



**West Midlands**  
Interchange

**Four Ashes Ltd**



In the matter of the application by Four Ashes Ltd, West Midlands Interchange

## **STATEMENT OF COMMON GROUND BETWEEN THE APPLICANT AND HISTORIC ENGLAND**

**DATE 19 NOVEMBER 2018**

### **1.0 Introduction**

- 1.1 This Statement of Common Ground (SOCG) is made in respect of the Application by Four Ashes Limited (hereafter the 'Applicant') for a Development Consent Order (DCO) in relation to proposals for the West Midlands Interchange (WMI) under the Planning Act 2008.
- 1.2 The Proposed Development involves the creation of a new Strategic Rail Freight Interchange (SRFI), a nationally significant infrastructure project (NSIP). A SRFI is a large multi-purpose rail freight interchange and distribution centre linked into both the rail and trunk road system. It has rail-served warehousing and container handling facilities and may also include manufacturing and processing activities.
- 1.3 This SOCG is between the Applicant and Historic England and deals with built heritage and archaeology, some landscape and visual matters, relevant policy and matters of agreement and disagreement.
- 1.4 Separate SOCGs which relate to planning and policy matters (including built heritage and archaeology) have also been agreed between the Staffordshire County Council (SCC) and the Applicant, and the South Staffordshire District Council (SSDC) and the Applicant.
- 1.5 The relevant heritage and archaeology documents comprise:
- i) The Parameters Plans (Documents 2.5-2.7) (Chetwoods);
  - ii) WMI Environmental Statement (ES) Chapter 9 Cultural Heritage – Built Heritage and associated Technical Appendices 9.1-9.7 (Montagu Evans);
  - iii) WMI ES Chapter 8 Archaeological Heritage and associated Technical Appendices 8.1-8.4 (Wessex Archaeology); and
  - iv) WMI ES Chapter 12 Landscape and Visual and associated Technical Appendices 12.1-12.9 and Figures 12.1-12.13 (FPCR).

### **2.0 Relevant legislation and policy**

- 2.1 The relevant legislation for an application relating to a NSIP is the National Policy Statement for National Networks (2014) (NPS). The Secretary of State will use the NPS as the primary basis for making decisions on DCO applications.
- 2.2 There is no statutory requirement for the decision maker of a DCO to attach weight to the Local Development Plan. Regional and local policy can, however, be "*important and relevant*"

to the determination of a DCO, but the weight attached to it is likely to depend upon its consistency with the policies of the NPS (Planning Act 2008 – 104 (2)(d)).

- 2.3 It is agreed that the legislative and policy information contained in the documents ii)-iv) listed above relevant to built heritage, archaeological and landscape/visual matters is complete and accurate.

### **3.0 Built heritage receptors and assessment**

- 3.1 The assessment of built heritage receptors is provided at Chapter 9 of the ES. The methodology set out in Chapter 9 of has been established in accordance with best practice and guidance.

- 3.2 The built heritage assessment has been coordinated with the Landscape and Visual impact Assessment (LVIA) prepared by FPCR to ensure that the viewpoints necessary to understand heritage effects have been prepared and considered. The Landscape and Visual assessment is presented as Chapter 12 of the ES.

- 3.3 The Site contains seven heritage receptors: a conservation area (CA) and six non-designated heritage receptors. The non-designated heritage receptors include 18<sup>th</sup> and 19<sup>th</sup> century features which are: Heath Farm, Woodside Farm, Gravelly Way Bridge, Straight Mile Farm, the historic landscape and historic hedgerows. The direct and indirect effects on these receptors are assessed.

- 3.4 Within the wider study area a further 26 heritage receptors have been identified where only indirect (setting) effects will occur.

- 3.5 In accordance with paragraph 5.127 of the NPS, the baseline information and value judgement for the heritage receptors identified in Chapter 9 of the ES is proportionate and no more than is sufficient to understand the effect of the Proposed Development on the heritage value of the receptor.

- 3.6 There are three heritage receptors which will experience direct effects arising from the Proposed Development are the Staffordshire and Worcestershire Canal CA, Heath Farm (Locally Listed Grade B) and Woodside Farm (non-designated heritage receptor). The effects are not considered to be significant, however, where a significant effect is an effect which is found to be moderate adverse/beneficial or greater.

- 3.7 There will be indirect (setting) effects on the canal CA and the heritage receptors at Gailey wharf. The Gailey wharf receptors include two Grade II listed buildings (Round House and Wharf Cottage) and non-designated heritage receptors at this point along the canal. The effects are not considered to be significant.

- 3.8 The Site does not form part of the setting of the remainder of heritage receptors which are identified in the baseline, primarily because of distance, screening, topography and the particular details of the contribution of setting to the heritage value of the receptor.

Accordingly, there will be no indirect effects on their heritage value caused by the Proposed Development. This results in a negligible or no likely effect for the remaining 29 heritage receptors.

- 3.9 The detailed assessment of the effects on heritage receptors is presented in Chapter 9 of the ES and is considered to be complete and undertaken in accordance with the NPS and Historic England standards and guidelines.

#### **4.0 Archaeological heritage receptors and assessment**

- 4.1 A desk-based archaeological assessment has been undertaken for the Site. This has been supplemented by LiDAR assessment and geophysical surveys of priority areas to provide detailed archaeological heritage data.

- 4.2 Work to date has established there is some archaeological potential within the Site. The potential is likely to be higher in the north (closer to the Roman Road and known settlement), but may reduce further south.

- 4.3 Prior to any significant earthworks/construction works a process will be established so there is suitable liaison between the project archaeologist and the party undertaking any groundworks. This process will include the project archaeologist being able to inform the approach to groundworks to accord with determined mitigation measures.

- 4.4 A draft written scheme of investigation ('WSI') will be included the DCO submission. The draft WSI will outline mechanisms for liaison between required parties (the project team archaeologist, SCC, the SSDC Conservation Officer and where applicable Historic England). The WSI would need to be agreed prior to commencement of development. The detailed WSIs are likely to include pre-construction mitigation strategies which will seek to determine the presence and heritage value of any archaeological remains present and determine the level of any further mitigation, which could include preservation in-situ and further pre-construction investigation (excavation), where appropriate.

- 4.5 It is suggested that the WSI be 'outline' and suggest a menu of appropriate mitigation techniques/intervention based on zoning of the Site in terms of archaeological risk. More detailed WSIs could then be produced to match the various phases of development as they are progressed, and reflecting the detailed designs (and hence impacts) associated with each phase.

#### **5.0 Matters agreed between the parties**

- 5.1 The following matters are agreed between the parties:

1. It is agreed that the relevant documents, i) to iv) at paragraph 1.5, are technically competent and accord with the relevant standards and guidelines. The conclusions reached by the assessments are agreed between the parties.

2. It is agreed that the Parameters Plans (Documents 2.5-2.7) provide a suitable framework, including limitations and constraints, for defining the scale of the Proposed Development, to fix the location of key infrastructure, including landscaping and earthworks and to enable its effects to be appropriately assessed within the ES.
3. The designated area of the Canal CA includes the full length of the canal which is 74 km. A very short section of the CA passes through the Site between Gailey wharf and Long Moll's Bridge (c.4 km) and part of that is included in the Order of Limits (Document 2.4). The Proposed Development will take place in the setting of this stretch of the canal only. It is agreed that it is an appropriate and necessary approach to distinguish between the effect on the section of the CA which passes through the Site and the effect on the CA as a whole.
4. The relevant legislative and policy framework for the development is the NPS. The provisions relating to the historic environment are at paragraphs 5.120-5.141. The assessment refers to the NPPF where necessary to inform the assessment, namely paragraph 197 of the NPPF which deals with non-designated heritage receptors, where there is no equivalent policy in the NPS.
5. It is agreed that Historic Building Recording is an appropriate way to mitigate the loss of Heath Farm and Woodside Farm. The Recording would be the subject of a Written Scheme of Investigation (WSI) to be agreed with the local planning authority and Historic England and carried out by qualified professionals.
6. The mitigation proposed is suitable to provide benefits to the historic environment, in particular to off-set the less than substantial harm to the Canal CA.
7. Archaeology will be dealt with by a phased approach, using agreed WSIs etcetera and a menu of agreed approaches, in response to specific detailed designs for the various development phases as these come forward. The advantage would be a measured and appropriate response to archaeological concerns based on the full knowledge of the expected impacts from a detailed design. These measures would be captured as part of a DCO Requirement.
8. The approach to the archaeological investigations described above have been presented in draft WSI and the approach is supported by Historic England. The Applicant's team are proposing to issue further evaluation documentation and a draft WSI for Staffordshire County Council and Historic England to comment on.

## **6.0 Matters not yet agreed**

6.1 There has not yet been opportunity for the Applicant and Historic England to agree on the following matters, but the two parties are committed to continuing discussions.

1. The scope, extent and timing of the Historic Building Recording for Heath Farm and Woodside Farm, which would be presented in a WSI, have not been agreed at this stage.

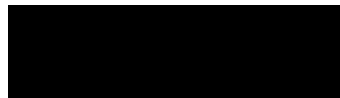
2. In terms of archaeological heritage, further investigation (in the form of intrusive investigation) may be required. The scope, extent and timing of any such investigations have not been agreed.

## **7.0 Requirement**

- 7.1 It is agreed that the following Requirements for built heritage and archaeology are suitable. The full wording is included in the Requirements of the DCO presented at Schedule 2 of the Draft DCO (Document 3.1).
- 7.2 No phase of the Proposed Development required to deliver Zones A7a or A5a as shown on the Development Zone Parameter Plan (Document 2.5) shall take place until a programme of Historic Building Recording has been undertaken for Heath Farm and Woodside Farm in accordance with a WSI agreed with the local planning authority.
- 7.3 The undertaker must use reasonable endeavours to demolish the canal crossings (as identified on the Development Zone Parameter Plan (Document 2.5) within five years of the commencement of the Proposed Development.
- 7.4 No phase of the Proposed Development (with the exception of the highway works which are governed by Parts 2 and 3 of Schedule 15 (*protective provisions*)) is to commence until a WSI for archaeological investigations pertaining to that phase has been submitted to and approved in writing by the local planning authority. The WSI must be in accordance with the principles set out in the outline WSI contained in Technical Appendix 8.4 of the ES.



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Date 19<sup>th</sup> November 2018



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