an Order to be made authorising the stopping up (or diversion) of a footpath if it is necessary to do so in order to enable development to be carried out in accordance with planning permission already granted under Part III of the 1990 Act.
   2. The leading case on the ambit of section 257 is *Vasiliou v Secretary of State for Transport (1991) 61 P&CR 5* **(‘Vasiliou’**).
   3. Holgate J, in the case of *Network Rail Infrastructure Ltd, R (On the Application Of) v The Secretary of State for the Environment, Food And Rural Affairs [2017] EWHC 2259 (Admin*) (‘**Network Rail’**) summarised the relevant matters that the Secretary of State is required to take into account when considering whether to confirm the Order:

*“(i) The Secretary of State cannot make an order under section 247 or confirm an order under section 257 unless satisfied that a planning permission exists (or under sections 253 or 257(1A) will be granted) for development and that it is necessary to authorise the stopping up (or diversion) of the public right of way by the order so as to enable that development to take place in accordance with that permission (see also language to the same effect in section 259(1A)(b));*

*(ii) But even if the Secretary of State is so satisfied, he is not obliged to confirm the order; he has a discretion as to whether to confirm the order and therefore may refuse to do so;*

*(iii) In the exercise of that discretion the Secretary of State is obliged to take into account any significant disadvantages or losses flowing directly from the stopping up order which have been raised, either for the public generally or for those individuals whose actionable rights of access would be extinguished by the order. In such a case the Secretary of State must also take into account any countervailing advantages to the public or those individuals, along with the planning benefits of, and the degree of importance attaching to, the development. He must then decide whether any such disadvantages or losses are of such significance or seriousness that he should refuse to make the order.*

*(iv) The confirmation procedure for the stopping up order does not provide an opportunity to re-open the merits of the planning authority's decision to grant planning permission, or the degree of importance in planning terms to the development going ahead according to that decision.*

*As a form of shorthand it is convenient to refer to the test in (i) above as a "necessity" test and the test in (iii) above as a "merits" test[[1]](#footnote-1)”*

* 1. Applying *Vasilou* and *Network Rail* , the Secretary of States needs to be satisfied as to:
     1. The existence of a planning permission;
     2. The ‘need’ for the Order; and
     3. The ‘merits’ of the Order
  2. In deciding whether to confirm the Order, the Secretary of State must also have regard to:
     1. The relevant guidance on Rights of Way contained in DEFRA Circular 1/09[[2]](#footnote-2); and
     2. Paragraphs 39-45 of the *Planning Inspectorate’s Rights of Way (General Guidance on public rights of way matters)*[[3]](#footnote-3), among other things, which states:
        1. Before an Order can be confirmed, it must be apparent that there is a conflict between the development and the right of way;
        2. That the planning merits of the development itself are not in issue and should not be allowed to be re-opened

1. Existence of a Planning Permission
   1. A hybrid planning application for the development of a high-quality employment park at Peddimore submitted jointly by IM Properties PLC **(‘IM’**) and Birmingham City Council Property Services (‘**the Applicants’**) was granted planning permission by BCC on 2 September 2019 (2019/00108/PA) **(“Planning Permission**”).
   2. The approved description of development is as follows:

*“Hybrid planning application comprising: Outline application with all matters reserved for an employment park comprising B1b, B1c, B2 and/or B8 uses, including ancillary offices (B1a), gatehouses and security facilities, service yards and HGV parking, plant, vehicular and cycle parking, landscaping, pedestrian and cycle infrastructure, green and blue infrastructure, ancillary business and community facilities (D1/D2/B1a/A3/sui generis) including a multi-purpose hub building and associated development. Full planning application for a new roundabout access from the A38, construction access and compound area, internal spine road, site gatehouse, primary substation and tower, engineering operations including foul pumping station, acoustic fencing, earthworks (including creation of development plot plateaus), pedestrian and cycle infrastructure and structural landscaping including drainage infrastructure and development platform within Peddimore Brook corridor for ancillary business and community facilities.”*

* 1. The Peddimore scheme is one of the UK’s most significant new manufacturing and logistics sites that will deliver 2.7 million square foot of employment space. Located near Birmingham, 2.5 miles from junction 9, M42, the Peddimore scheme will provide a new strategic gateway on the A38, a main arterial route into Birmingham city centre, and its proximity to the motorway network will offer connectivity to the rest of the UK, providing units from 70,000 to 1 million sq ft.

1. The need for the Order
   1. The Order is necessary to enable the Peddimore development to be carried out. In summary, this is because:
      1. Without the Order, there would be a physical obstacle to the Peddimore development proceeding in that it is necessary to stop-up the western section of PROW 2086 as it crosses Development Zone 2 where earthworks will be required as part of the first phase site enabling works; and
      2. Without the Order, there would be a legal obstacle to the Peddimore development proceeding in that condition 9 of the Planning Permission requires the stopping-up of PROW 2086 before any development (other than the A38 roundabout works and temporary construction accesses) can take place.
   2. As to the physical obstacle, the western extent of PROW 2086 (313.5m) needs to be permanently stopped up as it crosses through Development Zone 2 of the proposed development. The extent of Development Zone 2 is illustrated on the Parameters Plan (drawing no. 17046\_P0002) approved through the hybrid planning permission and comprises 25ha.
   3. The reasons why PROW 2086 cannot be retained in its entirety throughout the proposed development are, in summary, as follows:
      1. The western terminus of PROW 2086 connects to Wishaw Lane, which itself will be stopped-up pursuant to an Order pursuant to Section 247 of the 1990 Act already confirmed by the Secretary of State for Transport pursuant to the Peddimore hybrid planning permission (NATTRAN/WM/S247/3752).
      2. The Peddimore scheme parameters have sought to provide significant structural landscaping areas at the peripheries of the site, whilst allowing flexibility for a range of layouts to come forward within Development Zone 2.
      3. Development Zones 1 and 2 will be private and secure employment environments for the benefit of future occupiers (though much of the remaining business park will be publicly accessible).
      4. There is a need to protect the ability for a major occupier seeking a large footprint unit within Development Zone 2 (as shown illustratively on hybrid planning application masterplan drawing no. 17046\_P0005). Policy GA6 of the Birmingham Development Plan safeguards 40ha of the site for B1c and/or B2 uses.
      5. The creation of development plateaus during the site infrastructure and enabling works with the objective of achieving a balanced “cut and fill” will avoid the need to export and import ground material from the site and reduce the likelihood of environmental impacts. This would not be possible if PROW 2086 were to be retained.
   4. As to the legal obstacle, the hybrid planning permission for Peddimore includes the following pre commencement condition (9):

*“Other than the A38 roundabout works to be developed in accordance with the Section 278 Agreement and works to create temporary construction accesses no development shall take place unless and until an order has been made authorising the stopping up of public right of way ID 2086 to the full extent shown on plan PED-BWB-GEN-XX-TR-DR-007 rev P11. PROW 2086 must thereafter be stopped up prior to any works that effect PROW 2086 being carried out.*

*Reason: In order to deliver the Peddimore Growth Area in the Birmingham Development Plan (Policy GA6) and the development hereby permitted it is necessary to stop-up of PROW ID 2086 as it connects to Wishaw Lane which also needs to be stopped-up, the PROW extends across areas of structural landscaping and the PROW extends across Development Zones where plateaus will be created during construction.”*

* 1. The effect of condition 9 is that save for initial preparatory highway and access works, the Peddimore development cannot proceed until the western section of PROW 2086 has been stopped up.

1. Objections to the Order & BCC’s comments on the objections
   1. As set out in paragraph 2.5 above, 3 objections to the Order have been received from Dr Paul Hoard, Mr Jack Jennings, and Mr Chris Jennings on behalf of SOROW.
   2. In relation to Dr Hoad’s objection, BCC would make the following comments:
      1. With respect to Dr Hoad’s suggestion that BCC failed to give due notice of the Order to the general public:
         1. BCC can confirm that it followed the prescribed notification and consultation requirements in Schedule 14, Part 1 of the 1990 Act, including timescales, notices, advertisements and statutory consultees. The notification process involved prescribed notices:
            1. Being placed in the Birmingham Post local newspaper on 13 August 2020;
            2. Being sent to the prescribed persons and specified statutory consultees in Schedule 14, Part I, paragraph (2)(b);
            3. Being erected in prominent positions on site;
         2. Copies of the Order and Order paperwork were made available for inspection and to take home free of charge at The Management Suite, Birch Coppice Business Park, Dordon, Tamworth, B78 1SZ from 9.00am-4.00pm on Mondays to Fridays and was used in lieu of BCCs Council offices which were not open for public inspection due to the covid-19 pandemic.
         3. Conscious that the covid-19 pandemic may cause postal delays and members of the general public being unwilling/unable to publicly inspect the Order paperwork, BCC went beyond the statutory notification and consultation requirements by allowing a representation and objection period of 36 days instead of the 28 day statutory period and publishing the Order and Order paperwork on BCC’s BeHeard website which is a consultation page where all notices are posted.
      2. With respect to Dr Hoad’s suggestion that the Order paperwork was buried on the Council’s website, BCC would point out that there is no statutory duty to advertise the making of the Order online. As to the functionality of BCC’s website, BCC’s website has won two international awards for its simplicity to use and ease of finding information. The BCC website was provided on the prescribed notice and the Order and Order paperwork could be easily located from that web address through the use of the search function. Overall, BCC consider that it went above and beyond its statutory duty by giving members of the public the opportunity to view the Order online
      3. As to Dr Hoad’s suggestion that there were insufficient opportunities to inspect the Order paperwork. The Order was advertised:
         1. In a local newspaper;
         2. On site;
         3. The Management Suite, Tamworth (as local buildings were closed due to Covid-19);
         4. On the council website;
         5. Sent directly to adjacent landowners;
         6. Sent to statutory consultees.
      4. The list of persons notified as referenced in (v) and (vi) above accompany the Order submission.
      5. As to Dr Hoad’s suggestion that the consultation period was inadequate, BCC disagree with this contention . The period between 13th August and 18th September consisted of 36 days over and above the statutory minimum period of 28 days.
      6. As to Dr Hoad’s suggestion that the making of the Order during covid-19 was discriminatory to the elderly and vulnerable persons shielding, Dr Hoad does not particularise how the making of the Order purportedly discriminates against these persons. As previously stated, BCC went beyond the statutory notification and consultation requirements in Schedule 14 to the 1990 Act. In the absence of any covid-19 specific guidance on rights of way orders from the Secretary of State, BCC took all reasonable steps to bring the making of the Order to the public’s attention and to make the Order paperwork as publicly accessible as possible in the circumstances.
      7. As to Dr Hoad’s suggestion that the consultation period was intentionally run over the school holiday period:
         1. There is no statutory or policy requirement requiring BCC to publicise the making of the Order during school term time only.
         2. While part of the notice period for the Order was during the school holidays, the Autumn term start dates for the closest schools to the Peddimore site were Minworth Junior and Infant School (1st September), Walmley Infant School (1st September), and Walmley Junior School (2nd September).
         3. Therefore, members of the public had the opportunity to view the notices when the new school term started giving persons who may have been away for the school holidays (noting the covid-19 restrictions limiting family holidays) circa 16 days to consider and make representations on the Order. As for holidays, although BCC understands and appreciates that members of the public may go away or take staycations, BCC are not convinced that many members of the public would have been away for the whole or bulk of the 36 days consultation period. Accordingly, therefore, despite running slightly over the school holiday period, BCC consider that the length of the consultation period was ample to allow members of the public the reasonable opportunity to consider and comment on the Order.
      8. As to Dr Hoad’s contention that there was insufficient explanation as to how the Order fitted with the Peddimore development programme:
         1. BCC went beyond the requirements of the statutory scheme in publishing an explanatory note (copy attached at Appendix 1) in non-technical language explaining how the Order and the interrelated proposal to create and dedicate under common law a new bridleway **(‘Bridleway’**) between the retained section of Wishaw Lane in the north and Wiggins Hill Road in the south-east (see further below) fitted with the Peddimore development scheme.
         2. Documents relating to the Peddimore development scheme are publicly available on the BCC planning register;
         3. BCC are happy to address any specific questions and queries that Dr Hoad and /or other members of the public may have on these and other matters related to the Order and Peddimore scheme. In this regard, it should be noted that there has been a considerable level of consultation activity undertaken by the Applicants generally in respect of the Peddimore development scheme including, for example, a significant mailout (covering circa 27,000 addresses), providing links to public consultation material/ website (still live). It was open to Dr Hoad to contact BCC and/or the Applicants at any point if he considered the interrelationship between the Order and the Peddimore development programme was insufficiently clear. Indeed, members of the public are welcome to contact BCC by any means if they are unclear as to such matters.
      9. As to Dr Hoad’s objection that the implementation of the Order is not dependant on the implementation of the planning permission and creation and dedication of the Bridleway:
         1. The Order is required to facilitate the commencement of the Peddimore development and without the Order being confirmed substantial commencement cannot take place given the physical and legal obstacles outlines above;
         2. Subject to confirmation of the Order, Birmingham City Council Property Services **(‘BCC Property’**) have agreed to create and dedicate under common law the Bridleway between the retained section of Wishaw Lane in the north and Wiggins Hill Road. A copy of the common law dedication report and notice can be found at Appendix 2. The proposed Bridleway would provide a point of access between Wishaw Lane in the north and Wiggins Hill Road in the south-east creating an off-road walking, cycling and horse-riding route that is free from motorised travel. It will also create a connection with PROW 2086 at what is proposed to become its western terminus and with a network of permissive paths to be created pursuant to the Planning Permission which is secured in the Section 106 agreement.
      10. It will be seen from points (i) and (ii) above, that save for initial enabling works that the confirmation of the Order is the trigger for implementation of the Peddimore development and provision of the Bridleway. Due to large scale earth works and major engineering works taking place on the relevant part of the development site, it is not possible to create and dedicate the Bridleway in advance of the implementation of the Order but BCC Property Services are committed to its provision and have the requisite internal authority in place to create and dedicate the Bridleway at the first available opportunity. BCC would not have gone to the time and expense of bringing forward and consulting on the proposed Bridleway and obtaining the requisite internal authority if it did not intend to follow through and implement its creation and dedication, which is part of its on-going programme, in its capacity of local highway authority, of working with local partners and stakeholders to improve accessibility in and around the Sutton Coldfield area for the benefit of residents and visitors.
      11. As to Dr Hoad’s suggestion that the Order has not been given a specific reference number, the Order paperwork has been duly labelled and referenced pursuant to the statutory scheme and prescribed forms in the Town and Country Planning (Public Path Orders) Regulations 1993 . The Order is not a planning application under the 1990 Act and is not, therefore, referenced by BCC in the same way as a planning application is.
      12. It will be seen from the above analysis that Dr Hoad’s objections, consisting largely of procedural complaints and his perceived deficiencies with the statutory scheme for section 257 orders, do not go to the necessity for or merits of confirming the Order in the public interest which is addressed at section 5 and 7 of this SoR .
   3. In relation to the objection by Mr Chris Jennings on behalf of SOROW, BCC would make the following comments in response:
      1. As to Mr Jennings’s suggestion that the Order will create an inconvenience to users and an interruption to the local network of paths:
         1. These comments do not take into account the provision in the Order confirmed by the Secretary of State for Transport on 22 May 2020 (ref: 1338 - 22/05/2020) pursuant to section 247 of the 1990 (‘**Section 247 Order’**) which authorises the closure of Peddimore Lane (at the southern part of PROW 1131 (SC23)) and part of Wishaw Lane (at the access to PROW 2086) to enable the Peddimore development to be carried out.
         2. The effect of the 247 Order, already confirmed by the Planning Inspectorate in the public interest and on its individual merits, is to extinguish Wishaw Lane separating PROW 2086 from the rest of the local path network.
         3. As such, the proposed stopping up of the western section of PROW 2086 pursuant to the Order will create no further inconvenience to the local network of paths.
         4. Any inconvenience and interruption to the local path network is to enable the Peddimore development to be carried out and will only be temporary with the Planning Permission securing provision for a comprehensive accessibility strategy which includes the creation and provision of the new Bridleway and a network of high quality permissive paths around the perimeter of the Peddimore development site.
      2. As to Mr Jennings’s suggestion that the stopping up of the western section of 2086 has an adverse impact on public enjoyment by removing an access point to the ‘Cudworth Circular Walk:
         1. The current route of PROW 2086 is in the vicinity of the Cudworth walk but neither connects to the walk nor forms part of that walk. Access to the walk will be retained via Wiggins Hill Road (which is part of the walk) for the duration of the development and then via the new Bridleway to be created and dedicated by BCC at common law which will connect to the remainder of PROW 2086 allowing continued connection to the Cudworth Circular Walk.
         2. Accordingly, the Cudworth circular walk will not be adversely affected by the Peddimore development in any way and can continue to be enjoyed by users without interruption.
      3. As to Mr Jennings’s contention that any permanent or temporary ‘stopping up’ is not in the public interest until such time as there is an alternative route linking PROW 1131 to PROW ID: 1133
         1. PROW 1131 has never been connected to PROW 1133 by a footpath or bridleway but via the highway network;
         2. An alternative route connecting PROW 1131 and 1133 already exists. Access can be gained to PROW 1133 from PROW 1131 (and vice versa) via PROW 1130 to the north along Bull’s Lane to Over Green and then south down Curdworth Lane and Wiggins Hill Road to the access point of 1133 and the Curdworth Circular Walk beyond.
         3. The Section 247 Order has already separated the access from PROW 1131 to PROW 1133 along Peddimore Lane, Hurst Green Road and Wishaw Lane and, therefore, the proposed stopping up of PROW 2086 will make no difference to this access route.
   4. In relation to Mr Jack Jennings objection, BCC would make the following comments in response:
      1. As to Mr Jack Jennings suggestion that the Order will cause inconvenience to users and an interruption to their right to walk and enjoy the footpath network:
         1. In substance, this is the same ground of objection as that made by Mr Chris Jennings[[4]](#footnote-4) and BCC would refer to their responses at paragraph 6.3 above.
         2. BCC considers that pending the creation and dedication of the Bridleway in common law that an alternative link exists for the public to use via Bull’s Lane, Curdworth Lane and Wishaw Lane.
      2. As to Mr Jack Jennings suggestion that the western section of PROW 2086 should remain available for public use until the Bridleway is created and dedicated:
         1. As indicated above in response to Mr Chris Jennings comments, due to large scale earth works and major engineering works taking place on the relevant part of the Peddimore site, it is not feasible to create and dedicate the Bridleway in advance of the implementation of the Order but BCC Property are committed to its provision and have the requisite internal authority in place to create and dedicate the Bridleway at the first available opportunity.
         2. The practical ability and usefulness of PROW 2086 has already been interrupted by the stopping up of Wishaw Lane as part of the confirmed section 247 Order.
         3. The Council are satisfied that it is necessary in the public interest for the western section of PROW 2086 to be stopped up to enable the Peddimore development to be carried out;
         4. Improving accessibility in around and through the Peddimore site was a material consideration in the granting of the Planning Permission. The accessibility provision includes the reconnection of PROW 2086 to the local highway network as well as providing a comprehensive network of high quality permissive paths, footpaths and bridleways for the public to use and enjoy to be managed and maintained by IM.
      3. As to Mr Jack Jennings suggestion that the Order interferes with other footpaths identified on the Definitive Map and Statement for the Borough of Sutton Coldfield dated January 1958, Mr Jack Jennings does not particularise how the Order purportedly interferes with such footpaths and/or provide any supporting evidence or information to support his contention that these footpaths identified on the Definitive Map and Survey have not been extinguished;
      4. As to Mr Jack Jennings comments re: PROW SC19 FP:
         1. BCC’s records note that SC19 FP was the subject of a stopping up order in May 1983.
         2. Given the effluxion of time, BCC have not retained full copies of the SC19 FP stopping up paperwork but are endeavouring to locate copies;
         3. In any event, Mr Jack Jennings has failed to particularise how the status of SC19 FP is relevant to whether the Order should be confirmed.
   5. Overall, for the reasons set out above, it will be seen from the above analysis that the 3 objections raise no points that are such (applying the *Vasiliou* test) as to create any significant disadvantages or losses to the general public or to other individuals such that the Order should not be confirmed.
   6. BCC’s above comments on the objections should not be taken or interpreted as BCC’s exhaustive responses to the objections and in the event that the objections are not withdrawn and the Order is determined by the Secretary of State via the written representations, hearing, or inquiry route, BCC hereby reserve the right to further comment and/or expand on the preliminary responses set out above
2. Merits test
   1. In addition to considering the effect of the Order on the members of the public, it is also necessary for the Secretary of State to take into account, when considering the merits test:
      1. Any advantages to the public/ individuals arising from the Order; and
      2. The planning benefits of, and the degree of importance attaching to, the development.
   2. As to the advantages of the Order, in summary:
      1. The strategy of stopping up the western section of PROW 2086 and creating and dedicating a new Bridleway will deliver net benefits for local accessibility. These measures will provide a greater length of publicly accessible right of way for pedestrians, cyclists and horse-riders (an increase of 993.8m compared to the current footpath (618m) which is restricted to pedestrian use only).
      2. Furthermore, the new Bridleway will connect to an extensive network of high quality permissive paths within the Peddimore site providing enhanced accessibility within the site for staff and visitors and to the surrounding areas, for pedestrian, cyclists and horse-riders moving between Sutton Coldfield, Walmley, Minworth, Over Green and Curdworth. The provision, management, maintenance, and permanence of the permissive paths network is secured through the section 106 agreement.
   3. As to the very considerable planning benefits of the Peddimore development, these include, for example:
      1. In the construction phase:
         1. 200 full-time equivalent (FTE) gross jobs;
         2. 65 FTE indirect jobs generated from the supply chain;
         3. An additional £12.8 million annual uplift in productivity (GVA) within the West Midlands;
      2. In the operational phase:
         1. 5,755 direct (gross) FTE jobs;
         2. 6,380 net additional jobs (direct, indirect and induced) in the West Midlands;
         3. £355.5 million annual contribution to GVA within the West Midlands;
         4. Additional salary expenditure of circa £66.8 million per annum;
         5. Circa £5.9 million business rates revenue generated per annum;
         6. Biodiversity net gain through the establishment of green infrastructure and blue infrastructure including an enhancement to Peddimore Brook, the creation of wetland habits and enhanced surface water runoff, and new and enhanced landscape character;
         7. Enhanced accessibility through access to open spaces, permissive path network and a new Bridleway to be created and dedicated by BCC.
3. Conclusion
   1. In conclusion, BCC consider:
      1. That the Order is necessary to enable the important development authorised by the Planning Permission to be carried out;
      2. That there are significant advantages to the public flowing from the Order and the benefits of the Development are very considerable;
      3. That, if which is not admitted, the Secretary of State considers that there are any disadvantages or losses to the general public and/or individuals flowing from the Order that such disadvantages or losses as alleged or at all are not:
         1. Significant enough to prevent confirmation of the Order and/or
         2. Sufficient to outweigh the very considerable public benefits of the Peddimore development.
   2. Accordingly, and for the reasons set above, BCC would respectfully request that the Secretary of State duly confirm the Order to enable the Peddimore development to be carried out.

**Birmingham City Council**

**10th November 2020**

1. *Network Rail Infrastructure Ltd, R (On the Application Of) v The Secretary of State for the Environment, Food And Rural Affairs [2017] EWHC 2259 (Admin*) at paragraph 49 of the judgment. [↑](#footnote-ref-1)
2. https://www.gov.uk/government/publications/rights-of-way-circular-1-09 [↑](#footnote-ref-2)
3. https://www.gov.uk/government/publications/rights-of-way-advice-note-9-general-guidance-to-inspectors-on-public-rights-of-way-matters [↑](#footnote-ref-3)
4. It is unclear whether and if so how Mr Jack Jennings and Mr Chris Jennings are related but the address stated on their objections letters are identical. [↑](#footnote-ref-4)