Document 8.5

Statement of Common Ground

The West Midlands Rail Freight Interchange Order 201X

Staffordshire County Council: 28 March 2019

Four Ashes Limited

West Midlands Interchange

Four Ashes Ltd

28 March 2019

STATEMENT OF COMMON GROUND

for

WEST MIDLANDS INTERCHANGE

between

STAFFORDSHIRE COUNTY COUNCIL

and

FOUR ASHES LIMITED

1. INTRODUCTION

1.1. This Statement of Common Ground ('SoCG') has been prepared in respect of Four Ashes Limited's ('FAL' or 'the Applicant') application for a Development Consent Order ('DCO') for the West Midlands Interchange ('WMI') project under the Planning Act 2008 (together 'the Application').

1.2. This SoCG with Staffordshire County Council ('SCC') is a means of clearly identifying areas of agreement and disagreement between the two parties in relation to the Application.

1.3. Matters "agreed" between the Applicant and SCC are set out in Sections 1 – 15 of the SoCG.

1.4. Any matters "not yet agreed" are set out at the end of each relevant section. SCC and the Applicant are committed to continuing these discussions with the intention of agreeing these matters in future iterations of this SoCG.

1.5. Matters relating to Site Description, Description of Development and National Policy Context are addressed in the SoCG agreed with South Staffordshire District Council ('SSDC').

1.6. The sections of this Statement are structured under the following headings:

1. Introduction
2. Project Background
3. National Policy Context
4. Role of Regional Policy
5. Historic context of the need for a RLS / SRFI
6. Shortage of Rail-Served Warehouses / Land in the Region
7. Alternative Sites Assessment
8. Economy
9. Transport
10. Ecology
11. Landscape
12. Historic Environment
13. Archaeological Heritage
14. Minerals and Waste
15. Flood Risk and Drainage

2. PROJECT BACKGROUND

2.1. FAL have made an application to the Secretary of State ('SoS') via the Planning Inspectorate ('PINS') for a DCO under the Planning Act 2008 for the development of a new strategic rail freight interchange ('SRFI'), to be known as West Midlands Interchange ('WMI').

2.2. In summary, the development proposals include the following:

- An intermodal freight terminal with direct connections to the West Coast Main Line, capable of accommodating up to 10 trains per day and trains of up to 775m long, including container storage, Heavy Goods Vehicle ('HGV') parking, rail control building and staff facilities;
- Up to 743,200 square metres (gross internal area) of rail served warehousing and ancillary service buildings;
- New road infrastructure and works to the existing road infrastructure;
- Demolition and alterations to existing structures and earthworks to create development plots and landscape zones;
- Reconfiguring and burying of electricity pylons and cables; and
- Strategic landscaping and open space, including alterations to public rights of way and the creation of new ecological enhancement areas and publicly accessible open areas.

2.3. The Parameters Plans [Documents 2.5 – 2.7 / APP-190, APP-195 and APP-200] provide a suitable framework of the proposals, including limitations and constraints. The Parameter Plans define the scale of the Proposed Development and they fix the location of key infrastructure, including landscaping and earthworks.

3. NATIONAL POLICY CONTEXT

3.1. The WMI proposals are classified as 'Nationally Significant Infrastructure Project' (or 'NSIP') and, therefore, under Section 104 of the Planning Act 2008, must be determined in accordance with the relevant National Policy Statement, which in this case is the National Policy Statement for National Networks (December 2014) ('the NN NPS'), except to the extent one or more specific circumstances apply.

3.2. Paragraphs 1.17 to 1.20 of the NN NPS make clear that while the overall strategic aims of the National Planning Policy Framework ('NPPF') and NPS are consistent, the two documents have differing roles to play. The NPPF may be an important and relevant consideration in decisions on NSIPs, but only to the extent relevant to that project.

3.3. The NPS establishes the need for SRFIs, stating at paragraph 2.56 that "***the Government has concluded that there is a compelling need for an expanded network of SRFIs.***"

3.4. The proposed WMI site is consistent with the broad locational requirements of the NPS, which requires SRFIs to be located "***alongside the major rail routes, close to major trunk roads, as well as near to the conurbations that consume the goods***" (NPS paragraph 2.45).

4. ROLE OF DEVELOPMENT PLAN POLICY

4.1. There is no statutory requirement for the decision maker of a DCO to attach weight to development plan policy. Development plan policy can be "***important and relevant***" (Planning Act 2008 – 104 (2)(d)) 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.

4.2. The current Development Plan for South Staffordshire consists of:

- The South Staffordshire Site Allocations Document (2018);
- The South Staffordshire Core Strategy Development Plan Document (2012);
- The Minerals Local Plan for Staffordshire (2015-2030) (2017); and
- The Staffordshire and Stoke-on-Trent Joint Waste Local Plan (2010-2026) (2013).

4.3. Another document that is a material consideration for Town and Country Planning Act applications in Staffordshire and may be important and relevant to the determination of this development consent application is:

- The South Staffordshire Green Belt and Open Countryside SPD (2014).

4.4. The Planning Statement [Document 7.1A/APP-252] sets out the development plan policy context for the consideration of the WMI project.

5. HISTORIC CONTEXT OF THE NEED FOR A RLS / SRFI

5.1. The need for a RLS / SRFI facility was identified in 2004 in the West Midlands Regional Spatial Strategy and confirmed in the South Staffordshire Core Strategy, which states ***"the Council accepts that the RLS issue remains outstanding"*** and that there is a need for such a facility to serve the needs of the Black Country and southern Staffordshire in the West Midlands.

5.2. Whilst limited weight is attached to the former regional planning policy, the history of that policy is relevant in documenting the long term identification of the need for new rail freight facilities in the area.

5.3. The regional evidence base identifying the need for a new RLS in this part of the Midlands region goes back as far as 2004, when, the West Midlands Regional Logistics Study Stage One (2004) identified the ***"North Black Country/South Staffordshire"*** area as one of the best sub-regional locations in the West Midlands for a Regional Logistics Site (RLS).

5.4. The West Midlands Regional Logistics Study Stage One identified the **"Wolverhampton to Penkridge rail corridor - the area to the north of Wolverhampton covering the Wolverhampton to Stafford railway line corridor between Wolverhampton and Penkridge (W10 loading gauge), an area served by the M6, M54 and M6 Toll"**, in particular, as one of the **"best regional logistics locations"** within the potential areas **"appropriate for supporting Regional Logistics Sites"**.

5.5. The Regional Spatial Strategy for the West Midlands (2004 / 2008) Policy PA9 promoted the development of RLSs at key logistics locations across the region. The policy stated that **"provision should be made for Regional Logistics Sites"**, that should generally **"be served or proposed to be served by multi-modal transport facilities"** and that **"the Region should have a choice of RLS available at any point in time"**.

5.6. An update to the West Midlands Regional Logistics Study was published in May 2009 to inform a revised West Midlands Regional Spatial Strategy. The study estimated that there was a **"shortfall of between 213ha and 345ha of land required at RLSs by 2026"**, concluding that new rail-linked RLSs would need to be brought forward in the long term to cater for the full scale of this requirement.

5.7. The revised West Midlands Regional Spatial Strategy (2009) was published for examination, amending Policy PA9 to state that consideration and priority should be given to bringing forward additional land for (inter alia):

"Potential for new rail-served facilities to serve (a) the needs of the Black Country located in southern Staffordshire and (b) to serve the North Staffordshire conurbation."

5.8. The Panel Report (2009) on the West Midlands Regional Spatial Strategy revision was supportive of the concept of RLS provision, and recommended that such provision should be rail served. The panel report suggested amendments to Policy PA9 to the effect that **"at least 150ha"** of land for RLS-type locations should be replaced with **"at least 200-250ha"**, consistent with the output from the updated West Midlands Regional Logistics Study. The Panel Report further stated at paragraph 5.29 that:

"Priority attention must therefore be directed to securing provision to the north of the conurbation to serve the Black Country and southern Staffordshire as it is that area that is identified in the Preferred Option as in most urgent need."

5.9. The Panel Report (2009) suggested that the potential for the expansion of the existing RLS at Hams Hall, Birch Coppice and Hortonwood (Telford) should also be considered and that:

"possibilities to be explored for provision of RLS include Brinsford, Four Ashes, Cannock, Fradley and Meaford".

5.10. The Regional Spatial Strategies were subsequently revoked before the 2009 West Midlands Regional Spatial Strategy could be adopted. However, their policies and the supporting evidence base documents provide support for the recognised and unmet need for two RLS in Staffordshire, with the most urgent need being identified for a RLS to serve southern Staffordshire and the Black Country.

5.11. No appropriate RLS sites were identified through the Joint Black Country Core Strategy (2010) or SSDC's Core Strategy (2012) or Site Allocation Document (2018), which was not considering strategic allocations.

5.12. The SSDC Core Strategy recognises employment cross-boundary issues (SSDC Core Strategy paragraph 3.2), and the requirement to consider if a RLS is needed, in light of the West Midlands Regional Spatial Strategy evidence base, at paragraph 9.11:

"The Council accepts that the RLS issue remains outstanding and that a comprehensive study should now be set in train"

5.13. In June 2012, a number of local authorities in the Black Country and Staffordshire commissioned URS to consider the need for regional logistics provision to serve the Black Country and southern Staffordshire; and, dependent on the findings, make recommendations for a suitable location.

5.14. The study noted in the Executive Summary that **"for the purposes of this study a SRFI is broadly consistent with the definition of a RLS"**. It goes on to state that:

"The concept of SRFIs to integrate rail with logistics delivery was developed to overcome the economic and operational disadvantages of using rail and the disadvantages of conventional rail terminals and onwards delivery."

5.15. Stage 1 of the study concluded that **"there is a need for a RLS facility that can serve the Black Country and southern Staffordshire, but only insofar as they form part of the wider West Midlands which taken as a region has a need"** .

5.16. Any suggestion that the need could be met by a facility remote from the Black Country and South Staffordshire is now inconsistent with the requirement in the NPS that SRFIs **"should be located close to the business markets they are intended to serve"** (NPS paragraph 2.56).

5.17. The URS Study reviewed the conclusions of the West Midlands Regional Spatial Strategy Panel Report (2009) that **"at least 200-250 ha"** of RLS land should be provided for and concluded that the previously derived figure from the Regional Logistics Study Update (2009) of 200-250 ha **"holds good"**.

5.18. The URS Study notes the "**over development**" of the region around Hams Hall and Birch Coppice for logistics land, and that "**other regeneration initiatives now have to take priority**". The study further considered that Hortonwood (Telford) could not meet the RLS needs of the West Midlands, due to its location and expansion capacity.

5.19. In a report from the Director (Planning and Strategic Services) of South Staffordshire Council to the Staffordshire and Stoke-on-Trent Planning Forum of 28 February 2013, the Director confirmed SSDC's agreement, with regard to how much RLS land is required, that:

- **"Previously derived figure from the Regional Logistics Study Update 2009 of 200 to 250 hectares holds good.**
- **Previous research suggested RLS provision at several locations.**

Practically no reason why provision could not be made on two or even one large site."

5.20. Employment land requirements were further considered in a two stage sub regional, High Quality Employment Land Study, commissioned by South Staffordshire District Council, the four Black Country Authorities (Wolverhampton City Council, Walsall MBC, Dudley MBC, Sandwell MBC) and Staffordshire County Council, with the first stage published in November 2014 and the second stage published in August 2015. Both reports confirmed an undersupply of employment land across the study area, but neither report addressed the outstanding need for RLS / SRFI.

5.21. The West Midlands Strategic Employment Sites Study was prepared by PBA and JLL on behalf of the West Midlands Local Authority Chief Executives and published in September 2015, intended as Phase 1 of a larger study. Like its predecessors, this study, undertaken by PBA and JLL, identified that the West Midlands has an acute shortage of large industrial sites, including for RLS (or SRFI).

5.22. SSDC's Local Plan Issues and Options was published for consultation in October 2018. The consultation document does not seek to address the identified need for a RLS / SRFI, however, the document does references the WMI DCO application at paragraph 4.27 and recognises that the application is expected to be determined by the Secretary of State in 2020, "**meaning the implications of West Midlands Interchange will not be clear until late in the plan-making process.**"

5.23. The need for a RLS/SRFI in southern Staffordshire has been established and goes back to 2004. No other site has come forward which can meet the established need since the revocation of the West Midlands Regional Spatial Strategy. The identified need for a RLS / SRFI in the West Midlands, to serve the Black Country and southern Staffordshire, therefore, remains outstanding. On this basis, an application for Development Consent for Nationally Significant Infrastructure under the Planning Act 2008 would be an appropriate way to address the outstanding need.

6. SHORTAGE OF RAIL-SERVED WAREHOUSES / LAND IN THE REGION

6.1. The West Midlands region is experiencing very high demand from both the logistics and manufacturing sectors, which year on year intensifies a critical shortage of employment land and premises.

6.2. The WMI Market Assessment [Document 7.4/APP-257] considers and assesses the demand and supply in the three LEP areas: Stoke-on-Trent and Staffordshire; the Black Country; and Greater Birmingham and Solihull (together 'the LEP market area').

6.3. Based on the Market Assessment analysis, there is just 191,200 sq. m (c. 2 million sq. ft) of warehouse floorspace available in the LEP market area, which equates to 0.8 years' supply. In contrast to the level and nature of demand, the majority of this supply is of lower quality and relatively small in size, emphasising a severe shortage of the higher quality, large scale strategic sites and larger units.

6.4. The increasing shortage of floorspace means that it is vitally important that additional, well-located and rail-served sites, which are capable of accommodating larger units, are brought forward in order to help meet demand and deliver high quality floorspace via either speculative development or by offering occupiers build to suit opportunities.

6.5. The Black County will not be able to meet their anticipated needs for employment land and will need to rely on South Staffordshire to provide land to contribute towards meeting Black Country needs .

6.6. The emerging Black Country Core Strategy evidence base recognises that the Black Country is not able to meet their own needs for employment floorspace and relies on the contribution expected to be made in South Staffordshire and other areas for industrial land (B1c/B2 and B8), with specific reference to WMI. Furthermore, the Black Country Economic Development Needs Assessment (May 2017) states at paragraphs 8.4 and 8.5, respectively, that:

"The overall gap between supply and demand for industrial land in the Black Country taking into consideration [the] potential contribution to be made by other available land including in South Staffordshire [...] [which would be] circa 450 ha (and potentially 350 ha if the future contribution of Four Ashes is taken into account)."

"The currently estimated additional supply of industrial land (including in South Staffordshire) that could contribute to meeting demand in the Black Country is estimated to include [...] Four Ashes West Midlands Interchange – a proportion of the 270 ha (emerging infrastructure proposal), would potentially contribute to meeting the needs / jobs for the Black Country."

6.7. There is a significant shortage of land in the Black Country and South Staffordshire and limited supply of sites currently available and in the pipeline.

6.8. The Market Assessment [Document 7.4/APP-257] provides a detailed and accurate assessment of the dynamics of the distribution market, assessing the demand for, and supply of, warehouse floorspace, and the supply of land which might be available in the context of the proposed WMI market area.

7. ALTERNATIVE SITES ASSESSMENT

7.1. The WMI Alternative Site Assessment (ASA) [Document 7.2/APP-255] is a technical assessment undertaken by Quod on behalf of FAL identifies potential alternative sites that could provide a SRFI.

7.2. The approach taken by the Applicant Team to the ASA, reviewing and taking direction from previous assessment that have been through the planning process, is appropriate.

7.3. The ASA Refined Site Search Area (ASA Appendix 2) represents the area within which a need exists for a new SRFI facility and within which it is appropriate to search for sites that could potentially meet that need.

7.4. The ASA [Document 7.2/APP-255] provides an accurate and fair assessment of the availability and suitability of sites within a search area, using appropriate assessment criteria.

8. ECONOMY

8.1. WMI would deliver economic benefits for South Staffordshire & Staffordshire County.

8.2. WMI would make a contribution to the local, sub-regional and national economy.

8.3. The Statement of Economic Benefits [Document 7.1B/APP-254] submitted as part of the DCO application provides a suitable methodology and assessment for the estimates relating to construction activity, operational on-site activity and direct, indirect and induced gross value added.

8.4. WMI would create 8,550 jobs on-site, based on current best estimates. The employment multiplier for the operational phase would be 1.95 – so for every job created at WMI just under one additional job would be supported elsewhere in the wider economy. The total induced and indirect employment is expected to be 8,100 jobs in addition to the 8,550 on-site.

8.5. The on-site jobs at WMI would consist of a mix of entry level opportunities through to management, administrative and technical roles for senior and experienced candidates. The proposed scale of job creation and the skills mix of the new positions would be a good fit for the labour market within the Travel to Work Area ('TTWA').

8.6. There is a large pool of potential labour supply available at appropriate skill and occupation levels, which reinforced by an effective Employment, Skills and Training Plan, should support the scale of growth at WMI, including residents who are currently unemployed and those who are economically inactive but want a job.

8.7. A Travel to Work Area (TTWA) is the zone from within which the vast majority of these 8,550 employees is expected to travel. Whilst a few employees may travel from beyond this area, it is expected that this TTWA is the outer limit for almost all employees to commute from. The extent of this TTWA is set out in Chapter 14: Socio-Economics of the ES and the West Midlands Interchange Labour Market Context Report (appended to the Employment Skills and Training Plan). It can also be found in the transport technical notes.

8.8. The Gravity Model projects the relationship between where working age people live and the site. Areas close by to WMI with lots of people will provide more workers than areas further away and/or with relatively few residents.

8.9. Details of this methodology are set out in Transport Technical Note 14 (ES Appendix 15.1 Appendix M/APP- 142). This methodology has been agreed with Highways England and Staffordshire County Council in November 2016. South Staffordshire Council has been party to discussions on the TTWA.

8.10. Testing against existing travel plans and evidence from other similar sites demonstrates that the outcomes of the Gravity Model are plausible in terms of labour distribution.

8.11. An Employment, Training and Skills Plans would aim to maximise the proportion of employees who come from within South Staffordshire District, Wolverhampton and Staffordshire County. As set out in the ESTP, there will be a particular focus on providing employment opportunities for people who live within 10 miles of WMI.

8.12. Construction would contribute to local employment and the strength of the local construction sector and supply chain. This investment would be sustained over a prolonged period of time (10 to 20 years). Construction jobs would be created. The construction of WMI is expected to support up to 4,550 person years of construction employment. Through the supply chain and construction wage injection, this would result in an additional 4,500 one year jobs created elsewhere in the economy

8.13. A substantial amount of business rates would be payable to the district and county authorities every year. Annual non-domestic rates payable are expected to be approximately £16.2m.

8.14. The Employment, Skills and Training Plan (ESTP) is acceptable, subject to the detail to be agreed in the S106.

9. TRANSPORT

9.1. SCC, SSDC, HE and the Applicant have held regular Highways Meetings from April 2016. These meetings have been held to discuss and secure iterative agreement on transport matters, including agreeing and developing the transport documents to be submitted.

9.2. In assessing the transport implication of the development a number of documents have been produced. These are core documents for the transport case and referred to within this SoCG. A list of these documents is set out below and as further documents are agreed the list will be updated. Details of matters agreed and those yet to be agreed are provided.

9.3. All transport documents and drawings (including Chapter 15 of the ES [Document 6.2/APP-053] and the Transport Assessment (TA) [Document 6.2 Appendix 15.1/APP-114]) have been prepared in accordance with all current guidelines and codes.

9.4. The submitted documents provide a complete and accurate assessment of the transport elements of the Proposed Development and include the appropriate:

- Assessment Methodology;
- Trip Generation; and
- Traffic Assignment.

9.5. The submitted transport documents define an appropriate package of highway mitigation measures that are acceptable to fully mitigate the impacts of the Proposed Development.

9.6. The extent of the highway network assessed for their future operation with the Proposed Development in place is appropriate.

9.7. The methodology used in the TA for the derivation of traffic data is contained in the following Technical Notes ('TN') and supporting documents which have been reviewed by SCC:

- WSP TN 5: HGV and Non HGV Trip Generation (20/10/17);
- WSP TN 14: Trip Distribution (23/05/17);
- WSP TN 19: Sustainable Transport Strategy (7/5/18);
- Emails: Committed developments to be included in transport models (08/11/16 and 23/11/16);
- JMP TN 001: Base Year 2015/16 Local Model Validation (23/02/17);
- Systra TN - West Midlands Interchange Modelling - Assessment Results (02/10/17);
- Systra TN - West Midlands Interchange Modelling - Assessment Results – Test B Addendum (02/10/17);
- Systra TN West Midlands Interchange: VISSIM;
- Modelling Review (10/10/17);
- WSP TN 25 (Rev A) A449 Laybys (June 2018);

- WSP TN 28: Trip Rates for Phase 1 Assessment (06/10/17);
- WSP TN 29: 2036 Junction Assessments (12/10/17);
- WSP TN 31: Shift Change Junction Assessments (31/10/17);
- WSP TN 32 Local Route Assessment (05/02/18); and
- WSP TN 33 Pre A449/A5 Link Road Assessment (13/12/17).

9.8. The highway works described in the TA are shown on the General Arrangement Drawings [Document 2.9 A-K/APP-210 - 221].

9.9. The role of the proposed A449/A5 Link Road will be twofold. It will provide access to the Proposed Development and provide mitigation by providing an alternative route for traffic in order to bypass the Gailey Roundabout.

9.10. The classification of the A449 / A5 Link Road would consist of an adopted "A" Class route, with a 30 mph speed limit. Design parameters of the Link Road have been prepared on the basis of the Design Manual for Roads and Bridges. The design speeds used to determine the horizontal alignment of the Link Road are appropriate.

9.11. It is appropriate that WMI HGV's are banned from passing through Penkridge along the A449 between the Gailey Roundabout and M6 Junction 13.

9.12. The provision of a HGV turning head at Station Drive will provide a net benefit.

9.13. The Contingent Traffic Management Fund will provide a fund in order to monitor and manage the use of the SCC network, post commencement.

9.14. The content and measures proposed by the Site Wide Travel Plan [ES Appendix 15.1 Appendix H (Version B)] are appropriate, subject to being secured appropriately.

9.15. The content of the Site Wide HGV Management Plan [ES Appendix 15.1 Appendix I (Version D)], together with associated measures are appropriate, subject to being secured appropriately.

9.16. The provision of HGV early arrival bays, Extended Stay parking and Operational parking and driver welfare facilities at the Proposed Development are essential.

9.17. Footpath 29 will be permanently stopped up

9.18. A 10% reduction in journeys to work as a car driver presents a suitable forecast modal shift target. The final modal share targets will be determined by the TSG after baseline travel to work surveys are undertaken.

9.19. The measures presented by the Sustainable Transport Strategy [ES Appendix 15.1 Appendix G/APP-136] are sufficient in order to achieve the above target.

9.20. The matrix appended to the Site-Wide Travel Plan which setting out the measures to be introduced by the Sustainable Transport Strategy is appropriate and can be secured via the Requirements.

9.21. The provision of a Contingent Traffic Management Fund and pre construction traffic surveys provides an appropriate means to monitor the likelihood of development traffic using minor roads as alternatives to the Primary Road Network.

9.22. The Designers Response prepared for the Stage 1 Road Safety Audit undertaken in respect of the proposed modifications to the SCC highway network is appropriate. The Stage 1 Road Safety Audit considered all of the proposed highway works to the SCC network as referenced below: -

- New 4 arm roundabout with Vicarage Road (Document 2.9 I/App-219);
- New "A" class route through the site including new roundabout and 4 access junctions (Documents 2.9C/App-213, 2.9D/App-214, 2.9G/App-217 and 2.9H/App-218);
- Site access priority junction with Vicarage Road (Document 2.9 I/App-219);
- New cycleway footway along Vicarage Road (Documents 2.9I/App-219 and 2.9J/App-220);
- Station Drive turning head (Document 2.9A/App-211);
- Improved Visibility Splay at junction of Vicarage Road/Straight Mile (Document 2.9J/App-220);
- New footway and crossing at Woodlands Lane/Kings Road (Document 2.9K/App-221); and
- New crossing points of Straight Mile (Documents 2.9J/App-220 and 2.9K/App-221).

9.23. The A5/A449 link road completion has been tested against occupation of warehousing floorspace of up to 186,000sqm. Completion of the link road at an earlier point would be beneficial.

Transport Matters Not Yet Agreed

9.24. The form of the bridge structure that spans the West Coast Mainline and the Canal and responsibility for future maintenance.

10. ECOLOGY

10.1. As outlined in Chapter 10: Ecology of the ES [Document 6.2/APP-030], the Applicant has taken account of biodiversity, as per paragraphs 5.20 to 5.38 (inclusive) of the NPS. The scope and methodology of the ecological baseline surveys included in Chapter 10 of the ES are appropriate and accord with recognised guidance.

10.2. The evolution of the scheme has included measures to, where possible, retain biodiversity assets. The Parameters Plans [Documents 2.5 – 2.7/APP-190, APP-195 and APP-200] offer improvements based on greater understanding of the Site's biodiversity constraints (as survey work progressed) and in response to consultee comments. The Applicant team has liaised closely with SCC and a number of changes to the scheme are in direct response to SCC comments (such as a corridor linking Calf Heath Wood and Calf Heath Reservoir).

10.3. The Green Infrastructure Parameters Plan [Document 2.7] illustrates the minimum green and blue infrastructure to be provided / retained as part of the Proposed Development, however within the development zones indicated on the Development Zone Parameter Plan [Document 2.5/APP-190], there will be opportunities for additional green infrastructure following the determination of building layouts, with the Illustrative Masterplan [Document 2.8/APP-205] showing one way in which this could be delivered.

10.4. The Proposed Development includes retention of the most ecologically important part of Calf Heath Wood, along with a significant number of on-site ponds, trees and hedgerows. In addition, the proposed layout has included minimising effects on the Staffordshire and Worcestershire Canal.

10.5. Where retention of biodiversity features has not been possible, in order to facilitate the development objectives, mitigation measures have been proposed. These include provision of effective ecological corridors across the Site and Site-wide green infrastructure to comprise biodiversity benefits. Proposals include a net gain for native woodland, semi-improved grassland and hedgerows. Furthermore, there has been full consideration of protected species and Natural England have provided a 'letter of no impediment' which confirms that in principle activities involving European Protected Species (primarily bats) can be undertaken in accordance with future licence requirements and the proposals are considered to maintain the Favourable Conservation Status (FCS) of the bat assemblage and populations present on-site.

10.6. The only aspects where significant biodiversity effects have not been possible to mitigate by on-site measures comprises potential effects on farmland birds. Therefore the Applicant proposes off-site land to be set aside during the construction phase specifically for the benefit of farmland birds. These proposals have been discussed with SCC's ecologist.

10.7. All issues relating to the following species have been satisfactorily addressed and appropriate mitigation measures are set out in the ES (proposed to be secured through a Requirement of the DCO):

- Amphibians including great crested newts;
- Reptiles;
- Nesting birds;
- Badger;

- Water vole;
- Polecat;
- Invertebrates;
- White clawed crayfish;
- Bats;
- Otters;
- Brown hare; and
- Ecological Enhancement.

10.8. Ecological enhancement measures outlined in the ES regarding proposed community parks will in principle have a benefit for target species. If detailed design and management are appropriate the Community Parks will have functional biodiversity purpose and members of the public will be encouraged to access and walk across these parks in designated walkways.

10.9. The loss of 6 existing ponds within the Site would not amount to a significant adverse effect in light of the provision of additional water bodies proposed within the Green Infrastructure Parameter Plan [Document 2.7].

10.10. Green infrastructure would be provided relative to proposed building levels and would remain in place and would not be undermined as the development progressed.

10.11. The community parks proposed, if appropriately designed, implemented and managed, would comprise real ecological benefit and are a key part of the biodiversity mitigation strategy for the Site. The community parks are intended for public access, although not for uncontrolled access. Walking routes through the parks will be determined and thus enable large areas to be left for functional ecological purposes.

10.12. The Framework Ecological Mitigation and Management Plan ('FEMMP') [ES Technical Appendix 10.4/APP-090] and proposed Ecological Mitigation and Management Plan (EMMPs) for each phase of development comprises an appropriate mechanism for securing ecological enhancement and mitigation (including biodiversity measures within the community parks).

10.13. The FEMMP outlines in general requirements for re-survey dependent on time lapsed since baseline data.

10.14. SCC will be consulted on the Ecological Mitigation and Management Plans as a Requirement of the DCO.

10.15. The Applicant's Team have liaised with Natural England in terms of potential licensing requirements for European protected species. Natural England has issued a 'letter of no impediment' in terms of licensing requirements.

10.16. The ES which supported Section 42 consultation was issued in draft and clearly acknowledged to be a work in progress. Following issue of the draft ES and receipt of comments from SCC, the Applicant team made changes to development proposals which specifically included strengthening and widening ecological corridors proposed as part of the development. These amendments were discussed at a meeting with SCC on 5th December 2017. The changes made were welcomed by SCC, and SCC agree that suitable and adequate ecological corridors are proposed in the submitted application documents.

10.17. The Applicant team provided further details regarding proposed lighting and potential effects on ecological receptors. In particular these proposals addressed 'bat hopovers'. Following liaison with separate SCC representatives considering ecology and lighting the 'bat hopover' proposals are acceptable in principle and the indicative measures are not considered to conflict with future highway lighting requirements on private or adoptable (the Link Road) roads.

10.18. The Applicant and NE, as Statutory Nature Conservation Body, have agreed to the scope and methodology adopted in the No Significant Effects Report (NSER, document reference UK15-22821_NSER, dated 19th July 2018) (ES Technical Appendix 10.3/APP-089), including how a likely significant effect is defined and the baseline data used in the NSER.

10.19. With regard to Belvide Reservoir Site of Special Scientific Interest (SSSI) FAL and SCC agree with the assessments and findings in the final Environmental Statement (ES) in that no significant adverse effects at a National Scale are likely to occur in relation to annual mean NOx concentrations or N deposition on the ecological structure or function of the SSSI being designated for its waterbird interest.

10.20. The ES adequately identifies potential cumulative construction and operational effects with other committed development in the locality of the site. The applicant and SCC agree with the conclusion that no significant cumulative effects are anticipated.

Ecology Matters Not Yet Agreed

10.21. The phasing and timing of some of the proposed ecological mitigation.

10.22. The provision and location of vehicle access points across conserved hedgerows in Development Zones A7.

10.23. Whether overall habitat loss requires further off-site mitigation via contributions towards local wildlife sites.

10.24. Elements of the current version of the FEMMP. Amendments are currently being considered by the Applicant to address the following:

- Principles for habitat creation and management. This should include details of soil management to ensure suitable soil conditions for creation of different habitat types; principles of preparation for planting / habitat creation; species mixes (accepting that there may be a variety of species mixes to suit differing conditions), potential effects of shade from buildings, and principles for how the habitats will be managed into the future;
- Principles for habitat monitoiring in detailed EMMPs;
- Consideration of shade from buildings on GI;
- Appendix 2 hedge translocation – the receptor trench must be dug out, and the section of hedge excavated and placed all on the same day. This is to preserve soil moisture around the root ball and in the trench.

11. LANDSCAPE

11.1. The Landscape and Visual Impact Assessment ('LVIA') included within the final ES is appropriate and has been undertaken in accordance with the 'Guidelines for Landscape and Visual Impact Assessment' (3rd Edition) (GLVIA3). This is considered to be an appropriate methodology.

11.2. The assessment takes into account mitigation measures incorporated into the design of the scheme as a result of an iterative design process.

11.3. The LVIA considers the relevant landscape and visual receptors and the number and location of the photo viewpoints and photomontages are considered to be appropriate and suitably representative for the LVIA of the Proposed Development. The photo viewpoints and photomontages use winter photographs. The assessment of the construction phase of the proposed development is based upon a 15 year phased process and this constitutes a long term duration. This is taken into account in the assessment of effects as one factor within the magnitude of change assessment. The construction effects will vary for the receptors during this period. The construction phase assessment of effects is based upon the 'worst case' effect during this period.

11.4. There is very limited intervisibility between the bulk of the AONB and the site. Areas where there is some intervisibility are confined to the south western portion. Here there are a small number of more elevated viewpoints which do afford a view towards the Site. Within these available elevated views towards the west from the AONB the Site stretches across the landscape in the middle distance. .

11.5. A county level of landscape character assessment is provided in the 'Staffordshire Planning for Landscape Change 1996 - 2011' (2000) SPG. The study was prepared in 2000 and maps Landscape Character Types ('LCT') across the county. Within the study, the Site stretches across two LCT's. The land within the Site to the east of the canal lies within the 'Settled Heathlands' LCT and to the west of the canal it lies within the 'Ancient Clay Farmlands' LCT.

Landscape Matters Not Yet Agreed

11.6. The relationship of Finished Floor Levels (FFL), existing ground level and bund heights relative to surrounding receptors. Whether there is potential at detailed design to lower development plateaus and FFL.

11.7. Whether the Design and Access Statement (DAS) [Document 7.5/APP-259] provides adequate coverage for decision making post consent. The DAS provides a generic design approach to be applied across the site and therefore does not cover more nuanced matters.

11.8. Phasing/timing of landscape mitigation and whether advance bund construction and planting is required.

11.9. The Lighting Assessment's approach to addressing the impact on landscape and whether further control on lighting design is required.

12. HISTORIC ENVIRONMENT

12.1. The methodology set out in Chapter 9: Cultural Heritage - Built Heritage of the ES [Document 6.2/APP-029] has been established in accordance with best practice and guidance. It is considered to be appropriate to assess the effect of the Proposed Development on built heritage receptors.

12.2. The built heritage assessment has been coordinated with the Landscape and Visual impact Assessment ('LVIA') to ensure that the viewpoints necessary to understand heritage effects have been prepared and considered.

12.3. The definition of a built heritage receptor refers to above-ground heritage receptors only. The effect on archaeological heritage receptors which comprise buried remains is considered separately, under Archaeological Heritage. Scheduled Ancient Monuments are considered in the built heritage assessment, but only where remains are expressed above ground as either historic fabric or earthworks.

12.4. The radius of 3km of the Site boundary is agreed as an appropriate study area to understand built heritage effects. This has been informed by the Zone of Theoretical Visibility ('ZTV'), topography and landscape character, and the likelihood that the indirect effect on setting of heritage receptors will diminish with distance.

12.5. All built heritage receptors within the boundary and up to 1km of the Application Site have been assessed. Between 1km and 3km, only higher graded receptors have been assessed.

12.6. The Site contains seven heritage receptors: a conservation area, and six non-designated heritage assets. The non-designated heritage receptors include 18th and 19th century features which are: Heath Farm, Woodside Farm, Gravelly Way Bridge, Straight Mile Farm, historic landscape, and historic hedgerows. Within 3km of the Site, 26 heritage receptors have been identified, with only indirect (setting) effects are assessed.

12.7. In accordance with paragraph 5.127 of the NPS, the baseline information and value judgement for the receptors noted in Chapter 9 of the ES is considered to be appropriate and proportionate.

12.8. The relevant published documents include the Staffordshire and Worcestershire Canal Conservation Area Appraisal prepared by Staffordshire County Council (1978) and the List Entry Descriptions which are included as Technical Appendix 9.7 [APP-086].

12.9. The approach to historic environment assessment is set out in paragraphs 5.120 - 5.141 of the NPS.

12.10. For the majority of heritage receptors identified there will be a nil or negligible likely effect arising from the Proposed Development, primarily because of distance, screening, topography, and the specific details of the contribution of setting to the heritage value of the receptor.

12.11. The receptors which would experience likely effects are the Staffordshire and Worcestershire Canal Conservation Area, Heath Farm (Locally Listed Grade B), and Woodside Farm (non-designated heritage asset). The likely effects are not considered to be significant on the historic environment (i.e. moderate adverse/beneficial or greater).

12.12. The heritage value of the Staffordshire and Worcestershire Canal Conservation Area lies in its architectural and historical interest as a well-preserved example of an early canal by James Brindley. Its linear form and the original structures along its route contribute to its character and special interest. The total length of the canal is covered in the designation, which is 74km from Stourport to Great Haywood. A c.4km segment of the canal passes through the WMI Site. The ES assessment makes a distinction between the impact on both the segment and the whole of the conservation area. This is agreed as the appropriate approach to understand the impact of the proposals on the designated heritage asset.

12.13. The character and setting of the Conservation Area involves transition between a variety of landscapes, including urban, rural and industrial. The setting of the Conservation Area often changes rapidly, even over very short distances. Within the Site, between Four Ashes and Gailey Marina, the setting of the Conservation Area includes industrial development and open agricultural land. The historic landscape character has been eroded by later development, and the Site is enclosed by road infrastructure which separates it from the wider landscape character of this part of South Staffordshire.

12.14. The direct effects to the Canal Conservation Area involve the removal of later steel pipe bridges and improvements to the towpath which will enhance the character and appearance of the heritage receptor.

12.15. A further direct impact on the Conservation Area is the introduction of a new road bridge at Gravelly Way. The bridge is located at a point where the Canal meanders to the east and will not, therefore, prevent an appreciation of its linear character by terminating any long views along the waterway. There are no such views in this location.

12.16. There will be some, but less than substantial, harm to the heritage value of the Conservation Area as a result of the change to the original agricultural setting. That setting has lost some of its historic character, however, and industrial development is not alien to the existing setting of this segment of the Conservation Area, or the Conservation Area as a whole.

12.17. It is proposed to demolish of Heath Farm and Woodside Farm which will result in the total loss of their heritage value. As non-designated heritage receptors their heritage value is low, and the loss is considered to be of limited weight. This is consistent with a recent Appeal decision (ref. APP/C3430/W/17/3169548) which allowed the demolition of Heath Farm, finding it to have limited value.

12.18. In order to mitigate the loss of Heath Farm and Woodside Farm, the buildings will be subject to Historic Building Recording by qualified professionals and the results will be stored in an appropriate local archive.

12.19. The built heritage assessment takes into account other mitigation measures which are embedded in the proposals. The design, landscape, and lighting proposals in particular been designed to reduce any effect on heritage receptors.

13. ARCHAEOLOGICAL HERITAGE

13.1. 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.

13.2. 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.

13.3. An Outline Written Scheme Of Investigation is included the DCO submission [ES Appendix 8.5/APP-079]. The Outline Written Scheme Of Investigation sets out mechanisms for liaison between required parties (the project team archaeologist, SCC, the SSDC Conservation Officer and where applicable Historic England). The Outline Written Scheme Of Investigation has been agreed with SCC. The detailed Written Scheme Of Investigation are likely to include pre-construction mitigation strategies which will seek to determine the presence and significance 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.

13.4. It is recognised that further intrusive archaeological investigation may be required in respect of subsequent phases of the authorised development. The Outline Written Scheme of Investigation provided with the application sets out the mechanism by which this requirement can be addressed.

13.5. It is proposed that the scope and extent of required archaeological investigations for each specific phase of the development will be agreed by means of a detailed WSI to be submitted to and agreed with the Staffordshire County Archaeologist and approved in writing by the Local Planning Authority.

13.6. The detailed WSI for each phase will identify the proposed methods, as well as identify review points/triggers for further fieldwork and proposed timescales. Provision will be made for further investigative works, if required, and each detailed WSI will include appropriate allowance for and detail on the post-fieldwork assessment stage and, if required, subsequent analysis, publication/dissemination of results, as well as final archive deposition (expected to be within 2 years of the completion of the agreed works). The works identified in each detailed WSI will be carried out prior to construction of that phase and to an agreed timetable. Variations to the agreed scheme, including changes in programming, will be agreed in writing prior to taking effect.

13.7. The process proposed to secure the required archaeological investigations will be dealt with as a Requirement specified in the draft Development Consent Order (see the Schedule 2 Requirements of The West Midlands Rail Freight Interchange Order 201X [Document 3.1]).

13.8. The Outline WSI and the phased approach it proposes represents an acceptable and achievable mechanism for addressing the requirement for, as well as scope and extent of, further archaeological investigations. As will be set out in the Outline WSI, each development phase will have a specific detailed WSI prepared for agreement with the Staffordshire County Archaeologist, and approved in writing by the Local Planning Authority, such works to be carried out prior to construction of that specific phase. This process will be set out in (and its

implementation secured by) the draft Development Consent Order (see the Schedule 2 Requirements of The West Midlands Rail Freight Interchange Order 201X [Document 3.1]).

14. MINERALS AND WASTE

14.1. The Site is characterised by a mix of uses including a large area of sand and gravel mineral extraction within the east known as Calf Heath Quarry (Application Reference: SS.12/08/681 MW) and a patchwork of agricultural fields with hedgerows and trees to the west and south of this, with an area of mixed woodland known as Calf Heath Wood in the centre of the Site. The current use of the Site is mainly arable farming and the mineral extraction area covers approximately 40ha, with almost the entirety of this area currently open-cast.

14.2. Condition 6 of SS.12/08/681 MW requires mineral extraction to cease and restoration complete by 31/07/2021. This consent was granted to SSG who are operating the quarry and who are required to submit a restoration plan to SCC regarding the restoration of Calf Heath Quarry.

14.3. Discussions between FAL and SSG have confirmed that all of the mineral resource within the existing Calf Heath Quarry consent is anticipated to be extracted prior to a decision on the WMI DCO application being made.

14.4. The NPS states at paragraph 5.169 that "**applicants should safeguard any mineral resources on the proposed site as far as possible**".

14.5. The NPS seeks at paragraph 5.119 that applicants should seek to mitigate and minimise the risks of land instability, "**for development on land previously affected by mining activity, this may mean prior extraction of any remaining mineral resource**". To reduce the risk of land instability and in accordance with NPS paragraph 5.119, should the existing Quarry area not be fully worked by SSG, the remaining resource within the consented minerals area would be removed. Any resource removed would be sustainably used as part of cut and fill balance operations across the Site. It is understood that there is limited mineral resource currently left at the Site. The extraction of any remaining resource would ensure a suitable and stable platform for development in the existing Quarry area.

14.6. The safeguarding of minerals and minerals infrastructure is addressed by local policy in the adopted Minerals Local Plan for Staffordshire (2015-2030) ('MLP'), at Policy 3. The Proposed Development should be considered against the whole policy, which safeguards mineral resources and minerals infrastructure against "**needless sterilisation by non-mineral development**". Where important mineral resources exist, the Policy does however require that non-mineral development should not be permitted unless it has been demonstrated that "the material benefits of the non-mineral development would outweigh the material benefits of the underlying or adjacent mineral".

14.7. The Minerals Local Plan has allocated a 0.75 million tonne / 35ha deposit of sand and gravel at Calf Heath, within the Site. This would act as an extension to the existing quarry and is the joint smallest allocation in the Minerals Local Plan. The Calf Heath extension is one of 11 allocations made under Policy 1 of the MLP to maintain and accounts for around 2% of the Sand and Gravel allocated in the Minerals Local Plan.

Minerals Matters Not Yet Agreed

14.8. Whether a Mineral Safeguarding Statement is necessary, which would also help to assess whether there are opportunities for prior extraction of minerals.

15. FLOOD RISK AND DRAINAGE

15.1. The Site has been the subject of a Flood Risk Assessment [ES Technical Appendix 16.1/APP-150], which accompanies the ES, in accordance with NPS paragraph 5.93.

15.2. According to the EA indicative flood maps, the Site is situated within Flood Zone 1, at less than a 0.1% (1 in 1000) annual probability of tidal/ fluvial flooding.

15.3. Mitigation measures have been developed to ensure the construction and operational stages of the Proposed Development are not impacted from flooding and include a Site Wide Surface Water Drainage Strategy [ES Technical Appendix 16.3/APP-152], which proposes to restrict runoff rates to green field rates (including an allowance for climate change).

15.4. The Proposed Development offers the opportunity to regularise and control drainage across the Site. Drainage infrastructure to control surface water runoff and foul drainage, including oil interceptors (or alternative treatment options to provide water treatment) would be incorporated into the Proposed Development.

15.5. The Proposed Development has been assessed in accordance with relevant flood risk and drainage policy and best practice, ensuring that the Proposed Development is compliant with national planning policy.

Flood Risk and Drainage Matters Not Yet Agreed

15.6. Proposals for appropriate maintenance of SUDS and the securing thereof through the Order.

SIGNATURES

On behalf of **STAFFORDSHIRE COUNTY COUNCIL**

Name [redacted]

Signature [redacted]

On behalf of Quod, for **FOUR ASHES LIMITED**

Name [redacted]

Signatu [redacted]