

Date: 5 April 2019  
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By email to [WMInterchange@planninginspectorate.gov.uk](mailto:WMInterchange@planninginspectorate.gov.uk)

Dear Sir/Madam

## **WEST MIDLANDS RAIL FREIGHT INTERCHANGE ORDER**

### **WRITTEN REPRESENTATION**

#### **PINS REFERENCE: TR050005**

1 Please accept this letter as the Written Representation of SI Group – UK, Ltd (SI Group) prior to Deadline 2 of the examination in respect of the proposed West Midlands Rail Freight Interchange Order (the proposed Order) to authorise a new strategic rail freight interchange near to junction 12 of the M6 at Four Ashes, known as the “West Midlands Interchange” (the Project).

2 SI Group would like to take this opportunity to restate the comments made in SI Group’s Relevant Representation dated 29 October 2018, but wishes to make the following further comments:

2.1 It is important to again highlight that Four Ashes Limited (FAL) and SI Group (and their respective environmental and legal teams) have expended substantial time and resource working together in arriving at appropriate mechanisms to ensure that the remediation scheme can be completed successfully in Area A, and the chemical works (being a top-tier COMAH site) and its access will remain protected during the construction of the Project, whilst enabling the Project as envisaged in the proposed Order to be delivered comprehensively in a phased manner. These constructive efforts resulted in FAL and SI Group completing an agreement on 3 August 2018 (the Remediation Safeguarding Agreement). The Remediation Safeguarding Agreement can only achieve its purposes when read together with Schedule 13, Part 6 (For the protection of the SI Group) of the proposed Order (the Protective Provisions).

2.2 SI Group notes that a number of the Inspector’s written questions (published on 4 March 2019) are relevant to SI Group and the remediation position. SI Group does not propose to submit responses to these written questions before Deadline 2 and is content for FAL to set out the agreed position at this stage. SI Group will integrate any comments on Deadline 2 responses into FAL’s submissions at Deadline 3, or make its own, as necessary to ensure that the agreed package of safeguards for the remediation of Area A remain unaffected.

2.3 SI Group notes that minor amendments have been made to the Protective Provisions in the most recent version of the draft DCO (dated December 2018). SI Group confirms that it considers these acceptable.

2.4 SI Group notes that there remain some minor administrative square bracketed elements of the Protective Provisions. SI Group is liaising with FAL to finalise these.

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2.5 SI Group has considered the Requirements in the current draft DCO and proposes minor amendments to Requirement 12 to ensure appropriate regard to the remediation safeguarding report as follows:

2.5.1 Please renumber Requirement 12(3) as Requirement 12(4) and, correspondingly, renumber Requirement 12(4) as Requirement 12(3); and


2.5.2 Please amend the new Requirement 12(4) such that it reads: "Any contamination report, assessment report and any suitable investigation for discovered contamination referred to in this requirement 12 related to the authorised development at Development Zones A1, B and/or C as shown on development zone parameter plan must be in accordance with the principles set out in the remediation safeguarding report."

2.6 SI Group has liaised with FAL in respect of the proposed minor amendments to Requirement 12. FAL has confirmed that the proposed minor amendments to Requirement 12 are acceptable from FAL's perspective.

3 On the terms of this letter and its Relevant Representation dated 29 October 2018, SI Group hereby reconfirms that it supports the proposed Order.

Yours faithfully

For and on behalf of SI Group – UK, Ltd



**Bryan Cave Leighton Paisner LLP**