



West Midlands
Interchange

Four Ashes Ltd



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

SCOPING OPINION

Proposed

West Midlands Interchange

Planning Inspectorate Reference: TR050005

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EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement (ES) for the proposed West Midlands Interchange, Four Ashes, Staffordshire.

This report sets out the Secretary of State's Opinion on the basis of the information provided in Four Ashes Limited's ('the Applicant') report entitled West Midlands Interchange Formal EIA Scoping Opinion Request September 2016 ('the Scoping Report'). The Opinion can only reflect the proposals as currently described by the Applicant.

The Secretary of State has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Secretary of State is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The Secretary of State draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- Landscape and visual impact;
- Impact on protected species and habitats;
- Transport and access, in particular during operation and associated effects such as noise and vibration and emissions to air;
- Impacts on recreational users of Staffordshire and Worcestershire Canal;
- Ground conditions; and
- Water environment issues relating to drainage.

Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Secretary of State.

The Secretary of State notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2010 (as amended) ('the Habitats Regulations').

1 INTRODUCTION

Background

- 1.1 On 15 September 2016, the Secretary of State received the Scoping Report submitted by Four Ashes Limited ('the Applicant') under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) ('the EIA Regulations') in order to request a Scoping Opinion for the proposed West Midlands Interchange ('the proposed development'). This Opinion is made in response to this request and should be read in conjunction with the Applicant's Scoping Report.
- 1.2 The Applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the proposed development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the proposed development is determined to be EIA development.
- 1.3 The EIA Regulations enable an Applicant, before making an application for an order granting development consent, to ask the Secretary of State to state in writing their formal opinion (a 'Scoping Opinion') on the information to be provided in the ES.
- 1.4 Before adopting a Scoping Opinion the Secretary of State must take into account:
- (a) the specific characteristics of the particular development;*
 - (b) the specific characteristics of the development of the type concerned; and*
 - (c) environmental features likely to be affected by the development'.*
- (EIA Regulation 8 (9))*
- 1.5 This Opinion sets out what information the Secretary of State considers should be included in the ES for the proposed development. The Opinion has taken account of:
- The EIA Regulations;
 - The nature and scale of the proposed development;
 - The nature of the receiving environment; and
 - Current best practice in the preparation of an ES.
- 1.6 The Secretary of State has also taken account of the responses received from the statutory consultees (see Appendix 3 of this Opinion). The matters addressed by the Applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that

when it comes to consider the ES, the Secretary of State will take account of relevant legislation and guidelines (as appropriate). The Secretary of State will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).

- 1.7 This Opinion should not be construed as implying that the Secretary of State agrees with the information or comments provided by the Applicant in their request for an opinion from the Secretary of State. In particular, comments from the Secretary of State in this Opinion are without prejudice to any decision taken by the Secretary of State (on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a Scoping Opinion must include:
- (a) a plan sufficient to identify the land;*
 - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and*
 - (c) such other information or representations as the person making the request may wish to provide or make.*
- (EIA Regulation 8 (3))*
- 1.9 The Secretary of State considers that this has been provided in the Applicant's Scoping Report.

The Secretary of State's Consultation

- 1.10 The Secretary of State has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a Scoping Opinion. A full list of the consultation bodies is provided at Appendix 2. A list has also been compiled by the Secretary of State under their duty to notify the consultation bodies in accordance with Regulation 9(1)(a). The Applicant should note that whilst the Secretary of State's list can inform their consultation, it should not be relied upon for that purpose.
- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with copies of their comments at Appendix 3, to which the Applicant should refer in undertaking the EIA.
- 1.12 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended

that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.

- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Planning Inspectorate's website. The Applicant should also give due consideration to those comments in carrying out the EIA.

Structure of the Document

- 1.14 This Opinion is structured as follows:

- **Section 1** – Introduction;
- **Section 2** – The proposed development;
- **Section 3** – EIA approach and topic areas; and
- **Section 4** – Other information.

- 1.15 This Opinion is accompanied by the following Appendices:

- **Appendix 1** – Presentation of the Environmental Statement;
- **Appendix 2** – List of consultation bodies formally consulted; and
- **Appendix 3** – Respondents to consultation and copies of replies.

2 THE PROPOSED DEVELOPMENT

Introduction

- 2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the Applicant and included in its Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential receptors/ resources.

The Applicant's Information

Overview of the proposed development

- 2.2 The principal elements of the proposed development are listed in paragraph 3.1.4 of the Scoping Report and include:

- Construction of an intermodal rail freight terminal with connections to the West Coast Main Line (WCML), container storage and associated Heavy Goods Vehicle (HGV) parking;
- 800,000m² of rail served warehousing, ancillary service buildings and parking;
- New road infrastructure and works to the existing road infrastructure;
- A new principal access from the A5 into the site;
- Landscaping; and
- Demolition of existing structures within the site, where necessary.

- 2.3 The proposed development as described in the Scoping Report includes two layout options for the rail freight terminal, referred to as the 'West Terminal Option' and the 'East Terminal Option'. The Scoping Report implies that a single option will be pursued for the purposes of the DCO application in paragraph 3.4.2 and this is welcomed.

Description of the site and surrounding area

The Application Site

- 2.4 The proposed development would be located on land at Four Ashes, Staffordshire, approximately 10km to the north of Wolverhampton, immediately to the west of Junction 12 of the M6.
- 2.5 A description of the site is provided in section 2.2 of the Scoping Report, with site location plans provided as Figures 1 and 2 of the Scoping Report.

- 2.6 The application site is relatively flat and approximately 260 hectares in size.
- 2.7 Land use across the application site is mixed, characterised by an active aggregate quarry, agricultural land and an area of mixed woodland. The Staffordshire and Worcestershire Canal, a designated conservation area, bisects the site. A public right of way runs through the north-western part of the site.
- 2.8 The application site is located within the administrative boundary of South Staffordshire Council.
- 2.9 The application site is crossed by or immediately adjacent to the following major infrastructure:
- The WCML;
 - The Staffordshire and Worcestershire Canal;
 - Calf Health Reservoir;
 - The M6 motorway; and
 - The A5 and A449.
- 2.10 Preliminary ecological surveys summarised in section 6.5 of the Scoping Report have identified records of, or the potential for, various protected and notable species to be present on or around the application site, including bats, badger, water vole, otter, polecat, brown hare, harvest mouse, European hedgehog, amphibians, reptiles, birds and invertebrates.
- 2.11 Paragraph 6.6.8 of the Scoping Report confirms that the application site is located on a Secondary A Aquifer, which is underlain by a Principal Aquifer, and is located within Groundwater Source Protection Zones 2 and 3. The site is situated entirely within Flood Zone 1.
- 2.12 A number of locally listed buildings have been identified in the application site along the route of the Staffordshire and Worcestershire Canal (see section 6.4 of the Scoping Report). Paragraph 6.4.37 of the Scoping Report notes the potential for unidentified buried archaeological remains to be located within the site.

The Surrounding Area

- 2.13 In broad terms, paragraph 2.1.4 of the Scoping Report characterises the land uses in the surrounding area as agricultural fields and employment land.
- 2.14 The site is bound to the north by the A5. A number of residential and commercial properties are located alongside the A5, including a petrol station and nursery/ garden centre. Wharf Cottage and the Round House (both Grade II listed buildings) are located just outside of the

northern site boundary within a pocket of land adjacent to the Staffordshire and Worcestershire Canal. Four scheduled monuments and two Grade II listed buildings are clustered approximately 750m to the north-west of the application site. The Motte Meadows Special Area of Conservation (SAC), an internationally designated site, is located 7.5km to the west-north-west of the site.

- 2.15 To the east, the site is bound by Calf Heath Reservoir, the M6, Stable Lane and Woodlands Lane. An area of plantation woodland known as the Watling Street Plantation (a designated Local Wildlife Site (LWS)) lies to the east of the M6, with the Gailey Reservoirs (also a LWS) beyond. Paragraph 6.7.44 of the Scoping Report explains that Cannock Chase Area of Outstanding Natural Beauty (AONB) is located approximately 3km to the east of the site at its nearest point. Cannock Chase SAC is located 7.4km to the north-east of the application site, within the AONB.
- 2.16 To the south, the site is bound by Station Drive, Straight Mile, the Four Ashes Industrial Estate and a Veolia energy recovery facility. The Four Ashes Pit geological Site of Special Scientific Interest (SSSI) is located adjacent to Station Drive, approximately 140m to the south of the site (paragraph 2.1.6 of the Scoping Report).
- 2.17 A large chemical works is located between the western and eastern sections of the application site (see Figure 1 of the Scoping Report), outside of the application site boundary. Land known as the 'Bericote site' adjoins the chemical works (paragraph 2.1.5 of the Scoping Report).
- 2.18 The site is bound to the west by the A449, with agricultural land and two areas of woodland (Crateford Wood and Somerford Wood, both designated as LWSs), beyond. Saredon Brook and the River Penk, both designated as main rivers (Scoping Report paragraph 6.11.5), flow around the southern and western edges of Somerford Wood respectively.

Alternatives

- 2.19 The Applicant discusses alternatives to the proposed development in section 2.3 of the Scoping Report.
- 2.20 The Applicant considered a number of alternative sites in the West Midlands area, using the WCML (which forms part of the Strategic Freight Network for rail) as a starting point.
- 2.21 The application site was chosen primarily on the basis of its large size, accessibility to the M6 and surrounding road network and its location on a twin-track section of the WCML with a gauge capability of W10, which is above the minimum capability specified in the National Networks National Policy Statement (NPSNN).

Description of the proposed development

- 2.22 The proposed development will comprise a new intermodal rail freight terminal with connections to the WCML, capable of accommodating up to 10 trains (of up to 775m in length) per day.
- 2.23 The terminal would include container storage and HGV parking. Approximately 800,000m² of rail serviced warehousing, ancillary service buildings and parking would be provided. Paragraph 3.1.6 of the Scoping Report states that the heights of the buildings across both options would vary between a minimum of 18m and a maximum of 36m.
- 2.24 Sections 3.2 and 3.3 of the Scoping Report provide a description of both the East and West Terminal options, with illustrative masterplans provided as Figures 3 and 4.
- 2.25 New road infrastructure and a new access to the site from the A5 will be provided, along with works to the existing road infrastructure.

Proposed access

- 2.26 The proposed development would divert trains off the WCML in either an easterly or westerly direction, depending on which option is chosen. In addition, the East Terminal Option would require a new rail bridge over the Staffordshire and Worcestershire Canal.
- 2.27 New roundabouts would be constructed on the A5, A449 and Vicarage Road to allow vehicular access to the proposed development. Paragraph 3.1.5 of the Scoping Report confirms that both terminal options would utilise a roundabout on the A5 as the primary vehicular access into the site, with a roundabout on the A449 (connecting to Gravelly Way) acting as a secondary access. A roundabout on Vicarage Road would provide a tertiary access.

Construction

- 2.28 The Scoping Report does not include a separate section to describe the proposed construction works. However, some information regarding the construction of the proposed development has been provided in the environmental topic sections of the Scoping Report.
- 2.29 Existing structures on site would be demolished to facilitate construction of the proposed development (paragraph 1.1.3 of the Scoping Report).
- 2.30 Paragraph 6.1.6 of the Scoping Report confirms that a Construction Environmental Management Plan (CEMP) would be produced to deliver mitigation measures associated with the construction of proposed development and would be secured by a suitably worded DCO requirement.

- 2.31 The Scoping Report does not include a likely duration or timeframe for the construction of the development, or information on how the construction works are likely to be phased.

Operation and maintenance

- 2.32 Paragraph 3.1.4 of the Scoping Report confirms that once operational, the proposed development would accommodate up to 10 trains per day, with the capability to receive trains up to 775m in length. It is not stated how many associated HGV movements are anticipated per day.
- 2.33 Paragraph 6.3.30 of the Scoping Report indicates that operation of the proposed development would utilise fixed plant and machinery for heating, power or industrial processes.
- 2.34 Operational lighting would be required (paragraph 6.5.97 of the Scoping Report).
- 2.35 Paragraph 6.8.16 of the Scoping Report indicates that loading/unloading of goods during the operational phase of the proposed development may require the use of gantry cranes, reach stackers and fork-lift trucks.
- 2.36 Otherwise, the Scoping Report does not provide any information on the operational and maintenance requirements of the proposed development.

Decommissioning

- 2.37 Paragraph 5.2.8 of the Scoping Report notes that an assessment of the environmental effects of decommissioning the proposed development will be included in the ES.

The Secretary of State's Comments

Description of the application site and surrounding area

- 2.38 The Secretary of State welcomes the inclusion of section 2 in the Scoping Report, which describes the site and surrounding area and uses figures to support the description.
- 2.39 The Applicant should ensure that the plans which support the ES are provided at an appropriate resolution sufficient to ensure legibility of the base map. For example, with reference to Figure 1 of the Scoping Report, the text on the base map is largely illegible.
- 2.40 Paragraph 2.2.1 of the Scoping Report states that: '[The Site / Part of the Site] falls within the green belt'. The ES should confirm the specific area of the site that falls within the West Midlands green belt.

- 2.41 The ES should confirm whether any gas, electricity, water or other utilities infrastructure is situated within or in close proximity to the application site and could be affected by the proposed development. The consultation response from National Grid confirms that National Grid Gas Distribution Limited has low and medium pressure gas distribution infrastructure in close proximity to the application site.
- 2.42 The ES should clearly identify the study areas used to identify designated and non-designated ecological sites and include information on the various designated features. A plan should be provided to accompany the ES which illustrates the location of the ecological sites scoped into the assessment relative to the proposed development.
- 2.43 The Secretary of State notes the reference to English Heritage in paragraph 1.5.1 of the Scoping Report rather than to Historic England. The ES should reflect the current names of such bodies.
- 2.44 Paragraph 4.1.2 of the Scoping Report notes the planned development of four industrial/ distribution buildings at the Bericote site and explains that at the time of production of the Scoping Report, this planning application had not been determined. Any updates to this situation should be clearly explained in the ES.

Description of the proposed development

- 2.45 Section 3 of the Scoping Report provides a high level description of the proposed development. The Applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the EIA. It is understood that at this stage in the evolution of the scheme the description of the proposals is not confirmed. The Applicant should be aware however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO.
- 2.46 If a draft DCO is to be submitted, the Applicant should clearly define what elements of the proposed development are integral to the NSIP and which is 'associated development' under the Planning Act 2008 (PA2008) or is an ancillary matter. Associated development is defined in the PA2008 as development which is associated with the principal development. Guidance on associated development can be found in the DCLG publication 'Planning Act 2008: Guidance on associated development applications for major infrastructure projects'.
- 2.47 Any proposed works and/ or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be assessed as part of an integrated approach to environmental assessment.

- 2.48 The Secretary of State recommends that the ES should include a clear and detailed description of all aspects of the proposed development, at the construction, operation and decommissioning stages, and include:
- Land use requirements;
 - Site preparation;
 - Construction processes and methods;
 - Transport routes;
 - Operational requirements including the main characteristics of the production process and the nature and quantity of materials used, as well as waste arisings and their disposal;
 - Maintenance activities including any potential environmental or navigation impacts; and
 - Emissions - water, air and soil pollution, noise, vibration, light, heat, radiation.
- 2.49 Paragraph 1.1.3 of the Scoping Report states that demolition of existing structures within the site boundary would be required to facilitate the proposed development. The ES should clearly identify the current use and location of the buildings to be demolished and assess any resulting impacts as appropriate.

Flexibility

- 2.50 The Secretary of State notes from section 3 of the Scoping Report that two layout options for the proposed intermodal rail freight terminal are being considered, referred to as the 'West Terminal Option' and the 'East Terminal Option'. The Scoping Report does not indicate the likely timeframe for selection of the preferred option.
- 2.51 Paragraph 3.4.1 of the Scoping Report notes that the layout is 'far from fixed at this stage'. Once the decision is made between the East and West Terminal Options, the Applicant should make every effort to fix the layout and parameters of the proposed development prior to submission of the application.
- 2.52 The Applicant should explain clearly in the ES any elements of the scheme which have yet to be finalised and provide the reasons. The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations. The Applicant should ensure that the parameters are consistently applied throughout the ES.

- 2.53 The Secretary of State notes that the Applicant refers to the use of guidance in Advice Note nine 'Using the 'Rochdale Envelope' which is available on the Planning Inspectorate's website. The Applicant's attention is also drawn to the 'Flexibility' section in Appendix 1 of this Opinion which provides additional details on the recommended approach.
- 2.54 It should be noted that if the proposed development changes substantially during the EIA process, prior to application submission, the Applicant may wish to consider the need to request a new Scoping Opinion.

Proposed access

- 2.55 The Secretary of State welcomes the information on vehicular access to the site provided in paragraph 3.1.5 of the Scoping Report. The ES should clarify at what point in the construction programme the new roundabouts on the A5, A449 and Vicarage Road would be constructed and whether these accesses would be utilised during both construction and operation of the proposed development.
- 2.56 The ES should clarify precisely where and how trains would be diverted off and back onto the WCML.

Alternatives

- 2.57 The EIA Regulations require that the Applicant provide 'An outline of the main alternatives studied by the Applicant and an indication of the main reasons for the Applicant's choice, taking into account the environmental effects' (see Appendix 1).
- 2.58 The Secretary of State notes that alternative sites are considered in section 2.3 of the Scoping Report and are proposed to be considered in the Applicant's ES.
- 2.59 The Secretary of State notes the Applicant's intention (as stated in paragraph 3.4.2 of the Scoping Report) to describe the design evolution of the proposed development in the ES, including the two layout options currently being considered for the terminal; and how the environmental effects have been taken into account in the choice made. The Secretary of State would also expect to see detailed information in the ES regarding alternative construction methods and any other alternatives considered during the evolution of the scheme design.
- 2.60 The Secretary of State draws the Applicant's attention to the response from Staffordshire County Council, at Appendix 3 of this Opinion regarding alternatives to the proposed development.

Construction

2.61 The Secretary of State considers that information regarding construction of the proposed development should be clearly set out in the ES, supported by plans as appropriate. This should include, but is not limited to:

- Phasing of programme including anticipated start and end dates;
- Build out scenarios including initial operation, full build out and intermediate stages where construction and operation may overlap;
- Approach to phasing of landscape planting to maximise opportunities for the establishment of screen planting;
- Construction methods (e.g. piling) and activities (e.g. site clearance, demolition, land levelling) associated with each phase;
- Types of plant and machinery required and their anticipated noise levels;
- Anticipated numbers of full/ part time construction workers;
- Construction hours and whether any night time working will be required;
- Lighting equipment/ requirements;
- Number, routeing and parking of construction vehicles (including abnormal loads, HGVs, Light Goods Vehicles (LGV) and staff vehicles); and
- Whether any construction materials would be arriving by rail/ water.

2.62 The Secretary of State notes that no information has been provided in the Scoping Report regarding the size and location of any construction compounds. Whilst it is appreciated that this information may not be available at this stage in the evolution of the project, the Applicant is reminded that this information will be required in the ES. The compounds should be included in the DCO boundary.

2.63 The Secretary of State welcomes the Applicant's intention to set out mitigation measures relevant to the construction phase in a CEMP and to secure this by DCO requirement. A draft/ outline CEMP should be appended to the ES. The CEMP should clearly distinguish between 'construction' and 'operational' activities.

Operation and maintenance

2.64 Information on the operation and maintenance of the proposed development should be included in the ES and should cover but not be limited to such matters as: the number of full/ part-time jobs anticipated; the operational hours and if appropriate, shift patterns; and the number and types of rail and vehicle movements (including HGVs, LGVs and staff vehicles).

- 2.65 Paragraph 2.3.4 of the Scoping Report states that: ‘...there is a reasonable expectation of securing up to 10 train paths per day on and off the main line in the medium to long term’. The ES should state what the likely predicted maximum number of trains is that underpins the assessment of operational effects.
- 2.66 The Secretary of State welcomes the Applicant’s intention (as stated in paragraph 6.8.14 of the Scoping Report) to provide a breakdown of likely rail and road movements at the site as part of the Noise and Vibration assessment in the ES. This breakdown should cover all phases of the proposed development.

Decommissioning

- 2.67 In terms of decommissioning, the Secretary of State welcomes the Applicant’s intention to include an assessment of the environmental effects of decommissioning the proposed development in the ES (as stated in paragraph 5.2.8 of the Scoping Report).
- 2.68 The Secretary of State acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption. The process and methods of decommissioning should be considered and options presented in the ES.

3 EIA APPROACH AND TOPIC AREAS

Introduction

- 3.1 This section contains the Secretary of State's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 1 of this Opinion and should be read in conjunction with this section.

EU Directive 2014/52/EU

- 3.2 The Secretary of State draws the Applicant's attention to European Union (EU) Directive 2014/52/EU (amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment) which was made in April 2014.
- 3.3 Under the terms of the 2014/52/EU Directive, Member States are required to bring into force the laws, regulations and administrative provisions necessary to comply with directive by 16 May 2017.
- 3.4 Whilst transitional provisions will apply to such new regulations, the Applicant is advised to consider the effect of the implementation of the revised Directive in terms of the production and content of the ES.
- 3.5 On 23 June 2016, the UK held a referendum and voted to leave the European Union (EU). There is no immediate change to infrastructure legislation or policy. Relevant EU directives have been transposed in to UK law and those are unchanged until amended by Parliament.

National Policy Statements (NPS)

- 3.6 Sector specific NPSs are produced by the relevant Government Departments and set out national policy for nationally significant infrastructure projects (NSIPs). They provide the framework within which the Examining Authority will make their recommendations to the Secretary of State and include the Government's objectives for the development of NSIPs.
- 3.7 The relevant NPS for the proposed development is the NPSNN. This sets out assessment principles that should be considered in the EIA for the proposed development. When undertaking the EIA, the Applicant must have regard to the NPSNN and identify how these principles have been assessed in the ES.
- 3.8 The Secretary of State must have regard to any matter that the Secretary of State thinks is important and relevant to the Secretary of State's decision.

Environmental Statement Approach

- 3.9 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the Secretary of State notes that the level of information provided at this stage, particularly in relation to the description of development, is not always sufficient to allow for detailed comments from either the Secretary of State or the consultees.
- 3.10 The ES should not be a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.
- 3.11 The Secretary of State would suggest that the Applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The Secretary of State notes and welcomes the intention to finalise the scope of investigations in conjunction with ongoing stakeholder liaison and consultation with the relevant regulatory authorities and their advisors. The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.
- 3.12 The Secretary of State recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:
- (a) to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts;
 - (b) to demonstrate how the assessment has taken account of this Opinion and other responses to consultation;
 - (c) to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the Applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order; and

- (d) to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES

Environmental Statement Structure

3.13 Chapter 5 of the Scoping Report sets out the proposed structure of the ES and notes that it is anticipated that the ES will be produced in three volumes:

- Volume I: The main ES;
- Volume II: The landscape and visual impact assessment; and
- Volume III: Technical appendices to the main ES.

3.14 Chapter 5 of the Scoping Report also sets out the proposed Contents list of the ES on which the Applicant seeks the opinion of the Secretary of State. These are described in Scoping Report Section 5.1 as:

- Introduction
- EIA Methodology and Significance Criteria
- Consideration of Alternatives and Design Evolution
- Description of the Proposed Development
- Demolition and Construction
- Agriculture and Soils
- Air Quality
- Cultural Heritage
- Archaeology
- Ecology and Nature Conservation
- Geology and Ground Conditions
- Socio-economics
- Transport and Access
- Noise and Vibration
- Water Environment
- Summary of Residual Effects and Mitigation

3.15 The list in Section 5.1 omits landscape and visual impact assessment, which has been proposed as a separate volume in the ES. It is unclear why the landscape and visual impact assessment chapter is being prepared as a separate volume to the ES. The list of aspects to be assessed also separates out cultural heritage from archaeology, although the Scoping Report describes these matters as a single topic

chapter. There are also some minor variations in titles between the list and the Scoping Report (eg Ecology and Nature Conservation as opposed to just Ecology). The ES should be prepared with a consistent description of the aspects forming the assessment.

- 3.16 The Applicant proposes to consider cumulative effects and inter-relationships within the topic chapters rather than as a standalone chapter.
- 3.17 The Secretary of State recommends that the ES should include a comprehensive description of the parameters used to inform all of the assessments that is able to be incorporated within the draft DCO. The Applicant should also provide details of their design codes and proposals for ensuring that these are secured during construction and operation.

Matters to be Scoped in/ out

- 3.18 The Applicant has identified in Chapter 7 of the Scoping Report the matters that it considers to be 'non-significant' and therefore proposes to be 'scoped out'. These include:
- Waste;
 - Telecommunication interference;
 - Light spillage;
 - Daylight, sunlight and overshadowing;
 - Wind microclimate; and
 - Aviation.
- 3.19 Scoping Report Table 4.1 also discusses scoping and states that the following matters are scoped out:
- Carbon emissions – to be dealt with indirectly in the Transport Assessment and Sustainability Statement;
 - Waste – although commitments to waste management and minimisation would be included in the ES;
 - Aviation;
 - Coastal change; and
 - Odour, smoke and steam effects.
- 3.20 Matters are not scoped out unless specifically addressed and justified by the Applicant, and confirmed as being scoped out by the Secretary of State.
- 3.21 Waste effects are proposed to be scoped out based on the use of construction site waste management plans and application of waste management legislation to control operational wastes. In light of the

nature and scale of the proposed development, the Secretary of State does not agree that this matter can be scoped out. The ES should identify and assess the waste management processes and mitigation measures for storing and transporting both on-site and off-site wastes, particularly during construction but also during operation and decommissioning of the proposed development. This would ideally draw on experience from existing facilities.

- 3.22 The ES should also demonstrate that adequate steps have been taken to ensure the effective management of hazardous and non-hazardous waste; and to minimise the volume of waste arising and sent to disposal (except where an alternative is the most sustainable option). All waste types should be quantified and classified.
- 3.23 Effects due to telecommunication interference are proposed to be scoped out based on the limited number of telecommunications masts within the site and the availability of standard mitigation measures to continue the operation of such links. The Secretary of State agrees that the proposal is unlikely to result in significant effects due to telecommunication interference and is satisfied with this approach.
- 3.24 Effects due to light spillage are proposed to be scoped out and the Applicant states that definitive lighting proposals are not proposed to be submitted with the application (Scoping Report paragraph 7.4.2). The Applicant proposes to include a DCO requirement linked to quantitative criteria for acceptable light levels based on the Institute of Lighting Engineers (ILE) document 'Guidance Notes for the Reduction of Light Pollution' and to assess light spillage within relevant topic chapters such as landscape and ecology. The Secretary of State is satisfied that a specific chapter for light spillage is not required. However, as the issue of light spill is proposed to be dealt with at a sub topic level the Secretary of State does not agree to scope out light spill from the assessment. The Applicant should ensure that sufficient information is provided with their application to satisfy the requirements of the NPSNN in considering the impact of artificial light on local amenity, aviation, intrinsically dark land landscapes and nature conservation.
- 3.25 Effects on daylight, sunlight and overshadowing are requested to be scoped out of the assessment. The Secretary of State does not consider that sufficient information has been provided to support this request, therefore daylight, sunlight and overshadowing effects are not scoped out. Specific consideration should be given to potential effects on residential receptors on Croft Lane, to the north of the proposed development on the A5 and to the west of the A449.
- 3.26 Effects on wind microclimate are proposed to be scoped out of the assessment. The Secretary of State does not consider that sufficient information has been provided at this stage regarding the distribution of tall buildings within the site to support this conclusion, therefore wind microclimate effects are scoped in to the assessment. In

particular the ES should outline how microclimate factors have influenced or been considered in the design development.

- 3.27 It is proposed that aviation will be scoped out of the ES as the site is not located within an airport safeguarding zone and is not of sufficient height to impact on aircraft. The Secretary of State notes that the site is located within a high priority military low flying area, therefore the impact of the proposals on defence interests (i.e. low flying military aircraft) must be assessed and is not scoped out, unless otherwise agreed with the Ministry of Defence (MoD).
- 3.28 The Secretary of State agrees that coastal change effects can be scoped out.
- 3.29 The Secretary of State does not agree that sufficient information has been provided to support scoping out of odour, smoke and steam effects particularly in the absence of a final design layout.
- 3.30 Whilst the Secretary of State has not agreed to scope out certain topic or matters within the Opinion on the basis of the information available at the time, this does not prevent the Applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach. This approach should be explained fully in the ES.
- 3.31 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

Topic Areas

Agriculture and Soils (see Scoping Report Section 6.2)

- 3.32 The Secretary of State is satisfied with the proposed approach to the assessment of agriculture and soils effects. The ES clearly should set out the detailed methodology for the agricultural land classification (ALC)/ soil quality survey in their ES. The Applicant's methodology states that the impact of the proposals on local farm businesses and rural diversification will include interviews with landowners and farmers "by telephone, if possible". The Secretary of State considers that the Applicant should not rule out direct face-to-face contact with stakeholders where possible and where appropriate.
- 3.33 The Applicant should demonstrate how the results of the ALC survey have informed the layout of the proposed development, with an emphasis on retaining areas of Best and Most Versatile (BMV) agricultural land. The specific area of each agricultural land grade should be tabulated and compared with the local/ regional availability of each ALC grade. The Applicant's attention is drawn to Natural England's (NE) consultation response in this regard and its Technical

Information Note TIN049¹, which states that consultation with Natural England is required where loss of agricultural land exceeds 20ha.

- 3.34 The Secretary of State welcomes the proposed use of the Department for Environment, Food and Rural Affairs' (DEFRA) Code of Practice for the Sustainable Use of Soil on Construction Sites. The ES should provide details of how any adverse effects on soil can be minimised and the Applicant should submit a draft Soil Management Plan as part of its application.

Air Quality (see Scoping Report Section 6.3)

- 3.35 The Secretary of State is generally satisfied with the proposed assessment methodology. In line with the NPSNN, reference should be made to any significant climatic factors within the assessment. The Applicant should indicate whether the proposed development has potential for emissions of dust, odour, smoke or steam; the type, quantity and likely receptors for emissions; and any mitigation measures to be employed in mitigating such emissions.
- 3.36 The Applicant proposes to model air traffic emissions using the ADMS-Roads software. The Applicant should set out the model version and detailed modelling assumptions used to underpin the assessment. The Secretary of State notes South Staffordshire Council's comments regarding data capture and recommends that the Applicant makes effort to ensure that the final baseline dataset adopted for the assessment is agreed with the council.
- 3.37 Scoping Report paragraph 6.3.25 sets out the Applicant's proposed assessment scenarios. The Secretary of State recommends that the Applicant also gives consideration to a potential intermediate scenario of construction vehicle activity and operational traffic (between the year of opening and the year of completion).
- 3.38 The Secretary of State considers that the modelling of impacts from rail movements should be undertaken, particularly in relation to the potential for short term exceedences of the air quality objectives due to idling trains.
- 3.39 The Secretary of State requires that in the absence of detailed design data, a worst case quantitative air quality assessment must be undertaken for likely operational emissions from or generated by the built development .
- 3.40 The air quality chapter should highlight any air quality mitigation measures for the proposed development clearly distinguishing

¹ Agricultural Land Classification: protecting the best and most versatile agricultural - land. Natural England Technical Information Note TIN049. December 2012.

between measures proposed for the construction and operational periods.

- 3.41 The Secretary of State notes the consultation responses from NE and Staffordshire County Council in respect of the air quality assessment and recommends that an assessment of depositional effects from construction and operational vehicle emissions (and any other relevant sources) on relevant designated ecological sites (eg Cannock Extension Canal SAC and Cannock Chase SAC is undertaken). The Air Pollution Information System (APIS) database should be consulted for relevant critical loads and levels. The assessment should link with the applicant's ecology assessment and the range of sites considered should be agreed with NE and the councils.

Archaeology and Cultural Heritage (see Scoping Report Section 6.4)

- 3.42 The Secretary of State is satisfied with the general approach to assessment, which is based on the Chartered Institute for Archaeologists (CIFA) methodologies. However, in light of the number of identified archaeological features within the study area, including potential Neolithic features within the site, the Secretary of State considers that a review of LIDAR data should be undertaken, supported by geophysical survey and selective trial trenching where appropriate. Where intrusive ground investigations are carried out, a targeted watching brief should be applied to support the assessment. The approach to the assessment should be agreed with the County Archaeologist and the Applicant's attention is drawn to Staffordshire County Council's comments in this respect.
- 3.43 The Secretary of State notes that Figure 7 of the Scoping Report omits the ring ditch (PRN 04542) on the eastern edge of the site and an area of undated cropmarks close to Gravelly Way House (PRN 01797). Furthermore it is noted that Figure 7 is based on an earlier version of the proposed development boundary excluding the development land south of Vicarage Road. Figures submitted in the ES should include all identified heritage features.
- 3.44 The length of 'important' hedgerows (as defined in the Hedgerows Regulations 1997) to be retained/ removed by the proposals should be quantified and measures to protect retained hedgerows during construction works should be clearly described. The impact of such hedgerow loss on historic landscape character should be considered.
- 3.45 The Secretary of State notes that the setting of a number of cultural heritage resources could be affected by the proposed development, including Scheduled Monuments to the north-west of the site; listed and locally listed buildings adjacent to the site and the Staffordshire and Worcestershire Canal Conservation Area. The final study area for the assessment of effects on setting should be informed by the Zone

of Theoretical Visibility (ZTV) developed for the landscape and visual impact assessment.

- 3.46 The Applicant's attention is also drawn to Canal and River Trust's (CRT) consultation response, which states that the old brick arch bridge at Gravelly Way could be affected by the proposed development.
- 3.47 The Secretary of State agrees that the potential effects on designated and non-designated cultural heritage resources should be addressed in the ES, including the likelihood of loss or harm and effects resulting from changes to setting. In terms of the potential effects on the setting of cultural heritage resources, cross reference should be made to the landscape and visual impact chapter/ volume of the ES.

Ecology (see Scoping Report Section 6.5)

- 3.48 The Secretary of State welcomes the survey work undertaken to date and recommends that all surveys submitted with the ES are thorough, up to date and take account of other development proposed in the vicinity. The use of the Chartered Institute of Ecology and Environmental Management 'Guidelines for Ecological Impact Assessment in the United Kingdom and Ireland' 2016 is considered to be appropriate. The lack of Phase 1 survey data for the south-eastern section of the site (south of Vicarage Road) limits the ability of the Secretary of State to comment on the appropriateness of the detailed ecological surveys, although it is noted that this is proposed to be undertaken.
- 3.49 The Secretary of State notes that the Applicant intends to undertake a screening exercise (Habitats Regulations Statement) to assess the potential impacts on the two SACs identified in the 10km study area. The Applicant should demonstrate that traffic effects arising from the proposed development (including increased emissions and deterioration in runoff) could not give rise to effects on European sites close to, but outside of, the 10km study area eg Cannock Extension Canal SAC. The assessment should consider the potential impact of nitrogen deposition on these sites arising from construction and operational traffic, as highlighted in the Secretary of State's comments on air quality above.
- 3.50 The Applicant should provide evidence of agreement with NE regarding the study area/s used to identify European sites which could potentially be affected by the proposed development.
- 3.51 The Secretary of State notes NE's consultation response, which indicates that the proposed development is considered capable of having significant impacts on the Four Ashes Pit SSSI (in respect of drainage and hydrology issues) and the Belvide Reservoir SSSI (in respect of air quality changes). The ES should include a full assessment of the direct and indirect effects of the proposed

development on the features of special interest within these SSSIs and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

3.52 In relation to the detailed species survey methodologies, the Secretary of State notes the following:

- Reference is made to 'good practice guidelines for invertebrate surveys' - the specific guidelines are not referenced and appropriate references should be included in the ES. Surveys are limited to Calf Heath Wood – the Applicant should confirm that there are no other pockets of woodland within the site that are suitable for invertebrates.
- Given that the potential for hazel dormouse to be present has not been ruled out, the need for dormouse surveys should be agreed with the local council's ecology officer based on local knowledge.
- In the absence of maps illustrating the bat transects, the Secretary of State is unable to comment on the appropriateness of the bat surveys, which should be agreed with the local council's ecology officer.
- Bat trapping is proposed in June/ July and in August. The Secretary of State notes that the Bat Conservation Trust (BCT) Guidelines consider June/ July to be a suboptimal period for surveys due to the risk of catching heavily pregnant bats or bats with dependent young and suggests that further justification is given for the June/ July rather than May survey period. The BCT guidelines regarding minimum survey effort should be followed.
- Limited reference is made to Calf Heath Reservoir as a standing water body. The Applicant should assess the potential for effects on water vole populations and wintering bird species that may be associated with the reservoir. The Secretary of State recommends that need for a wintering bird survey at Calf Heath Reservoir is agreed with the local council's ecology officer.
- The Secretary of State supports the Applicant's comments regarding the need for detailed vegetation surveys and recommends that these are undertaken during the relevant survey window.
- Accurate mapping and description of veteran trees within the site should be provided. The Secretary of State notes Staffordshire County Council's comments in this respect.

3.53 Paragraph 6.5.88 of the Scoping Report explains that a licence for trapping bats will be sought from NE. The Applicant should note the advice in section 4 of this Scoping Opinion regarding licencing for European Protected Species.

3.54 The Secretary of States notes from paragraph 6.5.92 of the Scoping Report that the Applicant does not intend to undertake otter surveys. The Applicant's attention is drawn to the CRT's consultation response,

which indicates that the Staffordshire and Worcestershire Canal provides important habitat for otter. Consideration should also be given to impacts on the ditch network and the potential effect on otters commuting between waterbodies on or close to the site. The Secretary of State requests that the Applicant discuss and agree the need for otter surveys with local council's ecology officer in consultation with the CRT.

- 3.55 The Secretary of State recommends that the proposals should address fully the needs of protecting and enhancing biodiversity. The assessment should cover habitats, species and processes with the sites and surroundings. It is recommended that draft construction and operational mitigation plans/ strategies are submitted with the ES.
- 3.56 The ES should describe the proposed ecological mitigation proposals for the site with particular focus on the potential to minimise fragmentation, design layouts to minimise hedgerow loss, severance of habitats and disturbance for the range of species present within the site. The Applicant should also consider the potential to deliver mitigation through improvement of existing but degraded sites within the local area (e.g. LWSs). The Applicant's proposals for conservation of ancient woodland and veteran trees should be set out, or the reasons for their loss if unavoidable (in accordance with NPSNN paragraph 5.32).
- 3.57 The assessment should cross reference to the air quality, noise and vibration, water quality and landscape and visual (in respect to light spill) assessments as appropriate.

Ground Conditions (see Scoping Report Section 6.6)

- 3.58 The Secretary of State is satisfied with the proposed methodological approach. The baseline for the ES should explain in detail the extent of the study area and justify the reasons for this, typically this would include an offsite extent to allow identification of offsite sources of contamination. At present the study area appears to be confined to the site itself.
- 3.59 The Applicant's Scoping Report paragraph 6.6.8 highlights 'abstractions including one for potable water supply' present to the west of site. The Applicant should confirm whether any private water abstraction data is held by South Staffordshire Council and consider any potential impacts on such supplies. The Applicant should avoid duplication of information between chapters that rely on a similar evidence base (e.g. ground conditions and water chapters).
- 3.60 With respect to the Environment Agency Groundwater Protection: Principles and Practice (GP3) document, the Applicant should set out within the ES how the guidance has been taken into account.

- 3.61 The Secretary of State recommends that sufficient information is provided in relation to mitigation measures to demonstrate their effectiveness and that they may be relied upon, this should include any measures to safeguard mineral resources. These could be incorporated into a CEMP or a standalone management plan
- 3.62 Further assessment, monitoring and remediation measures should be agreed with the Environment Agency and South Staffordshire Council as appropriate. The Secretary of State draws the Applicant's attention to the Environment Agency's comments regarding the need for mitigation relating to the existing remediation activities on site to ensure that this activity can continue. The need for any Environmental Permits should be set out within the assessment chapter. The Applicant should ensure that South Staffordshire Council is in receipt of all site investigation documentation and the Applicant's attention is drawn to their comments regarding misplaced documentation.
- 3.63 The Applicant should consider the Water Framework Directive (WFD) status of the identified groundwater bodies within the site and any relevant objectives in the River Basin Management Plan (RBMP).
- 3.64 It is noted that there is potential for changes in groundwater levels to impact on the Four Ashes Geological Site of Special Scientific Interest (SSSI). The Applicant should assess the geodiversity impact of the scheme and agree appropriate mitigation in relation to the SSSI with Natural England, in order to avoid significant harm to geological conservation interests. The potential to create new geological exposures within the site boundaries should also be considered.
- 3.65 In the light of the works proposed, cross reference should also be made to the ecology and water resources assessments.

Landscape and Visual (see Scoping Report Section 6.7)

- 3.66 The Secretary of State reminds the Applicant of the need to liaise with the local planning authorities to ensure use is made in the EIA of the most up to date policy documents.
- 3.67 The landscape and visual assessment in the Scoping Report refers to the ZTV. The Secretary of State advises that the ES should describe the model used, provide information on the area covered and the timing of any survey work and the methodology used.
- 3.68 The Secretary of State recommends that sensitive receptors and the location of viewpoints should be agreed with South Staffordshire Council and Cannock Chase AONB where appropriate. The Applicant should also note that the CRT has stated it would welcome the opportunity to discuss this matter with the Applicant (see its consultation response, section 6.7). The assessment should include the impact of light spillage on surrounding residential receptors.

- 3.69 The landscape and visual assessment should be cross referenced with the assessment on the setting of cultural heritage assets. The Secretary of State notes the consultation response from CRT, which states that the assessment should include consideration of the impacts on the setting and views of the canal network and its associated historic assets.
- 3.70 The proposals will be for large structures. The Secretary of State requests that careful consideration should be given to the form, siting, and use of terrain/ ground levels, green walls/ roofs and material finishes in terms of minimising the adverse visual effects of these structures. The assessment should also set out any other features that could impact local views such as gantries and storage containers.
- 3.71 The Applicant should set out any proposed measures to avoid light pollution and associated impacts on amenity, dark landscapes and nature conservation. An assessment of lighting effects should be included within the landscape and visual chapter.
- 3.72 The Applicant should ensure that ecological and landscape mitigation measures are integrated and that every effort is made to retain existing habitats where possible. The Secretary of State considers that detailed consideration should be given to the phasing of landscape screening measures and also recommends that advance planting is considered within the construction phasing proposals to optimise the establishment period for screening/ ecological mitigation planting. This is particularly important in respect of perimeter planting.

Noise and Vibration (see Scoping Report Section 6.8)

- 3.73 The Secretary of State is satisfied with the proposed methodological approach which is based on industry standard guidelines and notes that the Applicant has previously agreed monitoring locations with South Staffordshire Council's Environmental Health Officer (EHO). Scoping Report paragraphs 6.8.6 and 6.8.7 state that monitoring positions may be altered or rationalised. Any variation from the proposed survey locations and scope should be agreed with the EHO.
- 3.74 Subject to the final masterplan option selected, the Applicant should consider the need for additional vibration monitoring during both construction and operation. The potential for HGV related vibration to arise for receptors along Croft Lane and the Staffordshire and Worcestershire Canal should be assessed.
- 3.75 Survey records, plant and equipment assumptions and any detailed modelling reports should be provided for the construction and operation assessments. The assessment should consider traffic related matters identified within the NPSNN such as number of movements, fleet mix and diurnal patterns.

- 3.76 Scoping Report paragraph 6.8.11 references BS5228:2009+A1:2014 for construction noise assessment. Both Part 1 and Part 2 of the assessment methodology should be applied. The ES should clearly set out the detailed method of assessment (e.g. the ABC method or 5dB change method) and how significance has been assessed. The significance criteria for the assessment of peak construction traffic should be set out.
- 3.77 In order to predict the likely noise emissions resulting from operation of the proposed development, Scoping Report paragraph 6.8.15 suggests that it may be necessary to measure noise from activities at an existing operational rail freight terminal. The Secretary of State supports this approach. Any measurements taken should be accompanied by details of the survey and the reasons and justification supporting its applicability to the proposed development. Vibration effects arising from the on-site railway movements should be assessed, in particular for the eastern option, if selected.
- 3.78 The Applicant proposes (Scoping Report paragraph 6.8.18) that *“where information on specific plant noise emission levels is absent, limits will be set so that potential impacts are minimised”*. The Secretary of State notes from Scoping Report paragraph 3.1.2 that the Applicant proposes to apply a ‘Rochdale Envelope’ approach to the assessment. The Secretary of State requires that a worst case noise assessment is provided for the operational site. The assessment should also account for any diurnal patterns.
- 3.79 Scoping Report paragraph 6.8.22 references assessment of other ‘nearby’ schemes. The radius of search is assumed to be 9km as stated in Scoping Report Table 6.16. This should be clarified and justified in the ES.
- 3.80 Where construction and operational activities will take place simultaneously, the Applicant should ensure that the worst case combined construction and operational noise scenario is assessed.
- 3.81 Where noise mitigation measures such as barriers are proposed, the Applicant should set out the proposed phasing of such mitigation and its importance to the reduction of noise impacts on local receptors.

Socio-economics (see Scoping Report Section 6.9)

- 3.82 The Secretary of State notes that the Applicant’s Scoping Report does not set out the proposed approach to the assessment of significance for socio-economic effects. The Secretary of State recommends that recognised guidance is adopted, where available, and that significance criteria are clearly set out in the submitted ES. The assessment should include a breakdown of likely jobs and roles created by the proposed development and any mitigation measures such as skills and training programmes that would promote local

employment. The Applicant's attention is drawn to Staffordshire County Council's comments in this respect.

- 3.83 Where professional judgement is applied to the assessment of receptor sensitivity, magnitude of impact or the significance of an effect, the Applicant should clearly justify this within their ES chapter and refer to supporting evidence as appropriate.
- 3.84 The Applicant's attention is drawn to the consultation response from the CRT, which states that residential moorings should be afforded equal consideration as sensitive receptors to residential properties.
- 3.85 The CRT has emphasised that users of the Staffordshire and Worcestershire Canal and Calf Heath Reservoir, such as boaters (both leisure users and residential) and towpath users, should be clearly set out in the ES as part of the baseline conditions. The CRT notes that the existing and future businesses at Gailey and Hatherton Marina should be included in the socio-economic assessment.
- 3.86 The potential effects on businesses would need to be considered in the event that works are required on the rail bridge on Gravelly Way.

Transport and Access (see Scoping Report Section 6.10)

- 3.87 The Secretary of State welcomes the proposed submission of a Transport Assessment (TA) and Framework Travel Plan (FTP) to support the assessment of transport environmental impacts based on the Guidelines for the Environmental Assessment of Road Traffic (GEART). The assessment should consider impacts on all non-motorised road users. The potential effect of waiting HGVs should be considered in addition to effects on truck stops, cafes and laybys. The Applicant's attention is drawn to the requirements of the NPSNN paragraph 5.207 to assess transport effects using WebTag or a successor methodology and to the need to have regard to Department of Transport Circular 02/2013.
- 3.88 The indicative study area for the TA is set out in paragraph 6.10.10 of the Scoping Report and includes the following statement: *"Other localised sensitive receptors may require consideration such as Cannock Chase SAC and Cannock Extension Canal SAC"*. The Secretary of State considers that such sites should be assessed where indicated by the thresholds within GEART or where required to underpin other topic based assessments (such as air quality and ecology). Reference is made to the Belvide Reservoir (a SSSI) being included in the study area (paragraph 6.10.10 of the Scoping Report) and the Secretary of State welcomes this.
- 3.89 The Secretary of State welcomes the proposed development of the assessment scope in consultation with the local highways authority (Staffordshire County Council) as well as Highways England and City of Wolverhampton Council. The Secretary of State would expect on-

going discussions and the Applicant to provide evidence of agreement, where possible, with such bodies. The Applicant's attention is drawn to Leicestershire County Council's comments regarding impacts on the A5 and the potential level and routing of freight trains towards Nuneaton.

- 3.90 The Applicant should provide a quantitative assessment of peak construction traffic based on a worst case scenario and should identify construction compound locations, accesses and haul routes. The Applicant should demonstrate that hedgerow loss has been minimised for accesses that penetrate retained hedgerows.
- 3.91 The Secretary of State recommends that the ES should set out the proposed mitigation relating to the diversion or closure of the single PRoW within the site. The proposed approach should be discussed and agreed with the rights of way officer at Staffordshire County Council.
- 3.92 The Applicant's attention is drawn to the consultation response from the CRT (see section 6.10), in which it states the potential traffic impacts of the proposed development on Long Molls Bridge and on the modern and old brick bridge at Gravelly Way should be included in the TA. Any potential effects on canal navigation should be outlined and mitigation measures agreed with CRT.
- 3.93 The operational TA is based on two scenarios – 'base' and 'with development'. As highlighted above, the Applicant should include discussion in the ES regarding intermediate scenarios with ongoing construction works and partial operation and provide additional assessment where necessary.
- 3.94 The Applicant should outline any specific measures required to mitigate impacts on the local traffic network, including any access restrictions within the site access network and any restrictions on vehicle parking on the surrounding road network. Specific construction traffic mitigation measures should be set out in a Construction Traffic Management Plan (CTMP) or transport section of a CEMP, to be submitted with the application. This should detail elements such as site accesses, haul routes, timing of deliveries and measures to minimise numbers of deliveries.

Water Environment and Flood Risk (see Scoping Report Section 6.11)

- 3.95 The Secretary of State welcomes the submission of a water environment assessment supported by a flood risk assessment (FRA) and would expect the assessment to be developed in consultation with the Environment Agency, South Staffordshire Council, Staffordshire County Council (the Lead Local Flood Authority) and Severn Trent Water. Any refinement to the study areas and scope

proposed in Section 6.11 of the Scoping Report should be agreed with these bodies, where appropriate.

- 3.96 Scoping Report paragraphs 6.11.7 and 6.11.8 make reference to the Water Framework Directive (WFD) and River Basin Management Plan (RBMP). The Applicant should clearly set out the name of the relevant RBMP; the likelihood of any effects on the objectives of that plan; and whether the proposed development has potential to cause deterioration in any relevant waterbodies.
- 3.97 Scoping Report paragraph 6.11.12 identifies surface water abstractions within the study area. The Applicant should confirm the presence or absence of private abstractions with South Staffordshire Council.
- 3.98 The Applicant's draft CEMP should outline their proposed construction mitigation measures indicating how existing watercourses and waterbodies will be protected from discharges and silting.
- 3.99 In light of the significant increase in impermeable surface area, the Secretary of State will expect detailed consideration to be given to mitigation measures such as sustainable drainage (SuDS) including (amongst other matters) maintenance of greenfield runoff rates, rainwater harvesting, permeable paving, swales, attenuation basins and groundwater recharge. The Applicant should reference the Planning Practice Guidance water supply, wastewater and water quality (ID34), CIRIA Sustainable Drainage Manual, the Staffordshire SuDS handbook and the DEFRA SuDS technical standards. The Applicant should clearly outline the functional linkage between drainage, landscape and ecological mitigation designs.
- 3.100 The Applicant's attention is drawn to Staffordshire County Council's comments regarding the need for design detail to be provided to the level of a conceptual design.
- 3.101 Reference should be made to other regimes (such as the environmental permitting regime). The need or otherwise for on-going monitoring and maintenance of drainage infrastructure (e.g. interceptors or outfalls) should also be addressed and agreed with the relevant authorities to ensure that any mitigation measures are effective.
- 3.102 The Applicant's attention is drawn to the CRT's consultation response, which indicates that the ES should reference the route of the Hatherton Canal as a sensitive receptor.

Cumulative Effects (see Scoping Report Section 6.12)

- 3.103 The Secretary of State notes the adoption of a staged approach to cumulative effects assessment (including comments in Scoping Report paragraph 6.12.7) in line with the Planning Inspectorate's

Advice Note 17 and the assessment of significance based on professional judgement. The Applicant should clearly set out how professional judgement has been applied to any conclusions regarding likely significant effects of the proposed development.

- 3.104 Scoping Report paragraph 6.12.5 assumes that standard CEMP procedures will be applied to mitigate construction effects. The Applicant should provide a draft version of this plan to demonstrate the specific measures that would be employed, where possible.
- 3.105 Scoping Report Table 6.16 sets out the Zones of Influence to be considered for each topic. It is assumed that these distances are from the site boundary, however for clarity, the Applicant should state in the ES whether the distances are from the site boundary or the centre of the development

Waste (see Scoping Report Section 7.2)

- 3.106 As stated previously in paragraph 3.22 of the Scoping Opinion, in line with the NPSNN, the Secretary of State considers that the ES should set out the process for effective management of hazardous and non-hazardous waste arising from construction and operation; measures taken to minimise the volume of waste arising and sent to disposal (except where an alternative is the most sustainable outcome); and appropriate cross referencing to requirements or obligations that ensure appropriate measures for waste management are applied.
- 3.107 The Secretary of State recommends that the Applicant considers the impact of the proposals on permission SS.12/08/681 MW and the potential impact of the proposals on the end-use of finished mineral workings for waste backfilling.

4 OTHER INFORMATION

- 4.1 This section does not form part of the Secretary of State's Opinion as to the information to be provided in the ES. However, it does respond to other issues that the Secretary of State has identified which may help to inform the preparation of the application for the DCO.

Pre-application Prospectus

- 4.2 The Planning Inspectorate offers a service for Applicants at the pre-application stage of the nationally significant infrastructure planning process. Details are set out in the prospectus 'Pre-application service for NSIPs'². The prospectus explains what the Planning Inspectorate can offer during the pre-application phase and what is expected in return. The Planning Inspectorate can provide advice about the merits of a scheme in respect of national policy; can review certain draft documents; as well as advice about procedural and other planning matters. Where necessary a facilitation role can be provided. The service is optional and free of charge.
- 4.3 The level of pre-application support provided by the Planning Inspectorate will be agreed between an Applicant and the Planning Inspectorate at the beginning of the pre-application stage and will be kept under review.

Preliminary Environmental Information (PEI)

- 4.4 Consultation forms a crucial aspect of EIA. As part of their pre-application consultation duties, Applicants are required to prepare a Statement of Community Consultation (SoCC). This sets out how the local community will be consulted about the proposed development. The SoCC must state whether the proposed development is EIA development and if it is, how the Applicant intends to publicise and consult on PEI (defined in the EIA Regulations under Regulation 2 'Interpretation'. Further information in respect of PEI may be found in Advice Note 7 'Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping'.

Habitats Regulations Assessment (HRA)

- 4.5 The Secretary of State notes that European sites³ could be potentially affected by the proposed development. The Habitats Regulations

² The prospectus is available from:
<http://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

³ The term European Sites in this context includes Sites of Community Importance (SCIs), Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs), possible SACs, potential SPAs, Ramsar sites, proposed Ramsar sites, and any sites identified as compensatory measures for adverse effects on any of the

require competent authorities, before granting consent for a plan or project, to carry out an appropriate assessment (AA) in circumstances where the plan or project is likely to have a significant effect on a European site (either alone or in combination with other plans or projects). Applicants should note that the competent authority in respect of NSIPs is the relevant Secretary of State. It is the Applicant's responsibility to provide sufficient information to the competent authority to enable them to carry out an AA or determine whether an AA is required.

- 4.6 The Applicant's attention is drawn to Regulation 5(2)(g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) ('the APFP Regulations') and the need to include with the DCO application a report identifying European sites to which the Habitats Regulations applies and Ramsar sites, which may be affected by the proposed development.
- 4.7 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the competent authority of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the competent authority.
- 4.8 The Applicant's attention is also drawn to UK Government policy⁴, which states that the following sites should be given the same protection as European sites: possible SACs (pSACs); potential SPAs (pSPAs); and (in England) proposed Ramsar sites and sites identified, or required, as compensatory measures for adverse effects on any of the above sites.
- 4.9 Further information on the HRA process is contained within PINS Advice Note ten available on the National Infrastructure Planning pages of the PINS website. It is recommended that Applicants follow the advice contained within this Advice Note.

Plan To Agree Habitats Information

- 4.10 A Plan may be prepared to agree upfront what information in respect of Habitats Regulations the Applicant needs to supply to the Planning Inspectorate as part of a DCO application. This is termed an Evidence Plan for proposals in England or in both England and Wales, but a similar approach can be adopted for proposals only in Wales. For ease these are all termed 'evidence plans' here.

above. For a full description of the designations to which the Habitats Regulations apply, and/or are applied as a matter of Government policy, see PINS Advice Note 10.

⁴ In England, the NPPF paragraph 118. In Wales, TAN5 paragraphs 5.2.2 and 5.2.3.

- 4.11 An evidence plan will help to ensure compliance with the Habitats Regulations. It will be particularly relevant to NSIPs where impacts may be complex, large amounts of evidence may be needed or there are a number of uncertainties. It will also help Applicants meet the requirement to provide sufficient information (as explained in Advice Note ten) in their application, so the Examining Authority can recommend to the Secretary of State whether or not to accept the application for examination and whether an appropriate assessment is required.
- 4.12 Any Applicant of a proposed NSIP can request an evidence plan. A request for an evidence plan should be made at the start of pre-application (e.g. after notifying the Planning Inspectorate on an informal basis) by contacting Natural England.

Sites of Special Scientific Interest (SSSIs)

- 4.13 The Secretary of State notes that a number of SSSIs are located close to or within the proposed development. Where there may be potential impacts on the SSSIs, the Secretary of State has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.
- 4.14 Under s28(G), the Secretary of State has a general duty ‘... to take reasonable steps, consistent with the proper exercise of the authority’s functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest’.
- 4.15 Under s28(I), the Secretary of State must notify the relevant nature conservation body (NCB), NE in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the Secretary of State must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the examination period.
- 4.16 If Applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the Secretary of State. If, following assessment by Applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, Applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

European Protected Species (EPS)

- 4.17 Applicants should be aware that the decision maker under the PA2008 has, as the CA, a duty to engage with the Habitats Directive. Where a potential risk to a European Protected Species (EPS) is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests in Regulation 53 of the Habitats Regulations. Therefore the Applicant may wish to provide information which will assist the decision maker to meet this duty.
- 4.18 If an Applicant has concluded that an EPS licence is required, the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the Applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.19 Applicants are encouraged to consult with NE and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the examination if Applicants could provide, with the application documents, confirmation from NE whether any issues have been identified which would prevent the EPS licence being granted.
- 4.20 Generally, NE is unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed. For NSIPs, NE will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, NE will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why Natural England consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued. The Applicant is responsible for ensuring draft licence applications are satisfactory for the purposes of informing formal pre-application assessment by Natural England.
- 4.21 Ecological conditions on the site may change over time. It will be the Applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals.
- 4.22 In England the focus concerns the provision of up to date survey information which is then made available to NE (along with any

resulting amendments to the draft licence application). Applicants with projects in England (including activities undertaken landward of the mean low water mark) can find further information in Advice Note eleven, Annex C⁵.

Other Regulatory Regimes

- 4.23 The Secretary of State recommends that the Applicant should state clearly what regulatory areas are addressed in the ES and that the Applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.24 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA2008, the Secretary of State will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The Applicant is encouraged to make early contact with other regulators. Information from the Applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the Secretary of State.

Water Framework Directive

- 4.25 EU Directive 2000/60/EC ('the Water Framework Directive') establishes a framework for the protection of inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. Under the terms of the Directive, Member States are required to establish river basin districts and corresponding river basin management plans outlining how the environmental objectives outlined in Article 4 of the Directive are to be met.
- 4.26 In determining an application for a DCO, the Secretary of State must be satisfied that the Applicant has had regard to relevant river basin management plans and that the proposed development is compliant with the terms of the WFD and its daughter directives. In this respect, the Applicant's attention is drawn to Regulation 5(2)(I) of the APFP Regulations which requires an application for an NSIP to be

⁵ Advice Note eleven, Annex C – Natural England and the Planning Inspectorate available from: http://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/10/PINS-Advice-Note-11_AnnexC_20150928.pdf

accompanied by 'where applicable, a plan with accompanying information identifying-... ..(iii) water bodies in a river basin management plan, together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development.'

The Environmental Permitting Regulations and the Water Resources Act

Environmental Permitting Regulations 2010

4.27 The Environmental Permitting Regulations 2010 require operators of certain facilities, which could harm the environment or human health, to obtain permits from the Environment Agency. Environmental permits can combine several activities into one permit. There are standard permits supported by 'rules' for straightforward situations and bespoke permits for complex situations. For further information, please see the Government's advice on determining the need for an environmental permit⁶.

4.28 The Environment Agency's environmental permits cover:

- Industry regulation;
- Waste management (waste treatment, recovery or disposal operations);
- Discharges to surface water;
- Groundwater activities; and
- Radioactive substances activities.

4.29 Characteristics of environmental permits include:

- They are granted to operators (not to land);
- They can be revoked or varied by the Environment Agency;
- Operators are subject to tests of competence;
- Operators may apply to transfer environmental permits to another operator (subject to a test of competence); and
- Conditions may be attached.

The Water Resources Act 1991

4.30 Under the Water Resources Act 1991 (as amended), anyone who wishes to abstract more than 20m³/day of water from a surface source such as a river or stream or an underground source, such as an aquifer, will normally require an abstraction licence from the

⁶ Available from: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

Environment Agency. For example, an abstraction licence may be required to abstract water for use in cooling at a power station. An impoundment licence is usually needed to impede the flow of water, such as in the creation of a reservoir or dam, or construction of a fish pass.

- 4.31 Abstraction licences and impoundment licences are commonly referred to as 'water resources licences'. They are required to ensure that there is no detrimental impact on existing abstractors or the environment. For further information, please see the Environment Agency's WR176 guidance form on applying for a full, transfer or impounding licence⁷:
- 4.32 Characteristics of water resources licences include:
- They are granted to licence holders (not to land);
 - They can be revoked or varied;
 - They can be transferred to another licence holder; and
 - In the case of abstraction licences, they are time limited.

Role of the Applicant

- 4.33 It is the responsibility of Applicants to identify whether an environmental permit and / or water resources licence is required from the Environment Agency before an NSIP can be constructed or operated. Failure to obtain the appropriate consent(s) is an offence.
- 4.34 The Environment Agency allocates a limited amount of pre-application advice for environmental permits and water resources licences free of charge. Further advice can be provided, but this will be subject to cost recovery.
- 4.35 The Environment Agency encourages Applicants to engage with them early in relation to the requirements of the application process. Where a project is complex or novel, or requires a Habitats Regulations Assessment, Applicants are encouraged to "parallel track" their applications to the Environment Agency with their DCO applications to the Planning Inspectorate. Further information on the Environment Agency's role in the infrastructure planning process is available in Annex D of the Planning Inspectorate's Advice note eleven (working with public bodies in the infrastructure planning process)⁸
- 4.36 When considering the timetable to submit their applications, Applicants should bear in mind that the Environment Agency will not

⁷ Available from: <https://www.gov.uk/environmental-permit-check-if-you-need-one>

⁸ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

be in a position to provide a detailed view on the application until it issues its draft decision for public consultation (for sites of high public interest) or its final decision. Therefore the Applicant should ideally submit its application sufficiently early so that the Environment Agency is at this point in the determination by the time the Development Consent Order reaches examination.

- 4.37 It is also in the interests of an Applicant to ensure that any specific requirements arising from their permit or licence are capable of being carried out under the works permitted by the DCO. Otherwise there is a risk that requirements could conflict with the works which have been authorised by the DCO (e.g. a stack of greater height than that authorised by the DCO could be required) and render the DCO impossible to implement.

Health Impact Assessment

- 4.38 The Secretary of State considers that it is a matter for the Applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA). However, the Applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from the Health and Safety Executive and Public Health England in relation to safety issues (see Appendix 3). The Applicant's attention is drawn to the Health and Safety Executive's comments regarding the consultation zone for Carvers Wolverhampton, a major accident hazard site and the licensed explosive site at Gailey.
- 4.39 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

Transboundary Impacts

- 4.40 The Secretary of State notes that the Applicant has not indicated in the Scoping Report whether the proposed development is likely to have significant impacts on another European Economic Area (EEA) State.
- 4.41 Regulation 24 of the EIA Regulations, which inter alia require the Secretary of State to publicise a DCO application if the Secretary of State is of the view that the proposal is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The Secretary of State considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.
- 4.42 The Secretary of State recommends that the ES should identify whether the proposed development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

APPENDIX 1 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT

A1.1 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a development consent order (DCO) for nationally significant infrastructure under the Planning Act 2008 (PA2008). Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

A1.2 An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- (a) that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the Applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but*
- (b) that includes at least the information required in Part 2 of Schedule 4.*

(EIA Regulations Regulation 2)

A1.3 The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the PA2008 is determined. The ES should be an aid to decision making.

A1.4 The Secretary of State advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The Secretary of State recommends that the ES be concise with technical information placed in appendices.

ES Indicative Contents

A1.5 The Secretary of State emphasises that the ES should be a 'stand alone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

A1.6 Schedule 4 Part 1 of the EIA Regulations states this information includes:

17. Description of the development, including in particular—

- (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
- (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
- (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.*

18. An outline of the main alternatives studied by the Applicant and an indication of the main reasons for the Applicant's choice, taking into account the environmental effects.

19. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.

20. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:

- (a) the existence of the development;*
- (b) the use of natural resources;*
- (c) the emission of pollutants, the creation of nuisances and the elimination of waste,*

and the description by the Applicant of the forecasting methods used to assess the effects on the environment.

21. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.

22. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.

23. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the Applicant in compiling the required information.

(EIA Regulations Schedule 4 Part 1)

The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the Applicant' which the Secretary of State recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

24. A description of the development comprising information on the site, design and size of the development

25. A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects

26. The data required to identify and assess the main effects which the development is likely to have on the environment

27. An outline of the main alternatives studied by the Applicant and an indication of the main reasons for the Applicant's choice, taking into account the environmental effects, and

28. A non-technical summary of the information provided [under the four paragraphs of Schedule 4 part 2 above].

(EIA Regulations Schedule 4 Part 2)

A1.7 Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the Secretary of State considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

Balance

A1.8 The Secretary of State recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The Secretary of State considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

Scheme Proposals

A1.9 The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The Secretary of State is not able to entertain material changes to a project once an application is submitted. The Secretary of State draws the attention of the Applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

Flexibility

A1.10 The Secretary of State acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

A1.11 It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

A1.12 The Rochdale Envelope principle (*see R v Rochdale MBC ex parte Tew (1999) and R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The Applicant's attention is drawn to the Planning Inspectorate's Advice Note nine 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

A1.13 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the Applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

A1.14 The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form

of the structures and of any buildings. Lighting proposals should also be described.

Scope

A1.15 The Secretary of State recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

Physical Scope

A1.16 In general the Secretary of State recommends that the physical scope for the EIA should be determined in the light of:

- The nature of the proposal being considered;
- The relevance in terms of the specialist topic;
- The breadth of the topic;
- The physical extent of any surveys or the study area; and
- The potential significant impacts.

A1.17 The Secretary of State recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

Breadth of the Topic Area

A1.18 The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

Temporal Scope

A1.19 The assessment should consider:

- Environmental impacts during construction works;
- Environmental impacts on completion/operation of the proposed development;
- Where appropriate, environmental impacts a suitable number of years after completion of the proposed development (for example, in order to allow for traffic growth or maturing of any landscape proposals); and
- Environmental impacts during decommissioning.

A1.20 In terms of decommissioning, the Secretary of State acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The Secretary of State encourages consideration of such matters in the ES.

A1.21 The Secretary of State recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

A1.22 The Secretary of State recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

Baseline

A1.23 The Secretary of State recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

A1.24 The Secretary of State recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

A1.25 For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed

with the relevant statutory bodies and appropriate consultees, wherever possible.

A1.26 The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

Identification of Impacts and Method Statement

Legislation and Guidelines

A1.27 In terms of the EIA methodology, the Secretary of State recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

A1.28 In terms of other regulatory regimes, the Secretary of State recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

A1.29 In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

Assessment of Effects and Impact Significance

A1.30 The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).

A1.31 As a matter of principle, the Secretary of State applies the precautionary approach to follow the Court's reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the proposed development will have an effect, and not that a development will definitely have an effect.

A1.32 The Secretary of State considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The Secretary of State recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The Secretary of State considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

A1.33 The Secretary of State recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The Secretary of State recommends that a common format should be applied where possible.

Inter-relationships between environmental factors

A1.34 The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

A1.35 The Secretary of State considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

Cumulative Impacts

A1.36 The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development). In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities.

A1.37 Applicants should refer to PINS Advice Note 17 Cumulative Effects Assessment for further guidance on the Inspectorate's recommended approach to cumulative effects assessment. Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment will be crucial in this regard. For the purposes of identifying any cumulative effects with other developments in the area, Applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on transboundary effects below).

Related Development

A1.38 The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

A1.39 The Secretary of State recommends that the Applicant should distinguish between the proposed development for which development consent will be sought and any other development. This distinction should be clear in the ES.

Alternatives

A1.40 The ES must set out an outline of the main alternatives studied by the Applicant and provide an indication of the main reasons for the Applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

A1.41 Matters should be included, such as inter alia alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.

A1.42 The Secretary of State advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

Mitigation Measures

A1.43 Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

A1.44 The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

A1.45 It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

A1.46 The Secretary of State advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

Cross References and Interactions

A1.47 The Secretary of State recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

A1.48 As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the Applicant in compiling the required information.

Consultation

A1.49 The Secretary of State recommends that ongoing consultation is maintained with relevant stakeholders and that any specific areas of agreement or disagreement regarding the content or approach to assessment should be documented. The Secretary of State recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

A1.50 Consultation with the local community should be carried out in accordance with the SoCC which will state how the Applicant intends to consult on the preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the PA2008, this could usefully assist the Applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon Applicants under Section 50 of the PA2008 to have regard to the guidance on pre-application consultation.

Transboundary Effects

A1.51 The Secretary of State recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the Secretary of State recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

A1.52 The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note twelve 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website⁹.

Summary Tables

A1.53 The Secretary of State recommends that in order to assist the decision making process, the Applicant may wish to consider the use of tables:

Table X: to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

Table XX: to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

Table XXX: to set out the mitigation measures proposed, as well as assisting the reader, the Secretary of State considers that this would also enable the Applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

Table XXXX: to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

Terminology and Glossary of Technical Terms

A1.54 The Secretary of State recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site. A glossary of technical terms should be included in the ES.

Presentation

A1.55 The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate. Appendices must be clearly referenced, again with all paragraphs numbered. All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

⁹ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Confidential Information

A1.56 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to information about the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information. Where documents are intended to remain confidential the Applicant should provide these as separate paper and electronic documents with their confidential nature clearly indicated in the title, and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Planning Inspectorate would be required to disclose under the Environmental Information Regulations 2014.

Bibliography

A1.57 A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

Non-Technical Summary

A1.58 The EIA Regulations require a Non-Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.

APPENDIX 2 – LIST OF CONSULTATION BODIES FORMALLY CONSULTED

Note: the prescribed consultees have been consulted in accordance with the Planning Inspectorate's Advice Note three 'EIA Consultation and Notification' (version 6, July 2015)¹⁰.

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	Stafford and Surrounds Clinical Commissioning Group
The relevant Clinical Commissioning Group	Cannock Chase Clinical Commissioning Group
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England - West Midlands
The relevant fire and rescue authority	Staffordshire Fire and Rescue Service
The relevant police and crime commissioner	Staffordshire Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Penkridge Parish Council
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Hatherton Parish Council
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Brewood and Coven Parish Council
The Environment Agency	The Environment Agency - Staffordshire, Warwickshire and

¹⁰ Available from: <http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

SCHEDULE 1 DESCRIPTION	ORGANISATION
	West Midlands
The Civil Aviation Authority	Civil Aviation Authority
The Secretary of State for Transport	Department for Transport
The Relevant Highways Authority	Staffordshire County Council Highways Authority
The relevant strategic highways company	Highways England - Midlands
The Coal Authority	The Coal Authority
The Canal and River Trust	The Canal and River Trust
Public Health England, an executive agency of the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Forestry Commission - North West & West Midlands Area
The Secretary of State for Defence	Ministry of Defence

RELEVANT STATUTORY UNDERTAKERS	
The relevant Clinical Commissioning Group	Stafford and Surrounds Clinical Commissioning Group
The relevant Clinical Commissioning Group	Cannock Chase Clinical Commissioning Group
The National Health Service Commissioning Board	NHS England
The relevant NHS Foundation Trust	West Midlands Ambulance Service NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
Railways	Highways England Historical Railways Estate
Canal Or Inland Navigation Authorities	The Canal and River Trust
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes and Communities Agency
The relevant Environment Agency	Environment Agency - Staffordshire, Warwickshire and

RELEVANT STATUTORY UNDERTAKERS	
	West Midlands
The relevant water and sewage undertaker	South Staffordshire Water Plc
The relevant water and sewage undertaker	Severn Trent
The relevant public gas transporter	Energetics Gas Limited
The relevant public gas transporter	Energy Assets Pipelines Limited
The relevant public gas transporter	ES Pipelines Ltd
The relevant public gas transporter	ESP Connections Ltd
The relevant public gas transporter	ESP Networks Ltd
The relevant public gas transporter	ESP Pipelines Ltd
The relevant public gas transporter	Fulcrum Pipelines Limited
The relevant public gas transporter	GTC Pipelines Limited
The relevant public gas transporter	Independent Pipelines Limited
The relevant public gas transporter	Indigo Pipelines Limited
The relevant public gas transporter	Quadrant Pipelines Limited
The relevant public gas transporter	LNG Portable Pipeline Services Limited
The relevant public gas transporter	National Grid Gas Plc
The relevant public gas transporter	National Grid Gas Plc
The relevant public gas transporter	Scotland Gas Networks Plc
The relevant public gas transporter	Southern Gas Networks Plc
The relevant public gas transporter	Wales and West Utilities Ltd
The relevant electricity distributor with CPO Powers	Energetics Electricity Limited
The relevant electricity distributor with CPO Powers	ESP Electricity Limited
The relevant electricity distributor with CPO Powers	Harlaxton Energy Networks Limited
The relevant electricity distributor with CPO Powers	Independent Power Networks Limited
The relevant electricity	Peel Electricity Networks Limited

RELEVANT STATUTORY UNDERTAKERS	
distributor with CPO Powers	
The relevant electricity distributor with CPO Powers	The Electricity Network Company Limited
The relevant electricity distributor with CPO Powers	UK Power Distribution Limited
The relevant electricity distributor with CPO Powers	Utility Assets Limited
The relevant electricity distributor with CPO Powers	Western Power Distribution (West Midlands) plc
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc

SECTION 43 CONSULTEES (FOR THE PURPOSES OF SECTION 42(B))	
Local Authorities	South Staffordshire Council
Local Authorities	Cannock Chase District Council
Local Authorities	Walsall Council
Local Authorities	City of Wolverhampton Council
Local Authorities	Dudley Metropolitan Borough Council
Local Authorities	Bromsgrove District Council
Local Authorities	Wyre Forest District Council
Local Authorities	Stafford Borough Council
Local Authorities	Staffordshire County Council
Local Authorities	Worcestershire County Council
Local Authorities	Shropshire Council
Local Authorities	Telford and Wrekin Council
Local Authorities	Warwickshire County Council
Local Authorities	Leicestershire County Council
Local Authorities	Derbyshire County Council
Local Authorities	Cheshire East Council
Local Authorities	Stoke on Trent City Council
Local Authorities	Birmingham City Council
Local Authorities	Peak District National Park Authority

APPENDIX 3 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

List of bodies who replied by the Statutory Deadline:

Bromsgrove District Council
Canal and River Trust
Derbyshire County Council
Environment Agency
GTC
Health and Safety Executive
Highways England
Leicestershire County Council
National Grid
NATS En-Route Safeguarding
Natural England
Public Health England
Severn Trent Water
South Staffordshire Council
Staffordshire County Council

From: Dale Birch [mailto:d.birch@bromsgroveandredditch.gov.uk]
Sent: 21 September 2016 11:28
To: Environmental Services
Subject: RE: TR050005 – West Midlands Interchange – EIA Scoping Notification and Consultation

Dear Sirs

TR050005 - West Midlands Interchange - EIA Scoping Notification and Consultation

Thank you for notification dated 16 September 2016 concerning the above.

On behalf of Bromsgrove District Council and Redditch Borough Council, I raise no objection to the scheme and do not wish to submit any comments.

Regards

Dale Birch
Development Control Manager
Bromsgrove District Council and Redditch Borough Council

Telephone: 01527 881341
Email: d.birch@bromsgroveandredditch.gov.uk

Bromsgrove District Council Parkside Market Street Bromsgrove Worcestershire B61 8DA	Redditch Borough Council Town Hall Walter Stranz Square Redditch Worcestershire B98 8AH
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Canal &
River Trust

DATE 14.10.16

Richard Hunt
Senior EIA and Land Rights Advisor
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our Ref: Four Ashes NSIP
Your Ref: TR050005

Dear Mr Hunt,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended)- Regulations 8 and 9

Application by Four Ashes Limited for an Order Granting Development Consent for the proposed West Midlands Interchange

Scoping Consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested.

Thank you for your consultation in respect of the above.

The Canal & River Trust (the Trust) is the guardian of 2,000 miles of historic waterways across England and Wales. We are among the largest charities in the UK. Our vision is that "living waterways transform places and enrich lives". We are a prescribed consultee in the NSIP process.

Following consideration of the scoping consultation we have the following comments to make:

The Staffordshire & Worcestershire Canal runs through the western part of the site on an almost north-south alignment. In addition, the Hatherton Canal is located to the south / east of the site and the north-eastern site boundary directly adjoins the Calf Heath reservoir with the Gailey reservoirs on the opposite side of the M6 to the north-east.

The Staffordshire & Worcestershire Canal is a designated conservation area and there are existing marinas both to the north at Gailey and to the south-east of the site at Hatherton. As land owner/ operator of the canal the Trust would therefore wish to see any potential impacts on the canal and its users fully identified and addressed within the Environmental Statement.

Canal & River Trust Peel's Wharf Lichfield Street Fazeley Tamworth B78 3QZ

T 0303 040 4040 **E** NationalPlanning.Function@canalrivertrust.org.uk www.canalrivertrust.org.uk

Patron: H.R.H. The Prince of Wales. Canal & River Trust, a charitable company limited by guarantee registered in England and Wales with company number 7807276 and registered charity number 1146792, registered office address First Floor North, Station House, 500 Elder Gate, Milton Keynes MK9 1BB

It is understood that there are currently 2no. options for the location of the rail terminal being considered by the applicant. (East and West) The Scoping Report provides information on the likely nature and form of the proposed development and identifies areas of potential impacts. The proposed methodologies identified in the report appear to be broadly appropriate. The level of individual impacts however may vary between the 2no. development options and it will therefore be important that the Environmental Statement fully identifies this and methodologies are applied / tailored appropriately.

The Scoping document acknowledges the Staffordshire & Worcestershire Canal and identifies its location within the application site. Reference is also made to the Calf Heath reservoir. Whilst the document does make reference to the canal, reservoirs and associated infrastructure throughout it is considered that in setting baselines for the EIA these should be more clearly and consistently referenced throughout.

The document does not consistently reference the Hatherton Canal as a sensitive receptor and there is limited reference to the existing marinas at Gailey and Hatherton which include listed structures and both visitor and residential moorings.

One of our charitable objects is *“To promote, facilitate, undertake and assist in, for public benefit, the restoration and improvement of inland waterways”*. In view of this we require assurances that the line of the Hatherton Branch Canal will be adequately assessed and protected to safeguard its future.

In addition, considering the location of the Staffordshire & Worcestershire Canal and Calf Heath reservoir within /directly adjacent to the site the users of these, including boaters/towpath users, should be clearly set out as part of the baseline in identifying the ‘current’ site and its immediate surrounds.

Subsequently this increased consistency in identifying the baseline conditions of the current site will ensure the identification of potential impacts is more robust.

In relation to the specific topic areas we would comment as follows:

6.3 Air Quality

Canal users are identified as sensitive receptors that may be affected. It should be clarified that canal users includes boaters, both leisure users and residential along with towpath users. Whilst Calf Heath Reservoir may fall within the *‘other recreational areas’* (6.3.18) it is considered that given its location directly adjacent to the site this should be specifically referenced as a sensitive receptor.

In addition, the documents identify residential properties as sensitive receptors. Residential moorings should be afforded equal consideration as a sensitive receptor.

6.4 Archaeology and Cultural Heritage

The document identifies that the Staffordshire & Worcestershire Canal is a designated conservation area and identifies the heritage features associated with the canal such as the listed structures at Gailey Marina.

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Sections 6.4.26-6.4.31 identify the history of the canal network in the site area surroundings and makes reference to the Hatherton Canal and Calf Heath reservoir and associated infrastructure. The impact assessment methodology appears sound though it will need to be very robust in order to take into account the potentially major impacts on the character of the canals, the conservation area and other designated and non-designated heritage assets.

The proposals include a new road bridge crossing at Gravelly Way. Currently there is a modern 1990s road bridge at this point and an old brick arch accommodation bridge which is used for pedestrian traffic only. The assessment should acknowledge this heritage asset and detail the impacts upon it.

The potential impact on the canal network will not just be limited to the section through the site and the assessment should be extended to incorporate the findings of the views assessment to ensure that any potential impact on the setting and views from through and across the heritage areas are taken into account also. The impact assessment should identify areas of negative impact and clearly outline any planned mitigation methods to reduce these impacts. Similarly, any potential for positive impacts, such as the removal of existing pipe bridges across the canal corridor should also be outlined.

6.5 Ecology

It is not clear within this section whether the presence of the canal within the site or the connectivity to other habitat areas in the vicinity, such as Calf Heath reservoir have been fully considered.

With particular reference to Otters Para. 6.5.92 states:

'It is unlikely that the Canal would be directly impacted by the proposed development as it is situated off-site. Therefore, otter surveys are not recommended as long as the potential presence of otters within the canal are taken into account during the design of the development'

The Staffordshire & Worcestershire Canal is a significantly important canal for the regional conservation status of the European otter, several species of bats, water voles and white clawed crayfish.

Both layout options for the Rail interchange include the canal within the site boundary and with potential road/rail crossings has the potential for significant impacts on the canal and connected habitats. It is therefore considered that the Ecology section should be reviewed to ensure the correct baselines are set, potential impacts correctly identified and recommendations for further survey work based on a full assessment of the current site status.

In assessing the impact of the development the EIA should also identify any opportunities to improve the canal corridor to enhance biodiversity. The existing offside of the canal is extensively sheet piled and environmental improvements such as the installation of coir roll (or similar) habitat should be considered when assessing the potential impact of the development.

At present the towpath in the vicinity of the site is mostly grass. The EIA should fully assess the impact from increased use of the towpath resulting from the development and any resurfacing works necessary to support additional footfall on the ecological function of the canal corridor.

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6.6 Ground Conditions

This section identifies surface watercourses as one of the main receptors with the potential to be affected by the development. Until the Phase II Investigation is available and has been reviewed it is difficult to comment in detail at this stage. However specific reference to the canal, reservoir and associated networks should be set out within para 6.6.24 & 6.6.25 to clearly identify the potential impacts on the infrastructure and users of the canal network both during construction and from the proposed development.

In particular, within Para 6.6.25 reference is made to existing soils not providing suitable horticultural growth medium to support future planting within areas of soft landscaping. Green Infrastructure has been identified as key to minimising the impact of the development on the canal. Therefore, the potential impacts of addressing this, for example removal / importation of suitable soil, and subsequent impact on aspects such as land stability, ground conditions, ecology needs to be fully reflected in any submission.

6.7 Landscape and Visual Impact

The canal is identified as a sensitive landscape receptor though it should be made clear that this includes the Staffordshire & Worcestershire Canal, the Hatherton Canal and the marinas at Gailey and Hatherton. These should all be identified as both sensitive landscape and visual receptors.

In addition, Calf Heath reservoir should also be considered as a sensitive landscape receptor and the effects on its character identified as a potential impact.

Para 6.7.62 states that the location of photo viewpoints and photomontages will be agreed with the relevant consultee and the Trust would welcome the opportunity to engage with the applicant on this matter.

6.8 Noise and Vibration

The proposals both during construction and following development have the potential to impact on users of the canal and reservoir from noise and vibration. This includes boaters (both residential & leisure users), recreational users of the reservoir and towpath and business associated with canal. This should be reflected in Para 6.8.8.

6.9 Socio-Economic

The assessment should ensure the existing businesses at Gailey and Hatherton Marina are included within this section.

The development has the potential to adversely impact on the current operation of these sites, in particular the boating business at Gailey. This facility includes moorings and a boat hire business and has gained planning permission to expand. The impact on the current operation of this business and its future continued operation should be considered.

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The canal network offers many social and economic benefits. Due to their overall scale and nature the proposals have the potential to significantly impact on the attractiveness of the wider canal network. The Trust would wish to be assured that the development would not have a detrimental impact on the canal and reservoir and would still allow for these to be enjoyed by leisure and business users, especially with the high number of holiday hire boats operating on the wider network.

6.10 Transport and Access

The proposed development both during construction and operation has the potential to significantly impact on the canal from increased traffic adjacent to the canal corridor, on bridge crossings and on the towpath itself.

This section of the document indicates the potential impact on pedestrian movements to the site though no specific reference is made to the canal towpath. The potential impacts on the towpath include direct closures / diversions during construction, in particular in relation to the proposed canal crossings, and post development from increased pedestrian/cycle usage. This should be reflected in the document and assessment of existing access arrangements included to establish the relevant baseline.

Any assessment will consider the wider impacts of increased traffic and this should specifically include reference to existing canal crossings within the wider vicinity of the site. For example, Long Molls Bridge is located to the south of the site and could be subject to increased traffic demands both during construction and post development.

This is a brick arch bridge which has been historically assessed as full strength load capacity. However, it is very narrow with room for only one vehicle to cross at a time. It is also severely hump-backed, with heavy grounding marks visible in the road surface over the crown. The assessment should include suitable mitigation measures for both short term and long term effects.

Currently at Gravelly Way there is a modern flat deck road bridge and an old brick arch accommodation bridge which is used for pedestrian traffic only. Both are within the ownership of the Trust and provide the only access to the existing commercial development to the east of the canal. The impact on these will need to be fully included in any assessment.

The document does not acknowledge waterborne traffic as a potential sensitive receptor and subsequently does not identify the potential impacts to boat movements or navigational safety, which would be particularly affected during construction. The feasibility of utilising the waterway for freight /construction should also be included.

6.11 Water Environment and Flood Risk

The document has identified the Staffordshire & Worcestershire Canal, Hatherton Canal, Calf Heath reservoir and the Gailey reservoirs as surface water features situated in close proximity to the site.

Calf Heath reservoir is a non-impounding reservoir and whilst it is not envisaged that the proposed development downstream would affect the flood categorisation of the reservoir this should be

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included within any assessment. Any potential impact from construction close to the dam toe will also need to be properly assessed.

There are feeders for Gailey reservoir and the canal to the north of the site and a ditch at the toe of the west dam of Calf Heath Reservoir which appear to fall within the application site. The assessment should include details of these and the potential impacts of the development on these features.

The ditch conveys water from the spillway and also picks up leaks from the west dam. Continued foot access to the west of the ditch will be required in order to inspect the dam side face of the ditch for leaks. The ditch will also need to be maintained such that it continues to be capable of carrying flows from the spillway.

Continued maintenance of the feeder channel that runs along the length of the A5 will need to be ensured through the provision of a 2m strip of land alongside its southern boundary. The proposed roundabout has the potential to impact on the feeder. Unrestricted access along the length of the feeder should be provided and its flow should not be restricted.

7.4 Light Spillage

The document identifies light spillage as a non-significant issue. The Trust would advise that waterside lighting affects how the waterway corridor is perceived, particularly when viewed from the water, the towpath and neighbouring land, for example waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. Lighting should also show consideration for bat and other species who utilise the canal corridor for foraging. The Trust consider the lighting strategies for proposed development can therefore have a significant impact on the waterway and should be afforded sufficient weight in any assessment.

The Trust would be happy to discuss any of the above with the applicants in more detail to ensure that all aspects are considered in the preparation of the EIA.

If you have any queries please contact me, my details are below.

Yours sincerely

Anne Denby
Area Planner (West Midlands)
Anne.Denby@canalrivertrust.org.uk
01926 622752

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Improving life for local people

The Secretary of State
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
BRISTOL
BS1 6PN

Mike Ashworth
Strategic Director

Economy, Transport and Communities
Shand House
Dale Road South
Matlock
Derbyshire
DE4 3RY

Telephone: (01629) 539810
Our Ref: DD/SP/West Midlands Interchange
Your Ref: TR050005_000009
Date: 14 October 2016

F.A.O. Richard Hunt

Dear Sir

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) - Regulations 8 and 9

Application by Four Ashes Limited for an Order Granting Development Consent for the proposed West Midlands Interchange

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

I am writing in relation to the above application by Four Ashes Limited for an Order Granting Development Consent for the proposed West Midlands Interchange (WMI) and a scoping opinion attached thereto. The comments below are Derbyshire County Council's (DCC) Officer technical comments in relation to that scoping opinion.

Officer comments

Rail Aspects

The focus of this application and, in particular, its location near to the i54 industrial park, is to serve the "northern" part of the West Midlands conurbation and South Staffordshire/East Shropshire. However, if a product is to be delivered to Scotland from this location, currently the nearest substantial Strategic Rail Freight Interchange (SRFI) is at Daventry, (actually just outside Rugby), which involves travelling eastwards in 'the opposite direction' through the West Midlands along the M6 corridor to access it.

From a locational viewpoint, the WMI appears to offer good road access from the motorway and principal road network, and would link to the West Midlands



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www.derbyshire.gov.uk



2.

branch of the West Coast Main Line railway. There is a rail freight terminal in Telford, which has been promoted by the local authority, but primarily for locational reasons this has so far been unsuccessful.

In terms of the WMI attracting potential traffic from Derbyshire, this is difficult to assess fully. Assuming the terminal at East Midlands Gateway is built soon, and the proposed East Midlands Intermodal Park is subsequently built near Burnaston, future access to the rail network will be possible from both locations. However, the proportion of traffic attracted from Derbyshire is an issue of timing, dependent on what SRFIs are already available, when/if the WMI is agreed and built, and choices for freight forwarders. Other considerations include ease of access to rail services/destinations and cost, particularly competitive terminal handling costs. Nevertheless it would be difficult to justify a 50 mile journey by lorry to WMI, both in terms of time and cost, if a competitive alternative to access the rail network is available nearby in the Derbyshire area.

I hope the above comments are helpful, and can be included in the environmental statement. Please contact me if you wish to discuss the comments further.

Yours sincerely

A solid black rectangular box used to redact the signature of David M Dale.

David M Dale

Policy and Monitoring and LA lead: CLIP: Planning Sub-group

Mr Richard Hunt
Temple Quay House Temple Quay
Bristol
Avon
BS1 6PN

Our ref: UT/2016/115751/01-L01
Your ref: TR050005
Date: 14 October 2016

Dear Mr Hunt

**THE WEST MIDLANDS INTERCHANGE IS A PROPOSED STRATEGIC RAIL
FREIGHT INTERCHANGE IMMEDIATELY WEST OF JUNCTION 12 OF THE M6 IN
SOUTH STAFFORDSHIRE.**

WEST OF JUNCTION 12 OF THE M6 IN SOUTH STAFFORDSHIRE

Thank you for your EIA Scoping Opinion Request consultation report which was received on 16 September 2016.

We have reviewed the scoping report submitted and wish to make the following comments to ensure that the Environmental Statement will appropriately address the environmental issues we consider are of most importance for this proposal.

Contamination:

We have reviewed the 'West Midlands Interchange – Formal EIA Scoping Opinion Request' (Ramboll Environ, September 2016) and have the following comments to make which relate solely to the protection of 'Controlled Waters'. Matters relating to Human Health should be directed to the relevant department of the local council.

We have no objection to the proposed content and structure of the Environmental Impact Assessment.

Our main concern is that the development does not compromise the on-going groundwater remediation works in the south western part of the development area. The need to facilitate these remediation works should be taken into account in designing the layout of the development. Consequently we recommend that the Environmental Impact Assessment should address the following issues:

- How access to the remediation scheme will be maintained during and following development including consideration of:

Environment Agency
Sentinel House, 9 Wellington Crescent, Fradley Park, Lichfield, Staffs, WS13 8RR.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

- The restriction of access to groundwater monitoring and abstraction boreholes due to buildings, railways and other land-uses.
- The need to be able to access (e.g. for maintenance) the underground pipework associated with the remediation scheme.
- The potential need to adjust the location of the groundwater monitoring and abstraction boreholes.
- The implications for the remediation scheme of any reduction in ground levels or earthworks required to facilitate the rail terminal in the 'West Terminal Option'. This should include an assessment of the need for, and the implications of, de-watering including consideration as to how any water abstracted for such purposes will be dealt with. It is noted that due to the poor quality of the groundwater, the drainage from de-watering the existing railway line is directed to the groundwater treatment scheme at SI Group.
- The impact of the change of land-use (i.e. increased hardstanding therefore reducing recharge) on the remediation scheme.
- The impact of the proposed drainage scheme on the remediation scheme.
- The impact of foundations on the remediation scheme.

The Environmental Impact Assessment should consider these issues and demonstrate that suitable mitigation measures are available to overcome them. Suitable conditions can be included in the Development Consent Order to require the details of mitigation measures to be agreed prior to the development of relevant phases.

The developer should refer to our 'Groundwater Protection: Principles and Practice' (GP3) document, available from gov.uk. This sets out our position on a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heating and cooling
- Drainage
- Storage of pollutants and hazardous substances
- Management of groundwater resources

The following Position Statements may be applicable:

C1 – Nationally or regionally significant schemes

We will encourage the promoters of schemes of national or regional significance to follow the principles of groundwater protection in choosing locations. In the cases where this is not possible due to national or regional interests we expect to be fully involved in the scheme development to mitigate groundwater risks via EPR where applicable. We expect promoters (via the environmental impact assessment process) to identify all the potential pollution linkages and apply best available techniques to mitigate the risks.

C3 – On-going groundwater monitoring

Where a new infrastructure development presents a significant risk to groundwater we may require a programme of groundwater monitoring to be designed, agreed, installed and undertaken to give early warning of developing groundwater pollution and/or interference to groundwater flow. This programme may include off-site locations if necessary to identify pollution and to allow monitoring in the event that the site becomes inaccessible. Where appropriate, we will use our powers to require this at existing sites.

C4 – Transport developments

When planning proposals are brought forward for major new road, rail or airport developments we will require that:

- *drainage is via sustainable drainage systems (SuDS) designed and maintained to current good practice standards, including the provision of suitable treatment or pollution prevention measures. The point of discharge should normally be outside Source Protection Zone 1 and, ideally outside Source Protection Zone 2;*
- *where there is an existing or unavoidable need to discharge in Source Protection Zone 1, we require a risk assessment to demonstrate that pollution of groundwater will not occur.*

G11 – Discharges from areas subject to contamination

Discharges of surface water run-off to ground at sites affected by land contamination, or the storage of potential pollutants are likely to require an environmental permit. This applies especially to sites where storage, handling or use of hazardous substances occurs (such as for example, garage forecourts, coach and lorry parks/turning areas and metal recycling/vehicle dismantling facilities). The site will need to be subject to risk assessment with acceptable effluent treatment provided.

G12 – Discharge of clean roof water to ground

The discharge of clean roof water to ground is acceptable both within and outside Source Protection Zone 1 provided that all roof water down-pipes are sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. The method of discharge must not create new pathways for pollutants to groundwater or mobilise contaminants already in the ground.

G13 – Sustainable drainage systems

We support the use of sustainable drainage systems (SuDS) for new discharges. Where infiltration SuDS are to be used for surface run-off from roads, car parking and public or amenity areas, they should have a suitable series of treatment steps to prevent the pollution of groundwater.

For the immediate drainage catchment areas used for handling and storage of chemicals and fuel, handling and storage of waste and lorry, bus and coach parking or turning areas, infiltration SuDS are not permitted without an environmental permit.

Environment Management:

We have reviewed the Environmental Report, Water Resources (Page 6-6 section 6.78 and table 6.2 and Page 10-4, sections 10.43 to 10.45).

5 (of the 13) boreholes in licence MD/028/0003/002 are within the site, the remainder are within 150m of the site. This licence is for pollution remediation of groundwater in this area. It is crucial to reducing the risk of the nearby Public Water Supply becoming contaminated by the pollution. An essential element of the remedial strategy is flexibility to vary the abstractions across the wells.

The developer needs to ensure that the boreholes are accessible during and after the development, even those apparently under buildings, so that the licence can still be used in the most effective way?

03/28/03/0173 - this licence can abstract from the canal across the whole site, along with two point abstractions from Calf Heath Reservoir adjacent to the site. All are used for spray irrigation, how are the developers going to ensure that abstractors can access

their abstraction points throughout and after the development?

03/0124 and 03/0161 boreholes (one per licence) are adjacent to the site, 03/0178 (borehole) is within 100m of the site.

We recommend the installation of fittings that will minimise water usage. In washrooms we recommend the installation of low or dual flush WC's, spray taps on wash basins, flush control systems on urinals or even waterless urinals. Outdoors the installation of a rainwater collection reservoir can provide a supply of free water.

Any landscaping as part of a development should incorporate planting during autumn or spring to encourage deep rooting. When planting choose dry weather tolerant plant species and also use water retaining granules or mulches. Water from the towns main can be reduced, or eliminated, by installing a rainwater collection and irrigation system. Consideration should also be given to rainfall run-off at the site. Traditional drainage by surface sewers cause run-off to be directed away from the site. Sustainable Drainage Systems features can contribute to recharging local groundwater reserves using such features as:-

- Porous Pavements. Paved surfaces that allow water to pass through into the ground.
- Swales. Strips of vegetation in urban areas that allow rainwater to seep into the ground.
- Storage Basins and Ponds.
- Infiltration Devices. These include soakaways and infiltration basins that enhance the natural capacity of the ground to store and drain water.

Requirement for an Environmental permit

We are aware that there are potentially some activities such as land filling will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted.

Additional 'Environmental Permitting Guidance' can be found at:
<https://www.gov.uk/environmental-permit-check-if-you-need-one>.

Pollution Prevention:

This project needs to ensure that the appropriate protection of the local waterbodies is provided during what will be a lengthy construction phase. This would include accidental discharge and silting plus adequate facilities for the site team using appropriate waste water and sewage systems.

The River Penk and tributaries, Staffordshire & Worcestershire Canal and associated reservoir's must not see a deterioration in Water Framework Directive (WFD) status or any negative effects which may prevent them from reaching good status.

The site design may also provide the opportunity to work with the Environment Agency to improve the local watercourse and improve its WFD status.

Biodiversity:

The scoping report is adequate provided the additional surveys and data gathering for ecological receptors is carried out to inform the Ecology chapter of the EIA.

The comments we set out above are without prejudice to future decisions we make regarding any applications subsequently made to us for our permits or consents for

operations at the site.

Yours sincerely

Ms Noreen Nargas
Planning Advisor

Direct dial 020 8474 5004

Direct fax

Direct e-mail noreen.nargas1@environment-agency.gov.uk

End

From: Thomas.Anderson@gtc-uk.co.uk [mailto:Thomas.Anderson@gtc-uk.co.uk]
Sent: 19 September 2016 11:23
To: Environmental Services
Subject: TR050005_000009

Please note in respect of the above reference, we have no comment to make.

This regards the following companies

Utility Grid Installations

Independent Pipelines

GTC

Electric Network Company

Quadrant Pipelines

Independent Power Networks

Kind Regards

Tom Anderson

Engineering Support Officer

GTC

Engineering

Energy House

Woolpit Business Park

Woolpit

Bury St. Edmunds

Suffolk

IP30 9UP

Tel: 01359 243376 (ext. 3376)

Fax: 01359 244046

Email: tom.anderson@gtc-uk.co.uk

Web: www.gtc-uk.co.uk

HID Policy - Land Use Planning
NSIP Consultations
Building 2.2, Redgrave Court
Merton Road, Bootle
Merseyside, L20 7HS

Your ref: TR050005
Our ref: 4.2.1.5490

HSE email: NSIP.applications@hse.gov.uk

FAO Richard Hunt
The Planning Inspectorate
Temple Quay House
Temple Quay,
Bristol
BS1 6PN

Dear Dr Hunt

10 October 2016

**PROPOSED WEST MIDLANDS INTERCHANGE (the project)
PROPOSAL BY FOUR ASHES LIMITED (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as
amended) – Regulations 8 and 9**

Thank you for your letter of 16th September 2016 regarding the information to be provided in an environmental statement relating to the above project.

HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

The red line boundary of the development falls within the consultation zones of a major accident hazard site; Carvers (Wolverhampton) Limited WV10 7GW. The major accident hazard site is situated to the south of the Northern part of the site and to the east of the Western part of the site as illustrated in figure 1 'scoping red line boundary' of the document 'WEST MIDLANDS INTERCHANGE FORMAL EIA SCOPING OPINION REQUEST' Project No. UK15-22821, Issue No. 4 and Dated 12/09/2016.

HSE would not advise against the development. However if any occupied buildings are to be built as part of the project, for example control buildings, then we would advise that further consultation be sought from the Health and Safety Executive as these might not be compatible with the major accident hazard site depending on location.

There are currently no pipelines within the development, however, if prior to the granting of a development consent order for this proposed development, there is notification of a Major Accident Hazard Pipeline within or in the vicinity of the development, the HSE reserves the right to revise its advice.

Would Hazardous Substances Consent be needed?

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) may require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which HSC

is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015.

Hazardous Substances Consent would be required if the site is intending to store or use any of the Named Hazardous Substances or Categories of Substances and Preparations at or above the controlled quantities set out in schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Explosives sites

There is a licensed explosive site at Gailey, which is in the area of the proposed development. HSE should be consulted if any works are proposed within the safeguarding distance for that site.


Electrical Safety

No comment.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Mr Dave Adams (MHPD)
NSIP Consultations
2.2 Redgrave Court
Merton Road
Bootle, Merseyside
L20 7HS

Yours sincerely,



Dave Adams
CEMHD4 Policy

Your ref: TR050005 West Midlands Interchange

Richard Hunt
Senior EIA and Land Rights Advisor
on behalf of the Secretary of State

Neil Hansen
Asset Manager
Operations Directorate
The Cube
199 Wharfside Street
Birmingham
B1 1RN

Direct Line: 0300 470 3045

11th October 2016

Dear Mr Hunt,

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (AS AMENDED)
– REGULATIONS 8 AND 9**

**APPLICATION BY FOUR ASHES LIMITED FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE PROPOSED WEST MIDLANDS
INTERCHANGE**

Thank you for your letter of the 16th September 2016 about the above.

Highways England is responsible for operating and improving the Strategic Road Network (SRN) in England. The Highways England network in this area consists of the M54, M6, A5 and A449. The proposed development is immediately to the west of Junction 12 of the M6, and bound by the A5 and A449, which all form part of the Strategic Road Network (SRN).

Two preferred layout options are currently being considered and the final parameters of the project in terms of masterplan layout and design are yet to be confirmed; therefore the review of the scoping report has noted this where appropriate.

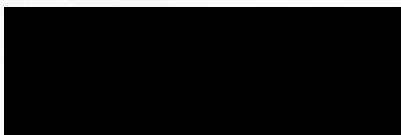
DfT Circular 02/2013 'The Strategic Road Network and the Delivery of Sustainable Development' sets out the general requirements of Highways England in terms of assessing the implications of development on our network. We would expect the applicant to give regard to this in consideration of the environmental impact of the development.

Highways England consider that the following aspects should be fully considered from the SRN perspective in addition to traffic related matters which the applicant is engaged in detailed discussions with us about:

- **Agriculture and Soils** – details of the removal of soils during the demolition and construction stage should be provided to Highways England as they emerge, in terms of HGVs movements on the SRN.
- **Air Quality** – there is currently not enough detail on the exact method and receptors in terms of the proximity to the SRN. The assessment should therefore be further discussed with Highways England once the parameters of the Proposed Development further emerge.
- **Archaeology and Cultural Heritage** – the study to be undertaken for this topic within the final ES, should consider the impacts on the SRN of the removal of buried archaeological features and historically 'important' hedgerows.
- **Ground Conditions** – the potential residual impacts on the SRN of spillages and deep excavations should be explicitly considered as part of the EIA.
- **Landscape and Visual** – the susceptibility of road users during both the construction/ demolition and operational stages will be considered and this approach is welcomed by Highways England.
- **Noise and Vibration** – given that comprehensive consultation is taking place outside of the review of this Report and discussions include Highways England, the methodology for assessment appears robust.
- **Water, Environment and Flood Risk** – once the FRA and associated assessments are in place, details as to the potential residual impacts of flooding and surface water runoff should be provided to Highways England.
- **Cumulative Effects** – the approach to this is noted and appears to include the traffic impacts and secondary implications on air quality and ecology.

I hope this is helpful and please let me know if you have any queries.

Yours sincerely,



Neil Hansen
Operations Directorate

From: John R Wright [mailto:John.Wright@leics.gov.uk]

Sent: 06 October 2016 16:57

To: Environmental Services

Cc: Andy Yeomanson

Subject: Scoping Consultation Response - Application by Four Ashes Limited for an Order Granting Development Consent for the proposed West Midlands Interchange

FAO Richard Hunt

I refer to the above consultation and I provide the comments of Leicestershire County Council as follows.

A similar Strategic Rail Freight Interchange has been permitted near to East Midlands Airport and Junction 24 on the M1 in Leicestershire.

The County Council would find it helpful to understand what, if any, the impact along the A5 corridor might be.

The Council would be interested in the levels and routeing of rail freight traffic to/from the proposed development (presumably) via the West Coast Main Line towards Nuneaton. This is considered relevant to the case for restoring the rail infrastructure necessary to enable direct Leicester to Coventry services.

It is hoped that the EIA for the development would address the above two issues.

Regards

John Wright

Team Manager Planning
Planning Historic and Natural Environment
Chief Executives Department
Leicestershire County Council
County Hall
Glenfield
Leicester
LE3 8RA
e-mail: john.wright@leics.gov.uk

Tel: 01163057041

From: ROSSI, Sacha [mailto:Sacha.Rossi@nats.co.uk]
Sent: 19 September 2016 09:54
To: Environmental Services
Cc: NATS Safeguarding
Subject: RE: TR050005 – West Midlands Interchange – EIA Scoping Notification and Consultation

Dear Sirs,

NATS operates no infrastructure within 30km of the proposed site. Accordingly it agrees with the Aviation section of the proposed EIA documentation that no impact upon Aviation is anticipated.

It should be noted that this position is in respect of NATS En Route LTD and its infrastructure, the Applicant should ensure there are no other aviation stakeholders within the area of interest.

Regards
S. Rossi
NATS Safeguarding Office

Mr Sacha Rossi
NATS Safeguarding Office

☎: 01489 444 205
✉: sacha.rossi@nats.co.uk

4000 Parkway,
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

Sent electronically to:

environmentalservices@pins.gsi.gov.uk

Nick Dexter
DCO Liaison Officer
Land & Business Support

Nicholas.dexter@nationalgrid.com
Tel: +44 (0)7917 791925

www.nationalgrid.com

06th October 2016

Dear Sir / Madam,

Ref: TR050005 – West Midlands Interchange – EIA Scoping Notification and Consultation

This is a joint response on behalf of National Grid Electricity Transmission Plc (NGET), National Grid Gas Plc (NGG) and National Grid Gas Distribution Limited (NGGDL). I refer to your letter dated 16th September 2016 in relation to the West Midlands Interchange EIA Scoping Notification and Consultation. Having reviewed the Scoping Report, I would like to make the following comments:

National Grid infrastructure within / in close proximity to the order boundary

Electricity Transmission

NGET does not have any infrastructure within close proximity to the proposed order limits.

Gas Transmission

NGG does not have any infrastructure within close proximity to the proposed order limits.

Gas Distribution

NGGDL has low and medium pressure apparatus in close proximity to the proposed order limits. Depending on what works are proposed in the vicinity of these pipelines will dictate if appropriate protection is required to the apparatus.

The following points should be taken into consideration:

Gas Infrastructure:

- National Grid has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.
-

Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.
- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.
- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Consent is required for any crossing of the easement

General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22.
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision

of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

To view the SSW22 Document, please use the link below:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Further Advice

We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above is considered in any subsequent reports, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following: box.landandacquisitions@nationalgrid.com as well as by post to the following address:

The Company Secretary
1-3 The Strand
London
WC2N 5EH

Yours Faithfully



Nick Dexter.

From: Muller, Antony (NE) [mailto:Antony.Muller@naturalengland.org.uk]
Sent: 14 October 2016 15:06
To: Environmental Services
Subject: TR050005 - West Midlands Interchange - EIA scoping response

Dear Sir/Madam

I enclose Natural England's response to your recent EIA scoping consultation. Please note that two further documents are attached relating to previous dialogue/information sharing with the applicant.

Kind regards

Antony

Antony Muller

Lead Adviser

Sustainable Development & Wildlife Team - North Mercia Area
Direct dial – 0208 026 0939
Mobile - 07971 294109

<http://www.naturalengland.org.uk/>

Date: 25 April 2016
Our ref: DAS/10569/182089
Your ref: L-UK15-22306 3-Survey Recommendations



Ramboll Environ UK Ltd

For the attention of Matt Royall

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

Dear Matt

Discretionary Advice Service (Charged Advice)

DAS 10569/1898082 (DAS quote reference 2122)

Development proposal and location: Preliminary ecological appraisal and survey requirements for 193Ha parcel of land near Four Ashes, South Staffordshire

Thank you for your email consultation on the above dated 16 March 2016, which was received on the same day.

This advice is being provided as part of Natural England's Discretionary Advice Service. Ramboll Environ UK has asked Natural England to provide advice regarding :

- Document review of the submitted Preliminary Ecological Appraisal and accompanying survey requirements letter.

This advice is provided in accordance with the Quotation and Agreement dated 13 April 2016.

The following advice is based upon the information within the following documents:

- Site location plan (F-UK15-22306-Figure1-Site –Location_1.pdf)
- Preliminary Ecological Appraisal (PEA) report (R-UK15-22306_2-PEA.pdf)
- Survey requirements letter (L-UK15-22306_3-Survey Recommendations.pdf)

Protected sites – Further information will be required

Four Ashes Pit Site of Special Scientific Interest (SSSI)

We welcome reference to the Four Ashes Pit SSSI, which lies within 135m of the development proposal. This SSSI is notified for its geological interest and has most recently been assessed as being in favourable condition. However it is currently subject to a 'threat risk' rating of 'high' in respect of drainage. As a result, due to the proposal site's proximity Natural England is not yet satisfied that the proposed operations are not likely to damage any of the interest features of this SSSI. We note that the PEA and survey requirements letter are silent on the subject of further work in respect of the SSSI and Natural England therefore advises that additional information will be needed in order to address this uncertainty.

By way of background information , management work was carried out in 2013 to address high water levels on the land within the SSSI. This work comprised scrub and tree removal together with ditch and culvert clearance. Owing to the SSSI's low lying character and the need for access on foot to study and assess the geological interest water levels on site need to be managed accordingly. It

will therefore be important to ensure that the development proposal has no direct or indirect adverse effect on water levels within the SSSI.

We therefore offer you the following information on the SSSI (attached to our covering email):

- Geological site management brief
- Visual management plan

We are also seeking permission from Environment Agency to share with you a copy of their report on the SSSI in relation to its groundwater characteristics and will contact you when we hear back from them.

Protected species

We confirm that the scope of the surveys reflect Natural England's Standing Advice¹ and wider standard survey guidelines for the individual species groups concerned. We set out additional specific comments below:

Gt crested newt - With regard to surveys for great crested newt we note that eDNA sampling is proposed to determine presence/absence in the first instance. Timing of the eDNA sampling will be critical, as a positive result will necessitate a further six surveys for a population size estimate in the same calendar year.

Wild birds - Please see our advice below regarding Gailey Reservoir Local Wildlife Site and wild birds on this site. We advise that you amend the survey approach for wild birds to cater for these wildfowl and wetland species also.

Over and above Natural England's standing advice further information can be obtained from [The Institute of Ecology and Environmental Management](#), [The Bat Conservation Trust](#) and [Biodiversity Planning Toolkit](#) for more guidance.

Other advice

Local Wildlife Sites

Local wildlife or geological sites remain material considerations in the determination of planning proposals.

Gailey Reservoir Local Wildlife Site

This Local Wildlife Site adjoins and partially overlaps the north-eastern corner of the development proposal site. We note that Appendix 5 of the PEA indicates the recorded wild bird interest on this water body. In view of the scale of the development proposal and its proximity to this Local Wildlife Site Natural England would encourage you to include suitable survey and evaluation work in order to inform the scheme's design. Key issues to consider include (but may not be confined to) lighting and other forms of disturbance to the wild birds using this reservoir during the calendar year, both during the construction and operation phases of any scheme.

Further information in relation to Local Wildlife Sites in Staffordshire may be available from: Staffordshire Wildlife Trust (01889 880100 or email info@staffs-wildlife.org.uk). A more comprehensive, but not exhaustive, list can be found at [Wildlife and Countryside link](#).

¹ <https://www.gov.uk/guidance/protected-species-and-sites-how-to-review-planning-proposals>

Habitats

We note the timing of the extended Phase One Habitat Survey and welcome the proposal to supplement this with further survey between May and August of hedgerows (ref Hedgerow Regulations 1997), semi-improved grassland and woodland. According to our records the south-western half of Calf Heath Wood and most of the woodland fringing the proposal site's eastern edge (adjoining the M6 and Gailey Reservoir LWS) is classified as ancient semi-natural woodland/planted ancient woodland site and/or NIWT². We attach a PDF map indicating the areas in question.


Invertebrates

We acknowledge the uncertainty regarding loss of woodland habitat within Calf Heath Wood. In view of the potential for the scheme to be considered in the form of a Nationally Significant Infrastructure Project and the potential for ancient woodland origins we would encourage you to carry out appropriate surveys at the next opportunity (i.e. this growing season).

For clarification of any points in this letter, please contact Antony Muller on 020 802 60939.

This letter concludes Natural England's Advice within the Quotation and Agreement dated 13 April 2016.

As the Discretionary Advice Service is a new service, we would appreciate your feedback to help shape this service. We have attached a feedback form to this letter and would welcome any comments you might have about our service.

 The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely

Antony Muller

Lead Adviser
North Mercia Sustainable Development & Wildlife Team

Cc commercialservices@naturalengland.org.uk

² National Inventory of Woodland and Trees

Annex 1 European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's ['How to get a licence'](#) publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's [guidance](#) on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on [Natural England's website](#).

Date: 14 October 2016
Our ref: 196410
Your ref: TR050005



The Planning Inspectorate
<mailto:environmentalservices@pins.gsi.gov.uk>

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Sir or Madam

Planning consultation:

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9 - Application by Four Ashes Limited for an Order Granting Development Consent for the proposed West Midlands Interchange - Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for your consultation on the above dated 16 September 2016 which was received by Natural England on the same day.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Approach

Natural England notes the EIA Scoping Report consultation's stated purpose – summarised as follows:

To invite comment/s on

- (i) The relevant environmental issues and whether the key environmental issues have been identified.
- (ii) The proposed approach to baseline data collection, prediction of environmental impacts and assessment of significance.
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Comments on the proposed scope of the EIA

Description of the development

Natural England notes that the submitted EIA scoping report (the report) is not yet clear which scheme layout will be chosen. However we are satisfied that the proposed approach to EIA adequately addresses those themes and issues within our remit. Moreover, while recognising the time constraints applying to NSIPs, the iterative nature of EIA provides in principle scope for continued dialogue as the assessment progresses.

Aspects of the environment likely to be significantly affected and interrelationships between these

Natural England is satisfied that the report indicates those aspects of the environment within our remit that are likely to be significantly affected – landscape (protected areas), soils and land quality, internationally and nationally designated sites and protected and priority species. Regarding climate change¹ we acknowledge the approach described in the report whereby the consultants propose to address this over-arching theme through the relevant contributory themes and issues.

Description of the likely significant effects of the development on the environment – direct, indirect, secondary, cumulative, short/medium/long term, permanent & temporary, positive and negative.

We offer the following comments on 'landscape', 'soils and land quality' and 'protected species'. We comment separately below on the assessment of likely significant effects on 'Internationally and nationally designated sites':

Landscape

We welcome the report's inclusion of assessment of impacts on the Cannock Chase Area of Outstanding Natural Beauty (AONB) i.e. longer distance views out of the AONB.

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Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

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The following issues should be addressed as part of the Environmental Statement:

1. The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved. Para 6.26 indicates that further clarity is needed on this point as Grade 3 land may or may not comprise best and most versatile land. For further information on the availability of existing agricultural land classification (ALC) information see www.magic.gov.uk. Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful background information.
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Protected species

With specific reference to great crested newt we are satisfied the main issues have been identified in terms of habitat loss and long term fragmentation of populations at the site, leading to reduced dispersal within populations and potentially between populations at the site. This issue could be considered in further detail through the NSIP's development stages.

In terms of the wider protected species resource Natural England is satisfied with the report's description of likely effects. In terms of mitigation, compensation and potential positive effects the role of the site's green infrastructure will be pivotal in promoting habitat continuity and linkage for the range of protected species in and around the application site.

Any difficulties the applicant has faced in gathering the required info.

We note that biological survey of the south-east section of the site was still ongoing at the time the report was written².

Internationally and nationally designated sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2010.

Note regarding Habitats Regulations Assessment (HRA)³

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Secretary of State) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Natural England's comments below (regarding air quality) are intended to ensure that the EIA process yields suitable information in order to inform both the Environmental Statement and the relevant, separate 'no significant effects report' (NSER) or HRA report - as appropriate.

² Para 6.5.77

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Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is within 150m of the following designated nature conservation site:

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Our advice on page 1 (previous advice to the applicant) describes the information provided to the applicant's consultants in respect of Four Ashes Pits SSSI. At this stage drainage and related groundwater (hydrogeology) issues are thought capable of having significant impacts on this SSSI.

- Belvide Reservoir SSSI lies west of the application site along the A5.

Depending on the routes used by traffic during the construction and operation phases of the scheme significant effects on air quality are thought capable of having significant impacts on this SSSI.

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these SSSIs and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

- Natura 2000 network site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

We welcome the report's reference to the following European sites⁴

- Cannock Chase Special Area of Conservation (SAC) and
- Cannock Extension Canal SAC.

In this case the proposal is not directly connected with, or necessary to, the management of a European site. In our view it is likely that it will have a significant effect on internationally designated sites and therefore will require assessment under the Habitats Regulations. We recommend that there should be a separate section of the Environmental Statement to address impacts upon European and Ramsar sites entitled 'Information for Habitats Regulations Assessment'.

Air quality

We note and welcome the report's reference to the assessment of air quality issues arising from traffic generation during the construction and operational lifetime of the scheme (Section 6.3) and offer the following comments:

1. In terms of the methodology for screening and the need for any subsequent levels of assessment the relevant methodology is set out in the Highways Agency 'Design Manual for Roads and Bridges – Volume 11'⁵. The Air Pollution Information System (APIS) provides specific information on the air quality theme for each designated site⁶ and should be factored into the methodology when establishing the 'baseline'.
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For any queries relating to the specific advice in this letter only please contact me on 020 802 60939. For any new consultations, or to provide further information on this consultation please send your correspondence to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully

Antony Muller
Lead Adviser – Sustainable Development, Wildlife & Commercial Team – North Mercia Area

Date: 14 October 2016
Our ref: 196410
Your ref: TR050005



The Planning Inspectorate
<mailto:environmentalservices@pins.gsi.gov.uk>

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

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Yours faithfully

Antony Muller
Lead Adviser – Sustainable Development, Wildlife & Commercial Team – North Mercia Area

Date: 25 April 2016
Our ref: DAS/10569/182089
Your ref: L-UK15-22306 3-Survey Recommendations



Ramboll Environ UK Ltd

For the attention of Matt Royall

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

0300 060 3900

Dear Matt

Discretionary Advice Service (Charged Advice)

DAS 10569/1898082 (DAS quote reference 2122)

Development proposal and location: Preliminary ecological appraisal and survey requirements for 193Ha parcel of land near Four Ashes, South Staffordshire

Thank you for your email consultation on the above dated 16 March 2016, which was received on the same day.

This advice is being provided as part of Natural England's Discretionary Advice Service. Ramboll Environ UK has asked Natural England to provide advice regarding :

- Document review of the submitted Preliminary Ecological Appraisal and accompanying survey requirements letter.

This advice is provided in accordance with the Quotation and Agreement dated 13 April 2016.

The following advice is based upon the information within the following documents:

- Site location plan (F-UK15-22306-Figure1-Site –Location_1.pdf)
- Preliminary Ecological Appraisal (PEA) report (R-UK15-22306_2-PEA.pdf)
- Survey requirements letter (L-UK15-22306_3-Survey Recommendations.pdf)

Protected sites – Further information will be required

Four Ashes Pit Site of Special Scientific Interest (SSSI)

We welcome reference to the Four Ashes Pit SSSI, which lies within 135m of the development proposal. This SSSI is notified for its geological interest and has most recently been assessed as being in favourable condition. However it is currently subject to a 'threat risk' rating of 'high' in respect of drainage. As a result, due to the proposal site's proximity Natural England is not yet satisfied that the proposed operations are not likely to damage any of the interest features of this SSSI. We note that the PEA and survey requirements letter are silent on the subject of further work in respect of the SSSI and Natural England therefore advises that additional information will be needed in order to address this uncertainty.

By way of background information , management work was carried out in 2013 to address high water levels on the land within the SSSI. This work comprised scrub and tree removal together with ditch and culvert clearance. Owing to the SSSI's low lying character and the need for access on foot to study and assess the geological interest water levels on site need to be managed accordingly. It



will therefore be important to ensure that the development proposal has no direct or indirect adverse effect on water levels within the SSSI.

We therefore offer you the following information on the SSSI (attached to our covering email):

- Geological site management brief
- Visual management plan

We are also seeking permission from Environment Agency to share with you a copy of their report on the SSSI in relation to its groundwater characteristics and will contact you when we hear back from them.

Protected species

We confirm that the scope of the surveys reflect Natural England's Standing Advice¹ and wider standard survey guidelines for the individual species groups concerned. We set out additional specific comments below:

Gt crested newt - With regard to surveys for great crested newt we note that eDNA sampling is proposed to determine presence/absence in the first instance. Timing of the eDNA sampling will be critical, as a positive result will necessitate a further six surveys for a population size estimate in the same calendar year.

Wild birds - Please see our advice below regarding Gailey Reservoir Local Wildlife Site and wild birds on this site. We advise that you amend the survey approach for wild birds to cater for these wildfowl and wetland species also.

Over and above Natural England's standing advice further information can be obtained from [The Institute of Ecology and Environmental Management](#), [The Bat Conservation Trust](#) and [Biodiversity Planning Toolkit](#) for more guidance.

Other advice

Local Wildlife Sites

Local wildlife or geological sites remain material considerations in the determination of planning proposals.

Gailey Reservoir Local Wildlife Site

This Local Wildlife Site adjoins and partially overlaps the north-eastern corner of the development proposal site. We note that Appendix 5 of the PEA indicates the recorded wild bird interest on this water body. In view of the scale of the development proposal and its proximity to this Local Wildlife Site Natural England would encourage you to include suitable survey and evaluation work in order to inform the scheme's design. Key issues to consider include (but may not be confined to) lighting and other forms of disturbance to the wild birds using this reservoir during the calendar year, both during the construction and operation phases of any scheme.

Further information in relation to Local Wildlife Sites in Staffordshire may be available from: Staffordshire Wildlife Trust (01889 880100 or email info@staffs-wildlife.org.uk). A more comprehensive, but not exhaustive, list can be found at [Wildlife and Countryside link](#).

¹ <https://www.gov.uk/guidance/protected-species-and-sites-how-to-review-planning-proposals>

Habitats

We note the timing of the extended Phase One Habitat Survey and welcome the proposal to supplement this with further survey between May and August of hedgerows (ref Hedgerow Regulations 1997), semi-improved grassland and woodland. According to our records the south-western half of Calf Heath Wood and most of the woodland fringing the proposal site's eastern edge (adjoining the M6 and Gailey Reservoir LWS) is classified as ancient semi-natural woodland/planted ancient woodland site and/or NIWT². We attach a PDF map indicating the areas in question.


Invertebrates

We acknowledge the uncertainty regarding loss of woodland habitat within Calf Heath Wood. In view of the potential for the scheme to be considered in the form of a Nationally Significant Infrastructure Project and the potential for ancient woodland origins we would encourage you to carry out appropriate surveys at the next opportunity (i.e. this growing season).

For clarification of any points in this letter, please contact Antony Muller on 020 802 60939.

This letter concludes Natural England's Advice within the Quotation and Agreement dated 13 April 2016.

As the Discretionary Advice Service is a new service, we would appreciate your feedback to help shape this service. We have attached a feedback form to this letter and would welcome any comments you might have about our service.

 The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely

Antony Muller

Lead Adviser
North Mercia Sustainable Development & Wildlife Team

Cc commercialservices@naturalengland.org.uk

² National Inventory of Woodland and Trees

Annex 1 European Protected Species

A licence is required in order to carry out any works that involve certain activities such as capturing the animals, disturbance, or damaging or destroying their resting or breeding places. Note that damage or destruction of a breeding site or resting place is an absolute offence and unless the offences can be avoided (e.g. by timing the works appropriately), it should be licensed. In the first instance it is for the developer to decide whether a species licence will be needed. The developer may need to engage specialist advice in making this decision. A licence may be needed to carry out mitigation work as well as for impacts directly connected with a development. Further information can be found in Natural England's ['How to get a licence'](#) publication.

If the application requires planning permission, it is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence. This should be based on the advice Natural England provides at formal consultation on the likely impacts on favourable conservation status and Natural England's [guidance](#) on how the three tests (no alternative solutions, imperative reasons of overriding public interest and maintenance of favourable conservation status) are applied when considering licence applications.

Natural England's pre-submission Screening Service can screen application drafts prior to formal submission, whether or not the relevant planning permission is already in place. Screening will help applicants by making an assessment of whether the draft application is likely to meet licensing requirements, and, if necessary, provide specific guidance on how to address any shortfalls. The advice should help developers and ecological consultants to better manage the risks or costs they may face in having to wait until the formal submission stage after planning permission is secured, or in responding to requests for further information following an initial formal application.

The service will be available for new applications, resubmissions or modifications – depending on customer requirements. More information can be found on [Natural England's website](#).

From: Muller, Antony (NE) [mailto:Antony.Muller@naturalengland.org.uk]
Sent: 27 May 2016 15:48
To: MRoyall@ramboll.com
Subject: Four Ashes

Dear Matt

Our reference - 185933

Further to your email of 16.5.16 and your query about the status of Calf Heath Wood I can now confirm that the wood is indeed included in the 'National Inventory of Woodland and Trees' but is not categorised as 'ancient semi natural woodland' or 'planted ancient woodland site'. I am sorry for any confusion caused by the information depicted on the map in my previous email.

I have reviewed the wording of our response dated 26 April 2016 and conclude that this alteration to the status of Calf Heath Wood does not amount to a material change to our advice. We welcome Ramboll Environ UK's proposal to carry out further survey of hedgerows, semi-improved grassland and woodland potentially affected by the scheme.

Kind regards

Antony

Antony Muller
Lead Adviser
Sustainable Development & Wildlife Team - North Mercia Area
Direct dial – 0208 026 0939
Mobile - 07971 294109



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Mr Richard Hunt
Senior EIA and Land Rights Advisor
The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
BRISTOL
BS1 6PN

Your Ref: TR050005
Our Ref:

10th October 2016

Dear Mr Hunt

**Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
Proposed West Midlands Interchange Project
Proposal by Four Ashes Ltd**

Thank you for your letter of 26th September 2016, inviting Public Health England (PHE) to provide comments on the information to be provided in an environmental statement relating to the above Nationally Significant Infrastructure Project.

It is understood that the West Midlands Interchange is a proposed Strategic Rail Freight Interchange immediately west of Junction 12 of the M6 in South Staffordshire, the proposals for which currently include:

- an intermodal rail freight terminal with connections to the West Coast Main Line (WCML), accommodating approximately 10 trains per day including container storage and associated HGV parking;
- around 800,000 square metres of rail served warehousing and associated service buildings and may also include some manufacturing and processing activities;
- new road infrastructure and works to the existing road infrastructure; and,
- a new junction on the A5 that will be the main road access into the site.

Any feedback given at this stage is given on the basis that this stage is a precursor to an intensive and detailed independent assessment of the potential health impacts of the proposed development.

Public Health England is a statutory consultee at the pre-application and application stages for NSIPs "which are likely to involve chemicals, poisons or radiation which

could potentially cause harm to people and likely to affect significantly public health.”¹ For those NSIP applications subject to Environmental Impact Assessment (EIA), PHE is a consultation body under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

PHE’s enclosed response focuses on health protection issues relating to chemicals and radiation. The advice offered by PHE is impartial and independent. In order to ensure that public health is fully and comprehensively considered, the Environmental Statement (ES) should provide sufficient information to allow the potential impact of the development on public health to be fully assessed.

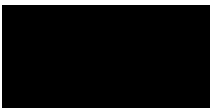
PHE has reviewed the ‘Formal EIA Scoping Opinion Request’ document (dated September 2016) and accepts the general approach proposed for assessing potential impacts on human health.

In order to assist the production of an ES we have included an appendix which outlines the generic considerations that PHE advises should be addressed by all promoters when they are preparing ESs for NSIPs.

In terms of the level of detail to be included in ESs, PHE recognises that the differing nature of projects is such that their impacts will vary. PHE’s view is that the assessments undertaken to inform the ES should be proportionate to the potential impacts of the proposal. Where a promoter determines that it is not necessary to undertake detailed assessment(s) (e.g. undertakes qualitative rather than quantitative assessments), if the rationale for this is fully explained and justified within the application documents, PHE considers this to be an acceptable approach.

PHE will provide further comments when the ES becomes available.

Yours sincerely



Vince Jenner
Environmental Public Health Scientist
nsipconsultations@phe.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

¹ Cited in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as amended

Appendix: PHE recommendations regarding the scoping document

General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA². It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

The EIA Directive³ requires that ESs include a description of the aspects of the environment likely to be significantly affected by the development, including "population". The EIA should provide sufficient information for PHE to fully assess the potential impact of the development on public health. **PHE will only consider information contained or referenced in a separate section of the ES summarising the impact of the proposed development on public health:** summarising risk assessments, proposed mitigation measures, and residual impacts. This section should summarise key information and conclusions relating to human health impacts contained in other sections of the application (e.g. in the separate sections dealing with: air quality, emissions to water, waste, contaminated land etc.) without undue duplication. Compliance with the requirements of National Policy Statements and relevant guidance and standards should be highlighted.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, the EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES⁴.

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and

² Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from: <http://webarchive.nationalarchives.gov.uk/20120919132719/www.communities.gov.uk/documents/planningandbuilding/pdf/151087>

³ Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment. Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1985L0337:20090625:EN:PDF>

⁴ DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

Impacts arising from construction and decommissioning

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on public health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should also ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

Emissions to air and water

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions

- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
 - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
 - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

Additional points specific to emissions to air

When considering a baseline (of existing air quality) and in the assessment and when considering future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

Additional points specific to emissions to water

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc.) alongside assessment of potential exposure via drinking water

Land quality

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed⁵ and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist

⁵ Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

Waste

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

Other aspects

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations 2015 (Control of Major Accident Hazards); the Pipelines Safety Regulations 1996; and, the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations, if they are subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report⁶, jointly published by Liverpool John Moores University and PHE, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

⁶ Available from: <http://www.cph.org.uk/publication/health-risk-perception-and-environmental-problems/>

Electric and magnetic fields (EMF)

This statement is intended to support planning proposals involving electrical installations such as substations, underground cables and overhead lines. PHE advice on the health effects of power frequency electric and magnetic fields is available in the following link:

<https://www.gov.uk/government/collections/electromagnetic-fields#low-frequency-electric-and-magnetic-fields>

There is a potential health impact associated with exposure to the electric and magnetic fields produced around substations, power lines and cables. The following information provides a framework for considering the health impact, including the direct and indirect effects of exposure.

Policy Measures for the Electricity Industry

In 2004, the Government adopted the exposure guidelines published in 1998 by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) within the framework of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC). In 2009, one additional precautionary policy was introduced relating to the optimum phasing of high-voltage power lines. The National Policy Statement for Electricity Network Infrastructure EN-5 confirms these policies, and the Department of Energy and Climate Change (DECC) has published two accompanying Codes of Practice, agreed between the Energy Network Association and the Government, which specify how the guideline compliance and the optimum phasing requirements are implemented:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/37447/1256-code-practice-emf-public-exp-guidelines.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48309/1255-code-practice-optimum-phasing-power-lines.pdf

A companion code of practice dealing with indirect effects of exposure to power frequency electric fields is also available:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/224766/powerlines_vcop_microshocks.pdf

Exposure Guidelines

PHE recommends the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP). Formal advice to this effect was published by one of PHE's predecessor organisations (NRPB) in 2004 based on an accompanying comprehensive review of the scientific evidence:

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

Updates to the ICNIRP guidelines for static fields have been issued in 2009 and for low frequency fields in 2010. However, the Government policy is that the ICNIRP guidelines are implemented in line with the terms of the 1999 EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/PublicHealth/HealthProtection/DH_4089500

Static magnetic fields

For static magnetic fields, the ICNIRP guidelines published in 2009 recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT.

Power frequency electric and magnetic fields

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines published in 1998 give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively 5 kV m^{-1} (kilovolts per metre) and $100 \text{ } \mu\text{T}$ (microtesla). The reference level for magnetic fields changes to $200 \text{ } \mu\text{T}$ in the revised (ICNIRP 2010) guidelines because of new basic restrictions based on induced electric fields inside the body, rather than induced current density. If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects.

Long term effects

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for

further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE)

SAGE was set up to explore the implications for implementing precautionary measures for extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government:

<http://www.emfs.info/policy/sage/>

SAGE published its First Interim Assessment in 2007, recommending various low cost measures aimed at reducing exposure. One of the recommendations was the introduction of optimal phasing of dual circuit high voltage power lines, which the Government supported in its response published in 2009. Government was also asked to consider the option to create corridors adjacent to high voltage power lines on health grounds; however, this was not supported as it was regarded to be disproportionate given the evidence base on the potential health risks arising from exposure. The full Government response to SAGE's First Interim Assessment is available here:

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124

SAGE also called for more information to be made available to the public on the possible health consequences of power frequency electric and magnetic fields, and the Health Protection Agency developed new web material, which is available here:

<http://webarchive.nationalarchives.gov.uk/20140629102627/http://www.hpa.org.uk/Topics/Radiation/UnderstandingRadiation/UnderstandingRadiationTopics/ElectromagneticFields/ElectricAndMagneticFields/>

Liaison with other stakeholders, comments should be sought from:

- the local authority for matters relating to noise, odour, vermin and dust nuisance;
- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act 1990;
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas;
- the Food Standards Agency for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops;

- the Environment Agency for matters relating to flood risk and releases with the potential to impact on surface and groundwaters;
- the Environment Agency for matters relating to waste characterisation and acceptance; and,
- The Local Authority Director of Public Health at Staffordshire County Council for matters relating to wider public health.

Environmental Permitting

Amongst other permits and consents, the development will require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2010). Therefore the installation will need to comply with the requirements of best available techniques (BAT). PHE is a consultee for bespoke environmental permit applications and will respond separately to any such consultation.

Annex 1

Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach⁷ is used

⁷ Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24

From: Smith, Gareth [mailto:Gareth.Smith@severntrent.co.uk]

Sent: 14 October 2016 10:17

To: Environmental Services

Subject: FAO Richard Hunt - Application by Four Ashes Limited for an Order Granting Development Consent for the proposed West Midlands Interchange

Dear Richard

Thank you for the opportunity to comment on the information submitted by this applicant in request for a scoping opinion.

We were pleased to see the extent of issues covered in the scoping request and we believe that the applicant has provided a comprehensive initial assessment of the issues that will need to be covered. We recognise the intended coverage of issues noted in the Water Environment and Flood Risk section and we would make the following observations on that section in particular.

- **Groundwater Impacts** – our nearest groundwater abstraction boreholes are of a sufficient distance from the site to remove any concern over impact we may have had. The applicant will of course have to assess the impact on any South Staffs Water sources.
- **Surface Water** - The proposed development does not pose a major risk to STW because we are not abstracting from the River Trent. The biggest risk for both surface water and groundwater is from hydrocarbon spills. This is a main concern due to the high leaching potential layers underlying the site and we would want to see in the Environmental Statement clear detail on how the applicant will both minimise the risk of spills and indeed how the site will be designed to prevent pollution of the environment in such a situation.
- **Surface Water Drainage** -we would want to see this dealt with in a sustainable manner i.e. not using the sewerage network.
- **Foul Drainage** – as part of the process for connecting the development we would need confirmation of flow rates and potential points of connection. We would expect any drainage to be by gravity with no need for pumping stations. We do not envisage this being problematic but encourage the applicant to address this issue with us when possible.

We trust this information is helpful.

Regards

Gareth Smith

Gareth Smith | Principal Advisor, Land & Planning | Property Services

Mobile: 07798 572153

Email: gareth.smith@severntrent.co.uk

From: Plant, Sarah [mailto:S.Plant@sstaffs.gov.uk]
Sent: 14 October 2016 14:36
To: Environmental Services
Subject: West Midlands Interchange Scoping Opinion

Dear Richard,

Please find attached our response to the scoping opinion submitted by Four Ashes Ltd for their proposed SRFI.

Thanks

Sarah Plant
Team Leader (Major Applications and Appeals)
Planning & Strategic Services
South Staffordshire Council

Tel: (01902) 696000
Fax: (01902) 696403

Richard Hunt
Senior EIA and Land Rights Advisor
Major Applications and Plans
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Dear Richard,

WEST MIDLAND INTERCHANGE - CONSULTATION FROM THE SECRETARY OF STATE FOR A SCOPING OPINION RELATING TO PROPOSED WEST MIDLANDS INTERCHANGE AT FOUR ASHES

I am writing with regard to the above Development Consent Order and your email dated 16th September 2016 in which a scoping opinion is formally requested in connection with the development referred to above.

Having considered the content of the scoping report and taking into account the characteristics of the proposed development; the location of the site and its surroundings and the environmental aspects and features likely to be affected by the development I am of the opinion that the main areas referred to, together in both District and County responses, cover the key environmental issues that the Local Planning Authority would expect to be addressed and included in an Environmental Statement.

In coming to this view the District Council have been working alongside the Staffordshire County Council by reason of overlap. As a District Council we rely on Staffordshire County Council for their expertise in certain specialisms namely on Minerals and Waste, Highways, Flood Risk, Heritage & Archaeology as well as Ecology. Subsequently these scoping opinions should both be read in conjunction with one another.

In coming to this view, I am mindful of the guidance set out in Schedule 4 of the regulations covering information for inclusion in Environmental Statements and the potential for the Local Planning Authority to require additional information to be submitted in connection with any Environmental Statement submitted with a planning application for the development referred to in the request (regulations 13(9)). In coming to the opinion referred to above, the Local Planning Authority has taken account of the views of consultation bodies that have to date responded to consultation on the Scoping Report.

Key Comments:

- Need/Green Belt
- Landscape and Open Spaces
- Environmental Health
- Conservation
- Overlapping Environmental Aspects

Need/Green Belt

Whilst the argument of need and very special circumstances are usually a matter for the planning statement the LPA advise that such matters be included within the EIA - as a separate chapter. The LPA would also like clarification for need of the development south of Vicarage Road.

Landscape and Open Spaces

The scoping report appears to successfully pick up on the majority of potential landscape and visual effects, such as Key Landscape Effects requiring consideration in the LVIA and Key Visual Effects requiring consideration in LVIA. However, in addition to these points, it will be important to ensure that the Environmental Statement considers the following points within its assessment:

- The potential for additional landscape and visual effects arising at night time from the development through the introduction of any potential lighting viewable from the wider landscape
- Effects over time – both before and after screening planting has matured, and also taking account of any intended phasing in this planting
- The assessment of effects should be informed by tree and hedgerow surveys of the existing planting likely to be affected, given the large extent of both which may potentially be affected/proposed to be removed.

Furthermore other design considerations (may be appropriate to provide to developers outside of EIA process) include:

- The West Terminal option is preferred out of the two potential schemes laid out in the scoping report - concerns over the East Terminal option due to loss of deciduous woodland element of Calf Heath Wood and the potential for a greater impact upon the Canal Conservation Area .
- As far as possible, building and roof height should be minimised, particularly given the low-lying nature of surrounding landscape. Consideration should be given to the use of green roofs within the development, given the loss of existing green infrastructure which would result from the development and the potential for long distance views to these roofs from the wider landscape (including the Cannock Chase AONB).
- Green infrastructure within the site should be designed to deliver integrated green and blue corridors to facilitate biodiversity. A co-ordinated approach to the provision of appropriate broadleaved deciduous woodland planting, wildflower meadow planting and blue infrastructure should be sought - this should be designed to include any required SUDs and new tree belts/hedgerow links to maximise ecological benefits. Such green infrastructure will also need to deliver any required mitigation identified by the appropriate tree and hedgerow surveys.

- Preference should be given to the provision of green corridors focused on increasing biodiversity within the site, rather than recreational community uses, given the site's isolated location from villages.
- Any new planting should reflect locally occurring native species.
- Lighting to the proposed development should be designed to minimise any effects on the wider landscape. Some mitigation will be required to reduce the effect of new lighting on the canal corridor and specifically protect this (if possible) as a habitat for foraging bats.

Environmental Health

Understanding the phasing progression of the development is important in assessing impact. Discussions between specialisms suggest there is a lot of ambiguity in the progress of the site from its current state to a completed development. For a site of this size, there are likely to be a number of intermediate stages, before a fully utilised site comes into being.

Fundamental to this site is the implementation of the terminal option. Initial reading around SRFIs suggests that there are examples where the warehousing development has taken place without ever implementing a rail freight terminal. This seems counter to the fundamental justification for development. Having read some comments relating to other proposals in different parts of the country, there also seems to be some question whether provision of the rail interchange will result in a modal shift for hauling freight. Statistics indicate as much as 36% of freight currently transported on rail is coal. I have come across the following site, The Office of Rail and Road, National Rail Trends Data Portal, which may provide useful information in this respect.

There are two current options for the rail terminal. Only one supports the 775 metre trains suggested as being needed to offer the economy of movement. If the eastern terminal was utilised they would have to split freight carriages. There is also the question of double handing of freight to move containers from the freight terminal to the appropriate warehouse.

Air Quality

I accept their proposals for the methodology of assessment. The devil will be in the detail. They have used some of the data in our air quality reports without realising that the validity of the headline figures is in question. In particular the results of monitoring in Penkridge, adjacent to the M6 in 2013 and 2014 were invalidated due to poor data capture in those respective years.

Noise and Vibration

Similarly they are using industry standard methodologies for noise and vibration assessment.

Ground Conditions

The document refers to a letter issued to SSDC on 14th September 2015 (L-UK15-19880_1-SI ScopeSSDCEP) setting out their proposals for an intrusive site investigation. I have no knowledge of this document in Environmental Health and Licensing despite them receiving an acknowledgement dated 25th

September 2015. It may have been dealt with by a colleague and no record made. Yesterday (11th October 2016) we had another letter from their consultants with information relating to the site investigation of land south of Vicarage Road. I am satisfied with the extent of their proposals.

Light Spillage

No detail proposed, but a detailed lighting strategy for the site will be submitted for SSC approval. For what I suspect will be a 24 hour operation, we need to cover both the nuisance (amenity) and visual impacts.

Conservation

The scoping report has covered most of the aspects that I would expect. They have covered indirect and direct impacts and permanent and temporary effects, they have included all the various designated heritage assets and the non-designated heritage assets. Given the topography of the site a 1km buffer is appropriate.

However there is no mention of a Zone of Theoretical Visibility (ZTV) which will be needed to assess the impact of the proposals on the setting of the various heritage assets. While this overlaps with the Landscape section this is also an important method to use to work out which heritage assets could be affected.

In terms of the 2 options of an East or West terminal my definite preference would be for the West terminal as this avoids a new bridge over the canal. The level of screening of the development from the canal will be important as will the scale and massing of the various structures and the choice of facing materials which should be chosen to minimise the visual impact of the development.

Overlapping Environmental Aspects

It's fundamental to note that predictions used to assess the environmental impact on air quality and noise are influenced by the design of the road network and predictions in respect of traffic flows. Therefore in this respect it is not just daily flows; the LPA will be interested if there are significant flows at night – when sensitivity to noise is more significant.

The LPA would also like to see how the development would affect users of highway i.e. cycle paths, pedestrian paths to schools/community facilities etc. The LPA would like to see these identified along with mitigation.

It is thought the low skilled jobs for those without a car are likely to struggle to get to the site; therefore the LPA would also like to see transport mitigation i.e. public transport for local employees. It may be useful if the applicants speak to nearby businesses to explore if links with existing travel plans can be made, to ensure a joined up approach - set out in a jointly agreed Travel Plan.

The LPA think the ES should cover local truck stop capacity as well an impact on air quality/residential amenity (in particular to slowing down and speeding up of trucks). Whilst it is explained that HGV's will be able to park on site prior to unloading and loading, the LPA would like to know where these vehicles would park if they were to arrive significantly early.

With regards to noise impacts, mitigation is explained whereby barrier techniques in the form of landscaping will be used for reduction purposes. However with regards to phasing, landscape establishing and impacts on ecology isn't explained.

Lighting details have been mentioned however more detail is required with regards to impacts on ecology.

Finally, with regards to construction of SUDS it is essential for such works to have ecological protection measures/method of works included within to ensure impacts are carefully addressed prior and during works.

I hope these comments are helpful in terms of preparation of the Environmental Statement.

Yours sincerely

Sarah Plant
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Please ask for: James Chadwick

Date: 13 October 2016

Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

VIA EMAIL ONLY

Your Ref: TR050005

Dear Richard

Application by Four Ashes Limited for an Order Granting Development Consent for the proposed West Midlands Interchange – Scoping Opinion

Thank you for consulting Staffordshire County Council on the scoping opinion for the information to be provided in the environmental statement relating to the project at Four Ashes. The applicant has already engaged with the County Council and they are liaising directly with our various specialist officers as to the scale, scope and content of the various assessment that need to be undertaken. A non-statutory consultation was undertaken by the applicant earlier in the year our response to the applicant at that stage is attached for your information. We will continue to liaise with the applicant throughout the pre-application phase to understand the proposal and its likely impacts. We hope that this will take the form of an iterative process.

Having considered the content of the scoping report and taking into account the characteristics of the proposed development; the location of the site and its surroundings and the environmental aspects and features likely to be affected by the development we agree the Environmental Impact Assessment (EIA) chapters listed cover the main themes expected. However, we do have comments to make on the detail and method proposed in the scoping opinion based on our understanding of the scheme at this juncture. Our comments are set out by theme/EIA chapter however we are keen to emphasise that the EIA must provide clarity on the interrelationships and synergies between the various chapters and impact assessments. For example traffic assessments will consider the impact of increased



vehicle flows on junction capacity and amenity of other road users however the impact on and amenity of residents (at home and away e.g. at school) and businesses of increased traffic needs to be assessed in the EIA. It is not possible at this stage to identify all the interactions as these will become apparent as the proposal evolves.

Furthermore, given the scale of the proposal and the lengthy time over which the full scheme will be built out it will be fundamental for the EIA to consider the phasing of the scheme and how this affects impacts and the effectiveness of mitigation. The applicant should also set out at what point the rail terminal will be constructed during the scheme and when it will become operational.

In formulating a view on the scope we have been liaising with South Staffordshire District Council given the cross over between certain services/specialisms. Therefore, the responses of the two authorities should be read in conjunction with one another.

Need, site selection and alternatives

Whilst the argument of need and very special circumstances for development in Green Belt are usually a matter for the planning statement it is suggested that such matters be included within the EIA, including the selection of site and consideration of alternatives.

Ecology

Staffordshire County Council Principal Ecologist has been involved in meetings and discussions regarding this proposal and ecological issues and has carried out a site visit to parts of the proposal site including the Staffordshire and Worcestershire canal. She has also advised South Staffordshire Council regarding the Bericote scheme and the County Council regarding Calf Heath Quarry, the Gravelly Way highways improvements and the Energy from Waste plant. This proposal is on a considerably larger scale. It is understood that the layout and landscaping proposals are evolving and that the Figure 3 and Figure 4 drawings may already be out of date. The following comments relate to areas where the EIA Scoping report has omissions in regard of the EIA Regulations, national and local policy, published guidelines and best practice.

Chapter 6 - Proposed Environmental Impact Assessment Scope:

The s.6.1.3 list should include geodiversity specifically as there is potential to affect a geological Site of Special Scientific Interest (off-site).

s.6.1.4 mentions climate change and flood alleviation (connecting these in a rather surprising way). In accordance with the National Planning Policy Framework (NPPF) s.109 the ES should consider ecosystem services in a more holistic way, including as well as the regulating services related to climate change/CO2 and flood

alleviation, other ecosystem services including provisioning, such as the production of food and timber; supporting, such as biological diversity and pollination; and cultural, such as spiritual and recreational benefits. Climate change and other impacts should be clearly distinguished, s.6.1.4 and 6.1.5 rather confuse other impacts with climate change.

s.6.1.6 refers to a Construction and Environmental Management Plan (CEMP) to manage environmental impacts. While a CEMP will be appropriate to manage construction impacts it is not an appropriate mechanism for management of operational impacts. The applicants should consider the framework for minimisation, management and monitoring of operational impacts following the construction phase.

6.3 Air Quality

This section fails to recognise the potential need to assess impacts of the proposal on Natura 2000 sites. Cannock Extension Canal Special Area of Conservation (SAC) is found approximately 9 km to the east of the site on the A5. Impacts of additional freight traffic on the A5 need to be considered. Potential for impacts on Cannock Chase SAC 7.4 km to the north-east may also need to be considered, subject to Natural England advice. Cannock Chase SAC habitats are known to be vulnerable to nitrogen deposition and acidification. The APIS Air Pollution Information System <http://www.apis.ac.uk/> is a useful resource not referred to in the Scoping report. Assessment of operational impacts should include assessment of impacts on ecological receptors as well as human receptors. Cumulative impacts will need to be considered.

6.5 Ecology

s.6.5.4 should refer to Cannock Extension Canal SAC approximately 9 km to the east in addition to the two SACs mentioned. Highways run-off has been identified in the past as an issue for the SAC.

6.5.27 Standing Water fails to include the canal or the adjacent reservoirs. S.6.5.46 also fails to reference the canal in assessment of the suitability of the site for water vole despite past records of this species.

In general the sections regarding species use of the site are appropriate though there are some omissions. We are aware that further bat survey has been carried out and that this has identified several roosts in buildings and trees. In assessment of use of the site by otters there should be consideration of the potential of ditches to be used by otters to move through the landscape. How otters might move to and from the reservoirs should be considered so that works can mitigate road casualty risk.

Recommended Scope of Surveys–Western, Northern and Eastern parts of the site

s.6.5.3 states that s phase 1 habitat survey of the assessment area was carried out on the 23rd and 24th November 2015 and the 24th and 25th February 2016. These

periods are outside of the recommended period for habitat survey and therefore, in addition to survey of the land south of Vicarage Road, the surveys should be supplemented during May-September so that rare plant species that cannot be seen outside summer months such as certain aquatic plants and ephemeral and annual arable species, can be identified if present, as can invasive species such as Himalayan balsam and giant hogweed. s.6.5.78 recommends this but fails to consider arable field margins and aquatic habitats. We are aware that hedgerow survey has been carried out. It does not, however, appear to have informed site layout as most important hedgerows identified would be lost to either of the two current layouts.

Most species surveys proposed are appropriate. Given the several important wintering bird species recorded on the site and the adjacent reservoirs it is recommended that wintering bird survey be included so that impacts can be assessed. Wintering and breeding bird surveys should include the adjacent reservoir. Proposed water vole survey should include the canal. While the canal may not be directly affected by the proposals information on how otters use the landscape will be important in designing out road casualty risk.

There appear to be no recommended surveys for the southern part of the site south of Vicarage Road. Clearly this area should be subject to the same suite of surveys.

In describing the site and assessing impacts a holistic approach should be taken to the site as a network of habitats, supporting species, rather than the reductive approach of only considering each habitat type separately which fails to address the overall ecological connectivity of a site and how it contributes to how the local landscape supports wildlife species. Given the large scale of this proposal habitat survey should include land (and water) adjacent to the site. In particular this will assist in determining impacts related to ecological connectivity, the use of the site and surroundings by protected and priority species and impacts of the proposal on the ability of these species to persist in the area.

Potential Impacts

In addition to the impacts identified in s.6.5.96 and 6.5.97 the following should be considered:

- wintering birds
- other species of farmland such as brown hare, harvest mouse given such a large area being affected
- impacts of highways works
- impacts of increased highways use by HGVs on adjacent habitats and on species
- potential positive impacts of sustainable drainage systems and inclusion of ecological and landscape benefits in design by collaborative working
- potential positive impacts of green infrastructure provision and the need for collaborative design

Mitigation

It is understood that it may be too early to identify all mitigation but it is a substantial omission from the scoping report that there is no mention of this and of the mitigation hierarchy of avoid/minimise/mitigate/compensate/enhance which, in line with CIEEM EclA guidelines and the British Standard for Biodiversity BS42020:2013, should be adopted. It is disappointing that the Scoping report fails to include mitigation principles and potential measures and fails to consider the potential of the project to include ecological enhancements.

Appendix 1

The Appendix 1 Phase 1 Habitat Survey and Tree and Building Bat Roost Potential drawings do not show all trees on the site. For example a significant over-mature/veteran oak adjacent to the canal, one of the most significant tree specimens on the site, is not mapped. It is important that trees such as these are accurately mapped so that proposals, such as the canal over-bridge, can be designed to avoid or minimise impacts. An arboricultural survey is required to inform impacts on trees.

6.6 Ground Conditions

This fails to identify the Four Ashes PIT SSSI as a sensitive receptor in s.6.6.2.

Landscape

Chapter 5 - Format and Content of the EIA

The s5.1.3 list should include Landscape and Visual.

Chapter 6 - Proposed Environmental Impact Assessment Scope:

6.7 Landscape and Visual

The Landscape and Visual section refers to appropriate guidance to the process of assessment and appropriate reference sources to inform baseline descriptions of landscape character. Assessment of effects, for both landscape and visual should be provided for the construction phase, at completion/ year 1 and once landscape proposals have had time to mature, at around 15 years post completion. If development would be phased then phases should be described and assessed separately. Ground modelling or planting delivered during a particular phase that might affect the level of mitigation achieved should be fully described and included in those assessments.

Full assessment will require detailed design information such as heights of proposed bunds and estimated height of planting at the times of assessment. For clarity, sections (including lines of sight) should be provided to illustrate construction, Year 1 and year 15 effects. Perimeter bunds could be critical to maximising site screening, therefore their completion and planting should take place as early as possible in the construction phase. Retention of boundary hedges and trees and existing woodland would minimise landscape impact and maximise visual mitigation. Retention of trees

and woodland will necessitate adequate working clearances and protection in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Assessment Methodology

There is no specific reference to assessing the effects of lighting and this should be included in the assessment.

There appears to be no reference to a Tree Survey in the scope. In order to comply with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations a tree survey is required and this should inform the assessment of constraints to development from existing trees that merit retention.

Potential Impacts

The EIA is designed to be an iterative process and the Landscape and Visual Assessment should be used to inform the design of the proposed development. Sensitive design of fundamental aspects including site layout and infrastructure, building heights, roof scape and cladding and container storage have potential to reduce detrimental effects, along with green infrastructure screening. Measures which are proposed to prevent, reduce and mitigate for significant adverse effects should be described.

The Scoping Opinion states that the EIA will make clear the process of selection of the preferred option. With regard to landscape and visual effects the East Terminal Option, which requires a new rail bridge over the canal, would result in significant detrimental effects on the Staffordshire and Worcestershire Canal Conservation Area and users of the canal, and may also have wider visual effects at least until boundary planting has established than the West Terminal Option. Should the East Terminal Option be the developer's preferred option the EIA will need to demonstrate that the location and design of the bridge will be a high quality solution that responds sympathetically to the Staffordshire and Worcestershire Canal Conservation Area.

S 6.7.69 and 6.7.70 include reference to potential impacts in broad terms of the earthworks, infrastructure, buildings and landscape proposals. Other aspects of the development that will influence landscape and visual effects include lighting, gantries, container storage, HGV parking (on and potentially off site).

There is no reference in the document to mitigation of effects, and this should be included. Sensitive building design will be critical to reducing landscape and visual effects, and the proposals should incorporate design measures, carefully selected materials and treatment of building facades to help to reduce the perceived scale and mass of the buildings. Roof heights should be kept to a minimum and if the opportunity presents itself reducing ground levels could help to lower building elevations and reduce landscape and visual effects. Green walls and roofs would be beneficial in reducing visual effects and contribute to biodiversity enhancement and flood risk management. A Landscape and Ecology Strategy should be prepared to

support the EIA that adopts an holistic approach to landscape and visual mitigation, flood risk management, and biodiversity and landscape enhancement.

Historic Environment

The initial assessment contained within the scoping opinion document does provide a broad overview of all aspects of the historic environment (built heritage, below ground archaeology (and archaeological potential) and the broader historic landscape character of the area). The scope of the 1km buffer around the scheme would also appear in general to be appropriate bearing in mind the topography of the site and surrounding landscape (see bullet point 2 below for the exception). The scoping opinion also identifies the need for a full and detailed Historic Environment Desk-Based Assessment (HEDBA) and clearly states that it will conform with the Chartered Institute for Archaeologists (CIfA) standard and guidance for '*Historic environment desk-based assessments*' (2014). As such the Historic Environment element of this document is broadly to be supported.

S6.4.10. This section references the presence of a ring ditch (PRN 04542) on the eastern edge of the site and an area of undated (although potentially late prehistoric in date) cropmarks close to Gravelly Way House (PRN 01797). These features appear to be missing from Figure 7 which identifies prehistoric and Romano-British sites and find spots recorded on Historic England and SHER records.

S6.4.41. In addition to fully consulting historic map and aerial photographic resources the HEDBA should also review all available lidar for the site and the surrounding area. The results of this work may allow broader modelling of below ground archaeological potential across the site.

S.6.4.42. The HEDBA indicates the range of published and unpublished sources which will be consulted during research. The HEDBA should also consider the results of any historic Site Investigation (for geotechnical or environmental purposes) as such evidence could inform understanding regarding the nature of subsurface deposits across the site. If early Site Investigation is currently being proposed for this scheme (either window samples or coring) then these results should also be made available to the schemes historic environment consultant and this may inform the preparation of an initial deposit model across the site.

The results of the HEDBA will be used to inform discussions regarding the need for and scope of subsequent archaeological interventions across the site. It is acknowledged that details regarding staged investigations across the site would be best discussed once the full HEDBA is finalised, however the historic environment consultants should bear such potential for fieldwork in mind when addressing the HEDBA.

Beyond the broad requirements of the HEDBA (as detailed in the relevant CIfA standard and guidance), a number of site-specific considerations should also be addressed within this document:-

- It is strongly advised that the results of the HEDBA inform the landscape and visual assessment (and *vice versa*) and in particular the development of any landscape masterplan for the scheme. It is also noted that the landscape and visual assessment references the production of a 'Zone of Theoretical Visibility' (ZVI) study, no such study is identified within the historic environment section. The ZVI will be important in considering potential impacts upon the setting of designated heritage assets on and beyond the scheme, as such a detailed consideration of the ZVI and potential impacts on heritage assets should be included within the HEDBA. Where appropriate, designated heritage assets beyond the 1km buffer may therefore need to be considered within the HEDBA.
- Related to the point regarding s6.4.42, the historic environment consultants should have a role in discussions regarding the scope and location of Site Investigations across the site. Any window sampling (particularly in areas of demonstrable archaeological potential) should be the focus of a targeted archaeological watching brief. This work would be carried out by appropriately experienced archaeologists operating in accordance with the ClfA standard and guidance for '*archaeological watching briefs*' (2014) and with a Written Scheme of Investigation prepared in advance and agreed with the LPA's archaeological advisor. This work would represent an initial phase of archaeological intervention upon the site.

The historic environment team would be happy to discuss heritage aspects associated with the scheme with the applicant's historic environment consultants.

Transport

The scoping note considers transport and access at section 6.10 and state that a Transport Assessment (TA) and Framework Travel Plan (FTP) will be prepared. The scope of the TA and FTP are presently being discussed between the applicant and the relevant Highway Authorities. Comment made here therefore should be regarded as additional to matters under discussion with the applicant, which is reflected in s6.10.10. We will be expecting a comprehensive FTP to be prepared but the content will need to be informed by the TA so it is not possible to comment in detail at this stage. However, it is given that a full and detailed assessment of public transport will be necessary to inform a strategy to encourage shift from car trips and to provide employment opportunities for those without access to a private car.

In section 6.10.12 the scope lists the impacts recommended by IEMA for EIA. In addition to those items listed the impact of potential changes to traffic should also be considered in relation to residential amenity and amenity of users of community venues (e.g. schools, libraries, leisure venues, parks and open spaces). Design Manual for Roads and Bridges Volume 11, Section 3, Part 8 Pedestrians, cyclists, equestrians and community impacts states that an assessment of the impacts on

pedestrians, cyclists and equestrians is required. 6.10.12 only refers to the assessment of pedestrian delay, amenity and fear/ intimidation which requires amending to include cyclists and equestrians. Changes in amenity for these users should take account of the impact of HGVs waiting in the vicinity of the development.

6.10.12 should include changes in travel time for pedestrians, cyclists and equestrians, the impact of noise on their journeys and changes to air quality experienced by these road users. Evidence should be provided for the number of users affected and types of users e.g. school children and a description of the facilities they currently use including width of path and proximity to road to enable an assessment of the change due to the development. Key community facilities should also be identified as described in DMRB Volume 11, section 3, part 8. This chapter should also propose mitigation measures where necessary.

In sections 6.10.14 to 6.10.17 the document suggests a qualitative assessment of the construction affects due to limited information being available to undertake the assessment. We presume that to obtain planning consent a quantitative assessment of construction traffic would be required in particular because of the likely duration of construction. The EIA for HS2 includes forecasts of lorry movements including haul routes and car/ van movements for employees accessing the site for work. We assume that construction compounds and their accesses would need to be identified as part of the application and that to enable the developer to cost the project construction techniques and quantities of material would also need to be determined. Number of vehicles and routes for construction traffic are likely to be required to enable the accurate assessment of other environmental factors including noise, air quality, dust, flora and fauna.

At section 6.10.18 the document states that a future year for assessment will be agreed with Staffordshire County Council and Highways England. The 'with scheme' scenario should include the year when the site is forecast to be complete and fully occupied. In addition to assessing the impact of the fully complete development a series of interim assessments need to be undertaken based on the infrastructure developed and available for the floorspace being assessed. For example until the internal road network is complete and links the A449 to the A5 traffic movements and turning proportions at the site accesses may differ from the full scheme. Assessment should determine whether interim/temporary improvements are necessary or if there is a particular trigger point for delivery of onsite infrastructure. The EIA should therefore consider the phasing of the site in detail.

In section 6.10.19 the impact on pedestrian, cyclist and equestrian movements should include routes alongside the road network and away from the road network such as the public rights of way network where applicable.

The ES should also consider the effects of increased HGV flows on existing facilities in the locality such as the Truck Stops/café, layby's and other parking areas. The

provision for parking of HGV's needs to be considered in detail including potential for indiscriminate parking within the site and surrounds.

The construction impact on the canal should also be considered in the appropriate sections within the EIA. Will construction necessitate temporary closure of the canal and what are the impacts on boat traffic and the local business located on the A5 that provides canal boat holidays? Impacts on towpath users would be included in pedestrian/ cyclist/ equestrian severance assessments. The impact on local businesses/resident should be included here and in the socio-economic chapter, in particular those units/dwellings accessed off the A449 across the current railway bridge that will need to be demolished and reconstructed as part of the proposal.

Waste Management

Table 4.1 sets out Environmental Impact topics relevant to national networks infrastructure which includes waste management. It is considered by the applicant that the proposal would not give rise to significant environmental effects in relation to waste. A Waste Assessment is therefore proposed to be scoped out of the ES. However, "ES Volume I: Demolition and Construction" chapter will include commitments in relation to waste management and minimisation".

The proposal would need to be assessed in terms paragraph 8 of National Planning Policy for Waste and policy 1.2 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 – 2026) and the applicant confirms that waste management would be undertaken in accordance with a Construction Site Waste Management Plan (SWMP) to ensure the sustainable management of construction waste, minimisation of waste arisings and maximisation of waste re-use and recycling. Paragraph 7.2.3 of the Scoping Report indicates that the Environmental Statement will include a description of the standard mitigation and management controls that would be committed to during the demolition and construction works, and present an outline of the content of the Construction Environmental Management Plan. A particular issue that needs to be addressed, however, is whether the proposal would involve any amendment to the permitted backfilling of mineral workings with waste materials (refer to permission [SS.12/08/681 MW](#)) and if so, the effects of those amendments.

Impact on mineral resources

The report confirms that the assessment of Ground Conditions will include the implications for known and potential presence of on-site mineral / aggregates reserves and how the proposal may affect these resources. It is assumed that most of the sand and gravel reserves associated with permission [SS.12/08/681 MW](#) would be extracted before commencement of the proposal but there are other mineral resources affected by the proposal some of which are allocated in the [emerging new Minerals Local Plan](#) (refer to Policy 1.1 g) 'Calf Heath (Four Ashes) (Inset Map 7)'). The applicant should also consider the mineral safeguarding area affecting the proposal and the requirements of Policy 3 of the emerging new Minerals Local Plan.

Policy 3 would require that evidence is provided to demonstrate the existence, quantity, quality and value of the underlying or adjoining mineral resource.

The proposal would directly affect permitted and allocated mineral resources and thereby, affect the overall provision of aggregates from Staffordshire as intended by the emerging new Minerals Local Plan. In mitigation, the applicant should consider whether there is scope for prior extraction of mineral resources as part of the proposal.

Cumulative effects

The Scoping Report indicates that both intra and inter project effects will be considered. In relation to the assessment of impacts on biodiversity, the assessment should take into account the benefits to be secured through mineral development for habitat creation (refer also to legal agreement associated with permission [SS.07/19/681 MW](#)). In terms of assessing inter project affects, it is indicated that 'other development' will be considered including minerals and waste development. This should include the Energy from Waste Facility at The Dell, Enterprise Drive, Four Ashes which is a strategic waste facility (refer to Policy 2.4 of the [Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 – 2026](#)) and was subject to environmental impact assessment (refer to [SS.08/10/636 W](#) and subsequent permissions including SS.14/20/636 W). Referring to Policy 2.5 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 – 2026, the proposal should demonstrate that it will not unduly restrict the permitted use of this strategic waste facility.

Flood Risk

The EIA Scoping Opinion Request states that a Flood Risk Assessment will be prepared in parallel to the ES, and included within the technical appendices. It also says that appropriate sustainable drainage systems (SuDS) will be considered for the Proposed Development to address water quality/quantity to prevent impacts to downstream receptors. In order to effectively assess the impact of the proposed development it is recommended that the drainage strategy should be developed to the level of a Conceptual Design, as set out in the SuDS Manual (CIRIA, 2015 – See pages 99-118; 7.4 Stage 1: Setting Strategic SWM Objectives, through to 7.5 Stage 2: Conceptual Design) Surface water should also be managed in accordance with the non-statutory Technical Standards for Sustainable Drainage Systems (Defra, March 2015).

Staffordshire County Council is in the process of preparing a SuDS Handbook that sets out both national and local requirements for SuDS, which is available on our website. This recommends that SuDS should be designed to work with the natural and historic drainage patterns of a site. Therefore, when designing the layout of the site the analysis should begin with an assessment of the topography, geology, soils, and drainage features on and adjacent to the site, and ensure that the natural drainage characteristics are maintained with no increase in flood risk to others.

This will provide a sufficient level of detail to identify potential constraints, opportunities, and overlap with other elements of the design, so that the SuDS design can be optimised and the impacts properly assessed.

There may be opportunities to derive multiple benefits by the selection of suitable SuDS, for example the use of green roofs and walls for landscape mitigation, or above-ground SuDS along green corridors for wildlife/ecology and amenity. Production of the ES will require collection of detailed baseline site data and we would recommend that the existing watercourses (open and culverted) and catchment characteristics should be surveyed. Early consultation with the Canal and Rivers Trust is recommended to establish any constraints such as feeder channels and overflows, and any relevant easements.

The updated Flood Map for Surface Water (uFMfSW) extents and ordinary watercourse locations show an ordinary watercourse in the north-west of the site and there could potentially be additional links to Calf Heath Reservoir to the north-east. These will need to be considered when developing the proposed layout as the current outlines show conflicts with the proposed units.

Socio-economics

In relation to the assessment of socio-economic impacts we are broadly content with the methodology set out. However, in s6.9.2 the fourth bullet point refers to Health Impacts specifically arising as a result of other impacts assessed in the EIA but implies that this will only occur if these are scoped into the EIA. We would request that the items listed in bullet four are scoped in for assessment and consideration is given to a broader Health Impact Assessment of the proposal.

The scoping note does not give any indication in relation to the range of jobs/roles that may be provided by the proposal. It is accepted that the scheme is a logistics operation but given the scale of the proposal it could be the case that there will be a reasonable proportion of other roles for example managerial, HR and ICT. It is suggested that the assessment of impact would benefit from provision of a breakdown of the type and skill levels of the range of roles that typically could be expected on a SRFI.

The scoping note sets out the travel to work area (TTWA), which covers a considerable area. In order to minimise the length of journey to work distances it is anticipated that a skills and training programme will form part of the mitigation package to maximise the pool of number of suitable workers closer to the site. The scoping note make no reference to such a programme, which we believe is necessary to reduce vehicle mileage and maximise local employment opportunities. It is suggested therefore that the ES should include a skills and training programme within the scope for assessment. This should also be linked into the Framework Travel Plan and public transport strategy.

Yours sincerely

James Chadwick
Planning Policy Officer

Enc: Stage 1 Consultation Response

22 July 2016

Dear Sirs

WEST MIDLANDS INTERCHANGE

Thank you for consulting Staffordshire County Council on your proposals for a Strategic Rail Freight Interchange (SRFI) at Four Ashes. We recognise that the proposal is still a work in progress and appreciate the opportunity provided to comment on the emerging scheme. We would also wish to maintain a close dialogue with you as the technical work progresses and the drafting of the Development Consent Order.

We note that in the consultation overview document Four Ashes Limited have set out a Mission Statement for the development. The commitment to community interests and environmental considerations is commended and we trust will be seen through the entire development process.

We are aware that local residents have queried why the site in question has been chosen. This is considered in section 2.11 to 2.15 of the overview document however it is noted that this is primarily focused on setting out the benefits of the proposed site and gives little indication of what other sites were considered and ruled out. At 2.12 you state that your search focused on the area to the North West of greater Birmingham due to the findings of previous independent research by public bodies. We would query this statement as the Black Country and southern Staffordshire - Regional Logistics Site Study¹ found that *'identifying Black Country and southern Staffordshire alone is a spurious boundary for an area of search. Previous studies looked at RLS provision in relation to the West Midlands and considering southern Staffordshire in isolation fails to appreciate to what extent other areas in the West Midlands including north Staffordshire could meet need'*. We would therefore wish to see further detail here and justification on how the site was selected and what other sites were considered and subsequently ruled out.

¹ Black Country and southern Staffordshire Regional Logistics Site Study - Final Report April 2013 URS.

Prepared for:

Wolverhampton City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Walsall Council, Staffordshire County Council, South Staffordshire District Council, CENTRO, Cannock Chase District Council, Stafford Borough Council, Lichfield District Council and Tamworth Borough Council



In relation to the two rail terminal options comments will be provided later on each. Regardless of which option is ultimately taken forward we would be keen to understand how the rail terminal itself and link to the West Coast Main Line are to be phased into the development? The issue being that until the rail freight terminal is operational any logistics use on site will be purely road based.

At this stage there is no information on the phasing by which the site will be constructed and at what point the rail terminal will become operational. This will be an important consideration in assessment of impacts and practicalities of delivery. We would wish to understand how existing businesses in the locality, in particular off Gravely Way, may be affected during construction.

We have separated out our remaining comments by theme under the headings that follow.

Transport and Highways

Transport and highway matters will be of significant importance in the proposal and in order to form an opinion we will need to understand clearly what the transport implications are. To begin with we will need details on what the traffic generation and distribution for the proposal is likely to be. This will be required for the completed development and at various phases throughout the development dependent of what they may be. Given the size of the proposal we will also need to understand the traffic impact of the construction of the development.

Our Highway and Transport officers will be liaising directly with your transport consultants on the scope and content of the Transport Assessment that will need to be prepared and any other detailed technical assessments and designs. Some discussions have already taken place and we hope that a continued open dialogue is maintained throughout both the pre-application and application stages of the proposal. We are aware that a request to meet to discuss the scope of the Transport Assessment towards the end of the month. We would suggest that this meeting would be better timed after the Stage 1 consultation has closed and you have had chance to digest the feedback as this may assist the TA scoping discussion. The following therefore provides, on a without prejudice basis, a brief, largely non-technical, summary of the likely issues that will need to be addressed from the information supplied in the Stage 1 consultation.

Before going into comments on the WMI proposal we are minded to note that the A5 and A449 fronting the site are currently Trunk Roads under the control of Highways England (HE) as they provide a strategic connection between the M54 and M6 (northbound). The Department for Transport is promoting a new M54/M6(M6 Toll) link road to provide full north and south connectivity between the two motorways. This in the future may negate the need for the sections of the A449 and A5 between M54 J2 and M6 J12 to remain as trunk road. With this potential for detrunking it is requested that any impacts, mitigation and design work for these two 'A' roads is discussed with and agreed jointly by both HE and Staffordshire County Council. The drafting of the Order should also therefore have regard to these roads potentially being under the control of a different highway authority in the future.

Understanding the local traffic and transport impacts of the proposed scheme will be of exceptional importance and should be given due regard. Whilst it is agreed that at a national level SRFI's will lead to a reduction in HGV vehicle mileage overall; at a local level there will be a significant increase in HGV trips and other trips (e.g. employees and other

movements associated with the operation of the site) wherever a SRFI is located. At present there is an apparent perception that the benefit of the national HGV traffic mileage reduction is being overplayed against the local traffic impact. At the last member briefing County Councillor Sutton raised a query regarding increased HGV traffic around the site and was provided with a technical response around what constitutes 'new' traffic that did not really address the point raised. It is acknowledged that the SRFI will provide logistics services for goods that are already being distributed around the country, so the traffic associated with those movements already exists on the road network. However, very little of that will exist presently around the proposed WMI site. This point can be articulated using diagram 1 of your transport technical note (pg 12) under the section 'HGV Mileage Reduction'. In this diagram freight using route A to get between origin and destination currently has no impact on the road network around the proposed WMI site. However, if WMI was to become operational then road based distribution would have new origin/destination of WMI and HGV trips would be using roads that previously they did not. Therefore, whilst at a national level it could be considered that HGV traffic associated with WMI already exists the development of the site will relocate this traffic. This in reality will mean there will be more HGV traffic using roads around the proposed WMI site than there had been previously. We would request therefore that the future transport assessments clearly articulate what traffic levels in the vicinity of the site are likely to be with the WMI compared to the level that currently exists (taking account of other committed development).

We are aware of issues in the past with HGV parking in and around the area that we have had to address. We would therefore suggest that an assessment needs to be undertaken in this regard and we would be keen to understand what provision will be made on the site for HGV parking. We are also aware that there are a number of existing facilities locally for HGV drivers (truck stops). These facilities are likely to experience increased demand for their services if WMI is built out due to increased volume of HGV's. We would therefore suggest that an assessment is required of the capacity of these facilities and the impact of increased usage of the accesses in relation to safety, capacity and effect on free flow of through traffic on the main road.

Section 4 of the Transport technical note sets out the Local Transport Conditions, which in the main are matters of fact. However, at 4.11 you refer to observations and reports that point to the A5 and A449 operating acceptably for most of the time. Please could these reports be provided and confirmation of what you deem to be 'acceptable'? In paragraph 4.13 of the report you begin to introduce the impact of WMI on the road network and conclude with minor mitigation it should be possible to ensure the M6 J12 and other local junctions and links will operate acceptably once WMI is operational. We fail to see how such a statement can be made at this stage without first having undertaken a full and comprehensive assessment of the traffic impact and second establishing a clear understanding of the opportunities/constraints that exist at junctions and links in relation to any mitigation schemes. This again brings us back to the point about the perception of the local road traffic impacts being under played. Section 4.14 provides a more accurate description of the process to be followed but the intent has been somewhat undermined by the previous paragraph.

Section 5 of the transport technical note sets out the rail access to the site in relation to the rail interchange. One would have assumed that occupiers of a SRFI would have preferred a unit with direct access to the rail terminal, which in turn would make usage of rail based freight more likely. The statement in paragraph 5.4 would seem to suggest otherwise and

thus lean towards favouring the West terminal option. However, there is no evidence to support this claim in the technical note. It may be the case that occupiers of existing SRFI's have merely taken the units that were available but equally we have no evidence to support this claim. It is suggested therefore that moving forward evidence to support what potential occupiers of an SRFI would prefer in relation to access to the rail terminal should be sought.

Section 6 of the transport technical note sets out the Road access to the site and provides an indicative location for the three general access routes via A5, A449 and Vicarage Road. All of these three accesses at present are proposed in the form of roundabouts. However, until the traffic generation and turning movements are established it is not possible to comment yet to the acceptability or otherwise of the proposed junctions. We will continue to work with you on this as the scheme evolves and assessments are undertaken.

Both of the proposed terminal options include a road within the site linking the A5 and A449 via Gravelly Way. The transport technical note makes no reference to the existing road bridge over the West Coast Main Line that currently operates under signal control shuttle working. We will need to understand fully the impact on this section of highway and what proposals may need to be put in place. If works are required to the bridge or its reconstruction then we would need to understand how they could be undertaken without affecting the businesses that currently operate out of the existing premises off Gravelly Way. We would need to understand how the development would be phased and what any interim impacts may be until such time as all the access points are fully completed.

In relation to any highway improvements and new road construction the County Council would wish to agree the design for any proposed highway improvements and agree the construction of any features. We would also want to have a full understanding of the mechanism by which highway works would be delivered via the DCO. We have experienced issues post permission with delivery of works secured via the model provisions as the developers contractors were unfamiliar with the process and subsequently queried why the usual highway agreements e.g. S278/S38 could not have been utilised.

In relation to public rights of way we acknowledge that the documents clearly recognise the existence of Public Footpath No 29 Penkrudge which crosses part of the site. The Transport Technical Note states that this will probably need to be diverted through a landscaped area to the north to allow the development to take place. We would expect the diverted route to be a minimum of two metres in width and on a firm crushed stone or tarmac surface depending on the landscaping of the wider site. We would not expect any landscape planting to impact on the public right of way and any trees or bushes should be planted a minimum of 3 metres away from the public path. The maintenance of any trees planted near to the public right of way will be the responsibility of any subsequent landowner. If a diversion is required any new route should be aesthetically pleasing to path users. The County Council can comment and advise further once details about the route of any proposed diversion are provided.

The greatest impact from the development on walkers/ramblers is likely to be on users of the Staffordshire and Worcester canal towpath that runs through the application site. The County Council does not have any responsibility for the towpath but recognise the importance and value of the canal network to walkers. The proposed scheme has the potential to industrialise an area of Staffordshire countryside and every effort should be

made by the developer to lessen the impact of the scheme in order to retain an attractive, rural feel for users of the rural access network.

The document does not recognise the application submitted under Section 53 of the Wildlife and Countryside Act 1981 to add a Byway Open to All Traffic (BOAT) to the Definitive Map of Public Rights of Way which affects the land in question. This application under section 53 of the Wildlife and Countryside Act 1981 is to add a route to the Definitive Map as a Byway open to all Traffic running from the A449 opposite Crateford Lane to Gravelly Way Bridge, and is based upon historical evidence. The application can be viewed on the County Council's Register of Modification Order Applications at <https://apps2.staffordshire.gov.uk/SCC/PROW/> and found using file reference LH626G. According to the applicant the Deposited Railway Plan and Book of Reference of the Grand Junction Railway 1832, held at the Stafford Record Office, shows the route as a "Bye Lane from Stafford Road to Gravelly Way Bridge" and the owner or reputed owner is the Surveyor of Highways. This hasn't been verified and no investigation has yet been carried out on this section 53 application. There is also an outstanding section 36 Highways Act ancient highway application for this route. Therefore, further consideration into these matters is required as the proposal moves forward.

With regards to rail it will be important in the assessment of the scheme to ensure that the provision of the rail terminal and increased freight movements do not adversely affect passenger capacity, both at current levels and with projected growth considered. We would also be keen to understand the freight pathways available and how these will be operated. Do you have an interested rail freight operator on board? In considering the operation of the rail terminal it will be necessary to demonstrate that an appropriate and efficient access from the mainline can be achieved to the site. This should also include whether either the east or west option performs better in this regard.

Socio Economic

The proposal will bring with it economic benefit and jobs to the local area. We would be keen to understand the type of jobs that will be on offer and the number of likely positions in each category. What will also be important for local impact is an understanding of measures to be put into place to ensure local residents benefit fully from the job opportunities available to them should the proposal be permitted. We would therefore suggest that as part of the proposal an employment, skills and training plan is put into place to assist local residents in gaining employment at the site during both construction and operational phases. The plan should also link into the travel plan and public transport (bus) strategy to access areas where non-car ownership and restricted public transport provision is a possible barrier to accessing employment opportunities.

The National Policy Statement for National Networks sets out the Governments vision for SRFI's and within it mainly refers to SRFI's in the context of logistics although we do acknowledge that the logistics industry provides warehousing and distribution networks for UK manufacturers, importers and retailers. It is noted that your proposal may include an element of manufacturing on site. Whilst there may be benefit from a wider mix of employment opportunities on site we would need further detail on how any manufacturing element would be linked to the rail terminal and what controls could be put in place via the Development Consent Order to ensure that if there is to be any manufacturing on site it is suitable in the context of the SRFI i.e. would seek to utilise rail to distribute the goods manufactured around the UK and to export. Within this consideration must be given to the

greenbelt location to avoid B2 schemes that would otherwise be unacceptable in the greenbelt 'piggy backing' on any consent for a SRFI.

The proposed scheme when complete is estimated to create around 8,500 jobs; the assessment of impact should consider what facilities, amenities and services these workers may require locally and the extent to which they exist, for example small convenience retail, childcare provision. Could provision of such facilities and services be incorporated into the site via something like a local centre that could serve the site and extend to the wider community?

Landscape

The Landscape and Visual section of the Consultation Document contains some baseline information regarding Landscape and Visual matters. The main accepted sources of information appear to be covered, and the document states that assessment will follow the methodology described in the Guidelines for Landscape and Visual Assessment, Third Edition, 2013, which is appropriate. There is no reference to assessment of night time effects, which should be included. The LVIA should be used to inform the design of the proposed development and mitigation measures.

The section correctly identifies that the site falls on the boundary between two Landscape Character Types (LCT's). West of the Staffordshire and Worcestershire Canal the site falls mainly in the character type Ancient clay farmlands in the Staffordshire Plain; to the east the character type is Settled Heathlands in Cannock Chase and Cank Wood. *Planning For Landscape Change* derived policy objectives of Landscape Maintenance and Active Landscape Conservation respectively for these LCTs, derived on the basis that the landscapes demonstrated factors such as time depth, good representation of characteristic features and features in good condition, and therefore merited a higher level of protection and sympathetic treatment. That said, much of the land to the east of the Canal is now being quarried therefore the assessment can no longer be considered to carry weight within that part of the site.

The sections provided in the Presentation to South Staffordshire are useful, however they will need to clearly state that they illustrate mature planting at a specified estimated period in the future. Additional information including heights of proposed bunds and estimated height of planting need to be provided. Additionally, for clarity, sections (including lines of sight) should also be provided to illustrate Year 1 effects. The bunds will be critical to maximising site screening, therefore their completion and planting should take place as early as possible in the construction phase. Retention of boundary hedges and trees and woodland will also be essential to maximise landscape and visual mitigation which will necessitate adequate working clearances to protect vegetation in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Due to the scale of the proposals substantial landscape and visual impacts are expected with either option. The East Terminal Option which requires a new rail bridge over the canal would have significant detrimental effects on the Staffordshire and Worcestershire Canal Conservation Area and users of the canal, which would be likely to negate any 'enhancement' that might be achieved through the 30 metre wide landscape planting described in the Consultation Document. This Option may also have wider visual effects at least until boundary planting has established. The West Terminal Option appears to have

less impact on the Canal and potentially the wider landscape and would therefore be preferred.

Sensitive building design will be critical to reducing landscape and visual effects, and the proposals should incorporate design measures, carefully selected materials and treatment of building facades to help to reduce the perceived scale and mass of the buildings. Use of green walls and roofs would also be beneficial in reducing effects. A landscape strategy will be required that adopts a holistic approach to landscape and visual mitigation, flood risk management, and biodiversity and landscape enhancement.

In relation to new highway access points consideration should be given to their siting in relation to hedgerow/roadside trees and avoidance of unnecessary removal. It is suggested that siting and visibility splay assessments should inform access location, design and mitigation on landscape feature around the new accesses.

Ecology

In taking the proposal forward it is suggested that survey and assessment is carried out in line with Staffordshire County Council requirements for biodiversity for planning application validation, see

<http://www.staffordshire.gov.uk/environment/eLand/planners-developers/biodiversity/development/biodiversitysurvey/BiodiversitySurveyandAssessment.aspx>

In line with the National Planning Policy Framework (NPPF) and relevant legislation, the assessment should include consideration of effects on the following:

- Designated nature conservation sites, both statutory and non-statutory;
- Protected species
- Species and habitats of principal importance for biodiversity (Defra list)
- UK and Staffordshire Biodiversity Action Plan habitats and species
- Geological features

Ecological survey and assessment should follow published guidelines, e.g. CIEEM Guidelines for Ecological Impact Assessment and should be based on up-to-date information. Survey should be carried out by appropriately experienced and qualified personnel at appropriate times of year for the habitats and species covered and using published/accepted methodologies. Survey and impact assessment should be informed by records search including Staffordshire Ecological Record. The assessment should include proposals for mitigation of adverse impacts and for enhancement of biodiversity, in line with the National Planning Policy Framework. Regard should be had to how the proposal might contribute to meeting UK and Staffordshire Biodiversity Action Plan targets and to emerging national and local policy regarding Green Infrastructure and ecological connectivity. Survey proposed in s. 4.28 and 4.29 of the Consultation Overview Document and 5.67 of the Environmental Report are appropriate but survey for otters should be added as this species is recorded along the canal. Native black poplar is recorded close to the reservoirs; trees should be identified and protected. In regard of great crested newts, I would be concerned should survey be restricted to ponds with positive eDNA results only as I have seen several examples of survey where negative eDNA results have been contradicted by positive findings on survey.

Survey and assessment should not be confined to the site itself; sufficient information should be provided for this major scheme to allow assessment of impacts on wider local

ecology such as the Gailey Reservoirs and their use by birdlife, canal ecological connectivity and use of the local area by mobile species. Water Framework Directive objectives should be considered in assessment of impacts on waterways and water bodies.

In relation to the Environmental Report please note that it is good practice to keep badger survey information confidential due to persecution issues. Further documents should provide badger survey information as a confidential appendix to be provided to relevant consultees only.

It is noted that s.1.4 of the Environmental Report states that the site boundary may change. A sufficient buffer should be included in the survey area to allow for change and to enable assessment on neighbouring habitats/species.

s.5.9 of the Environmental Report states that Phase 1 habitat survey was carried out on the 23rd and 24th November 2015 and the 24th and 25th February 2016. As these are both well outside the recommended periods for habitat survey repeat surveys are strongly recommended for woodland, grasslands, arable field margins and aquatic habitats in particular. The Phase 1 Habitat map Figure 5.1 and the pond map Figure 5.2 appear to be missing.

s.5.33 identifies two Special Areas of Conservation (SAC) that will be screened for impact assessment. Consideration is also recommended of effects on the Cannock Extension Canal SAC due to potential increased traffic on the A5.

s.5.36 – as the Hedgerow Regulations do not relate well to Staffordshire hedgerows, use of the HEGS scheme for hedgerow assessment is recommended and consideration of their status as Biodiversity Action Plan/habitat of principal importance. It is also recommended that biological and cultural assessment of hedgerows be combined rather than recorded and discussed separately.

As the Environmental Report notes, there are no designated biodiversity sites within the scheme area but a number close to the site. In particular, Gailey Reservoirs Site of Biological Importance (SBI) is adjacent to the site. Buffers to the site and assessment of the impact of the proposal on bird species using the Reservoirs will be required. The site is close to, but unlikely to impact on, Four Ashes Pit geological SSSI. Discussions are recommended with Natural England to establish whether there is potential to offer enhancement to the SSSI and its scientific and educational function as a part of biodiversity compensation or enhancement.

Both options involve substantial loss of Calf Heath Woodland much of which is likely to be a habitat of principal importance (Natural Environment and Rural Communities Act 2006 s.40). A network of hedgerows with associated small ponds, is present, some of which may be habitat of importance and which provide habitat for farmland and woodland birds, bats and other wildlife. NPPF paragraph 109 and Local Plan Policy EQ1: Protecting, Enhancing and Expanding Natural Assets indicate that should this loss be unavoidable compensation will be required on or off site comprising provision of replacement habitat, taking into account ecological connectivity.

The site is located within the Staffordshire Biodiversity Action Plan Central Farmland Ecosystem Area where priorities include hedgerows, woodland and ponds. The Staffordshire and Worcester Canal represents a wildlife corridor. The eastern option has

potential to affect connectivity due to the proposed rail and road bridge. Inclusion in the final scheme of a green infrastructure network, that relates to habitats outside of the site and provides compensation for habitat loss, is required for the development to meet NPPF and Local Plan policy. Design and lighting would need to be sensitive to the wildlife habitat and connectivity functions of the canal.

In regard of the water environment regard should be had to the Water Framework Directive and the ecological status of water courses and water bodies. There is potential to deliver ecological benefit through design of Sustainable drainage features such as attenuation ponds, reedbeds and swales with wildflower grassland planting.

Assessment will need to consider indirect impacts such as those related to any associated highways works outside of the immediate site due to local increases in HGV and other local traffic.

Stated commitment to a strong Landscape and Green Infrastructure Strategy is noted and welcomed as being in accordance with NPPF and Local Plan policy. Measures proposed in the Consultation Overview Document s.3.12 for green infrastructure and biodiversity would provide a degree of mitigation and compensation for woodland and hedgerows network habitat losses. Mitigation of impacts on species of the arable landscape will be difficult or impossible on site; therefore off-site measures should be considered through biodiversity offsetting or other methods. As design and layout evolve these green infrastructure measures should be retained and design developed to include as much mitigation and compensation as possible for lost habitats and affected species.

In relation to the Terminal Options, both illustrative options involve substantial impacts on Calf Heath Wood, with small areas retained. Both options include a green infrastructure network composed of woodland planting and attenuation basins and swales though this is severed by highways and rail infrastructure. Should this be well designed in regard of ecology it could provide for some compensation of loss of the existing woodland and hedgerow network. In order to assess the capacity of the proposed green infrastructure to provide ecological habitats and connectivity information will be required on levels of rail and highways infrastructure and other land and on lighting design and location. Inclusion of dark corridors, especially along the canal, is desirable.

Historic Environment

It is disappointing to note that the Consultation Overview Document – Stage 1 Consultation (June 2016) does not consider the historic environment as a separate issue under Environmental Characteristics and Potential Impacts (section 5.) but instead includes it in ‘Other Environmental Considerations’ (section 5.8). Bearing in mind the schemes proximity to a number of designated heritage assets, its overall land take and the demonstrable archaeological potential for the site, this approach is of concern and it is suggested that future consultation summary documentation should give specific regard to the historic environment. However, the approach of the Environmental Report and supporting documentation regarding ‘Cultural Heritage and Archaeology’ is to be welcomed. This document recognises the broad archaeological and historical potential both within the site itself and also from the wider landscape; this wider contextual understanding has in turn been used to inform its view of archaeological potential within the site.

The potential late prehistoric remains that have been identified within the baseline data section (sections 4.20 and 4.21) of the Environmental Report are not flagged as sensitive receptors within section 4.48, while the potential for 'unidentified buried archaeological remains...' is considered here. It is argued that these cropmark remains have demonstrable potential and should be considered as 'sensitive receptors'. Notably, Historic England does not appear to have been consulted in the preparation of the Environmental Report regarding potential impacts upon Scheduled Monuments. If this has not happened to date it is strongly advised that it take place at the earliest opportunity.

The early nature of the Environmental report is noted and it is advised that a formal Historic Environment Desk-Based Assessment (HEDBA) be undertaken to inform the EIA process. The HEDBA should consider the full range of historic and archaeological data (whose format is detailed in the Chartered Institute for Archaeologists (CIfA) standards and guidance for '*Historic Environment Desk-Based Assessment*' (2014)) and should include reference to all available historic mapping sources, historic illustrations/engravings, aerial photos (vertical and oblique) and lidar for the study area. This work should be undertaken by an appropriately experienced individual/organisation working to the aforementioned standard and guidance.

The Environmental Report identifies important hedgerows under the amended Hedgerow Regulations criteria (2002) but does not consider field boundary loss as a function of the sites historic landscape character or link aspects of historic landscape character to other heritage assets within the study area (i.e. parkland, farmsteads); the HEDBA should also address these issues. It is also strongly advised that the Historic Environment Consultants liaise closely with the applicants other specialist consultants (in particular where the Landscape and Visual Assessment is concerned). This liaison on landscape issues should continue, where appropriate, into the design of the detailed landscape design for the scheme.

The historic environment consultants should also address the potential for palaeoenvironmental and geoarchaeological remains across the site. As such they should liaise with the applicants Site Investigations (SI) consultants to inform the location of boreholes and window samples to maximise the potential for the recovery of data which will also be of use in developing an understanding of the palaeoenvironmental and geoarchaeological potential for the site. Where appropriate, an archaeological watching brief should be conducted in concert with SI works; these results of this may form part of the HEDBA or may be submitted for consideration as a separate document.

The results of this initial work will inform early discussions regarding the potential for preservation *in situ* of sensitive heritage assets, the role of considered design in protecting and (where possible) enhancing historic landscape character as well as the scope and staging of archaeological evaluation/mitigation across the area of the scheme.

Surface Water Flood Risk and SuDS

At this stage the Environmental report presents some outline information relating to the water environment and identifies the detailed work that will need to be undertaken during subsequent stages of the assessment and design process.

The Environmental Report states that a Flood Risk Assessment (FRA) will be prepared to assess the risk of flooding to and from the Site in accordance with the requirements of the

National Planning Policy Framework (NPPF). This will form part of the EIA, as an appendix to the main ES.

The Environmental Report also notes that as the Lead Local Flood Authority (LLFA), Staffordshire County Council (SCC) are responsible for approving surface water drainage strategies for new development within Staffordshire. The Surface Water Drainage Strategy should demonstrate how surface water will be managed in accordance with the Non-statutory Technical Standards for Sustainable Drainage Systems (Defra, March 2015) and the best practice guidance set out in The SuDS Manual (CIRIA 756).

Staffordshire County Council is in the process of preparing a SuDS Handbook that sets out both national and local requirements for SuDS, which will be available on our website. This recommends that SuDS should be designed to work with the natural and historic drainage patterns of a site. Therefore, when designing the layout of the site the analysis should begin with an assessment of the topography, geology, soils, and drainage features on and adjacent to the site, and ensure that the natural drainage characteristics are maintained with no increase in flood risk to others.

Both terminal layout options illustrate the intention to include water attenuation lagoons and swales. These should be designed around the natural drainage patterns of the site and locality. The Environmental Report (Paragraph 10.26) identifies the presence of several ordinary watercourses, drainage ditches and land drains within and adjacent to the Site. In particular there is an ordinary watercourse in the north-west of the site which, in both layout options, may potentially conflict with proposed units and infrastructure as illustrated. The LLFA will expect natural drainage features on a site should be maintained and enhanced. Culverting of open watercourses will not normally be permitted except where essential to allow highways and / or other infrastructure to cross. In such cases culverts should be designed in accordance with CIRIA's Culvert design and operation guide, (C689). Where a culverted watercourse crosses a development site, it should be reverted back to open channel. In such a case the natural conditions deemed to have existed prior to the culverting taking place should be reinstated.

Further information regarding SuDS and ordinary watercourse works that may be of assistance in taking the proposal forward is available on the County Council website: <https://www.staffordshire.gov.uk/environment/Flood-Risk-Management/risk-management.aspx>

Minerals and Waste

With regard to the Environmental Report it is noted that there is no consideration of the effects of the proposal on:

1. Mineral resources associated with the affected land (refer to section 13 of the NPPF and policy 3 of the emerging new Minerals Local Plan for Staffordshire (2015 – 2030); and
2. Existing waste management facilities in the area (refer to paragraph 8 of National Planning Policy for Waste and policies 2.4 and 2.5 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 – 2026).

In relation to the preparation of future reports/assessments please note that there is a requirement to assess waste generation associated with the construction of proposed

development and its use (refer to paragraph 8 of National Planning Policy for Waste and policy 1.2 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan 2010 – 2026).

The proposal affects an existing quarry and would affect land allocated for sand and gravel extraction in the emerging new Minerals Local Plan for Staffordshire (2015 – 2030) (refer to Policy 1 and Inset Map 7). With regard to the assessment of ground conditions (section 6 of the report), future assessment should include consideration of land where mineral extraction has taken place and is required to be restored with the disposal of waste materials to reinstate original ground levels.

Sustainable Energy and Climate Change

At this stage the Environmental Plan seems to just list the risks and the relevant policies without any real solutions. Once these start to take shape we would be keen to engage further.

There appears to be very little in the Air Quality section of the consultation documents related to increased levels of Transport in the area. As the proposal progresses this should be considered in detail and whether any restrictions on emissions for vehicles using or delivering to the facility in the long term could be achieved. This should also include the construction period. Within the site movement of containers will be undertaken by bespoke vehicles can consideration be given to using vehicles powered by alternative energy? Similarly, could there be an opportunity to develop a central hub for charging electric vehicles, ensuring capacity is provided to encourage behaviour change towards renewable energy vehicles.

In relation to buildings on the site these should strive to push for sustainable exemplar buildings, using a “fabric first” approach to ensure that all of the units/warehouses are as energy efficient as possible and the materials used for construction are sustainably sourced. Simple in house things like LED lighting etc would be ideal, just improving the building standards.

To assist with the landscaping and contribution to the natural habitat, consideration could be given to green/living roof on the units, or at least replacing some of the natural environment with increased green infrastructure surrounding the units, perhaps some specific mitigation land.

In relation to Energy the proposal should consider opportunities for sustainable energy generation. Locally there is an opportunity to derive benefit from the heat and power produced by the W2R facility close by in the Four Ashes business park (provided that Veolia have not guaranteed all CHP to other customers), but we would welcome the opportunity to understand the likely power requirements of the units to continue that discussion.

Failing the availability of W2R, opportunity to develop a decentralised energy centre that feeds the entire interchange (e.g. large scale underground biomass, district heating/power system) should be explored, again improving its sustainable credentials. Furthermore, use Solar PV Panels as an option for the roof space should also be examined.

In closing we again acknowledge the opportunity provided for local residents, the County Council and other agencies to comment on the emerging scheme. It is recognised that this

round of consultation is non-statutory and was undertaken at the discretion of the promoter of the scheme. We hope that this level of engagement is continued as the scheme progresses.

Yours sincerely

James Chadwick
Planning Policy Officer