



West Midlands
Interchange

Four Ashes Ltd

THE WEST MIDLANDS RAIL FREIGHT INTERCHANGE ORDER 201X

APPLICANT'S RESPONSES TO EXAMINING AUTHORITY FIRST WRITTEN QUESTIONS (ExQ1) - DOCUMENT 10.1

Abbreviations used

PA2008	<i>The Planning Act 2008</i>	LIR	<i>Local Impact Report</i>
TCPA	<i>Town & Country Planning Act 1990</i>	LPA	<i>Local Planning Authority</i>
AQ	<i>Air Quality</i>	LVIA	<i>Landscape and Visual Impact Appraisal</i>
AQMA	<i>Air Quality Management Area</i>	NE	<i>Natural England</i>
BoR	<i>Book of Reference</i>	NR	<i>Network Rail</i>
CA	<i>Compulsory Acquisition</i>	NPPF	<i>National Planning Policy Framework 2019</i>
CRT	<i>Canal and Rivers Trust</i>	NPS	<i>National Networks National Policy Statement</i>
dDCO	<i>Draft Development Consent Order</i>	NSIP	<i>Nationally Significant Infrastructure Project</i>
dDCOb	<i>Draft Development Consent Obligations</i>	ODCEMP	<i>Outline Demolition and Construction Environmental Management Plan</i>
DIRFT	<i>Daventry International Rail Freight Terminal</i>	RR	<i>Relevant Representation</i>
EA	<i>Environment Agency</i>	SCC	<i>Staffordshire County Council</i>
EM	<i>Explanatory Memorandum</i>	SSDC	<i>South Staffordshire District Council</i>
ES	<i>Environmental Statement</i>	SRFI	<i>Strategic Rail Freight Interchange</i>
ExA	<i>Examining Authority</i>	SoS	<i>Secretary of State</i>
GI	<i>Green Infrastructure</i>	SoCG	<i>Statement of Common Ground</i>
HE	<i>Highways England</i>	S&WC	<i>Staffordshire and Worcestershire Canal</i>
IP	<i>Interested Party(ies)</i>	TP	<i>Temporary Possession</i>
		WCML	<i>West Coast Main Line (Railway)</i>

The Examination Library

PINS Examination Library references are included in these questions (e.g. APP-010) in addition to the Applicant's Application Document Numbers. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR050005/TR050005-000516-new%20%20Examination%20Library%20Template.pdf>

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1.1.1 – refers to question 1 in this table.

ExQ1	Question to:	Question:	Applicant's Response
1.0.	General and Cross-topic Questions		
1.0.1	The Applicant and SSDC	<p>Existing Land Uses. Some of the base plans used in the submission include the notation '<i>Caravan Park</i>' on land to the west of Croft Lane. This use is not evident on the aerial photographs in ES Figure 12.6 and does not appear to have been referenced or considered in the ES.</p> <p>(i) Does the use still exist and, if so, does it include any permanent residential use?</p>	<p>(i) No, there is no Caravan Park use at the Site; however, there is a temporary residential use for a mobile home (see 2018 below).</p> <p>The Applicant believes the '<i>Caravan Park</i>' referenced by the ExA to be land referred to by SSDC in their online searches as "The Bungalow, Croft Lane". Google map searches and visits to the perimeter of the Site by the Applicant suggest that the land is not in use as a Caravan Park.</p> <p>"<i>The Bungalow, Croft Lane</i>" has the following planning history:</p> <p>1991: REFUSED (91/00029) The Applicant did find evidence of an application lodged in 1991 a "<i>Use Of Land As A Touring Caravan And Camping Site</i>". SSDC confirmed that this application had been refused (date unknown), with a subsequent appeal being withdrawn (date unknown). No</p>

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			<p>further information was available from SSDC when requested (on 12 March 2019), and the records available online do not go back to this date.</p> <p>2003: GRANTED (03/00263/COU) "<i>Change of use of land for stationing of caravan and wendy house temporarily for 2 years</i>" (21 May 2003).</p> <p>2012: GRANTED (12/00831/TEM) for the "<i>temporary siting of a mobile home for two years provide accommodation for their father</i>" (21 December 2012).</p> <p>2016: WITHDRAWN (16/00816/FUL) for the "<i>Proposed removal of 5no. touring caravan plots replaced with 3no. static caravans and retention of existing static caravan (4no. total)</i>" was withdrawn.</p> <p>2017: WITHDRAWN (17/00888/FUL) for the "<i>Retension [sic] of existing mobile home</i>".</p> <p>2018: GRANTED (18/00141/FUL) for the "<i>retention of existing mobile home</i>" (22 June 2018). The sole condition on the consent requires that "<i>the mobile home hereby permitted shall be removed from site within two months of it no longer being required to provide accommodation for the applicant's father, and shall thereafter be returned to grassland</i>".</p>

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		(ii) If not, is there a planning permission in place or other means by which such a use could be resumed or resurrected in this location and could this include any permanent residential use?	(ii) The Applicant considers that, based on the planning history set out in part (i) above, the land could not lawfully be used as a Caravan Park nor are there any consents available that indicate a permanent residential use could come forward on this land (at The Bungalow, Croft Lane).
1.0.2	The Applicant and CRT	<p>ES Appendix 12.7 [APP-105] describes Calf Heath Reservoir as “one of two such features to either side of the junction with the M6 motorway serving as balancing ponds from the original construction of the road.” In many other places in the submission documents both Calf Heath and Gailey Reservoirs are described as feeder reservoirs for the Staffordshire & Worcestershire Canal (S&WC).</p> <p>Please confirm the main use of these reservoirs and whether this use continues to comprise their main purpose.</p>	<p>The Applicant acknowledges there is an inconsistency in the application documentation.</p> <p>The Applicant now understands the Reservoirs are not used as balancing ponds.</p> <p>The Applicant's understanding is that the Calf Heath Reservoir and Gailey Reservoir feed, and are linked to, the Staffordshire and Worcestershire Canal. The link is via a partially culverted watercourse situated partly within the Site, along the northern Site boundary (alongside the A5), as well as to Hatherton Canal via a partially culverted watercourse to the east and south east of the Site.</p>
1.0.3	The Applicant and SCC	<p>Paragraph 2.9 of the ODCEMP [APP-060] states that the existing public right of way linking Croft Lane to the A449 via a bridge over the WCML is to “be stopped up during construction of that phase and an appropriate safe and alternative route provided in consultation with SSDC.” Elsewhere in the application documents it is suggested that</p>	

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		<p>this will be a permanent stopping up and that there is no intention to replace the right of way with an alternative route.</p> <p>(i) Can the Applicant confirm what is intended with regard to this existing right of way?</p> <p>(ii) If it is not intended to provide an alternative please set out the reasons why this is not considered necessary and provide evidence that this has been agreed with SCC as the local authority with responsibility for public rights of way.</p>	<p>(i) It is acknowledged that the ODCEMP is incorrect. As shown by Access and Rights of Way Plan (Document 2.3A (Sheet 1), App-183) it is intended that Public Right of Way 29 will be stopped up and no replacement will be provided.</p> <p>(ii) Please see paragraph 6.34 of the Explanatory Memorandum (Document 3.2, APP-010).</p> <p>It is not considered necessary to provide an alternative Right of Way to footpath 29 because a network of permissive paths will be provided within the Site, which will provide alternative routes for walkers and cyclists. These permissive paths extend to approximately 5,000m in length (with existing footpath 29 being 520m in length). Footpath 29 has recently been categorised as a level C Right of Way, which is the lowest class of RoW in the County, having a low level of priority. This means it will only receive support towards maintenance when council resources allow. It is also considered of limited value to the overall Rights of Way network given that it does not form part of a wider series of routes.</p> <p>Public access to the site will be available via the footways provided adjacent to the A449/A5 link road and rights of way will be provided from the canal connecting to the A449/A5</p>

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			link road, as shown on Access and Rights of Way Plan (Document 2.3A (Sheet 1), APP-183).
1.0.4	The Applicant	<p>Design Parameters The application includes plans that set out parameters relating to the size and maximum height of buildings and it is understood that the ES has assessed the likely effects of the Proposed Development on a 'worst case' base having regard to those parameter plans.</p> <p>(i) Is it possible by reference to other SRFIs that have already been developed to provide an indication of the likely mix of building sizes and height that might possibly be developed on the site having regard to current market demand?</p>	<p>(i) The Applicant has provided a separate table (Appendix 1) setting out the floorspace and heights of warehousing at other SRFIs.</p> <p>Building heights at the Proposed Development will respond to individual occupier requirements and will vary according to the function of the building, the nature of goods being stored and distributed, their dwell time in the warehouse, and the nature of the mechanical handling systems being used.</p> <p>By reference to the table (Appendix 1) it can be seen that the two buildings at DIRFT II and EMG with higher bays have those elements of the building restricted to a proportion. In the case of the Sainsbury's building at DIRFT II, 50% of the building has an internal height of 27m and 50% is at 15m. The XPO building at EMG is being constructed to</p>

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		(ii) Are buildings on the plots with the greatest maximum height parameter (of 30m) likely to be of uniform height or would this maximum be expected only in a high bay section of the building?	<p>31.5m internal height over about 1/3 and to 16m over 2/3. This combination of a minority element of high bay and the remainder of the building at a lower standard height is not unusual.</p> <p>The Floor Levels and Building Heights Parameter Plan (Document 2.6, APP-195) sets out the maximum heights of buildings that could be provided, with the Development Zone Parameter Plan (Document 2.5, APP-190) setting out the maximum amount of warehouse floorspace and the number of buildings that could be provided in each zone.</p> <p>(ii) See response to part (i) above. It is likely that only a minority element of the building would be at the maximum height.</p>
1.1.	Policy Context		
1.1.1.	The Applicant, Local Authorities and other IPs who have commented on policy matters.	The National Networks National Policy Statement (NPS) provides the primary policy basis for decision making on applications for development consent for national network NSIPs and paragraph 5 of the NPPF states that it does not contain specific policies for NSIPs. The references to the NPPF in Planning Statement are to the revised (July 2018) version of that document but those in the ES and many of its appendices are to the 2012 version. Both have now	<p>As noted by the ExA, the submitted Planning Statement (Document 7.1A, APP-252), refers to the NPPF (2018). This has since been revised to address issues relating to housing in the NPPF (2019). There is no material change to the NPPF (2019) that affects the assessment undertaken in the Planning Statement of the NPPF (2018).</p> <p>The 2019 NPPF contains the same paragraph as the 2012 NPPF describing the role of the NPPF in relation to</p>

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		<p>been superseded and replaced by the NPPF issued in February 2019.</p> <p>In relation to matters covered in the ES are there any specific new or significantly amended policies in the 2019 NPPF which are of particular importance to the examination of the application and the decision by the SoS as to whether development consent should be granted?</p>	<p>Nationally Significant Infrastructure Projects (the latter described under paragraph 1.30 Chapter 1 of the ES (Document 6.2, APP-017)). In essence, the NPPF can be a consideration where relevant to the project.</p> <p>The technical ES chapter authors have reviewed the respective ES chapters and confirmed that the 2019 NPPF doesn't introduce elements of particular importance which affect the findings of the ES.</p>
1.1.2.	The Applicant and SSDC	<p>The Planning Statement [APP-252] indicates that a small part of Four Ashes Strategic Employment Site lies within the draft DCO Order Limits.</p> <p>Does this development plan allocation provide any policy support for the Proposed Development?</p>	<p>There is no direct policy support for the Proposed Development provided by the development plan. Core Policy 7 of the adopted SSDC Core Strategy 2012 states that "<i>The Council will support the development of creative and high technology industries at strategic employment sites in suitable locations within South Staffordshire</i>".</p> <p>The works proposed to the roundabout and the surrounding road network are within the Four Ashes Employment Site allocation and will provide enhanced connectivity for the Four Ashes Employment Site through the provision of an improved link to the A5, and in turn J12 of the M6. This improves the permeability of the Site, enhancing the opportunity to support the existing planning permissions at the Employment Site.</p>

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			It is considered that the Proposed Development in this respect supports the objectives of the Core Strategy by enhancing access to the Four Ashes Employment Site.
1.1.3.	SCC	<p>Part of the north east quadrant of the Site is identified in the Minerals Local Plan (MLP) for Staffordshire as an extension to the existing quarry which is indicated as representing a 0.75 million tonne resource of sand and gravel. The mineral working and processing infrastructure on the Site is also said to be safeguarded under the MLP. If the DCO is granted, the existing minerals infrastructure would be removed and the minerals within the MLP allocation would not be worked.</p> <p>Having regard to what is said by the Applicant in paragraphs 7.2.11– 7.2.26 of the Planning Statement, SCC is asked to set out its views as to the proposal's compliance with the MLP.</p>	-
1.1.4.	The Applicant and local authorities	<p>The Planning Statement asserts that the need for a SRFI in South Staffordshire has been established in public policy for many years and refers to the Site having been promoted in the West Midlands (WM) Regional Spatial Strategy process up until the time that such strategies were revoked in 2013.</p> <p>(i) Where in any currently adopted regional and sub-regional policy document is the need identified for a SRFI</p>	<p>(i) There has been no regional or sub-regional policy document adopted for the area since the abolition of regional spatial strategies.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>in what the Applicant refers to as the North West Quadrant of the WM Region?</p>	<p>As explained in the Planning Statement (Document 7.1A, APP-252) at paragraph 4.2.38 onwards, this policy requirement has not been addressed by the local planning process, which has consistently decided to defer or failed to address the issue.</p> <p>Unless the long-standing regional need is address through a DCO application, it will not be met in the foreseeable future.</p> <p>Note: it is helpful to refer back to the relevant studies undertaken for the RSS in order to define the "<i>north-west quadrant</i>". In particular, the West Midlands Regional Logistics site Study Stage Two, 2005 identified at Table 15 that the North Black Country and South Staffordshire as one of the "<i>best regional logistics locations</i>". The same area was identified as being the location "<i>in most urgent need</i>" in the Panel report 2009 (planning statement paragraphs 5.2.13-5.2.17). For these purposes, the 2005 study provided the following definition (page 62):</p> <p><i>"North Blackcountry and South Staffordshire – based around the M6 Toll, M6, M54, A5, Stour Valley railway line, Cannock branch railway line and the Wolverhampton to Telford railway line transport corridors. Covers the administrative area of Wolverhampton, South Staffordshire</i></p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) What policy support is there for the location of a facility of the type and scale proposed in this part of South Staffordshire?</p>	<p><i>(except the area to the west of Dudley), Walsall and Cannock Chase.”</i></p> <p>The Applicant has produced a plan indicating the boundaries of this area, in the context of the ASA Search Area, which is provided at Appendix 2.</p> <p>(ii) As explained at paragraph 5.2.21 of the Planning Statement, the existing SSDC Core Strategy recognises that the RLS issue remains outstanding.</p> <p>This issue is not addressed in the SSDC Site Allocations Document (SAD). The SSDC SAD deals only with smaller scale housing and employment development. It states at paragraph 9.33 that <i>“The Core Strategy recognises employment cross-boundary issues, and the requirement to consider if a Regional Logistics Site is needed in light of the WMRSS evidence base. 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. 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 whole region, has a need. It is recognised that the issue of an RLS/SRFI remains outstanding.</i></p>

ExQ1	Question to:	Question:	Applicant's Response
			<p><i>However, it is also recognised that an RLS would require a scale of development beyond a 'modest extension' and therefore seeking to resolve this issue in the SAD would be contrary to the adopted Core Strategy, and therefore will be considered in the Local Plan Review". (emphasis added)</i></p> <p>SSDC's Local Plan Issues and Options document was published for consultation in October 2018. It recognises that the Secretary of State will determine the WMI DCO application in 2020 and states that the decision would then need to be taken into account in the plan-making process, rather than the Local Plan Review itself seeking to meet the outstanding requirement (see paragraph 4.27 of SSDC's Local Plan Issues and Options document). The Local Plan review does not seek to set any policies for WMI.</p> <p>The four Black Country Councils (Dudley, Sandwell, Walsall and Wolverhampton) have begun the process of reviewing the Black Country Core Strategy (2012), with the Black Country Core Strategy - Issues & Options Report published in June 2017. This is the first stage of the formal review of the existing Black Country Core Strategy. This document states at paragraph 3.34 that "<i>There remains a specific need for large scale, rail-based logistics provision to serve the Black Country and in the absence of any suitably large sites within the administrative area, the proposed West Midlands Interchange located at Four Ashes in South Staffordshire has the potential to satisfy some or most of this need".</i></p>

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			<p>Proposed Policy TRAN3 (Black Country Core Strategy - Issues & Options Report) – The Efficient Movement of Freight clearly refers to the benefits of the WMI, stating “<i>The spatial objectives for freight remain the same and <u>there are proposals coming forward for Rail Freight Interchange at Bescott and Four Ashes which support the sub regional economy.</u></i>” (emphasis added)</p> <p>The Black Country Core Strategy will be known as the Black Country Plan following the review, and is anticipated to be adopted in Autumn 2021.</p> <p>The Applicant has produced a note updating the development of planning policy in South Staffordshire and the Black Country since the submission of the DCO application. That note (“Green Belt – An Update”) is provided at Appendix 3.</p>
1.1.5.	SSDC	<p>(i) Please provide an update as to the current status of the SSDC Site Allocations Document (SAD).</p> <p>(ii) Does the SAD provide any policy support for the Proposed Development?</p>	<p>(i) -</p> <p>(ii) The SAD does not provide any policy support for or against the Proposed Development. As anticipated in the WMI Planning Statement, the adopted SAD recognises that the “<i>issue of a Regional Logistics Site (RLS)/SRFI remains outstanding</i>” (paragraph 9.33). Also, that “<i>an RLS would</i></p>

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			<p><i>require a scale of development beyond a "modest extension" and therefore seeking to resolve this issue in the SAD would be contrary to the adopted Core Strategy and therefore will be considered in the Local Plan review" (paragraph 9.33).</i></p> <p>The Applicant submitted representations at the four separate consultation stages of the SAD. At each stage, the Applicant confirmed its understanding that the SSDC's adopted Core Strategy would not allow the issue of the need for a rail served RLS to serve South Staffordshire and the Black Country to be considered through the SAD (Core Strategy paragraph 9.12). Therefore, the Applicant did not put forward the Four Ashes site for consideration/allocation in the SAD.</p>
1.2.	<p>Need for the Proposed Development and Alternative Options <i>Paragraph references are to the Planning Statement [APP-252] unless otherwise specified</i></p>		
1.2.1.	The Applicant, NR and local authorities	<p>Need in the North West Quadrant of the WM Paragraph 5.18 states that the Proposed Development is included in the list of sites on which the forecasts in the Long-Term Planning: Freight Market Study (October 2013) (as summarised in NPS Table 3) are based. Is this correct and, if so, what if any bearing does its inclusion in that list have regarding the demonstration of a clear need for:</p>	

ExQ1	Question to:	Question:	Applicant's Response
		(i) a SRFI in the North West Quadrant of the WM Region, and	<p>(i) The Network Rail forecasts referenced by the NPS as set out in the Network Rail Long Term Planning Process: Freight Market Study (2013) were informed by a companion document "Rail Freight Forecasts to 2023/4, 2033/4 and 2043/4, Final Report, MDS April 2013". This included (page 24) a table of proposed SRFI schemes that were used to generate regional clusters of assumed SRFI developments and associated rail freight traffic to 2043. The table includes a reference to the "Four Ashes / F[eather]'stone" in Staffordshire, with an assumed quantum of 457,000 sq m of floorspace delivered by 2043.</p> <p>The inclusion of the location of the Proposed Development in Network Rail forecasts utilised in the NPS evidence base is a clear recognition of the need for a SRFI in this location.</p> <p>Network Rail's consideration of the need for a SRFI in this part of the West Midlands is also set out in the latest Network Rail documents. The Network Rail Freight & National Passenger Operators Strategic Plan (February 2018) (available at Appendix 4) identifies where Network Rail are planning to "<i>facilitate new terminal developments</i>" going forward (see Page 121, Item 2).</p> <p>The Sites included are "<i>Daventry, Northampton, <u>West Midlands</u> and Parkside</i>" (emphasis added).</p>

ExQ1	Question to:	Question:	Applicant's Response
		(ii) the suitability of the Four Ashes Location to meet any identified need?	<p>Note that the Network Rail SoCG (Document 8.1, AS-025) refers to the Strategic Plan (February 2019) as having been submitted to the Office of Rail and Road for approval, but the up-to-date position is that it has now been approved to inform the planning for Control Period 6 (2019-2024) and for the longer term.</p> <p>(ii) The NPS states at paragraph 2.54 that <i>“a network of SRFIs is needed across the regions, to serve regional, sub-regional and cross-regional markets. In all cases it is essential that these have good connectivity with both the road and rail networks”</i>.</p> <p>The Site is located at the intersection between the strategic highway network (formed by the A5 and M6 / M6 Toll routes) and the Strategic Rail Freight Network (SFN) on the West Coast Main Line (WCML).</p> <p>Network Rail states in its London North Western Route Specification (2016) at page 4 that:</p> <p><i>“The WCML is recognised as a strategic transport corridor linking Europe (through the Channel Tunnel) via London and South East England to the West Midlands, North West England and Scotland, and is the UK’s busiest mixed traffic route. The WCML European and international importance is reflected in its designation as a priority Trans European Network (TEN) route.”</i></p>

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			<p>Furthermore, it is located in a gap in the existing SRFI network (see Figure 20 and paragraph 5.5.5 of the Planning Statement (Document 7.1A, APP-252)), providing a "geographically optimal location for a SRFI". See the Network Rail SoCG (Document 8.1, AS-025) at Section 3.2:</p> <p><i>"The development site is located on the Strategic Freight Network, the electrified W10 gauge route capable of accommodating 775m length trains. The location to the North West of Birmingham, 30 km north of Hams Hall and 80 km south of 3MG Widnes, provides a geographically optimal location for a SRFI in accommodating future intermodal traffic growth. Network Rail's infrastructure has the latent capability in terms of track, signalling and electrification to accommodate a new SRFI at this location."</i></p> <p>The identification of Four Ashes / West Midlands in the 2013 forecasts and the 2018 Strategic Plan confirm its suitability for SRFI development.</p>
1.2.2.	The Applicant, NR and local authorities	<p>Paragraph 5.1.11 refers to the Strategic Rail Authority's Strategic Rail Freight Interchange Policy (March 2004).</p> <p>(i) Given the subsequent designation of the NPS what is the current status of that policy?</p>	<p>(i) The SRA policy has no status as a policy document for planning purposes.</p>

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			<p>Whilst the document Strategic Rail Freight Interchange Policy (March 2004) was produced by the Strategic Rail Authority rather than a Government department, it was regarded as having a status akin to policy, particularly in the absence of any alternative Government policy. In October 2005, the Department for Transport published a clarification following enquiries about the status of the Strategic Rail Freight Interchange Policy which confirmed that <i>“the interchange policy was based on the Government’s existing policies for transport, planning, sustainable development and economic growth and much of the material...is still relevant. For this reason, we will retain the document on our website as a source of advice and guidance.”</i></p> <p>The Government’s own interim policy on Strategic Rail Freight Interchanges (now withdrawn) was published in 2009 and in 2011. In publishing the 2011 Strategic Rail Freight Interchanges Policy Guidance document, the then Secretary of State emphasised the importance of rail freight and explained that the Government was taking measures to <i>“un-block the development as strategic rail freight interchanges and un-lock the necessary private sector investment in such facilities”</i>. Pending the publication of the National Networks NPS, the 2011 SRFI policy was published along with this explanation from the Secretary of State:</p> <p><i>“However, this expansion in rail freight will be very difficult to deliver unless the industry is able to develop modern</i></p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) Given the date of the document, what if any weight can now be put on its findings as to the need for SRFI capacity in the West Midlands (WM)?</p>	<p><i>distribution centres linked into both the rail and trunk road system – ‘Strategic Rail freight Interchanges’ (SRFI) – in appropriate locations to serve our major conurbations.”</i></p> <p>A distinctive characteristic of the SRA policy document was its particular identification of geographic need. Government policy in 2011 and in the NPS is not location specific. The SRA policy identified in particular a shortage of SRFI around London and in the West Midlands.</p> <p>(ii) Whilst the weight to be attached to policy documents generally diminishes with time, where those documents identify a need, which has still not been addressed 15 years later, that identified need remains relevant and important. Where meeting that need would be consistent with up to date Government policy, the longstanding nature of the need means that fulfilling it is all the more important, particularly where it continues to be supported by up-to-date evidence.</p> <p>The weight to be attached to the SRA document was directly considered in the SIFE inquiry which was determined by the Secretary of State in July 2016, following the publication of the NPS (Appeal by Goodman Logistics Development Limited APP/JO350/A/12/2171967). The Inspector identified that the SRA guidance of 2004 should be regarded as cancelled so that the policy should no longer be applied and relied upon. However, the Inspector considered whether the evidence base may remain relevant. In the context of that</p>

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		<p>(iii) Have any significant SFRI facilities been opened or approved since the publication of that report that would help to meet the need identified in the Policy?</p>	<p>decision, the Inspector concluded that, because the NPS was informed by more recent forecasts and because new SRFI developments had been permitted, the evidence base for the SRA guidance could not be considered up to date and reliable (SIFE Inspectors report paragraph 12.101).</p> <p>In order to derive locational guidance, the Inspector placed weight instead on the Network Rail Freight Market Study 2013 and concluded that the need for a regional network had not been overcome despite other permissions being granted in the region.</p> <p>Applying this learning to WMI would suggest the following:</p> <ul style="list-style-type: none"> a) the SRA document attracts no weight as a policy document; b) unlike the London area, no consents for SRFI have been granted in the West Midlands since the need was highlighted in the SRA study; c) more up to date assistance may be obtained from work undertaken by Network Rail; d) Network Rail's forecasts and studies support the development of an SRFI at Four Ashes. <p>(iii) Since 2004 the following SRFIs have come forward:</p>

ExQ1	Question to:	Question:	Applicant's Response
			<ul style="list-style-type: none"> • iPort SRFI at Doncaster, with the rail freight interchange facilities opening in 2018. • DIRFT III SRFI at Daventry, with the expansion phase on the East/West Midlands regional boundary having now started construction. • East Midlands Gateway SRFI at Kegworth is currently under construction, with the rail terminal due to be open by the end of 2019. <p>The consented SRFI at Port Salford in the North West is under construction, whilst the consented Radlett SRFI in the South East region and Mossend International Railfreight Park have yet to start construction, neither of which had the benefit of the DCO approval process to aid delivery.</p> <p>None of those SRFI are in, or would meet the need in, the identified area of need.</p>
1.2.3.	The Applicant and local authorities	<p>Reference is made to the Stoke-on-Trent and Staffordshire Local Enterprise Partnership (LEP).</p> <p>Is the need for a SRFI in South Staffordshire and for a warehousing/logistics development of the type and scale proposed identified in any strategy or programme approved and adopted by the LEP?</p>	<p>The need for a SRFI of this scale, in this location is not directly identified in any strategy or programme approved or adopted by the Stoke-on-Trent and Staffordshire Local Enterprise Partnership (SS LEP). However, as noted in the Statement of Economic Benefits (Document 7.1B, APP-257) at paragraph 1.1.11 "8,550 jobs are expected to be created on-site. That is the equivalent of 17% of the growth target for the whole of the SS LEP to 2030".</p>

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			<p>The SS LEP Economic Plan 2018 does not contain proposals for specific development or types of development. However, a SRFI at Four Ashes supporting up to 8,550 jobs and providing high quality rail infrastructure to serve the area would be clearly consistent with the LEPs objectives.</p>
1.2.4.	The Applicant and local authorities	<p>An assertion is made in the RRs that the Black Country and Southern Staffordshire Regional Logistics Study (which the ExA understands to be the URS Study (2013) referred to in the Planning Statement) found that there was no need for a SRFI in South Staffordshire and recommended that possible locations over a wider area should be considered.</p> <p>The parties are requested to comment and respond to this assertion.</p>	<p>The Applicant understands how authors of the RRs may have come to the conclusion that the URS Study (2013) found there was no need for a SRFI in this location, however, the body of the URS Study established that the need exists and there were no other sites on which it can be met.</p> <p>Paragraphs 5.2.21 – 5.2.33 of the Planning Statement (Document 7.1A, APP-252) set out the Applicant's position on the URS Study (2013) in detail.</p>
1.2.5.	The Applicant and local authorities	<p>Paragraph 5.2.27 indicates that the URS Study concluded that the requirement for “<i>at least 200-250ha</i>” of land to be used for Regional Logistics Sites (RLS) in the sub-region still held good (at 2013).</p> <p>Is this a realistic assessment of the <u>current</u> scale of the unmet need for RLS in the sub-region as a whole?</p>	<p>No. The figure provided in ExQ1.2.5 is a 2013 figure, with the updated position set out in the updated Market Report (Document 7.4A submitted at Deadline 2).</p> <p>The URS Study (2013) (at para 11.3.18) concluded that the requirement for “<i>at least 200 – 250 ha</i>” of land to be used for Regional Logistics Sites (for the West Midlands) still held good as at 2013. This was in the absence of any sites (which conform with the criteria of RLS) coming forward or being promoted (other than WMI), and in the context of significant</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>demand. That is still the case although the quantum of land required is now an underestimate.</p> <p>The RLS requirements were based on the West Midlands Regional Logistics Study (2009 Update), a technical report prepared for the West Midlands Employment Land Advisory Group by MDS Transmodal and Savills.</p> <p>The calculation of the total RLS requirement was set out in section 4 of the RLS 2009 Update Report. The update was commissioned to reflect an extension of the plan period and to use up to date market data.</p> <p>The methodology adopted is helpful because it explains the approach taken to estimating potential need for rail served sites in particular.</p> <p>As a first step MDS calculated the future demand for large scale warehousing to 2026 by adding an estimate of Replacement Build (the replacement of existing warehouse stock which is beyond its useful life) and Growth Build. In simple terms MDS calculated the latter by using volumes of goods delivered in the West Midlands (using the GB Freight Model), adjusted for the type of goods, and converted to floor space requirements using assumptions about pallet capacities, stock turn (the length of time goods stay in a building), floor space utilisation (the efficiency rate of a</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>building), and an assessment of unitised goods being delivered to large scale warehouses.</p> <p>The total gross warehouse new build requirement for the West Midlands to 2026 was calculated to be in the order of 3.24 million sq m (180,000 sq m per annum over the 18 year period), implying a requirement for 811 ha at RLS up to 2026. It was recognised that this figure was a 'gross requirement' and did not represent the amount of additional land needed to be brought forward at RLS. Allowances needed to be made for: available land at existing RLS; other rail-linked sites where land might become available; other pipeline sites (with and without rail linkage); and land at previously developed sites.</p> <p>In the light of planning policy (encouraging the promotion of rail-linked sites), lack of suitable brownfield sites and the competition for them by residential use, the report's assumption is that new rail-linked RLS with large plots are likely to be required for a significant proportion of the forecast new-build, and that new sites will need to be brought forward.</p> <p>Forecasts of land required were based on concentrating on warehousing greater than 25,000 sq m (these both require large plots and benefit from rail (through scale). The report considered alternative assumptions for the proportion of new warehousing greater than 25,000 sq m which would be</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>located at RLS; the analysis was that 45% of existing large scale warehouse space was in buildings greater than 25,000 sq m.</p> <p>It concluded (in the summary to section 5) that there would be a gross land requirement at RLS of between 307 ha (reflecting 70% of units of 25,000 sq m plus going to a RLS) and 438 ha (reflecting 100% of units of 25,000 sq m plus going to RLS) forecast to 2026.</p> <p>The Panel Report recommended that 200-250 ha is required, an increase from the previous target of 150 ha.</p> <p>It is useful to consider:</p> <ol style="list-style-type: none"> 1. the total take-up from 2009 to the present and compare with the predicted rates; and 2. the land supply brought forward in the same time period, which would qualify as RLS. <p><i>1. Take-up</i></p> <p>A table (Appendix 5) of take-up for the period 2009 – 2018 is provided by year and by size band (the data is analysed initially using imperial measures preventing a direct comparison to the 25,000 sq m threshold in the Study).</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>The data demonstrates that the annual take-up in the West Midlands (from 2009) has exceeded the predicted average requirement (of 180,000 sq m). Hence, in terms of overall assessment of demand (and take-up) the Study was conservative. Analysis of floor area in buildings in excess of 27,870 sq m (a proxy for the 25,000 sq m threshold used in the Update Report) shows an average of 37.64% of take-up, against 45% of existing floor area (i.e. total stock) used in the Update Report.</p> <p>The table (Appendix 5) distinguishes between second hand and new build space simply to show that a high proportion of space (54.14%) is new build, which directly absorbs land and impacts on land requirements.</p> <p><i>2. RLS Land Supply brought forward</i></p> <p>The only additional RLS land to have been delivered since then is the land adjoining Birch Coppice (48.6 ha in the Update Report but actual developable area has been approximately 34.2 ha) of which 6.88 ha remains, and that at Hams Hall Power Station B (20 ha) of which 8.9 ha remains. Hence a total of only 54.2 ha has been brought forward of which 15.78 ha remains.</p> <p>There are some primary conclusions to be drawn:</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>1. Of the 200-250 ha of RLS provision to 2026 only 54.2 ha has been delivered, leaving a deficit of 145-195 ha on those figures.</p> <p>2. The lack of supply on non-RLS sites combined with take-up which has exceeded the forecast need (and 200-250ha was a reduction from the Update Report forecast need) has resulted in a significant land supply deficit.</p> <p>Of the total take-up since 2009, only 289,500 sqm of new warehousing has been rail linked or served; that constitutes only 12.5% of total new warehousing . In this respect, therefore, the purpose of the policy and the intention of the study that, all new large scale warehousing should ideally be rail served has been dramatically undermined. Instead, due to the failure of the planning system to allocate suitable rail served sites, planning decisions have perpetuated the lorry based nature of warehousing in the region, directly contrary to the objectives of regional policy at the time and contrary to the thrust of government policy.</p> <p>The methodology to meet future requirements might be simplified from the approach taken by the previous Regional Logistics Study. The table (Appendix 5) shows annual take up of new space to be c.231,722 sq m per annum. Assuming that a plan undertaken today would project that to say 2035 the total requirement would approximate to 3,707,552 sq m (i.e. 5 times the size of WMI).</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>It is then a matter of policy to decide what proportion would be rail served but ideally it all would be. That is a scale of requirement vastly in excess of WMI and it points unsurprisingly towards a need for several large scale SRFI – a network in fact, exactly as is seen to be developing in the East Midlands, exactly as required by the NPS, and as was envisaged in previous West Midlands logistics studies.</p>
1.2.6.	The Applicant and local authorities	(i) If the unmet need for RLS in the sub-region as a whole is for some 200-250ha of land what evidence is there as to what proportion of this need should be met in South Staffordshire district?	<p>(i) The most recent reference to the sub-regional need being 200-250ha is 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. In this report the Director confirmed the Council's agreement that this estimate of outstanding need for new RLS continued to hold good (see Paragraph 5.2.28 of the Planning Statement (Document 7.1A, APP-252)).</p> <p>The need is not divided between districts and neither would that be appropriate. SRFIs should not be broken up or disaggregated to reduce their efficiency. New SRFIs are considered to be Nationally Significant Infrastructure Projects (NSIPs) rather than developments serving only a local need.</p> <p>The Alternative Sites Assessment (ASA) (Document 7.2, APP-257) identifies a search area within which it is</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) What contribution, if any, would the proposed strategic employment site being promoted by Nurton Developments (Hilton Park) Limited on land near to Junction 11 of the M6 (see RR-0991) to meeting South Staffordshire's appropriate share of any identified need?</p>	<p>appropriate to search for a site to meet the identified need. It is apparent that there is benefit in meeting the need in the southern part of the District, as close to the Black Country as possible. It is also clear that there is an additional need further north in Staffordshire (see Planning Statement paragraph 5.2.16 (Document 7.1A, APP-252) and WM RSS (2009) Policy PA9).</p> <p>(ii) The proposed strategic employment site being promoted by Nurton Developments at J11 comprises 103.2 ha (gross) with a potential net developable area of 65.63 ha. It is not rail served. It could deliver c. 206,020 sq m of B1, B2 and B8 space. The proposals for part of the site (to the west of the proposed relief road linking to J11 and comprising 14.3 ha) is masterplanned for small to medium sized units ranging from 2439 sq m to 9756 sq m. These serve a different market entirely to WMI and would not compete with it. The remainder of the scheme is proposed to provide units of between 8129 sq m and 46,140 sq m, but with the majority proposed to be up to 24,387 sq m. Whilst it is located in the same market area, and will compete to an extent, it is primarily targeted at different markets (the scheme proposals include B1 and B2 uses and are not restricted to B8 as is the case with WMI), proposes buildings which are generally at the lower end of the size range, does not have the benefit of rail and will help supply an under-supplied market. The total floor area capacity constitutes less than</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(iii) Have any other strategic site/RLS opportunities been identified that might contribute to meeting that need?</p>	<p>one year's supply even if it was all taken up for buildings in excess of 9290 sq m.</p> <p>(iii) Section 6 of the Market Assessment (Document 7.4, APP-257) provides an analysis of land supply. The updated Market Assessment (Document 7.4A submitted at Deadline 2) provides an update of sections 4, 5 & 6 using supply and demand data to the end of 2018.</p> <p>RLS: RLS is a term that is no longer used, and has been superseded by the term SRFI which is used in the NPS.</p> <p>Strategic sites: there are no other strategic site opportunities in the sub-region (assuming that to be the Black Country and South Staffordshire) identified that might contribute to the unmet need. In the wider market area there are no sites suitable for a SRFI, a conclusion which is consistent with the Alternative Sites Assessment (Document 7.2, APP-255). A review is provided in the updated Market Assessment at para 6.4.35. In summary there are no strategic sites, certainly none which are rail served.</p> <p>It is interesting to note that one of the sites to have come forward in the period since the date of the Market Assessment has already been 50% committed (Redditch Eastern Gateway) – but again it is not rail served.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.2.7.	The Applicant.	<p>Existing Rail Terminals Several the RRs argue that there is no need for a new SRFI because the area is well served by existing facilities. Although exact site locations have not been quoted in most of the representations this list includes: East Midlands Parkway (stated to be operating below its capacity); DIRFT; Telford (stated to be underused and receiving only 1 train per week); Dudley Freight Terminal (stated to have closed due to a lack of use); Donnington SRFI; Stoke-on-Trent (stated to be an existing road/rail depot with good road and motorway access); Rail connected warehousing at Penkrige (which is said to have been demolished because there was no demand for it). Some, but by no means all, of these facilities are referred to in the Market Assessment [APP-257] Report.</p> <p>Can the Applicant provide a written note commenting on the availability of all these suggested alternatives and their capacity/ suitability to meet some or all of the identified need for SRFI capacity in the North West Quadrant of the WM Region?</p>	<p>Firstly, in terms of the ability of any site to contribute to the need for SRFI capacity in the North West Quadrant (NW Quadrant) (see Appendix 2) of the WM Region, the following should be noted:</p> <ul style="list-style-type: none"> • In terms of the geographic catchment of rail freight traffic moved through SRFI, Analysis of ProLogis survey data for DIRFT I indicates that one third of all rail-related traffic stays within the site, with the remaining two-thirds of all rail-related traffic being typically concentrated within 15 km of the site (DIRFT III Need Report, Nathaniel Lichfield & Partners for ProLogis, October 2012, paras 5.76 and 5.77). • In terms of alternatives to addressing the need, the NPS is clear (paragraph 2.55 and in Table 4) that neither option of a) reliance on the existing rail freight interchanges to manage demand or b) reliance on a larger number of smaller rail freight interchange terminals would address the need. <p>In terms of the sites noted by the RRs:</p> <ul style="list-style-type: none"> • East Midlands Parkway (East Midlands region): this is a passenger station with no rail freight facilities, on a main line route with W7 loading gauge clearance (Paragraph 4.85 of the NPS states "As a minimum a

ExQ1	Question to:	Question:	Applicant's Response
			<p>SRFI should ideally be located on a route with a gauge capability of W8 or more”). East Midlands Parkway is over 60km from Four Ashes. The site could therefore not address the need – it would serve a different part of the country;</p> <ul style="list-style-type: none"> • DIRFT (SRFI in East Midlands region): The site is over 70km from Four Ashes and could not therefore address the need; • Telford (RFI in West Midlands region): an intermodal terminal funded and promoted by the public sector, in a peripheral location with loading gauge constraints preventing full W8 gauge clearance. In recent years the site has been used to stable empty wagons and passenger coaches and for a daily flow of aggregates traffic. Telford is an existing site which pre-dates the NPS and is not big enough to address the need; • Dudley (former RFI in West Midlands region): the Freightliner terminal closed in 1986 through a decision by the operator (British Rail) to consolidate operations on another terminal in Birmingham at Lawley Street, which remains in operation today. The railway line to which the Dudley terminal was connected closed in 1993, and the site is expected

ExQ1	Question to:	Question:	Applicant's Response
			<p>to be incorporated into future expansion of the Midland Metro tram network. The site could therefore not address the need;</p> <ul style="list-style-type: none"> • Donnington: this could either refer to Telford (Donnington) noted above, or to the East Midlands Distribution Centre (EDC) at Castle Donnington which has a small RFI attached to one of the warehouses (the M&S site). EDC became operational in 2018 and is now being marketed for use. EDC is an existing site over 60km from Four Ashes, which predates the NPS and is not big enough address the need. We are not aware of any SRFI site named Donnington in the Stoke-on-Trent area; • Penkridge: the Applicant has not found any evidence of any current or historic rail-served warehouses in the area and no remaining main line connections which could form the basis for a new RFI or SRFI. • Stoke: has the ability to be a location for a SRFI with good rail and road access, but is too far away to serve the needs of the Black Country and Birmingham Conurbation.

ExQ1	Question to:	Question:	Applicant's Response
			<p>The WMI Alternative Sites Assessment (Document 7.2, APP-255) has considered all realistic prospects for SRFI sites of sufficient size and road/rail connectivity in the area.</p>
1.2.8.	The Applicant, NR and local authorities	<p>Alternative Sites Assessment [APP-255]</p> <p>(i) Although there appears to have been some engagement at consultation stage, what consultation or engagement was carried out with relevant bodies and authorities when setting out the methodology and area of search adopted in the Alternative Sites Assessment (ASA)?</p> <p>(ii) Was consultation carried out in respect of sites included in the long list of potential sites and the subsequent filtering of this list to produce the short list of sites at paragraph 8.4.1 of the ASA?</p>	<p>(i) & (ii) The methodology, area of search and long list of potential sites adopted in the Alternative Sites Assessment (ASA) (Document 7.2, APP-255) was developed in close consultation with the Local Authorities.</p> <p>Discussions began at a meeting with Planning Officers from SSDC, SCC and WCC on 18 August 2016. At this early stage, the Applicant explained the work which had been done to establish the search area and the criteria for the early due diligence work. A list of potential alternative sites which had been suggested historically or during the WMI Stage 1 Consultation was shared but it was emphasised at that time that further work was underway in order to fully test whether or not any other sites were practically feasible to meet the identified need.</p> <p>Follow up meetings with the local authorities were held on 5th October 2016 and 7th March 2017. Drafts of the ASA were shared with Officers from SSDC, SCC and WCC between meetings and the draft ASA was revised in accordance with Officers comments.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(iii) To what extent are the findings of the ASA agreed by the local authorities within the sub-region, particularly in relation to those included in the short list of sites considered?</p>	<p>In April 2017, Officers from SSDC and SCC provided detailed combined comments on the latest draft ASA. Officers' comment related to the methodology, the search area, the site selection criteria, the short and long-listed sites and the findings from the analysis of the potential alternative sites.</p> <p>The draft ASA was updated with the benefit of the Officers detailed comments and a meeting was held on 4 July 2017, to discuss the draft ASA which was to be published at Stage 2 Consultation (5 July to 30 August 2017).</p> <p>SSDC and SCC provided further comments on the draft ASA in their responses to the Stage 2 Consultation. The ASA was subsequently updated in response to the Stage 2 comments, and a final ASA meeting was held on 12th September 2017 to discuss the final revised draft.</p> <p>(iii) In addition to SSDC and SCC, the Applicant has attempted to agree the findings of the ASA with local authorities within the sub-region and, in particular, Wolverhampton, Cannock Chase, Stafford and Stoke-on-Trent.</p> <p>Local authorities within the sub-region were given an opportunity to comment on the draft ASA at Stage 2 Consultation (5 July to 30 August 2017). In addition, the Applicant wrote directly to the Officers at Cannock Chase,</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Wolverhampton and Stafford Borough during Stage 2 consultation in order to ask for their specific comments on the ASA. The Applicant welcomed any views from the Officers on the ASA's methodology, analysis and conclusion.</p> <p>Officers from Cannock Chase provided detailed comments on the ASA via email in August 2017. The Officers' drew the Applicant's attention to a titling error of the site which was renamed "<i>Mid Cannock Colliery/Poplars Landfill Site</i>" and suggested other amendments/corrections related to the status of rail infrastructure and local policy documents. The Officers did not raise in principle objections to the methodology or conclusions of the draft ASA.</p> <p>Wolverhampton's comments to the Stage 2 Consultation recognised "<i>the very special locational and operational requirements which limit the locational choices as set out in the Planning Statement and associated technical studies including the Alternative Sites Assessment</i>". Wolverhampton raised no objections to the ASA in their comments at Stage 2 or within their Relevant Representations (RR-1167).</p> <p>In addition, in October 2017, Officers from Wolverhampton wrote to the Applicant and confirmed their view that "<i>the WMI site appears well suited and well located to meet the</i></p>

ExQ1	Question to:	Question:	Applicant's Response
			<p><i>need for a large scale SRFI and we do not consider there are any realistic alternative sites”.</i></p> <p>Stafford Borough Council's comments to the Stage 2 Consultation noted “<i>that three locations in Stafford Borough are identified [in the ASA], at Meaford Power Station (65 ha), Creswell next to Junction 14 of the M6 (260 ha) and Stafford West (120 ha) either side of the M6 between Junctions 13 & 14. As noted in the draft ASA parts of the Meaford Power Station site have employment consent whilst the eastern part of the Stafford West site is allocated for housing development in the adopted Plan for Stafford Borough. In general terms the Council agrees with the initial conclusions of the Alternative Sites Assessment that only Creswell should be identified on the ‘short list’ of potential alternative sites. Furthermore the Council agrees with the general conclusion that Creswell is not a suitable alternative for the Strategic Rail Freight Interchange due to the environmental & highway access constraints.”</i></p> <p>Stafford Borough Council reiterated their position in their Relevant Representations (RR-0993) and stated that the Council “<i>supports the conclusions of the Alternative Sites Assessment (ASA) noting that there are no suitable sites within the Borough for a Strategic Rail Freight Interchange development of this scale”.</i></p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>A meeting with Officers from Stoke-on-Trent was held on 28 November 2017 to explain the Proposed Development and ask for any feedback. This meeting included a summary of the ASA's methodology and conclusions. At the meeting, Officers did not raise any objections to the ASA or suggest any potential alternative sites within Stoke-on-Trent. Also, Officers agreed that Stoke-on-Trent should not form part of the search area for a SRFI which is intended to meet the demands of the Wolverhampton/ Birmingham conurbation or the needs of the distribution industry in the Black Country and southern Staffordshire. Stoke-on-Trent City Council did not formally respond to Stage 2 consultation or provide any additional feedback.</p> <p>No in principle objections to the ASA were raised by the other local authorities within the sub-region during the extensive consultation period or within the Relevant Representations. No new potential alternative sites were identified by any local authorities within the sub-region.</p>
1.2.9.	Local authorities and NR	Are there any potential sites which might meet the need for a SRFI in the North West Quadrant of the WM Region which have not been considered in the ASA?	<p>The Applicant does not believe there are any potential sites which have not been considered in the Alternative Sites Assessment (ASA) (Document 7.2, APP-255).</p> <p>The Applicant notes that the Local Authorities did not identify any potential alternative sites throughout the</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>detailed pre-application consultation period (summarised above) which have not been included in the ASA.</p> <p>Any specific alternative sites which were suggested by the Local Authorities during pre-application consultation are listed in the table on Page 38 of the ASA or were included on the long-list of alternative sites.</p> <p>Following submission of the WMI DCO application (July 2018), the Applicant has continued to monitor local policy, major applications and any other changes in the ASA Search Area (Appendix 2 of the ASA (Document 7.2, APP-255)) which may affect the conclusions of the ASA. No new potential alternative sites have been identified and there have been no changes to the identified sites which would make them more likely to meet the need for a SRFI in the ASA Search Area or a more suitable or appropriate alternative to WMI.</p>
1.2.10.	The Applicant	Several sites have been referred in RRs as potential alternative locations for a SRFI in the region. Some of these appear to have been considered and discounted for reasons set out in the table commencing on P38 of the ASA. Although they may have been identified in the ASA by means of a different name those that do not appear to have been considered include: Rugby Sidings; Crewe Sidings; Former RAF Airfields at Gaydon and High Ercall; land at	Please refer to the document entitled " <i>ASA: Potential Alternative Sites Suggested in Relevant Representations</i> ", appended to this document (Appendix 6).

ExQ1	Question to:	Question:	Applicant's Response
		<p>Pleck (Walsall) near to J9 of the M6; and Horseley Fields near Wolverhampton.</p> <p>Can the Applicant provide a written note commenting on the availability of these suggested alternatives and their capacity/ suitability to meet some or all of the identified need for SRFI capacity in the North West Quadrant of the WM Region?</p>	
1.2.11.	The Applicant, NR and Local Authorities	<p>Paragraph 5.5.31 states that, to achieve a suitably sized site at Dunston through CA, would require it to be demonstrated that there are no alternative sites available but, unlike the Four Ashes Site, the potential site at Dunston does not include Green Belt land.</p> <p>Has sufficient work been undertaken in the ASA to rule out the potential Dunston site as a suitable alternative for a SRFI development?</p>	<p>The Applicant considers that sufficient work has been undertaken in the Alternative Sites Assessment (Document 7.2, APP-255) to rule out the potential Dunston site as a suitable alternative for a SRFI development.</p> <p>As set out at Section 7.5 of the ASA, Dunston is an 'Undocumented Site', meaning it was identified by the Applicant and it is not referred to in any existing or emerging planning documents.</p> <p>Once the broad area around Dunston was identified as potentially suitable for a SRFI development, the WMI design and engineering team were asked to consider if an appropriate development site could be formed using the required development criteria (i.e. access to road and rail and sufficient space for development) with consideration of the defined boundary such as highways, railway lines, river, canal or adjacent developments. The design and</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>engineering team were asked to consider if variations to the alternative sites' boundaries or scale could avoid potential environmental impacts, thereby ensuring that the Dunston site was not discounted for reasons which could be avoided through changes to the boundary or design.</p> <p>Once identified and defined, the Dunston site was assessed in a two-stage process. First, as part of the long-list of potential alternative sites, Dunston was assessed against the criteria listed at paragraph 6.1.3 of the ASA in order to appraise its suitability in principle for the development and successful operation of a SRFI. The results of this assessment are summarised at Appendix 4 of the ASA.</p> <p>Follow the first assessment, the WMI specialist consultants contributed to a more detailed assessment of the Dunston site and undertook desk-based assessments and site visits. The environmental considerations were assessed by a desk-based review of information from the public domain for the site. The study information was used alongside professional judgement to describe and evaluate features and constraints at the site. Site constraints were assessed both in terms of potential environmental impacts should the site be developed for a SRFI use (for example, impacts to ecological receptors resulting from loss of habitats), and in terms of impacts to the site from environmental factors (for example, impacts on the site layout from flood risk).</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>The assessment concluded that the combined impacts on Dunston's rural character, as well as the effects on local amenity, makes the site unsuitable and is not considered to be an acceptable location for a SRFI or a suitable alternative to WMI.</p> <p>The Applicant understands that SSDC would not support SRFI or any large-scale development at Dunston and do not regard Dunston as a suitable or preferable site to WMI.</p> <p>The Applicant would welcome the opportunity for the ExA to visit the Dunston site in order to assess the conclusions of the ASA. Therefore, the Applicant has suggested a short inspection of the Dunston site as part of its proposed itinerary for the Accompanied Site Inspection.</p>
1.2.12.	The Applicant and NR	<p>Capacity of Rail Network The Initial Rail Freight Terminal proposed is expected to attract 4 trains per day and the Expanded Terminal would have capacity for up to 10 trains per day. NR [RR-0990] states that it is broadly supportive of the proposal but does not directly confirm the availability of rail paths for this projected number of trains.</p>	<p>The NPS sets out at paragraph 4.89 that:</p> <p><i>"As a minimum, a SRFI should be capable of handling four trains per day and, <u>where possible</u>, be capable of increasing the number of trains handled"</i> (emphasis added).</p> <p>The Proposed Development will commit to creating the SRFI with the Initial Rail Terminal. The Expanded Rail Terminal is anticipated to increase the handling capacity to up to 10 trains per day.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(i) What evidence/reassurance can NR provide that sufficient rail paths will be available in the short (Years 1-5 of the proposed construction phasing) and longer term (Years 6-10) to accommodate these anticipated train movements without an adverse effect on passenger and other freight movements on this part of the WCML?</p> <p>(ii) Can these suggested movements satisfactorily be accommodated without a significant effect on the speeds of passenger services using this section of the network?</p>	<p>(i) As per Section 3.6 of the Network Rail SoCG (Document 8.1, AS-025), two pathing studies have been carried out in 2007 and 2017 with both studies indicating that paths are available on the network at regular intervals throughout the day.</p> <p>It may be helpful for the ExA to be informed by the note contained at Appendix 7 of this document, which has been agreed with Network Rail and explains how rail paths are allocated.</p> <p>The most recent train pathing study concluded that it would <i>"be possible to choose 4 paths each way in the initial phase of operations, with the increase to ten paths in the future, based on the current timetable"</i>.</p> <p>The paths identified in the study have been formulated to ensure no impact on passenger services. Some non-passenger services would be retimed to make efficient use of the network.</p> <p>On this basis there would be no adverse impact on passenger and other freight movements on this part of the WCML.</p> <p>(ii) Yes - the paths identified in the study have been formulated to ensure no impact on passenger services.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>The most recent train pathing study concluded that it would <i>"be possible to choose 4 paths each way in the initial phase of operations, with the increase to ten paths in the future, based on the current timetable"</i>.</p>
1.2.13.	NR	<p>(i) Could the rail freight movements generated by this proposal (of up to 10 trains per day) be accommodated on the WCML and wider network in addition to those that are expected to be generated by the DIRFT 3, East Midlands Gateway, Rail Central and Northampton Gateway SRFI developments?</p>	<p>(i) Network Rail's long-range forecasting process (Freight Market Study 2013) considered a quantum of SRFI floorspace nationwide of 13.3 million sq m being delivered by 2043, generating the equivalent of over 78,000 trains per annum (around 270 per day).</p> <p>Some 12% of this floorspace is notionally located in the WM region, and around three-quarters of the floorspace would be expected to generate rail freight services using the WCML for part of all of the journey.</p> <p>This unconstrained forecast has been used, along with other parallel forecasts of passenger demand, to inform the options for funders to address network enhancement over the same period.</p> <p>Network Rail's view on the ability of the rail network to cater for freight generated by this proposal is set out in the Statement of Common Ground (Section 3.6) (Document 8.1, APP-025).</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) Would the rail freight movements generated by this proposal (of up to 10 trains per day), either in isolation or in combination with those associated with other consented or proposed SRFI projects, be likely to impinge on the capacity of the WCML and passenger services between Milton Keynes and London (see Doc [AS-012])?</p>	<p>(ii) See answer to (i) above. The majority of SRFI developments identified in Network Rail's long-range forecasts would be expected to use the WCML between Milton Keynes and London to varying degrees. To reiterate, Network Rail has stated in the SoCG (see Section 3.6, bottom of Page 5) that <i>"Because of the incremental build-up of freight movement from SRFI, whilst the ultimate capacity could not be made available from the outset (nor would it be needed), Network Rail believes that capacity can be made available for the planned growth of the development in the context of developing the rail network in line with long-term approach to planning, which assumes the majority of new rail freight growth coming from SRFI such as this."</i></p> <p>On an incremental basis, paths for freight trains to and from SRFI would be sought by train operators through the established timetable planning process, which seeks to allocate passenger and freight paths based on available network capacity (see Appendix 7). This process takes place alongside a rolling programme of longer-term network enhancement, in parallel with developments such as HS2, which will divert longer-distance passenger services between the West Midlands and London away from the WCML, releasing capacity on the WCML for other traffic.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.2.14.	The Applicant and NR	<p>Paragraph 3.3.11 of the Rail Operations Report [APP-256] refers to the Applicant and NR having worked on two separate timetable studies to consider how trains to and from the Proposed Development could be scheduled around existing passenger and freight services. These are also mentioned in the SoCG between the Applicant and NR.</p> <p>(i) If worked on jointly by the Applicant and NR to what extent were these “independent studies” as asserted in that paragraph?</p> <p>(ii) Is it intended that these studies be put into the examination and, if not, what are the reasons for this?</p>	<p>(i) The timetable studies were conducted by external consultancies with the results reviewed by Network Rail. The studies were therefore undertaken by organisations separate to, and independent of, Network Rail, but paid for and commissioned by the Applicant.</p> <p>(ii) The Applicant considered the capacity of the West Coast Main Line (WCML) at a very early stage of developing the proposals for a SRFI at this location, as a key decision-making factor in proceeding with the project. Independent consultants ARUP were therefore commissioned in 2009 to review the availability of paths. More recently, in connection with the DCO application, the Applicant considered it to be appropriate to again review the availability of capacity on the WCML, using a separate set of independent consultants (PRA) to undertake a second study in 2017 using the latest version of the working timetable. In both cases the study findings have been reviewed by Network Rail, informing the position taken by the Applicant and Network Rail in the</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Statement of Common Ground (Section 3.6) (Document 8.1, APP-025).</p> <p>The PRA study is available at Appendix 8 of this document.</p>
1.2.15.	The Applicant and NR	What progress has been made with the 'Capacity Plus (Phase 1 WCML)' process referred to in paragraph 3.3.14 of the Rail Operations Report and has this produced any data that might help to demonstrate the capacity on the WCML for the 10 trains per day which might be generated by the Proposed Development?	The Applicant understands that the content of the Capacity Plus (Phase 1 WCML) document, and the conclusions reached in it, are not currently up-to-date and should not be relied upon by the ExA. Network Rail produced this draft document but it was not completed or formally published.
1.2.16.	NR	Are there any concerns about the load bearing capacity of the railway viaduct to the north of the application site to carry freight trains of 775m length?	-
1.2.17.	The Applicant and NR	(i) What stage has been reached in respect of the Governance for Railway Investment Project (GRIP) approval process?	(i) Governance for Railway Investment Projects ('GRIP') is the process that Network Rail uses to manage developments to enhance or renew Britain's rail network. GRIP is a management and control process developed by Network Rail to minimise and mitigate the risks associated with projects to enhance or renew the operational railway and projects. It is based on best practice within industries that undertake major infrastructure projects and practice recommended by the bodies including the Association of Project Management (APM) and the Chartered Institute of Building (CIOB).

ExQ1	Question to:	Question:	Applicant's Response
			<p>The Proposed Development has completed GRIP 1 and 2, the scope of the works covering:</p> <ul style="list-style-type: none"> • An initial review of the SRFI proposals by Network Rail prior to the start of the GRIP process, considering the customer requirements from the Applicant alongside the internal requirements of Network Rail, from which to then decide whether Network Rail should agree to work on the project and allocate resources to it; • Having agreed to enter into the GRIP process with the Applicant, identifying the critical outputs of the SRFI project for the Applicant (i.e. operational main line connections and associated rail services) and Network Rail (i.e. achieving a suitably robust engineering and operational solution which would not introduce unacceptable risks to the national rail network); • A high-level reviewing of the feasibility of the scheme proposals from various perspectives and disciplines within Network Rail, including: <ul style="list-style-type: none"> ○ Interfaces with other Network Rail projects ○ Infrastructure requirements (track, signalling, structures, electrification, embankments); ○ Operational considerations (timetabling, control) ○ Risks; ○ Environment; ○ Works programme.

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) What level of certainty is there that the project will gain the requisite GRIP and any other NR approvals required to secure both a connection to and the necessary rail paths on the WCML to enable the Initial Rail Terminal to be constructed and operational as part of the proposed first phase of development by 2026 as envisaged in ES Table 4.1?</p>	<p>As noted at paragraph 3.3.5 of the Planning Statement (Document 7.1A, APP-252), GRIP 3 was achieved on 12th April 2010 on a previous rail terminal layout.</p> <p>(ii) GRIP 2 provides the necessary certainty that there is no in principle difficulty with the proposed connection. Two GRIP processes were carried out on a previous layout and on the new proposed layout, with both successfully completed. The assessment of the connection and the train pathing formed part of those GRIP assessments.</p> <p>GRIP 2 is the stage that a SRFI would normally reach pre-approval, as at East Midlands Gateway. However, as noted in (i) above, WMI has the added benefit of a previous GRIP 3 approval on a slightly altered design (now redundant).</p> <p>As noted in the Network Rail SoCG (Document 8.1, AS-025) at Section 3.6, the exact design of the connection points needs to be concluded later in the GRIP process (stages 3-5). The principle of the connection is not in doubt.</p> <p>The GRIP 3 process will identify the design for the connection points to be fed into the procurement process.</p>
1.2.18.	The Applicant	<p>Scale of Development Proposed. Reference is made in the Planning Statement to the volume of warehousing development at existing SRFIs and that</p>	<p>The Applicant's response to ExQ1.2.18 is provided in a separate note at Appendix 9.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>proposed in other SFRI projects that are at various stages in the DCO examination process.</p> <p>Given the Green Belt location of the application site and the need for CA to complete the land assembly can the Applicant please set out a specific justification for the development of up to 743,000 sq. m of warehousing as part of the WMI?</p>	
1.2.19.	The Applicant	<p>Concerns are raised in in the RRs about the encroachment of the Proposed Development into the area to the south of Vicarage Road and some suggest that Vicarage Road would make a more logical boundary for the development.</p> <p>Having regard to its Green Belt designation and the apparently greater reliance on CA to assemble this part of the Site than in relation to other parts, what specific need/ justification is there for including this area of land within the Proposed Development?</p>	The Applicant's response to ExQ1.2.19 is provided in a separate note at Appendix 10 .
1.2.20.	The Applicant	<p>Rail Connectivity of Proposed Warehousing</p> <p>Paragraph 3.6.62 states that up to 154,413 sq. m (GIA) of the proposed warehousing would have the potential to be directly rail linked, representing about 20% of the total 743,200 sq. m of warehousing proposed.</p>	<p>As noted in footnotes 44 and 45 of the Planning Statement (Document 7.1A, APP-252):</p> <p><i>"Rail-served refers to the provision of rail freight services on the wider site, through an intermodal terminal."</i></p>


ExQ1	Question to:	Question:	Applicant's Response
		<p>To what extent does this aspect of the proposal satisfy the requirement, at paragraph 4.88 of the NPS, that although it is not essential for all buildings on the site to be rail connected at the outset, "a <i>significant element should be</i>"?</p>	<p><i>"Rail-linked</i> refers to a direct connection of a building, or building plot, to rail."</p> <p>As noted by the ExA, the Proposed Development provides 20% of the Site with the potential to be directly rail-linked (or rail connected); with all warehousing on the site being rail served (or rail accessible). As set out in paragraph 10.2.23 of the Planning Statement "<i>WMI would be capable of accommodating rail-linked and rail-served warehousing in the first phase of development, with this phase capable of providing an operational rail network connection and areas for intermodal handling and container storage through the Initial Rail Terminal</i>", in accordance with paragraph 4.88 of the NPS.</p> <p>The Applicant's compliance with paragraph 4.88 of the NPS is set out in further detail at paragraphs 12.2.11-13 of the Planning Statement (Document 7.1A, APP-252). This includes reference to the recent EMG application, which provided none of the buildings with the potential to be rail connected, but with all of the warehousing considered to be rail-served.</p> <p>Paragraph 18 of the EMG decision letter, provided at paragraph 10.2.19 of the Planning Statement, explained how the Secretary of State interprets the policy requirement in the NPS:</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p><i>"The Secretary of State notes that the proposed arrangement at the SRFI is that railborne freight would be transported between the terminal and individual warehouses by roadbased tractors. He considers that this would, at the least, mean that the warehouses would be "rail accessible" or "rail served", even if not directly connected in terms of rail sidings being physically located in close proximity to warehousing units. He considers that the proposed form of connection between warehouses and the rail freight terminal is sufficient to satisfy the objective of this part of the NPSNN, namely to facilitate and encourage the transport of freight by rail."</i></p>
1.2.21.	The Applicant	(i) Given that the warehousing proposed in Zones A3 to A7 would be segregated from the new rail infrastructure by the WCML what potential, if any, is there for warehouses in those zones to be directly rail linked in the future?	<p>(i) The answer above in 1.2.20 sets out the NPS position on the need for rail linked warehousing in the NPS (paragraph 4.88). Warehousing in zones A7 and A3 are rail served rather than rail connected. There is no intention that warehouses in these zones would be directly rail connected. Customer demand is predominantly for rail served warehousing rather than rail connected warehousing so that the economies of scale of operating one larger intermodal terminal can be shared. The fixed operational costs of a rail terminal such as lifting equipment and staffing costs can be shared amongst a number of customers in a common user rail terminal and it will also be easier to make up full train loads by combining the traffic of a number of parties in a common user rail terminal rather than trying to operate a</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) If no such potential exists, to what extent does this aspect of the proposal satisfy the requirement at paragraph 4.88 of the NPS that “<i>applications should provide for a number of rail accessible buildings for initial take-up, plus rail infrastructure to allow more extensive rail connection within the site in the longer term</i>”?</p>	<p>number of smaller independent rail terminals at the site. For these reasons customers usually prefer rail served warehousing.</p> <p>The number of rail connected warehouses on SRFI varies, from Hams Hall, Wakefield, iPort and EMG with no provision, to DIRFT I/II having 3 customers with direct rail connections to the warehouses at present. Currently only 3 warehouses across all the 7 operational SRFI (all located at DIRFT), actually receive wagons directly alongside the building, or nearby using intermodal terminals adjoining the service yards. WMI would provide up to 5 units with rail facilities adjoining the service yards, with up to 2 of these facing onto the intermodal terminal.</p> <p>(ii) The approach for WMI is consistent with the determination by the Secretary of State on the EMG DCO, stating (paragraph 21): “<i>The Secretary of State accepts that the application proposals do not provide specifically for future extension of the rail infrastructure beyond that which would be authorised by the Order. He considers, however, that the capacity which the currently proposed rail facilities would provide, without any future extension, is such as to allow a substantial volume of rail freight traffic to and from the site (the equivalent of up to 1800 HGV movements per day). He is satisfied that, if realised, this would make a significant and worthwhile contribution to modal transfer which is a key objective of the NPSNN policies for SRFIs.</i>”</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>As can be seen in the Illustrative Expanded Rail Terminal Layout (Document 2.15B, APP-250), there is provision for the extension of rail infrastructure that will allow rail connections to the warehouses in Development Zone A2.</p> <p>The degree of rail connectivity significantly exceeds that found to be compliant with the NPS at EMG.</p> <p>Please also refer to the answer to ExQ1.2.24.</p>
1.2.22.	The Applicant	<p>The Illustrative Plans for the Rail Terminal at Document 2.14 [APP-238] appear to indicate dedicated sidings serving only the units in Zone A1 with units in Zone A2 separated from the new rail infrastructure by the proposed container storage area in the Expanded Rail Terminal scenario (Document 15B).</p> <p>How could dedicated sidings for the proposed units on Plots 1010 & 1020 be provided within the scope of the submitted Parameter and Works Plans?</p>	<p>The Applicant has understood this question to refer to Development Zone A1 and Illustrative Units 1010 and 1020 only, and also to Document 2.15B.</p> <p>Dedicated sidings for the Illustrative Units 1010 and 1020 could be provided by locating one of the rail sidings to the west of the container stacking area and ensuring a method of controlling access to that area of the terminal.</p> <p>However, a significantly more efficient way of providing direct rail links to those units would be through allowing reach stackers and other lifting equipment to move from the units into the rail terminal area by allowing direct access to the shared terminal.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>A plan has been included in Appendix 11 showing how this could operate. It is similar to the layout shown in the photo in Appendix 12 of the Sainsbury's rail connected warehouse at DIRFT II in that lifting equipment such as reach stackers or gantry cranes could move between the rail terminal area and the yard area of the warehouse. Operational and security arrangements around the terminal would be adapted to reflect this method of working.</p> <p>It should be noted that at DIRFT, the Sainsbury's and Tesco warehouse units are themselves separated from the rail infrastructure by their respective container storage areas.</p> <p>Therefore, whilst dedicated sidings for the Illustrative Units 1010 and 1020 could be provided within the scope of the submitted Parameter and Works Plans, there are more efficient methods of linking the units to the rail infrastructure and, as set out in the response to 1.2.21 above, this reflects the customer demand for sharing the fixed operational costs of operating one larger intermodal terminal.</p>
1.2.23.	The Applicant	The Rail Operations Report [APP-256] indicates that movement of containers from the Rail Terminal to and from the rail served warehouses may be undertaken by "tugmaster" vehicles.	

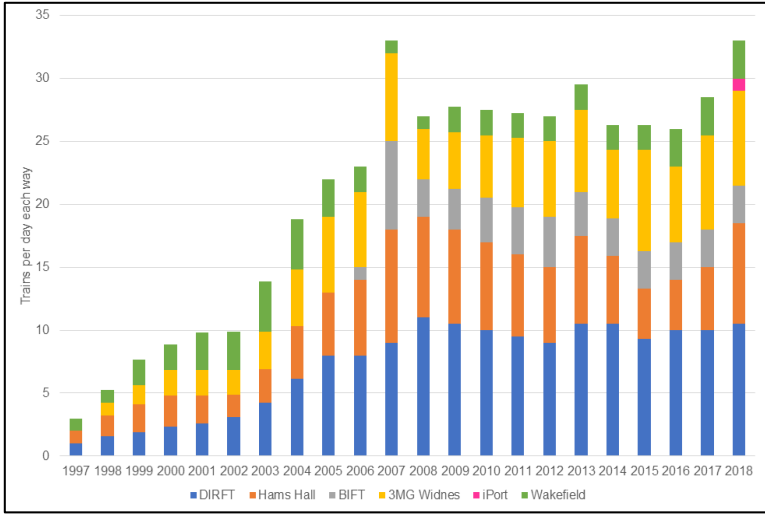
ExQ1	Question to:	Question:	Applicant's Response
		<p>If this is considered to be a realistic prospect the Applicant is requested to produce a written note providing information on the following matters:</p> <p>(i) the extent to which these vehicles are currently used at existing SRFIs;</p>	<p>(i) Tugmasters and HGVs are used at DIRFT for moving containers between the rail terminals and warehouses operated by Tesco, Eddie Stobart and WH Malcolm. The picture below shows a Tesco tugmaster alongside an Eddie Stobart HGV.</p>  <p>Tugmasters are proposed to be introduced to the iPort SRFI in the next months as the rail terminal activities expand.</p> <p>Tugmasters are "Works Truck" and are an "excepted vehicle" according to para 11 of Schedule 1 to the</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) the extent to which the layout and form of those SRFIs where they are used is similarly to that proposed at WMI (including the nature and extent of any public highway used to undertake the transfer of containers from the rail terminal to warehouse units and vice versa); and</p> <p>(iii) what restrictions would apply to the use of such vehicles on the public highway having regard to matters such as road fund licence and insurance, weight limits and type of fuel used.</p>	<p>Hydrocarbon Oil Duties Act 1979. HMRC Excise Notice 75 gives examples of Works Trucks as being fork lift trucks, 'shunt' vehicles designed to haul articulated trailers and their goods around sites and in the context of SRFIs, special vehicles which lift and move freight containers around sites.</p> <p>(ii) Tugmasters are used within the DIRFT estate operating across and along private and public highways, and therefore operate in the same way as proposed for WMI. The journey from the rail terminal to the furthest potential warehouse customer at DIRFT I & II covers approximately 2.086km on adopted roads.</p> <p>The distance to the Tesco, Eddie Stobart and WH Malcolm warehouses at DIRFT is a maximum of approximately 1.136km, of which approximately 385m is on private roads. The equivalent distance at WMI to the furthest warehouse is approximately 2.05 km, of which approximately 1km is on adopted roads.</p> <p>(iii) Tugmasters operate on the public highway at DIRFT with rebated fuel and without a road licence with the approval of HM Revenue & Customs (HMRC) and the Vehicle & Operator Services Agency (VOSA).</p> <p>HMRC Excise Notice 75 and the FTA Yearbook of Road Transport Law 2019 states that "Works Trucks" (i.e.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Tugmasters) using rebated fuel must only be used on public roads:</p> <ul style="list-style-type: none"> • for carrying goods between private premises and a vehicle on a road no more than one kilometre away • when passing from one part of private premises to another • when passing between private premises and other private premises where the different premises are within one kilometre of each other. <p>The maximum gross weights for goods vehicles is set out in the Road Vehicles (Construction and Use) Regulations 1986 as amended and amount to 44 tonnes. Vehicles are permitted to operate at weights above 44 tonnes, subject to the provision of suitable licences. Any Tugmasters operating at WMI would be subject to the restrictions set out above and would use both private and public roads along the same principles of those which take place at DIRFT.</p>
1.2.24.	The Applicant	Commitment to Rail	<p>Before directly responding to the questions, it may be helpful to provide some context. In particular, it is clear that Government policy for SRFIs in the NPS is aspirational. The policy seeks to provide the opportunity to secure the benefits of the use of rail in the freight journey, but there is no evidence of the Government requiring or artificially enforcing that outcome. Instead, the NPS points to the need</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>for SRFIs to provide the necessary opportunity, but recognises the need for market flexibility.</p> <p>Paragraph 2.42 of the NPS recognises that “<i>rail freight has started to play</i>” an increasingly significant role in logistics, while paragraph 2.53 and 2.54 identifies the importance of “<i>facilitating</i>” the development of the intermodal rail freight industry through a network of SRFIs. Paragraphs 2.45 and 2.58 recognise the need to provide the opportunities of SRFI but to recognise that flexibility is needed. In particular, paragraph 2.45 provides:</p> <p><i>“In addition, the nature of the commercial development is such that some degree of flexibility is needed when schemes are being developed, in order to allow the development to respond to market requirements as they arise.”</i></p> <p>With this in mind, paragraph 4.83 of the NPS provides:</p> <p><i>“Rail freight interchanges are not only locations for freight access to the railway but also locations for businesses, <u>capable now or in the future</u>, of supporting their commercial activities by rail. Therefore, from the outset, a rail freight interchange (RFI) should be developed in a form that can accommodate both rail and non-rail activities.”</i></p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>For this reason, the Secretary of State has not imposed requirements on the only other 2 SRFIs to have been consented through the DCO process (DIRFT III and EMG) to require either rail-linked warehouses, or to control the nature of the users of the warehouses, or to impose restrictions on their operation. Instead, the Secretary of State has been satisfied that the purpose of the proposal is to facilitate the important mode shift identified as the objective of SRFI in the NPS by providing the long term opportunity for businesses to be located with direct access to a high quality rail freight interchange.</p> <p>This issue was addressed directly at EMG and the Secretary of State's decision letter provides (at paragraph 24):</p> <p><i>“With regard to the risk that a significant part of the development could remain roadbased, the Secretary of State considers that the requirement for the rail freight terminal to be operational before the occupation of more than 260,000m2 of rail served warehousing gives sufficient assurance that the rail facilities will be delivered as soon as is reasonably practicable in the programme for this development. While he accepts that in a commercial project of this sort there can be no absolute certainty that the rail facilities will be used to their fullest extent, he is reassured that the strong and growing demand for rail freight facilities including SRFIs recognised by the Examining Authority, and as expressed in the NPSNN (paragraph 2.45), means that</i></p>

ExQ1	Question to:	Question:	Applicant's Response																																																																																																																																																																	
			<p><i>there are reasonable prospects that as this SRFI is developed it will fulfil its potential for contributing to modal transfer in the freight sector, which is the clear purpose of this application.</i></p> <p>Experience suggests that this policy approach has been successful. In particular, the evidence identifies the increasing use of rail by businesses over time once they are established with access to a rail interchange. The table below provides the evolution of rail freight traffic at all operational SRFI in England.</p>  <table border="1"> <caption>Evolution of rail freight traffic at all operational SRFI in England (1997-2018)</caption> <thead> <tr> <th>Year</th> <th>DIRFT</th> <th>Hams Hall</th> <th>BIFT</th> <th>3MG Widnes</th> <th>iPort</th> <th>Wakefield</th> </tr> </thead> <tbody> <tr><td>1997</td><td>1</td><td>1</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>1998</td><td>2</td><td>1</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>1999</td><td>2</td><td>2</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2000</td><td>2</td><td>3</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2001</td><td>2</td><td>4</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2002</td><td>3</td><td>4</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2003</td><td>4</td><td>5</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2004</td><td>6</td><td>4</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2005</td><td>8</td><td>5</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2006</td><td>8</td><td>6</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2007</td><td>9</td><td>9</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2008</td><td>11</td><td>8</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2009</td><td>10</td><td>7</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2010</td><td>10</td><td>7</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2011</td><td>9</td><td>6</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2012</td><td>9</td><td>6</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2013</td><td>10</td><td>7</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2014</td><td>10</td><td>7</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2015</td><td>9</td><td>6</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2016</td><td>9</td><td>6</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2017</td><td>10</td><td>8</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> <tr><td>2018</td><td>10</td><td>8</td><td>0</td><td>0</td><td>0</td><td>0</td></tr> </tbody> </table>	Year	DIRFT	Hams Hall	BIFT	3MG Widnes	iPort	Wakefield	1997	1	1	0	0	0	0	1998	2	1	0	0	0	0	1999	2	2	0	0	0	0	2000	2	3	0	0	0	0	2001	2	4	0	0	0	0	2002	3	4	0	0	0	0	2003	4	5	0	0	0	0	2004	6	4	0	0	0	0	2005	8	5	0	0	0	0	2006	8	6	0	0	0	0	2007	9	9	0	0	0	0	2008	11	8	0	0	0	0	2009	10	7	0	0	0	0	2010	10	7	0	0	0	0	2011	9	6	0	0	0	0	2012	9	6	0	0	0	0	2013	10	7	0	0	0	0	2014	10	7	0	0	0	0	2015	9	6	0	0	0	0	2016	9	6	0	0	0	0	2017	10	8	0	0	0	0	2018	10	8	0	0	0	0
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ExQ1	Question to:	Question:	Applicant's Response
		<p>(i) What steps/measures are proposed in the marketing and disposal of those units with potential to be directly rail linked to ensure that they are occupied by users with an immediate or future need for direct rail access?</p> <p>(ii) Will any plots or units be reserved for occupation by users with an existing need for direct rail access?</p> <p>(iii) What strategies/measures are proposed in marketing the Proposed Development to ensure that users with an existing or potential need for convenient access to a rail terminal are secured as occupiers?</p>	<p>The Applicant has no doubt that the Proposed Development would be particularly attractive to occupiers seeking access to rail freight. The scarcity of the opportunity to use rail freight in the region, combined with the outstanding quality of the rail freight connection, the rail route and the line capacity all combined to make WMI an outstanding candidate as a SRFI.</p> <p>(i) The Applicant would use its extensive network of rail freight industry contacts to assist in the marketing of the rail connected and rail served units.</p> <p>The choice of using a rail served or rail connected warehouse would ultimately be for the end customer. Historic demand has overwhelmingly been for rail served warehousing so that customers can benefit from the lower operating costs of a larger combined user facility rather than a dedicated single user terminal.</p> <p>(ii) Plots in development zones A1 and A2 would be targeted at customers with a requirement for direct rail connections.</p> <p>(iii) The Applicant's team has a long track record in securing customers for rail terminals and the rail freight market. The contacts and experience of the Applicant in this sector would be used fully to secure customers with an existing or potential need for convenient access to a rail terminal.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(iv) What level of certainty can be given as to the long term economic and operational success of the rail terminal?</p>	<p>Marketing would be directed to the key targets in the rail freight market using the experience of the Applicant's team.</p> <p>It is essential that as much activity as possible is secured for the rail terminal in order to maximise the revenue potential for the rail terminal. The income from the lease on the rail terminal will in turn depend on its turnover. The Applicant is incentivised, therefore, to maximise the use of the terminal by attracting rail based developers to the development.</p> <p>(iv) Each and every one of the seven operational SRFI developed to date (DIRFT, Hams Hall, Birch Coppice, 3MG, Mossend, Wakefield Europort and most recently iPort Doncaster) have all been successful in achieving modal shift to rail. From a wider policy perspective, the NPS believes there is a compelling need for more SRFI, and this is informed in part by Network Rail's own long-range forecasting process, which itself takes account of an expanded network of SRFI facilities and the intrinsic additional rail freight generated, as validated by all the existing SRFI built to date.</p> <p>There is always a degree of commercial risk attached to any development including rail terminals, but those rail terminals that have not been successful have usually had a clear weakness, such as the Telford rail terminal where a peripheral location, loading gauge constraints and the lack of local potential customers have been major difficulties.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>WMI is well positioned with a strategic location on the main highway and rail networks, a clear customer catchment area and the necessary rail infrastructure.</p> <p>The experience within the Applicant team of bringing forward rail terminals is also of relevance.</p> <p>In light of the investment made, it is in the Applicant's interests to attract rail customers in order to achieve the long term economic and operational success of the rail terminal. The Applicant therefore has a clear financial incentive to ensure the use of the rail facilities are maximised. In addition to this, customers increasingly require the rail connections and infrastructure to be part of their site selection criteria.</p>
1.2.25.	The Applicant	Although the Rail Operations Report refers to two main phases of development it also suggests an incremental approach to the expansion of the Initial Rail Terminal with references to the extension of existing sidings to received 775m long trains and extra siding capacity being installed in "future phases" (paragraph 4.4.8).	<p>The NPS sets out at paragraph 4.89 that:</p> <p><i>"As a minimum, a SRFI should be capable of handling four trains per day and, <u>where possible</u>, be capable of increasing the number of trains handled"</i> (emphasis added).</p> <p>The Proposed Development, through its Initial Rail Terminal, will commit to creating the SRFI with the Initial Rail Terminal. The Expanded Rail Terminal is anticipated to increase the handling capacity to up to 10 trains per day.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(i) Can the Applicant provide more detail as to what would be the operational/economic triggers for these various stages of development and, in particular, what would trigger the changes from using reach stackers to move container to the installation and use of gantry cranes?</p> <p>(ii) Given what is said in the Rail Operations Report about a possible incremental expansion of the Initial Rail Terminal how realistic is the indicative phasing shown in ES Table 4.1 which suggests that the Expanded Rail Terminal would be completed in Phase 2 of the Proposed Development (i.e. by 2029)?</p>	<p>(i) This will be determined by the independent operator of the intermodal terminal, identifying the point at which the level of demand for container storage and train / HGV throughput is sufficient to warrant a migration from reachstackers (comparatively low capital cost but less space-efficient) to gantry cranes (higher capital cost but more space-efficient).</p> <p>Typically, this point occurs at approximately four trains per day, but each operator/location will be different.</p> <p>(ii) The timing of the expansion of the initial rail terminal will be dictated by customer demand, but the suggested date of 2029 is based on the forecast number of trains. The initial terminal will require expansion when the number of trains per day reaches at least 4 trains per day, depending on train path timings and lifting equipment used which affect the operational efficiency of a terminal. The speed of expansion is comparable to the speed at which the DIRFT intermodal terminal expanded to reach 10 trains per day.</p>
1.2.26.	The Applicant.	The draft DCOB [APP-156] includes an obligation to complete the works required for the Initial Rail Terminal by a certain stage in the development of the proposed warehousing and to retain, manage and keep the Initial Rail Terminal available unless otherwise agreed by SSDC.	There is no intention to commit to any particular timing of the expansion of the rail terminal which will be carried out in response to customer demand, as explained above.

ExQ1	Question to:	Question:	Applicant's Response
1.2.27.	The Applicant and local authorities	<p>Is any commitment to be made in respect of the Expanded Rail Terminal and, if so, how could this be secured?</p> <p>Could and should the commitment to the building and making available for use of the Rail Terminal be dealt with as a Requirement within Schedule 2 of the DCO rather than by means of the DCOB?</p>	<p>As discussed at the first ISH, the Applicant had intended the timing and delivery of the Rail Terminal to be controlled by the obligations in Schedule 1 of the Draft Development Consent Obligation (DCOb) (Document 7.7C, AS-023).</p> <p>Following the ISH and following further discussions with SCC and SSDC, the Applicant has confirmed in the Post Hearing Submissions (ISH1) (Document 9.1, REP1-002) that the commitment to the building and making available for use of the Rail Terminal will be moved from the DCOB to Schedule 2 of the dDCO. This will include in the next version of the dDCO, to be submitted for Deadline 3.</p>
1.2.28.	The Applicant and NR	<p>In response to comments made at the Open Floor Hearing what is the scope for the provision of a new passenger station on the WCML in close proximity to the Site to help facilitate sustainable transport options for future employees of the proposed development?</p>	<p>The potential to create a passenger station at the WMI site was reviewed at an early stage in the WMI design process. Passenger trains would need to use the same connections points as the freight trains entering and leaving the WMI rail terminal. This would create capacity constraints made worse by the possible changes needed to the timetable for existing services. The potential for a passenger station was discussed at an early stage with Network Rail and dismissed on grounds of practicality and feasibility.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.3.	Green Belt		
1.3.1.	The Applicant/SSDC	Please provide an extract from the Proposals Map for the adopted development plan, centred on the application site, which identifies the existing Green Belt boundaries in the area extending north to Penkrige, east to Cannock and south to the settlements immediately to the south of the M54.	The Applicant has provided a plan, as requested by the ExA, at Appendix 13 . This plan is based on the Applicant's understanding of the SSDC Proposals Map and is provided for information only.
1.3.2.	SSDC	Please can the Council provide a plan and table identifying the locations, site areas and proposed use of any land allocations in the SAD that involve the release of land from the Green Belt?	-
1.3.3.	SSDC and other local authorities	Can the Councils please set out their views as to what specific role(s) they consider that the Green Belt in the vicinity of the application site performs having regard to the guidance at paragraph 134 of the NPPF?	The Applicant's consideration of paragraph 134 of the NPPF against the Site is set out from paragraph 6.4.3 to 6.4.11 of the Planning Statement (Document 7.1A, APP-252).
1.3.4.	The Applicant, SSDC and other local authorities	The parties are invited to comment on statements made in some of the RRs that the Green Belt in the vicinity of the site: (i) forms an important buffer between the historic settlements of Penkrige and Cannock;	(i) In the context of Green Belt (GB) and considering the GB purpose 'to preserve the setting and special character of historic towns'; the Site is not located within the setting or nearby to any historic towns. This is detailed within the Planning Statement (Doc 7.1A at paragraph 6.4.3). Notwithstanding this position, Penkrige and Cannock lie respectively to the north and east of the Site with the GB between the settlement edges extending to over 4km. This

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) forms an important buffer between Wolverhampton and the nearby villages and between the villages themselves; and</p>	<p>GB area separating the two identified settlements does not encompass the Site which lies further to the south west. It is unclear how the GB in the vicinity of the Site is alleged to be 'important' as a buffer or whether in the context of the GB purposes, Penkridge and/or Cannock are alleged to be 'Historic Towns'.</p> <p>No visual interrelationship or views between the older and more historic parts of either settlement and the Proposed Development have been identified.</p> <p>(ii) The GB in the vicinity of the Site does not form an important buffer between Wolverhampton and the nearby villages or between the villages themselves.</p> <p>To the north of Wolverhampton, the GB extends for approximately 8.5km up to the southern edge of Penkridge and in a north westerly direction, for approximately 8.5m from Wolverhampton to the A5, south of Wheaton Aston. Within this broad area, the GB between the edge of Wolverhampton and the site extends to approximately 3.9km.</p> <p>The Site does not occupy a position between the edge of Wolverhampton and the nearby villages. Rather, in this context, it lies either beyond or in a different direction to the settlements. For example, Brewood lies to the west; Coven to the south west and Shareshill to the south east of the site,</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(iii) forms a 'lung' for the urban area of Wolverhampton and is important to the health and wellbeing of Wolverhampton's communities and other local communities.</p>	<p>with Wolverhampton situated further still to the south. Thus, the site plays no material role in separating or forming a 'buffer' between Wolverhampton and the nearby villages.</p> <p>The Site similarly lies beyond those areas between the nearby villages, which are generally situated to the south and west.</p> <p>A good sense of separation exists between the villages, due to the existing substantial physical distances (Brewood to Coven approx. 2.1km; Coven to Shareshill approx. 3km; and Calf Heath to Shareshill approx. 2km); and the presence of intervening robust natural and man-made boundaries, in the form of major roads, woodlands and landform variations.</p> <p>In a similar manner, the site occupies a well-defined and contained position within this GB context, with strong boundaries. It is not a position that is sensitive or vulnerable in relation to the separation of the existing villages and it does not perform a 'buffering' role for these settlements.</p> <p>The proposed development would not compromise the separation of the existing villages.</p> <p>(iii) The purpose of the Green Belt as a planning designation is not related to air quality or health and wellbeing. No significant health impacts have been identified with respect to air quality effects as a result of the Development (Chapter</p>

ExQ1	Question to:	Question:	Applicant's Response
			14 of the ES, APP-052, Paragraphs 14.269 and 14.351) and there is currently little / no public access for recreation.
1.4.	Employment and Socio-Economic and Human Health <i>All paragraph, figure and table references are to ES Chapter 14 [APP-052] unless specified</i>		
1.4.1.	The Applicant	<p>Site Location</p> <p>Many the RRs argue that Four Ashes is not a good location for a SRFI in terms of access to a suitable labour market because it is in South Staffordshire rather than the more densely populated areas of the Black Country and Birmingham conurbation and because unemployment in South Staffordshire is very low (at less than 1%).</p> <p>Can the Applicant provide evidence that the Proposed Development would be able to attract the number and range of employees needed to make it a viable proposal without having a significant adverse effect on existing and emerging businesses in South Staffordshire by limiting their access to a local labour market?</p>	<p>1. Unemployment in South Staffordshire is not as low as 1%. The Claimant Count for the district is 1% (Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052) Table 14.6 p. 10) but this does not reflect all people who are unemployed. The Claimant Count is an “experimental statistic” which means it does not meet the tests of accuracy and robustness required to be a designated national statistic, and it should only be used as a guide. Claimant Count only includes people who are willing and able to claim out of work benefits (Job Seeker's Allowance or the out-of-work component of Universal Credit). This does not include people who may be looking for work but do not claim. Chapter 14 of the ES, APP-052, Table 14.5 p. 9 shows that at the time of the census unemployment was estimated to be 3% in South Staffordshire. More recent Annual Population Survey data (2017-2018) estimates it to be 4.8% which is above the national average (Great Britain).</p> <p>2. There is further flexibility in the labour market as an estimated 1,600 additional people do not meet the</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>definition of unemployed or claimants, but they want a job (Annual Population Survey, Document 9.1, p.86).</p> <p>3. South Staffordshire's Core Strategy DPD (2012) Policies set out the Council's objective for growth in jobs within the district. Strategic Objectives 11, 12 and 13 promote growth and increased access to local jobs. The Council's objectives are set out as follows (Page iv):</p> <p><i>"To support the growth of a vibrant, prosperous and sustainable local economy",</i> <i>"To support thriving and sustainable communities by ensuring that local people enjoy access to jobs" and,</i> <i>"To reduce the need to travel [...] make it safer and easier for the community to travel to jobs."</i></p> <p>Under the heading, "Economic Vibrancy (page 22), the DPD states that, "The aspiration will be to provide jobs locally and reduce levels of out commuting."</p> <p>4. South Staffordshire has limited employment opportunities for residents: 80% commute out of South Staffordshire to work each day. Approximately 16,000 more employees leave South Staffordshire for work than travel to the district. The job density in South Staffordshire is 0.51 jobs per working age person, amongst the lowest in the country and compared to an average of 0.72 across England. South Staffordshire is</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>currently a net “exporter” of workers with a high level of out-commuting from the district. Reducing out-commuting by providing more opportunities within the district is a local policy priority (see Point 3 above).</p> <p>5. The Employment Skills and Training Plan Framework (Appendix 3 of Document 9.1, REP1-002) sets out how the Applicant is committed to working with SSDC and SCC to maximise local employment opportunities through skills and training initiatives. This Framework was established with extensive engagement from SSDC in order to meet their local priorities.</p> <p>6. Employees will not all come from within South Staffordshire. The Site is expected to be served by a wider labour market from within a “travel to work area” (TTWA). Details about how the TTWA was established and how it is expected to function are set out in Section 4 of The Labour Market Context Report (Appendix of 1 of the Employment Skills and Training Plan Framework (Appendix 3 of Document 9.1, REP1-002), page 83 of the overall document).</p> <p>7. Chapter 14 of the ES, (APP-052) and Table 1 in Section 4 of The Labour Market Context Report (Appendix of 1 of the Employment Skills and Training Plan Framework, (Appendix 3 of Document 9.1, REP1-002) page 86) demonstrates that there are the employees necessary</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>to support its operation and to provide significant benefit to those seeking work within the TTWA to support the scale of growth at WMI. This includes residents who are currently unemployed and those who are economically inactive but want a job. This demonstrates that WMI is likely to be able to attract the number and range of employees needed to make it a viable proposal.</p> <p>8. With respect to the potential to impact on other businesses, the TTWA does not just apply to WMI. It is reasonable to assume that many local businesses - and certainly those in related sectors or industries - could expect to benefit from a similar labour market catchment. The capacity of this labour market is shown in Table 1 of the Labour Market Context Report to include 166,500 residents who want a job but do not have one.</p> <p>9. It is common ground with Staffordshire County Council that 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, will support the scale of growth at WMI, including residents who are currently unemployed and those who are economically inactive but want a job.</p> <p>10. The future transport services supplied for WMI workers will be responsive to the geography of need, ensuring</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>that the labour market is able to access the site sustainably. A shuttle bus service will be provided, operating between WMI and significant clusters of employees. The route of this bus(es) will be decided in response to the findings of the Transport Steering Group but could include routes to Cannock, Wolverhampton and/or Walsall.</p> <p>In summary, this evidence demonstrates that:</p> <ul style="list-style-type: none"> • Unemployment is not as low as 1% and is actually higher than the national average • Local policy supports job growth in the district to reduce out-commuting • The potential labour market for both WMI and other businesses extends well beyond South Staffordshire • There is a significant pool of existing labour with a wide range of skill levels within this labour market <p>Therefore, the Proposed Development would not have a significant adverse effect on existing and emerging businesses in South Staffordshire.</p>
1.4.2.	The Applicant	<p>Assessment of Effects Chapter 14 appears to make no reference to any consultation with relevant stakeholders about the assessment of Socio-Economic and Health Effects.</p>	<p>Engagement was undertaken to inform the scope and methodology in Chapter 14. This engagement was undertaken through the following informal and statutory routes:</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>What, if any consultation and engagement was carried out and how have any responses or comments received influenced the approach taken to this assessment?</p>	<ul style="list-style-type: none"> • Request for Scoping opinion • Meetings and correspondence with key stakeholders • Responses to the Preliminary Environmental Impact Report <p>Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052), Paragraph 14.45-14.46 and Table 4.1 list all the formal consultees to the scoping and where each requirement/recommendation has been addressed. Relevant formal scoping responses (6.1 Scoping Opinion APP-012) came from:</p> <ul style="list-style-type: none"> • South Staffordshire District Council; • Secretary of State for Communities and Local Government; • Public Health England; and • Canal and Rivers Trust. <p>The scoping process found the approach to be sound (with the incorporation of added suggestions that are responded to in Table 14.1).</p> <p>Relevant Stage 2 consultees were:</p>

ExQ1	Question to:	Question:	Applicant's Response
			<ul style="list-style-type: none"> • South Staffordshire District Council (who did not make any specific recommendations with respect to the assessment) • Public Health England (whose recommendations were enacted in the final draft of the ES i.e. the summary of health impacts in one place, consideration of EMF effects, and the scope of the air quality and water assessments). Public Health England Scoping Response and Stage 2 consultation Response informed the approach to the assessment of health. The approach was confirmed to be sound in the Relevant Representation from PHE. • City of Wolverhampton Council (who did not make any specific recommendations with respect to the assessment) • Health and Safety Executive (whose recommendations were enacted in the final draft of the ES i.e. the consideration of COMAH) • Staffordshire County Council (who raised concerns about the methodology used for to assess the labour market, the approach to measuring business rates and the economic displacement effects. These matters are covered in the Labour Market Context Report (Appendix of 1 of the Employment Skills and Training Plan Framework, which is found in Appendix 3 of Document 9.1, REP1-002) and

ExQ1	Question to:	Question:	Applicant's Response
			<p>Document 7.1B Statement of Economic Benefits (paragraphs 5.1.9-5.1.10 and Paragraph 5.1.5-5.1.7) (APP-254).</p> <p>Other stakeholders were directly consulted on matters of the economy, employment and training. These are:</p> <ul style="list-style-type: none"> • The Junction 2 Working Group • The Stoke and Staffordshire LEP • The Black Country LEP • The Marches LEP • Wolverhampton University • South Staffordshire College <p>The primary concerns for SSDC, SCC and CWC (with respect to the scope covered by Chapter 14) were skill building and local employment. This concern is reflected and dealt with in detail in the the Employment Skills and Training Plan Framework (Appendix 3 of Document 9.1, REP1-002).</p>
1.4.3.	The Applicant	Paragraphs 14.43 & 14.44 state that the economic effects of losing best and most versatile (BMV) agricultural land have been scoped out of the Chapter 14 assessment because this loss is considered in Chapter 6 of the ES. However, Chapter 6 does not appear to deal with this matter.	(i) & (ii) As described in greater detail in the answer to ExQ1.5.1, a consideration of the potential economic benefit of 173 ha of best and most versatile (BMV) agricultural land, i.e. Agricultural Land Classification (ALC) Grades 1 and 2 and Subgrade 3a, is implicit in the impact assessment (i.e. Chapter 6 of the ES (Document 6.2, APP-026), which

ExQ1	Question to:	Question:	Applicant's Response
		<p>(i) Can the Applicant advise whether any adverse socio-economic effects are expected to arise from the anticipated loss of around 173ha of BMV land?</p> <p>(ii) If so, can the Applicant provide an assessment of the significance of any such effects?</p>	<p>regards BMV agricultural land as a receptor of high sensitivity (re Table 6.6 of the ES (Document 6.2, APP-026)). This is because BMV agricultural land is capable of producing high yields of a wide variety of crops which have an economic value to farm income and to national income (i.e. income from exports and reducing costs of importing food and other crops).</p> <p>With regard to the potential loss of agricultural jobs, Chapter 6 describes how most of the agricultural land within the boundary of the Proposed Development is owned by the Monckton family and let to tenants. Somerford Home Farm is the Monckton family farming partnership.</p> <p>The Proposed Development is predicted to result in the extinguishment of three agricultural tenancies (including Somerford Home Farm). The Applicant understands that it is likely that some of the tenants will retire, whilst others will continue farming the remainder of their holding (e.g. Somerford Home Farm). The assessment of Socio-economics and Human Health (Chapter 14) predicts that, the Proposed Development would support approximately 8,550 additional headcount jobs on-site, which could readily accommodate those formerly deriving an income for agriculture, if required.</p> <p>It should be noted that the Proposed Development would be constructed in phases. Most of the agricultural land is owned</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>by the Monckton family and let on a number of tenancy agreements, including land at Home Farm and Somerford Home Farm. As a principle, agricultural production would be continued for as long as possible during the construction phase, as described in ES Chapter 6.</p>
1.4.4.	The Applicant	<p>The labour market data used (Tables 14.4-14.5 & 14.9-14.11) includes all persons aged 16-74 which is a much broader category than those included in the claimant count/job seekers data (expected to include those up to the age of 66 in 2020).</p> <p>Can the Applicant set out the rationale/justification for the inclusion of persons over state pension age within the employment baseline data used in the assessment and explain how the inclusion of these persons might have affected the outcome of the assessment?</p>	<p>The Office for National Statistics (ONS) frequently now uses 74 as the upper bound for people considered to be "<i>working age</i>". The ONS has a specific Census labour market category: "<i>All usual residents aged 16 to 74 in employment the week before the census</i>".</p> <p>Other employment datasets in the Census set no upper bound as all those who are working are still part of the labour market and could reasonably be assumed to be available to work and available to seek new employment should they wish to. Meanwhile some Department for Work and Pensions datasets do set the upper limit at 65 and do not provide statistics for the larger age range.</p> <p>Therefore, it is sometimes necessary to consider an evidence baseline base that is not completely consistent in its definition of working age.</p> <p>4% of the economically active workforce in England and Wales (and at West Midlands level) are over the age of 65 (Labour Force Survey, March 2019). Employers are not</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>legally allowed to discriminate on the basis of age so it reasonable to assume some over 65s can and will work. Over the timeframe of occupation, the state pension age is expected to increase encouraging more people to work longer.</p> <p>Including over 65s makes almost no difference to the evidence base which informs the assessment.</p> <p>Comparing the scale of effects of the development (up to 8,550 jobs) in the context of the scale of the pool of labour (2.1m) shows that the development is expected to serve the equivalent of 0.39% of the current labour market. A reduction of 4% in the current labour market, would increase this to 0.41% a difference of 0.02 percentage points - which would not have an effect on the assessment or its conclusions.</p>
1.4.5.	The Applicant	<p>The socio-economic and health assessment has, for the most part, used 2011 Census data to inform the baseline but data from 2013 & 2015 has also been used (Tables 14.13-14.16).</p> <p>What baseline year should be assumed for the assessment and what is the reason for using data from different years?</p>	<p>The socio-economic baseline (6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health APP-052 Paragraph 14.92-14.174) relies on data from a wide range of sources.</p> <p>The most comprehensive and local-level data (i.e. the Census) is only updated every 10 years. Other datasets are updated more frequently but are survey based and may not be available at a local level (e.g. Annual Population Survey).</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>The assessment presented the most recent or the most comprehensive dataset as appropriate for the variable. This is an unavoidable limitation and is not considered to adversely impact the validity of the assessment undertaken to identify the likely significant socio-economic or human health effects.</p> <p>The key figure of most relevance to the conclusions of the assessment of the labour market impact is the scale of the working age population, and this is based on 2016-17 labour market data (the most recent available at the time of submission).</p> <p>The total population figure provided in the baseline is based on the Census 2011.</p> <p>Recent population estimates (which are based on models and surveys and not a Census) show that the population of South Staffordshire, Staffordshire and the West Midlands grew by 3%, 3% and 4% respectively between 2011 and 2017 (the most recent date available). The working age population did not change in Staffordshire or South Staffordshire and shrank very slightly (-1%) across the West Midlands. These changes are not significant enough to expect the baseline to be materially different now as it was in 2011, and does not trigger any difference in outcomes with respect to the assessment or its conclusions</p>

ExQ1	Question to:	Question:	Applicant's Response
			The baseline year should be taken to be the year of the assessment: 2018.
1.4.6.	The Applicant and local authorities	<p>Paragraph 14.53 states that the Travel To Work Area (TTWA) was defined by use of a Gravity Model and has been agreed with HE.</p> <p>Was the extent of the TTWA also discussed with the local authorities and/ or LEPs and to what extent is this agreed to represent a realistic assessment of where employees are likely to travel from in order to access the job opportunities that would be generated by the proposed WMI?</p>	<p>The principles behind and the scale of the TTWA have been formulated and agreed in consultation with key stakeholders including South Staffordshire District Council, Staffordshire County Council, City of Wolverhampton Council, Highways England.</p> <p>The principles and extent of the TTWA is common ground with Staffordshire County Council (Document 8.5, submitted at Deadline 2).</p> <p>Details of the consultation process and outcomes are set out in the Chapter 4 paragraph 4.1-4.20 of the Labour Market Context, Appendix 1 of the Employment, Skills and Training Plan Framework (which can be found in Appendix 3 of Document 9.1, REP1-002).</p>
1.4.7.	The Applicant	<p>Reference is made in paragraph 14.69 to the use of Quod's own research to determine the anticipated effect on employment.</p> <p>(i) Has this same research also informed the preparation of the Statement of Economic Benefits at Document 7.1B (APP-254)?</p>	(i) Yes.

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) Has the Quod research been published and been subject to peer review?</p> <p>(iii) Has the Quod research been consulted upon and agreed with the local authorities and other key consultation bodies?</p> <p>(iv) What were the main objectives of and methodology used in the Quod research?</p> <p>(v) Are the findings of the Quod research subject to any limitations or notes of caution that may affect the outcome of the assessment?</p>	<p>(ii) No peer review was undertaken, although Quod worked in partnership with WSP and Savills in the project team and consulted extensively with local stakeholders (see answer to Question 1.4.2).</p> <p>(iii) Yes, West Midlands Interchange Labour Market Context, Appendix 1 of the Employment, Skills and Training Plan Framework (which can be found in Document 9.1) Chapter 4 paragraph 4.5). The projected number of jobs (8,550) is common ground with SCC.</p> <p>(iv) The objectives of the methodology were to find a robust basis on which to assess the likely significant effects with respect to employment and a basis on which to project the potential economic effects of the development and to input into the assessment of transport effects.</p> <p>The methodology, which is summarised in the Labour Market Context, Appendix 1 of the Employment, Skills and Training Plan Framework (Appendix 3 of Document 9.1, REP1-002) Paragraphs 3.1-3.8, used publicly available data from the HCA, industry bodies and previous planning applications to provide benchmarks of employment density.</p> <p>(v) Yes, see West Midlands Interchange Labour Market Context, Appendix 1 of the Employment, Skills and Training</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Plan Framework (which can be found in Appendix 3 of Document 9.1, REP1-002)</p> <p>Paragraphs 3.5-3.8: <i>"Acknowledging Uncertainty"</i> set out the range of variables which may affect the future employment on-site but concludes that, <i>"In reality, it is likely that there will be a mixture of types of warehousing at WMI, with some higher density employment uses and some lower, averaging each other out across the site."</i></p> <p>The estimates presented in the application documents and Environmental Impact Assessment have a reasonable basis and robust justification, representing the likely scenario and these limitations do not affect the conclusions of the assessment.</p>
1.4.8.	The Applicant	<p>Paragraph 14.62 advises that the Construction Industry Training Board (CITB) Forecasting Tool has been used to generate estimates of the number of workers required for the construction of the Proposed Development.</p> <p>What key assumptions underpin the CITB Forecasting Tool and is the tool subject to any limitations or notes of caution that may affect the outcome of the assessment?</p>	<p>The CITB is the Industry Training Board and the Sector Skills Council for the construction industry in England, Scotland and Wales. One of its key responsibilities is to provide an evidence base on the scale and characteristics of the UK construction workforce and the demand for skills and labour to serve future needs.</p> <p>As stated in Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052), paragraph 14.62, <i>"This is a standard tool, developed by the CITB in consultation with representatives across the construction</i></p>

ExQ1	Question to:	Question:	Applicant's Response
			<p><i>industry and with a detailed evidence base with data from across the UK. It is a recognised best practice approach to preliminary forecasting of construction employment. This provides a headcount employment number.”</i></p> <p>The Model is based on evidence of labour demand on actual projects across the country. Evidence is taken from a wide range of schemes, including industrial buildings.</p> <p>The model is commonly used in planning and the construction industries and has been established as a benchmark to be used at the planning stage.</p> <p>The caveats provided at paragraphs 14.64 and 14.195 of Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052) apply to the use of this model.</p> <p>The assessment finds construction effects to be beneficial but significant. The potential for variations in the scale of the effect (i.e. an increase or decrease in construction employment within likely confidence intervals) would not result in a different conclusion to the assessment.</p>
1.4.9.	The Applicant	Can the Applicant clarify what “ <i>technical assessments</i> ” are referred to in paragraphs 14.67 and 14.72?	<p>The technical assessments are the assessments presented in the following chapters of the ES:</p> <ul style="list-style-type: none"> • Transport and access (APP-054)

ExQ1	Question to:	Question:	Applicant's Response
			<ul style="list-style-type: none"> • Landscape and Visual; APP-044 • Cultural Heritage – Built Heritage (APP-029) • Water Environment and Flood Risk (APP-055) • Ground conditions (APP-031) • Recreation and amenity (which forms part of the Socio-Economic and Human Health Chapter); (APP-052) <p>See Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052) Paragraphs 14.58-14.60.</p>
1.4.10.	The Applicant	Can the Applicant provide clarification as to how the criteria listed in paragraph 14.79 have been used to determine whether an effect of the proposal should be classed as a significant effect?	<p>Paragraph 14.79 of Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052) states that the key influences on the determination of effect significance include the following criteria. The application of each criteria to the assessment of significance is presented below each one:</p> <ul style="list-style-type: none"> • The capacity of the relevant area to absorb the effect (sensitivity); <p>This is generally a qualitative assessment on the carrying capacity of a facility or a labour market to absorb a scale of change. For example, if a school has surplus capacity equal to or greater than a projected increase in pupils, it would be able to</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>absorb an effect. A labour market with an amount of unemployed residents or inactive residents is able to absorb a projected increase in demand for labour less than that amount. Facilities or labour markets that can easily absorb effects are not “sensitive” to those effects and are therefore less likely to experience significant adverse effects (more detail on the use of sensitivity to determine effect significance is set out in the response to ExQ1.4.11.)</p> <ul style="list-style-type: none"> • The magnitude of the potential effect; <p>This is a quantitative assessment of the scale of the effect i.e. the number of jobs projected. A larger effect is more likely to be significant (but this depends on the sensitivity of the receptor. More detail on the use of magnitude to determine effect significance is set out in the response to ExQ1.4.11.)</p> <ul style="list-style-type: none"> • The geographical extent of the effect; <p>This is a qualitative or quantitative assessment on how far an effect is likely to be felt. This would typically be based on likely travel time for employees (or a Gravity Model) for an assessment of labour market effects. Some effects may be significant a</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>local level (i.e. within a labour market catchment) but not significant outside of this catchment.</p> <ul style="list-style-type: none"> • The duration and reversibility of the effect; <p>The duration is defined in paragraph 14.81 of Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052). This makes a qualitative or quantitative judgement on whether an effect would be long term, short term or temporary. Generally temporary socio-economic effects are considered to be of lower significance. Reversibility is a relevant consideration – if a development would cease to operate, how quickly and easily would socio-economic receptors revert to the status quo. This is a qualitative judgement based on resilience, adaptability and churn associated with that receptor. Reversible impacts are associated with less sensitive receptors and are less likely to be significant.</p> <ul style="list-style-type: none"> • Recent rates of change in the locality. <p>Receptors that have a relatively high level of churn or turnover are considered to be more adaptable or resilient to change and less sensitive so further</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>changes as a result of the development are likely to be less significant.</p> <p>In Chapter 14, this mixture of qualitative and quantitative judgments was combined to make a judgement on the significance of an effect.</p>
1.4.11.	The Applicant	Can the Applicant provide definitions of the terms set out in paragraph 14.84 and Tables 14.17 & 14.18 (e.g. "moderate", " <i>major</i> ", " <i>some sensitivity</i> ", " <i>limited sensitivity</i> ") for the purposes of the assessment and clarify the applicability of these terms in the assessment of the scale of effects?	<p>Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052) Paragraph 14.84 sets out that impacts can be:</p> <ul style="list-style-type: none"> • Negligible • Minor • Moderate • Major <p>Paragraph 14.85 of Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052) states that the level of significance is derived by a combination of the magnitude of the effect and the sensitivity of the receptor. The derivation of the magnitude and sensitivity of an effect is set out in the answer to Question 1.4.10)</p> <p>Thus, for example, a key (major or moderate) significant effect (in either construction or operation) would be likely to be of high or at least medium magnitude, affect a wide area,</p>

ExQ1	Question to:	Question:	Applicant's Response																													
			<p>be long term or irreversible and difficult to absorb in the relevant area.</p> <p>The table below sets out the approach to determining the significance of effects.</p> <table border="1" data-bbox="1339 608 2101 1126"> <thead> <tr> <th rowspan="2">Receptor Sensitivity</th> <th colspan="4">Magnitude of Impact</th> </tr> <tr> <th>High</th> <th>Medium</th> <th>Low</th> <th>Negligible</th> </tr> </thead> <tbody> <tr> <td>High</td> <td>Major</td> <td>Major/ Moderate</td> <td>Moderate/ Minor</td> <td>Negligible</td> </tr> <tr> <td>Medium</td> <td>Major/ Moderate</td> <td>Moderate /Minor</td> <td>Minor/ Negligible</td> <td>Negligible</td> </tr> <tr> <td>Low</td> <td>Moderate/ Minor</td> <td>Minor/ Negligible</td> <td>Negligible</td> <td>Negligible</td> </tr> <tr> <td>Negligible</td> <td>Negligible</td> <td>Negligible</td> <td>Negligible</td> <td>Negligible</td> </tr> </tbody> </table> <p>Tables 14.17 and 14.18 of Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052) set out the potential sensitivity to amenity effects of activities at the Proposed Development Site. The tables ascribe either some sensitivity to limited sensitivity to each</p>	Receptor Sensitivity	Magnitude of Impact				High	Medium	Low	Negligible	High	Major	Major/ Moderate	Moderate/ Minor	Negligible	Medium	Major/ Moderate	Moderate /Minor	Minor/ Negligible	Negligible	Low	Moderate/ Minor	Minor/ Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible	Negligible
Receptor Sensitivity	Magnitude of Impact																															
	High	Medium	Low	Negligible																												
High	Major	Major/ Moderate	Moderate/ Minor	Negligible																												
Medium	Major/ Moderate	Moderate /Minor	Minor/ Negligible	Negligible																												
Low	Moderate/ Minor	Minor/ Negligible	Negligible	Negligible																												
Negligible	Negligible	Negligible	Negligible	Negligible																												

ExQ1	Question to:	Question:	Applicant's Response
			<p>of the receptors. These categories can be defined as follows:</p> <p>Limited sensitivity: the receptor is likely to be relatively resilient or adaptable to the projected potential effects of the development, have capacity to absorb the projected potential effects of the development or currently experiences levels of turnover or churn, which makes it less sensitive to change. Receptors in this category have Negligible or Low sensitivity.</p> <p>Some sensitivity: the receptor is likely to have lower resilience or adaptability to the projected potential effects of the development, have relatively low capacity to absorb the projected potential effects of the development or currently experiences low levels of turnover or churn, which makes it more sensitive to change. Receptors in this category have Medium or High sensitivity.</p>
1.4.12.	The Applicant	Can the Applicant clarify why the "UK" has been used in Table 14.16 where the "National" scale described in paragraph 14.55 includes only England and Wales and the other baseline data do not relate to the UK?	<p>In general, England and Wales is used as the national baseline because the scope of the Census. Northern Ireland and Scotland have their own statistical authorities and Census which are published separately and have different methodologies.</p> <p>Gross Value Added is typically quoted at a national level and quoted in the National Accounts which considers the UK as</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>a whole, covering England, Northern Ireland, Scotland and Wales combined. GVA is commonly used to compare the productivity of different countries and to compare productivity at a national level over time. GVA statistics at a sub-national level are based on proportionate allocation (i.e. modelled estimates) using the most appropriate regional indicator available.</p> <p>The equivalent number for GVA (Income approach) for England and Wales in 2014 is £1.48bn (Regional gross value added (income approach) reference tables, 2016).</p> <p>The use of UK for GVA context, rather than England and Wales does not affect the conclusions of the assessment.</p>
1.4.13.	The Applicant	<p>The human health assessment includes potential indirect and direct effects identified in the following ES chapters (as stated in paragraph 14.255):</p> <ul style="list-style-type: none"> • Chapter 7: Air Quality; • Chapter 11: Ground Conditions; • Chapter 12: Landscape and Visual; • Chapter 13: Noise and Vibration; • Chapter 15: Transport; and • Chapter 16: Water and Flood Risk. 	<p>Potential health effects were considered wherever effects were identified in any of the listed chapters. Therefore, the spatial scope of the human health assessment was the maximum extent of any of the listed assessments.</p> <p>The Human Health assessment does not ascribe a magnitude or significance to potential health impacts (although does suggest where they may be adverse or beneficial). This qualitative approach is in line with comments on methodology made by Public Health England during the scoping process (and was established to be appropriate in PHE's Relevant Representation) (RR-0836</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>Different spatial scopes are used for each chapter, making the spatial scope for the human health assessment unclear.</p> <p>What is the spatial scope of the human health assessment and over what geographical area are any significant effects of the Proposed Development anticipated to be experienced?</p>	<p>Public Health England). Therefore there are no significant human health effects identified.</p>
1.4.14.	The Applicant	<p>To what extent and in what way has professional judgment informed the assessment of the significance of effects set out in ES paragraph 14.79?</p>	<p>See the Applicant's response to ExQ1.4.10.</p>
1.4.15.	The Applicant	<p>ES Chapter 7: Air Quality, Chapter 9: Cultural Heritage and Chapter 16: Water Environment and Flood Risk do not appear to set out any methodology to assess the effects on recreation and amenity.</p> <p>Can the Applicant explain how these chapters been used to inform the Chapter 14: Socio-economics and Human Health assessment of recreation and amenity effects?</p>	<p>Recreation and Amenity effects are derived as set out in Paragraph 14.59 of Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052). These effects have been considered where they may be of the following nature:</p> <ul style="list-style-type: none"> • Obstruction to public rights of way (PRoW) and/or severance of a route to a facility, service or space with local amenity value; • Disturbance to users of PRoW from traffic, noise, dust, and landscape and visual changes; • Obstruction to sports and recreation facilities, places with heritage value, open access land and public open space including Areas of Outstanding Natural Beauty; and

ExQ1	Question to:	Question:	Applicant's Response
			<ul style="list-style-type: none"> Disturbance to sports and recreation facilities, open access land and public open space from traffic, noise, dust, and landscape and visual change during the various development stages. <p>Each of the Chapters listed in the Question (and the rest of those listed in Paragraph 14.58 of Chapter 14) were reviewed for any predicted effect that could be associated with the above 6 recreation and amenity impacts. Where relevant predicted effects were identified, these informed the assessment of recreation and amenity effects.</p>
1.4.16.	The Applicant, SSDC	<p>Table 13.39 confirms that significant adverse residual noise impacts would be experienced at some residential receptors, the canal side moorings, and by users of the canal towpath.</p> <p>As these are all identified as sensitive recreation and amenity receptors in ES paragraph 14.189 can the Applicant please clarify the basis of your assessment that no significant recreation and amenity effects would arise from noise generated by the development (paragraphs 14.236-237 & 14.318)?</p>	<p>Neither construction nor operational noise is expected to obstruct (i.e. prevent) any recreation activities.</p> <p>Some noise and vibration effects from construction are expected to be significant, especially for users of the moorings and the closest homes, for short periods where the works are close to the receptors. The impact on the places of residence is addressed in Chapter 13. With respect to amenity for leisure users, the effect is likely to be adverse but short term. As construction is phased, individual receptors are not expected to experience the effects consistently over the period of construction. Rather any adverse effects will be intermittent and short term for any one receptor, which will be reinforced by the transient nature of such users. As mitigation measures are implemented and</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>in particular, as mounding and screening is put into place, and the works progress around the site, effects would be expected to lessen over time. Therefore the overall effect is expected to be adverse, but not significant.</p> <p>The assessment of on-site operational noise suggests that moderate adverse effects are likely at a number of receptors at and around the canal and surrounds and at some residential receptors. The assessment used to assess on-site operational noise is specific to residential receptors, and may be less appropriate for recreational users. There are no specific noise criteria for recreational users, although when considering such receptors, reference is typically made to the general outdoor guideline values published by the World Health Organisation in their document <i>Guidelines for Community Noise</i>. As is noted in paragraph 13.291 of Chapter 13 of the ES (APP-046 6.2 Environmental Statement - Chapter 13 Noise and Vibration), the predicted operational noise levels, including any acoustic character corrections, would meet the 55dB criterion set out in that WHO document and this would suggest that the outdoor noise levels are broadly acceptable.</p> <p>Mitigation measures have been embedded into the scheme design to reduce potential adverse noise effects, including:</p>

ExQ1	Question to:	Question:	Applicant's Response
			<ul style="list-style-type: none"> • the orientation and location of noise generating activity away from residential receptors; • the use of buildings themselves as noise screens; • the location of the rail terminal adjacent to the existing WCML away from immediate residential receptors; • the incorporation within the scheme of additional land for noise and visual mitigation – for instance achieving separation between properties in Station Drive and the rail interchange; • a commitment secured by requirement to high quality building specification and to operating procedures to limit noise effects; • a commitment to prepare a detailed Demolition and Construction Environmental Management Plan to limit and manage the effects of the construction phase; and • the development of an extensive green infrastructure network including the use of landscape bunds and fencing to screen residential receptors from noise generating activities. <p>On the basis of the above, noise is not expected to prevent or significantly impact on recreation activities.</p>
1.4.17.	The Applicant,	Chapter 14 appears not to consider the possibility of any adverse effect on the revenue generated by existing	

ExQ1	Question to:	Question:	Applicant's Response
	local authorities and other IPs	<p>businesses (including, for example, tourist and leisure-based businesses) as a result of the Proposed Development although such concerns are raised in many of the RRs.</p> <p>Can the Applicant set out its views as to:</p> <p>(i) whether or not such adverse effects are likely in either the construction or operational phases of development and, if so, what the scale and significance of such effects might be?</p> <p>(ii) whether such effects might potentially result in the displacement of any local businesses or loss of employment in such businesses?</p>	<p>(i) Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052) Paragraphs 14.246-14.255 and Paragraphs 14.327-14.332 set out the likely effects on existing businesses, organisations and clubs during demolition, construction and operation.</p> <p>These paragraphs set out that effects on existing businesses are expected to be Neutral to Minor Adverse at Local Level during demolition/construction and Neutral during operation.</p> <p>(ii) Effects are not expected to result in displacement of local businesses or the loss of employment in such businesses.</p>
1.4.18.	The Applicant and local authorities	<p>Figure 14.5 indicates that less than 500 of the direct jobs expected to be created by the Proposed Development would be in the sales and customer services category and that the large majority of direct jobs would be in operations. This would suggest that most jobs created would not be in the sales and service category in which most of those</p>	

ExQ1	Question to:	Question:	Applicant's Response
		<p>currently seeking work in the Study Area are looking for employment (paragraph 14.278).</p> <p>(i) How does this data relate to the assertion in paragraph 14.268 that half of the jobs created would be in sales and customer services?</p> <p>(ii) What, if any, strategies and mechanisms does the Applicant propose to adopt to target unemployed people with background and experience in the main sectors that match the majority of the newly created positions?</p>	<p>(i) The assertion in Paragraph 14.278 of document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052) is that, "[...] majority are seeking elementary and sales/customer service positions. Approximately half of the jobs supported by the Proposed Development would be at this occupational level."</p> <p>This includes "elementary" jobs as well as customer service jobs, so, with reference to Figure 14.5, it includes operatives as well.</p> <p>(ii) the Applicant has agreed to implement an Employment, Skills and Training Plan Framework (Appendix 3 of Document 9.1, REP1-002). The whole document is relevant in answering the question, but Paras 1.2-1.5 summarise the strategies and mechanisms.</p>
1.4.19.	The Applicant and local authorities	Chapter 14 paragraphs 14.43 and 14.44 state that " <i>The ability of the proposals to support national and local economic growth regeneration, particularly in the most disadvantaged areas</i> " is scoped out of Chapter 14 and included within [APP-245] Statement 7.1B: Statement of Economic Benefits.	<p>Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052) identifies significant positive effects with respect to operational employment within the Local, District and LEP areas (Table 14.21).</p> <p>Figure 14.3 in ES Chapter 14 shows the relative levels of deprivation across South Staffordshire and surrounding</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>Considering that ES Chapter 14 does not appear to identify any significant effects in areas of economic disadvantage and Document 7.1B makes no reference to such areas, how would the Proposed Development provide meaningful support to economic growth and regeneration in the most disadvantaged areas within the sub-region?</p>	<p>districts. Areas shown in red are within the 10% most deprived in the country and areas shown in yellow are within the 20% most deprived.</p> <p>This illustrates that there are high levels of deprivation to the south within Wolverhampton, Dudley, Sandwell, Walsall, and to the north within Stoke-on-Trent Districts. Small pockets of deprivation are present in Telford and Wrekin, Lichfield, Cannock and Stafford.</p> <p>The LEP includes areas of deprivation including some neighbourhoods in Stafford, Lichfield and Cannock and much of Stoke-on-Trent. Therefore there will be a major significant beneficial employment effect experienced in neighbourhoods which are amongst the most deprived in the country.</p> <p>As set out in the Statement of Economic Benefits (Document 7.1B, APP-254, paragraph 1.1.8) improved logistics infrastructure is associated with lower distribution costs, including consumer goods, which will benefit consumers (e.g. it will be cheaper to buy from online retailers).</p> <p>Lower costs will make the region more attractive as a business location (for manufacturing as well as distribution) so there is wider economic growth and more jobs in the regional economy – not just at WMI.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>The Statement of Economic Benefits at paragraph 2.1.5 states that, "<i>the development of networks for both road and rail is part of a strategy to support a prosperous and competitive economy and improve overall quality of life in the UK</i>" and this includes reduced costs and increased business productivity in areas of deprivation.</p>
1.4.20.	The Applicant	<p>Can the Applicant clarify the basis of conclusion that the cumulative effects on demolition and construction employment would be minor beneficial at a district and national scale?</p>	<p>Cumulative construction employment impacts have not been identified as being beneficial at a national scale (Document 6.2. ES - Vol 1 - Chapter 14: Socio-Economics and Human Health (APP-052) Paragraph 14.386)</p> <p>These effects are identified as being minor beneficial at the District, West Midlands, SSLEP levels because employment creation is beneficial (in the context of local, LEP and national policies) but impacts of this magnitude are not significant at any spatial scale in the context of the size and mobility of the existing and projected construction workforce.</p>
1.4.21.	The Applicant and local authorities	<p>Mitigation Paragraph 14.281 states that Applicant will submit an Employment Skills and Training Plan. For this to be effective in respect of construction employment and training it would need to be submitted and approved some time in advance of the commencement of development.</p>	

ExQ1	Question to:	Question:	Applicant's Response
		<p>(i) When is the proposed Employment, Skills and Training Plan Framework to be submitted and who will be responsible for approving the document?</p> <p>(ii) How is this to be secured in the dDCO or DCOB?</p>	<p>(i) It was submitted at Deadline 1 (Appendix 3 of Document 9.1, REP1-002) and has been developed and agreed by SSDC and SCC. It will be incorporated in the DCOB in its final form.</p> <p>(ii) It will be secured in the DCOB.</p>
1.4.22.	The Applicant and local authorities	<p>Monitoring</p> <p>(i) What measures, if any, are proposed for monitoring the long-term effectiveness of the Employment, Skills and Training Plans in securing employment and training opportunities for unemployed people, school leavers and people in other target groups?</p> <p>(ii) How would the output of any monitoring undertaken be used to influence future recruitment and training initiatives?</p>	<p>(i) See the Employment, Skills and Training Plan Framework in Appendix 3 of Document 9.1, REP1-002. See section 8 Paragraphs 8.1- 8.3.15.</p> <p>(ii) If monitoring shows that the two key targets have not been met and the Plan is found not to have been implemented and adhered to, then this will trigger payment of the Contingency Employment Fund. The Employment Fund Steering Group (EFSG) will be a decision-making body who will be responsible for directing the Contingency Employment Fund. The EFSG will be provided with all monitoring data and will be able to use this evidence to direct the spending of the fund on recruitment and training initiatives as appropriate. See the Employment, Skills and Training Plan Framework in Appendix 3 of Document 9.1, REP1-002 (paragraphs 6.10-6.28).</p>

ExQ1	Question to:	Question:	Applicant's Response
1.5.	Agriculture and Soils <i>All paragraph and table references are to ES Chapter 6 (APP-026) unless otherwise specified</i>		
1.5.1.	The Applicant and IPs	<p>Title: Loss of BMV Land</p> <p>Chapter 6 identifies that a permanent, major adverse effect at a national scale would result from the loss to development of approximately 173ha of BMV agricultural land (around 58% of the total site area).</p> <p>To what extent would the loss of this area of BMV land meet the requirement, in paragraph 5.168 of the NPS, that Applicants should take into account the economic and other benefits of the best and most versatile agricultural land?</p>	<p>Chapter 6 of the ES (Document 6.2, APP-026) has considered the economic and other benefits of developing approximately 173 ha of BMV as required under paragraph 5.168 of the NPS. The assessment follows government guidance "Guide to assessing development proposals on agricultural land" (published 16 January 2018).</p> <p>The Guide describes how local planning authorities should make decisions that contribute to and enhance the natural and local environment by, in part, considering the economic and other benefits of the best and most versatile (BMV) agricultural land. The Guide does not explain how to assess the 'economic and other benefits' of BMV land, but it does describe how BMV land:</p> <ul style="list-style-type: none"> • gives the highest yield or output; • has the widest range and versatility of use; • produces the most consistent yield from a narrower range of crops; and • requires less input. <p>Likewise, Natural England's Technical Information Note (TIN) 049 'Agricultural Land Classification: protecting the best and most versatile agricultural land' (Second Edition,</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>December 2012) explains how relevant planning authorities should take into account the economic and other benefits of BMV agricultural land but does not provide guidance on how this should be done. TIN049 describes BMV agricultural land as “...the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals”. Therefore, for the purpose of the assessment, ‘economic and other benefits’ was taken to mean that BMV agricultural land is an national resource which is important in (i) economic terms, in that it is capable of producing high yields of a wide variety of crops which have an economic value to farm income and to national income (i.e. income from exports and reducing costs of importing food and other crops), and (ii) ‘other benefits’. This assessment understands this to mean that BMV agricultural land is not only important for producing food, but it can produce other crops of benefit to society, such as biofuels, timber, fibres and pharmaceuticals.</p> <p>The Agricultural Land Classification (ALC) system (Ministry of Agriculture, Fisheries and Food, October 1988) classifies agricultural land according to the extent to which its physical or chemical characteristics impose long term limitations on agricultural use. As skills and motivations vary amongst farmers, factors such as farm income, yield and current value of the land are not taken into account in the ALC system. Rather, the ALC grade reflects the land’s inherent</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>physical ability to produce a flexibility of cropping, or to produce consistently high yields of a narrower range of crops, under what is assumed to be a good but not outstanding standard of management.</p> <p>Therefore, rather than considering yields, gross margins, net farm income or current economic value of the land, etc, which can vary greatly between farmers due to difference in skill level and management practices , the impact assessment considers BMV agricultural land in terms of its inherent ability to produce high yields of a range of crops (i.e. food and other crops such as biofuels, timber, fibres and pharmaceuticals). Accordingly, owing to its importance and value as a natural resource for use by future generations, BMV agricultural land is assessed as being of high sensitivity (re Table 6.6 of the ES, Document 6.2, APP-026). The permanent requirement of 173 ha of BMV agricultural land is assessed as being a high magnitude of impact (re Table 6.4 of Chapter 6 of the ES, Document 6.2, APP-026). Thus, the assessment of the significance of the residual effect of the Proposed Development on BMV agricultural land as major adverse reflects the weight which should give to the loss of such land. It is implicit within the assessment that BMV land has the potential for good economic returns for generations in the future and is an important resource due to its physical ability to produce a wide range of food and other, non-food crops.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Paragraph 5.168 of the NPS also states, in part, that: <i>“Applicants should also identify any effects, and to minimise impacts on soil quality, taking into account any mitigation measure proposed”</i>. The proposed mitigation of the potential significant effects of the Proposed Development on soil is dealt with in detail below in answer to Q1.5.4 and Q1.5.5.</p> <p>Paragraph 5.1.25 of the Ecology, Landscape & Visual Impact and Agriculture & Soils - Statement of Common Ground – Natural England (February 2019) (as included within the Applicant's Deadline 1 submission) states that <i>“FAL and NE agree that the loss of BMV agricultural land is unavoidable given the development proposals, however the effects of this loss will be mitigated by the following:</i></p> <ul style="list-style-type: none"> • <i>The loss of BMV agricultural land will be phased over the construction period (estimated to be 15 years), with existing agricultural land to be retained and protected until development occurs in a specific area;</i> • <i>The soils will be re-used on-site within proposed landscaping;</i> • <i>During construction works soils will be managed in accordance with Defra guidance ‘Construction Code of Practice for the Sustainable Management and Use of Soil on Construction Sites’ (Defra, September 2009); and</i>

ExQ1	Question to:	Question:	Applicant's Response
			<ul style="list-style-type: none"> Approximately 18.4 % of the South Staffordshire District comprises Grade 2 agricultural land, which is higher than the national average (14.2 %). The majority (i.e. 69.4 %) of agricultural land in the District is in Grade 3 (not differentiated between Subgrade 3a and 3b), which is also higher than the national average (48.2 %). Therefore, the presence of Grade 2 and Grade 3 agricultural land at the Site is to be expected, as these grades of agricultural land are widespread in the District.”
1.5.2.	The Applicant and IPs	<p>Table 6.11 assesses the effect of the loss of land from the farm holding at Somerford Home Farm as moderate adverse and the effect on all other farm holdings that would lose some land that they currently use as minor.</p> <p>(i) Is this a realistic assessment of the likely effects on the viability of those farm holdings?</p>	<p>In answer to ExQ1.5.2(i), the sensitivity of Somerford Home Farm is assessed as medium (re: Table 6.6 of the ES, Document 6.2, APP-026) because it has 681.38 ha of agricultural land, including land within the Site, entered in the Entry Level Stewardships Scheme (Agreement No. AG00450694), as shown on the MAGIC.gov.co.uk website. The magnitude of the impact on Somerford Home Farm (Parcel M) is medium (i.e. 81 ha or 12% of the total holding). The significance of the residual effect is moderate adverse (see Table 6.3 in the ES, Document 6.2. APP-026).</p> <p>(i) As described in ES Chapter 6 (Document 6.2, APP-026), no agricultural holdings affected by the Proposed Development, other than Somerford Home Farm, have land entered into an agri-environment scheme. They are assessed as being of low sensitivity, as they are tenants, i.e.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) Would the loss of this amount of BMV land and the reduction in the size of existing holdings have any potential to have an adverse effect on the level of agricultural activity in the local area more generally?</p>	<p>insecure tenure which can be terminated in any event under the terms of the agreement. The magnitude of the impact is assessed as being high, as the tenancies are extinguished. The significance of the residual effect is minor adverse (re Table 6.3 in the ES, Document 6.2, APP-026), i.e. high impact on a low sensitivity receptor.</p> <p>Therefore, the main difference in the assessment of significance of effects between Somerford Home Farm and the other tenancies, is that agricultural land at Somerford Home Farm is entered into an agri-environmental scheme (ELS) and provides additional benefits to society, in this case a benefit to biodiversity/nature conservation. Accordingly, the sensitivity of the receptor is raised from low to medium (re Table 6.6, Document 6.2, APP-026) and the significance of the effect is moderate adverse overall. It is predicted that the remainder of the land at Somerford Home Farm, i.e. 600.38 ha or 88%, will continue to be contract farmed as it is now.</p> <p>(ii) The loss of 173 ha of BMV agricultural land will reduce the amount of such land available to local agricultural businesses, including tenants and contract farmer, but it is not possible to quantify how much this would reduce the local agricultural economy with any degree of certainty. However, it is likely that a loss of 173 ha will cause some reduction to the value of the local agricultural economy, i.e. within reasonable travelling distance for agricultural vehicles</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>(approximately 10 miles from Site), although these effects will be phased as the Proposed Development progresses. Therefore, any reduction to the local agricultural economy would occur over a number of years during construction, rather than being a single year event.</p>
1.5.3.	The Applicant	<p>Several RRs raise concerns about the loss of BMV land at a time of uncertainty with regard to the (post Brexit) future of the agricultural industry in the UK and refer to an increased need for food security and a reduced dependency on food imports.</p> <p>Can the Applicant provide a written response to these concerns and, if possible, submit any data as to what level of production might be lost annually if the site is developed as proposed?</p>	<p>In terms of the assessment of the Proposed Development, it is difficult to predict the effects of Brexit on a 'do-nothing scenario' (i.e. where the existing agricultural tenancies are the subject of the effects of Brexit alone, without the Proposed Development). However, it is likely that the existing baseline conditions, in terms of the types of crops produced and levels of farm income generated, will change as markets and agricultural support payments change over the short term (i.e. next five years).</p> <p>Brexit may have adverse effects on the local agricultural economy in the short-term, before the local agricultural industry can adjust/adapt and establish new markets over the mid to long-term.</p> <p>Chapter 6 of the ES assesses the significance of the adverse effect of constructing the Proposed Development on 173 ha of BMV agricultural land as major adverse (i.e. high magnitude of impact on a receptor of high sensitivity). Therefore, the significance of the loss of BMV land is recognised in the ES. Although as identified in paragraph</p>

ExQ1	Question to:	Question:	Applicant's Response
			6.80 of Chapter 6 (Document 6.2, APP-026), South Staffordshire District does hold Grade 2 and 3 agricultural land higher than the national average.
1.5.4.	The Applicant and NE	<p>Soil Resources NE (RR-1289) expresses concern about the maintenance of soil functionality as part of the proposal's landscaping provisions.</p> <p>i) What mechanisms are proposed to be put into place to ensure that soil functionality is maintained during the processes of soil stripping and removal, storage and reuse? ii) Will these mechanisms be secured through the CEMP/ dDCO/ DCO?</p>	<p>Consideration of soil (topsoil and subsoil) as a valuable resource available for reuse on Site in a sustainable manner is given in Chapter 6 of the ES (Document 6.2, APP-026). The potential for construction of the Proposed Development to adversely affect the quality and quantity of soil resources is assessed in Chapter 6. Appropriate mitigation is offered in Chapter 6 as follows: <i>'Therefore, the quality and quantity of soil within the Proposed Development should be maintained by implementing appropriate techniques for stripping, storing and re-use. This approach will be adopted in a Soil Resource Plan (SRP), as per Section 6.0 of the ODCEMP, to be secured as a DCO Requirement. This is consistent with the findings and recommendations of recent research carried out on behalf of Defra, including the development of a 'Construction Code of Practice for the Sustainable Use of Soil on Construction Sites' (Defra, September 2009). (paragraph 6.64)</i></p> <p>Therefore, a Soil Resource Plan (SRP) following best practice will form part of the proposed DCCEMPs, to be secured as a DCO Requirement.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Paragraph 5.1.26 of the Ecology, Landscape & Visual Impact and Agriculture & Soils - Statement of Common Ground – Natural England (February 2019) (Document 8.4, REP1-003) states that “<i>FAL and NE agree that a Soils Resource Plan (SRP) will be prepared for each phase of the proposed development (as per section 6.0 of the Outline Demolition and Construction Environmental Plan (ES Technical Appendix 2.3) as secured by a DCO requirement). Each SRP will be based on specific proposals and include final soil volumes to be managed as part of each development phase</i>”.</p>
1.5.5.	The Applicant and EA	Having regard to the assessments set out in ES Chapters 6 & 11, what evidence can be provided that there would be no significant adverse effect on soils due to the groundworks proposed during the construction of the development?	<p>DEFRA's 'Construction Code of Practice for the Sustainable Use of Soil on Construction Sites' (September 2009) provides case studies to demonstrate best practice for soil handling, and to illustrate scenarios to avoid, e.g. handling clay soils when they are too wet. The Soil Resource Plan as outlined within the ODCEMP will help maintain the quality and quantity of soil resources by employing best practice, including stripping and storing soil resources according to their sensitivity/resilience to structural damage. The sensitivity of soil receptors is identified in ES Chapter 6 (Document 6.2, APP-026). If appropriate, best practice techniques for handling soil will be implemented through a SRP, it is possible to reduce the significance of the effect of constructing the Proposed Development on soil resources to minor adverse, as assessed in ES Chapter 6.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Paragraph 5.1.27 of the Ecology, Landscape & Visual Impact and Agriculture & Soils - Statement of Common Ground – Natural England (February 2019) (as included within the Applicant's Deadline 1 submission) states that “As a basis for each SRP, the soil type data included the Agricultural Land Classification report (ES Technical Appendix 6.1) will be used as the basis of a soil inventory, where soils of a similar type will be managed accordingly”.</p>
1.6.	<p>Ground Conditions <i>All paragraph and table references are to ES Chapter 11 (APP-031) unless otherwise specified</i></p>		
1.6.1.	<p>The Applicant</p>	<p>Assessment of Effects The ‘Source-Path-Receptor’ method used in the assessment of ground conditions is outlined in paragraphs 11.41-11.50 with reference to ES Technical Appendices 11.3 & 11.4 but rationale for the spatial scope of the identified receptors appears to be set out those appendices.</p> <p>Can the Applicant explain how the spatial scope used in the assessment has been derived using a Source-Path-Receptor approach?</p>	<p>In answering this question the Applicant has assumed that the end of the first sentence of ExQ1.6.1 should state “...appears not to be set out in those appendices”. The ‘Source-Path-Receptor’ method is the appropriate approach for the assessment (as per EA guidance – CLR11: The Environment Agency. Model Procedures for the Management of Land Contamination. Contaminated Land Report 11. September 2004) and referenced as per paragraph 11.25 of the ES (Document 6.2, ES Chapter 11, APP-031).</p> <p>The spatial scope has considered receptors as follows: controlled waters 2km from the Site; ecological receptors within 1km from the Site and humans and property within 250m of the Site. Furthermore, potential sources of</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>contamination on or within 250m of the Site have been considered.</p> <p>Therefore, based on the stated spatial scope, the assessment included in ES Chapter 11 has considered relevant potential sources of contamination and potential receptors and, where applicable, potential pathways between source and receptor. Where all three are potentially present (i.e. source, pathway and receptor) the assessment has identified potential pollutant linkages (summarised in Table 11.11, Document 6.2, ES Chapter 11, APP-031).</p>
1.6.2.	The Applicant	Can the Applicant clarify what is meant by the terms " <i>highly localised</i> " and " <i>locally</i> " as stated in paragraph 11.56, having regard to the geographical extent of any potential effects?	<p>In paragraph 11.56 (Document 6.2, APP-031) highly localised is defined as '<i>confined to a very small section of a site or area</i>'. To clarify this would mean an area such as 25 sq. m and for example could relate to potentially impacted soils associated with a leaking tank.</p> <p>In paragraph 11.56 (Document 6.2, APP-031) locally is defined as '<i>affecting a site and areas immediately outside of it (possibly up to Borough wide)</i>'. For example this would relate to an impact upon the entire Site and immediate surroundings. This impact could be relevant at a Borough scale.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.6.3.	The Applicant	<p>(i) Can the Applicant explain the rationale for/derivation of the selection of the sensitivity criteria set out in Table 11.3?</p> <p>(ii) In Table 11.4 what approach has been taken in defining the magnitude of impacts as “<i>substantial</i>”, “<i>moderate</i>”, “<i>low minor</i>” and “<i>negligible</i>” and where are these terms defined?</p> <p>(iii) Can the Applicant clarify the meaning of the terms “<i>Frequent</i>”, “<i>Infrequent</i>”, and “<i>Rare</i>” in the context of the spatial and temporal scope of effects as set out in paragraph 11.58; can these terms be defined with reference to quantitative measures?</p>	<p>(i) There is no specific guidance for assigning sensitivity criteria, however the sensitivity criteria used have been used previously on other projects. The criteria assign a hierarchy of sensitivity and reasonably divides criteria into a ‘high’, ‘medium’ or ‘low’ sensitivity based on professional judgment. As stated in paragraph 11.54 (Document 6.2, ES Chapter 11, APP-031) ‘<i>In the absence of published quantitative criteria relating to contamination for the use in EIA, Tables 11.3 and 11.4 have been developed, to enable the consistent and transparent assessment of the Proposed Development likely effect on sensitive receptors</i>’.</p> <p>(ii) ‘Substantial’, ‘Moderate’ and ‘Minor’ as stated in Table 11.4 (Document 6.2, ES Chapter 11, APP-031) do not require definition as they are used as descriptions to define the magnitude of impact. It is considered that the descriptions in Table 11.4 assign a magnitude of impact and ‘Substantial’, ‘Moderate’ and ‘Minor’ are used in the context of the relative requirements for remedial works / improvements in ground conditions.</p> <p>(iii) Examples for ‘frequent’, ‘infrequent’ and ‘rare’ are given in paragraph 11.58 (Document 6.2, ES Chapter 11, APP-031). To provide quantitative definitions: Frequent equals an event which occurs two or more times a year; Infrequent equals an event which occurs at a frequency of between once a year and once every 4 years; Rare equals an event which happens once every 5 years or less frequently.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.6.4.	The Applicant	<p>(i) Given that the construction period is expected to extend over 15 years can the Applicant clarify what is meant by "temporary" in the assessment of effects in Chapter 11?</p> <p>(ii) How should this term be understood in the context of the definitions of short, medium and long term in paragraph 2.61?</p>	<p>(i) In paragraph 11.56 (Document 6.2, ES Chapter 11, APP-031) temporary is described as '<i>a non-permanent impact occurring for a typically short-lived period such as during demolition or construction works</i>'. Whilst the construction period is expected to extend over 15 years it won't extend for 15 years in a given location on-site.</p> <p>(ii) Temporary is defined in paragraph 2.60 (Document 6.2, ES Chapter 2, APP-018) as follows: '<i>Whether the effect is permanent or temporary, and where temporary, the duration of the effect based on a scale of short term, medium term and long term</i>'. Where short-term, medium-term and long-term are defined in paragraphs 2.61 and 11.56 (Document 6.2, ES Chapter 11, APP-018) as follows: Short term: less than 1 year; Medium term: 1 to 5 years; and Long term: greater than 5 years.</p>
1.6.5.	The Applicant	Where is the assertion that future baseline conditions have been assessed (paragraph 11.40) evidenced either in Chapter 11 or the related Technical Appendices?	The assertion that future baseline conditions have been assessed is not explicitly stated in Chapter 11 or the Technical Appendices of the ES. However, as an implicit part of the assessment there has been consideration of the proposed generic commercial / industrial development of the Site. In accordance with a widely accepted approach assessments consider the generic proposed end use in question (commonly residential with plant uptake (i.e. gardens), residential without plant uptake or commercial /

ExQ1	Question to:	Question:	Applicant's Response
			<p>industrial. The consideration of a commercial / industrial end use is outlined in: paragraph 3 of the executive summary of ES Technical Appendix 11.3 (Document 6.2, APP-094); in paragraph 3 of the executive summary of ES Technical Appendix 11.4 (Document 6.2, APP-095); and, paragraphs 11.121 and 11.132 of ES Chapter 11 (Document 6.2, APP-031) which note use of '<i>Commercial / Industrial guideline values</i>'.</p>
1.6.6.	The Applicant, EA and other IPs	<p>Although Table 11.11 sets out the expected residual effects Chapter 11 does not appear to include an assessment of significant effects prior to the implementation of mitigation measures.</p> <p>What evidence can be provided that the EA and other relevant stakeholders are satisfied that all potentially significant effects have properly been assessed and mitigated such that no significant residual effects are likely?</p>	<p>As outlined in ES paragraphs 11.146 to 11.150 (Document 6.2, ES Chapter 11, APP-031) the stated embedded mitigation measures have been incorporated into the assessment and so effects without these embedded measures have not been assessed.</p> <p>As per paragraph 5.1.3 within the Statement of Common Ground agreed with the Environment Agency (Document 8.2, AS-026) "<i>Other than potential effects upon on-going remediation works (discussed in more detail in the section below), FAL and the EA agree that land contamination assessment as included in the final environmental statement (ES) (ES Technical Appendices 11.3 and 11.4) does not indicate any significant effects with respect to Controlled Waters receptors</i>".</p>

ExQ1	Question to:	Question:	Applicant's Response
1.6.7.	The Applicant and EA	<p>Table 3.2 of Technical Appendix 11.3 (APP-094) indicates a high risk of contamination leakage from the Four Ashes Industrial Estate into the south west part of the Site but this does not appear to have been assessed in Chapter 11.</p> <p>Is the EA content that the ES is adequate in its scope in relation to this potential source of contamination and any risks that might arise to or from the Proposed Development in relation to on-site ground conditions and groundwater?</p>	<p>Table 3.2 of ES Technical Appendix 11.3 (Document 6.2, APP-094) is a preliminary conceptual site model within a report prepared in 2016 and identifies potential sources of off-site contamination based on understanding at that time. This table refers to '<i>Multiple chemical works located within Four Ashes Industrial Estate</i>' which actually collectively refers to the SI Group facility as well as Four Ashes Industrial Estate. Subsequently it was identified there should be a distinction between the SI Group facility and Four Ashes Industrial Estate (which is used in Chapter 11 of the ES, for example paragraph 11.73 (Document 6.2, APP-031). Within Table 3.2 of Technical Appendix 11.3 the reference to high risk relating to '<i>phenols in groundwater</i>' is actually specifically referring to the SI Group facility. Four Ashes Industrial Estate, as well as the SI Group facility, was considered as potential sources of off-site contamination and the intrusive site investigation designed accordingly. However, the only effects were identified to be associated with the off-site SI Group facility, which have been thoroughly considered in Chapter 11.</p> <p>As per paragraph 5.1.3 within the Statement of Common Ground agreed with the Environment Agency (AS-026) "<i>Other than potential effects upon on-going remediation works (discussed in more detail in the section below), FAL and the EA agree that land contamination assessment as included in the final environmental statement (ES) (ES Technical Appendices 11.3 and 11.4) does not indicate any</i></p>

ExQ1	Question to:	Question:	Applicant's Response
			<i>significant effects with respect to Controlled Waters receptors</i> ".
1.6.8.	The Applicant EA	Can evidence be provided to show that the EA is content that there is no assessment within the ES of the potential for on-site contamination to affect off-site conditions through groundwater or any of the other migration paths listed in paragraph 11.145?	<p>Chapter 11 of the ES does consider potential on-site sources of contamination and how these could affect off-site conditions via groundwater. Paragraph 11.145 (Document 6.2, ES Chapter 11, APP-031) identifies one of the migration pathways to include "<i>lateral migration of contaminated groundwater (if any)</i>". Furthermore, assumptions regarding consideration of the potable water supply located 1.39km west of the site are outlined in paragraph 11.60, fifth bullet (Document 6.2, ES Chapter 11, APP-031).</p> <p>As per paragraph 5.1.3 within the Statement of Common Ground agreed with the Environment Agency (AS-026) "<i>Other than potential effects upon on-going remediation works (discussed in more detail in the section below), FAL and the EA agree that land contamination assessment as included in the final environmental statement (ES) (ES Technical Appendices 11.3 and 11.4) does not indicate any significant effects with respect to Controlled Waters receptors</i>".</p>
1.6.9.	The Applicant and EA	In connection with the ongoing remediation scheme being undertaken by the SI Group paragraph 32 ES Technical Appendix 11.5 (APP-096) states that the Proposed Development " <i>will incorporate contingency access to</i>	

ExQ1	Question to:	Question:	Applicant's Response
		<p><i>development areas to provide future flexibility for SIG to adapt remediation activities."</i></p> <p>(i) Where is this requirement reflected in the Parameter Plans or Works schedules?</p> <p>(ii) How are all of the other 'safeguarding measures' set out in Table 1 of Appendix 11.5 secured through the dDCO?</p>	<p>(i) This issue is adequately dealt with in the private agreement between SI Group and the Applicant.</p> <p>(ii) Requirement 12 outlines the need for a contamination report to be prepared for each phase of the development. The contamination report needs to outline remedial measures. Furthermore, Requirement 12(3) specifically states that development in Zones A1, B or C needs to be undertaken in accordance with the principles of the 'remediation safeguarding report'. The Applicant is aware that SI Group are seeking amendments to Requirement 12, of which it has had notice and is content to include. The Applicant will incorporate appropriate amendments to requirement 12 of the dDCO to be submitted at Deadline 3.</p>
1.6.10.	The Applicant	<p>Calf Heath Quarry</p> <p>(i) What level of extraction and/ or infill of material is anticipated within the area of Calf Heath Quarry to establish the Proposed Development platforms and how would the proposed platform levels relate to existing ground and excavation levels?</p>	<p>(i) The earthworks strategy shows excavation of topsoil and quarry bi-product stockpiles from the quarry to expose the base of extraction (bedrock). Fill depths up to approximately 4m from the base of the excavations to the top of the upper parameter development platforms will be required in the quarry area. Once complete, the finished development ground levels will be at or marginally lower than the ground levels prior to quarrying.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) To what extent have potential risks to ground stability that may arise from the past and current excavations and extraction of material within the area of the quarry been assessed and do any issues of concern arise from these activities?</p>	<p>(ii) Information was obtained from the existing operator (Staffordshire Sand and Gravel Ltd) in relation to the past and current quarry activities and this was used in conjunction with the ground investigation undertaken by the Applicant to ascertain the risk of land instability for the proposed development.</p> <p>The method of quarrying has removed topsoil and subsoil to access the underlying sand and gravels which are held within fine (clay) material. The sand and gravels are screened to remove fines, creating a quarry bi-product typically consisting of a mixture of clay and silt size material. Topsoil, subsoil and the bi-product have been stockpiled in the base of the quarry in significant quantities. Such materials would not be suitable to provide stable construction platforms for the development and would risk disproportionate settlement of new buildings and infrastructure.</p> <p>It is proposed to extract unsuitable material (stockpiled quarry bi-product, subsoil and topsoil) and infill the quarry with suitable, site-won fill material to the new formation level. The bi-product material will be used for landscaping elsewhere on the Site. The controlled installation of suitable site-won material will manage and mitigate any risk of ground instability.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.6.11.	The Applicant, EA and other IPs	<p>Mitigation and Monitoring</p> <p>(i) How would the mitigation measures described in Chapter 11 and the ODCEMP (APP-060) be secured?</p> <p>(ii) Are the EA and other relevant stakeholders satisfied as to the adequacy of the proposed mitigation measures?</p>	<p>(i) As set out in the mitigation route map (Document 7.6, APP-155), the mitigation measures in Chapter 11 are secured under requirements 4, 12 and 13 of the dDCO.</p> <p>(ii) -</p>
1.6.12.	The Applicant, EA and other IPs	<p>Paragraph 5.17 of the ODCEMP proposes weekly inspections and monitoring during the construction period.</p> <p>What, if any, monitoring is proposed in the operational phase?</p>	<p>No monitoring is proposed during the operational phase. In Table 11.10 (Document 6.2, APP-031) the only measures covered under 'completed development' which don't relate to Requirements 12 and 13 of the dDCO comprise storage of fuels / oils which is covered under existing legislation (Control of Pollution (Oil Storage) Regulations 2001) and it isn't considered necessary to monitor these measures as they are governed by separate legal obligations on the individual occupants.</p>
1.7.	<p>Transport and Traffic <i>All paragraph and table references are to the Transport Assessment (ES Technical Appendix 15.1) (APP-114) unless otherwise specified</i></p>		
1.7.1.	The Applicant, HE and SCC	<p>Accessibility to Markets and Sources of Labour</p> <p>Have the Light Vehicle Distribution assumptions underpinning the Sustainable Transport Strategy (STS)(APP-136) (Table 4.1) and Transport Assessment (APP-130) (TA) been agreed by HE and SCC?</p>	<p>Yes. The Applicant believes this is agreed with HE and SCC.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.7.2.	The Applicant, HE and SCC	<p>Paragraph 3.2 of Technical Note 14.1 (APP-142) asserts that approximately 60% of goods moving to and from WMI would be from the WM Region.</p> <p>(i) Is this assumption drawn from the data in Table 3 in that same note or is there other evidence to support the assumption?</p> <p>(ii) Is this assumption agreed by HE and SCC?</p>	<p>(i) The distribution of 60% of HGV trips to and from WMI from the WM region is based on the data in Table 3 of Technical Note 14 (Document 6.2 APP-142) alone, which summarises data from the National Freight Statistics 2015.</p> <p>(ii) Yes. The Applicant believes this assumption is agreed with HE and SCC.</p>
1.7.3.	The Applicant and SCC	<p>Table 4.3 of the STS sets a target of a 10% reduction from the assumed baseline in journeys to work as a car driver but a significant part of this reduction is predicted to be achieved by a large increase in the numbers travelling as a car passenger (an increase from 7.5% to 12.5). The proportion travelling to work at WMI by bus is predicted to increase from 3% at the assumed baseline to 8% at the full build out position.</p> <p>(i) Is this increase in public transport use achievable through the proposed measures set out in the STS?</p>	<p>(i) It has been agreed with SCC that the STS measures are sufficient to achieve the 10% reduction from the assumed baseline in journeys to work as a car driver.</p>

ExQ1	Question to:	Question:	Applicant's Response
		(ii) Is it sufficiently ambitious in the context of the site's location and its accessibility to the main areas from which future employees of WMI are expected to travel?	(ii) It has been agreed with SCC that the target modal shift is suitably ambitious. The applicant has agreed a baseline modal shift target with SCC that is considered to be achievable and this is set out within The Site Wide Travel Plan (Document 6.2 App-137). Initial, achievable modal share targets will be determined following baseline travel to work surveys. The Site Wide Travel Plan (Document 6.2, APP-137) is currently the subject of discussions with SCC; however, it has been agreed that the success of the SWTP will be reviewed annually. Whilst there is no definitive industry guidance, it is widely accepted in the industry that travel plan targets should be SMART (Specific, Measurable, Achievable, Relevant and Time-bound). It is considered best practice to set achievable targets so that the SWTP is seen to operate successfully. These are supported by a contingent fund identified in the DCOB.
1.7.4.	The Applicant	Paragraph 7.28 of the STS states that all buildings within the development would provide changing facilities including showers, secure storage facilities and areas for drying clothes. How will this provision be secured through the DCO?	This will be secured through an updated version of the Site Wide Travel Plan (Document 6.2, APP-137). Each warehouse or terminal which employs more than 50 people is required to have an occupier travel plan, which must be in accordance with the principles set out in the Site Wide Travel Plan.
1.7.5.	The Applicant, HE and SCC	Transport Assessment It is noted that an assessment of the effects of the Proposed Development with full occupation at 2036 has not been	It has been agreed with HE and SCC that it is not necessary to assess the likely effects of the M54 / M6 link road. At the

ExQ1	Question to:	Question:	Applicant's Response
		<p>carried out because no decision had been made as to the preferred route of the proposed M54/M6/M6 Toll Link Road. The ExA understands that, although no DCO application has yet been made, a preferred route has now been selected for that proposed Link Road.</p> <p>If this is the case is it necessary/ desirable for a supplementary TA to be produced which assesses the likely effects with full occupation at 2036 in order to provide the Examination with all the information necessary to fully assess the proposal?</p>	<p>time of assessment, the preferred route had not been announced. It was not possible to assume a likely route as each route option would have a different impact on traffic. Therefore, it was agreed with HE and SCC that WMI would be assessed without inclusion of the M54 / M6 Link Road for the 2021 opening year and this would be compliant with DfT Circular 02/2013.</p> <p>Having undertaken a DfT compliant assessment in agreement with HE it is not necessary to assess a 2036 scenario. Whilst considering whether a 2036 assessment with the M54 / M6 Link Road is desirable it is beneficial to consider the attributes of the scheme, which is to provide an improved and more direct link between the M54 and the M6 north or M6 (Toll). Currently traffic wishing to travel between these routes use a combination of roads including the A460 / M6 J11 or the A449 /A5/ M6 J12, the latter route passing to the west and north of WMI. It is self-evident that the M54 / M6 Link Road will reduce traffic flows on these roads . The position has been agreed with HE.</p>
1.7.6.	The Applicant, HE and SCC	The RRs indicate a considerable level of concern about the effects of traffic transferring onto alternative routes in the area when there are closures of parts of the M6 between Junctions 11 and 13. Paragraph 3.10.5 provides some figures on the number and frequency of unplanned (i.e. not related to the SMART motorway upgrade or other planned	

ExQ1	Question to:	Question:	Applicant's Response
		<p>improvements) but this data only extends up to August 2017.</p> <p>(i) Is HE able to provide updated data on the number, frequency, timing and duration of unplanned closures of this section of the motorway, and for the closure of Junction 12 itself, over the period January 2015 –December 2018?</p> <p>(ii) Is the impact of such closures on traffic flows on the A449/A5 and other local routes of a sufficient scale to warrant further assessment or sensitivity testing of the likely effects of development generated traffic on these routes at times when an unplanned closure of the M6 occurs?</p> <p>(iii) Are any contingency measures needed to ensure minimal adverse impact on local roads and communities from development generated traffic at times when unplanned closures of the M6 result in the transfer of significant volume of traffic onto major and local roads in the vicinity of the application site? If so, what might those measures reasonably comprise?</p>	<p>(i) -</p> <p>(ii) From the data presented up to August 2017 it has been agreed with HE that the number, timing and duration of unplanned closures of this section of motorway is not sufficient to warrant further assessment.</p> <p>(iii) Due to the management of vehicle arrivals at WMI, it is not expected that contingent measures would be required to be used. However in the event of an unforeseen circumstance, contingent measures have been identified in relation to HGVs. These are set out in the Site Wide HGV Management Plan (Document 6.2 APP-138), and are considered to be sufficient. Any vehicles travelling to WMI will be advised of operational issues and notified to delay arrival. This will be important for drivers who will not want to waste driver time unnecessarily. Drivers leaving WMI will not want to continue an onward journey if they are to join a queue, given that it would affect drivers working time limits. Designated HGV parking areas are proposed at WMI and secured through the requirements to enable drivers to take</p>

ExQ1	Question to:	Question:	Applicant's Response
			statutory breaks if required. The level of HGV parking areas proposed provide significant areas within the site where HGVs can be accommodated if required during any unplanned closures of the M6.
1.7.7.	The Applicant, HE and SCC	<p>(i) Has any account been taken in the TA of the peak traffic movements generated by major events at Weston Park which are stated in a number of RRs to give rise to significant congestion and delays on the local highway network?</p> <p>(ii) Are the levels and timings of additional traffic movements associated with those major events such as to warrant any further assessment or sensitivity testing of the likely effects of development generated traffic on these routes at times when major events are taken place?</p>	<p>(i) No, however, concern about events at Weston Park was raised at the first Public Consultation. Consequently the Applicant made inquiries about the impact of these events. At that time the major event which was referred to was the V Festival. The HE confirmed that in the early years of the festival there had been significant congestion on the local highway network and in particular from the M6 J12 along the A5. As a result HE worked closely with Weston Park in order to improve conditions for major events. This included the construction of a new access and car park which enabled traffic from the south to use the M54 and avoid J12 thereby splitting the traffic demand. Following this plan, the traffic conditions during major events improved considerably.</p> <p>(ii) Given the improved traffic management plan for Weston Park and the infrequent number of major events no further assessments were deemed necessary.</p>
1.7.8.	The Applicant, HE	(i) Are the M54/ M6/M6 Toll Link Saturn and South Staffordshire VISSIM models subject to any limitations or	(i) As with any computer modelling package, there are limitations. Given the nature of the models which focus on

ExQ1	Question to:	Question:	Applicant's Response
	and local authorities	<p>notes of caution that may materially affect the outcome of the TA?</p> <p>(ii) As these models are used to inform both the TA and the AQ assessment, please clarify what committed development schemes been taken into account in the TA either in the base Models or in subsequent adjustments made as part of the assessment?</p>	<p>strategic and primary routes, they do not include for all roads in the area surrounding WMI and do not include non primary roads, such as rural lanes. However, this does not materially affect the outcome of the Transport Assessment (Document 6.2, APP-114). The M54/ M6/M6 Toll Link SATURN model remains the only publicly available and accurate tool for strategic traffic distribution in the area. A new model has been developed for other future years in order to test the M54 / M6 link road, however the applicant has been advised by HE that any further modelling prepared for the M54/M6 link road is not currently in the public domain and is not available.</p> <p>The VISSIM model had been built by HE consultants in preparation for modelling the effects of the M6 / M54 / M6 Toll Link Road, however, it has been utilised in order to model the impact of WMI and the effect of the link road through the site. This was done in close consultation with HE and both HE and SCC support the results from the model. The VISSIM model was based upon validated traffic surveys and provides the best model to consider the effects of development related traffic on the local highway network.</p> <p>(ii) A list of committed schemes considered by this application and within the traffic modelling is provided within Table 17.3 of the Environmental Statement Chapter 17 Cumulative Effects (Document 6.2 APP-056). These developments have been included in the future base year</p>

ExQ1	Question to:	Question:	Applicant's Response
		(iii) Are the key relevant consultees satisfied that all significant development commitments have been taken into account?	<p>models and appropriate levels of build out agreed with HE, SCC and SSDC.</p> <p>(iii) Yes – extensive consultation took place with HE and the local authorities at the time of the traffic modelling to ensure all relevant developments were included at an appropriate level.</p>
1.7.9.	The Applicant, HE and SCC	<p>(i) Can the Applicant clarify which routes have been used for the modelling of construction road traffic impacts, and provide reasons for selecting these routes?</p> <p>(ii) Has the selection of these routes been agreed with HE/SCC?</p>	<p>(i) Construction traffic routes were chosen based on the most direct route between WMI and the Strategic Road Network in order to minimise the volume of construction traffic on local roads. Construction vehicles would be directed to use the M6 Junction 12 as this provides access from the north, south and east of the country. Construction vehicles travelling from the immediate west of the site for example Mid Wales or Telford would be advised to use the A449 via the M54 Junction 2.</p> <p>(ii) Proposed construction routing is set out in the Demolition and Construction Traffic Management Plan (Document 6.2 App-143) (Sections 3.2 and 3.3).</p>
1.7.10.	The Applicant	<p>Development Phasing Paragraph 4.3.1 states that, based on the indicative phasing plans, all highway infrastructure will have been introduced by the end of indicative Phase 1. However, it is not clear that this would be the case from examination of</p>	<p>ES Figure 4.5 is an indicative drawing of the site layout based around phasing of warehouse units. It is acknowledged that paragraph 4.3.1 of the Transport Assessment (Document 6.2, APP-114) is incorrect as not all</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>ES Figure 4.5 which appears to show some of this infrastructure in later phases.</p> <p>Can the Applicant produce a plan that clearly indicates the anticipated phasing of the highway infrastructure and site estate roads?</p>	<p>highway infrastructure will be introduced by the end of indicative Phase 1.</p> <p>A plan has been produced provided at Appendix 14 of this document which shows the phasing of proposed highway mitigation and access infrastructure as per the Requirement 25 set out in the dDCO. All highway mitigation would be delivered by the end of Phase 1; however, some elements of the vehicular access strategy may come forward later than Phase 1 for example the accesses for the land served via Vicarage Road.</p>
1.7.11.	The Applicant, HE and SCC	<p>Road Safety Audits</p> <p>Paragraph 5.3.2 states that safety audits of the proposed works to HE's network were ongoing at the time that the TA was written.</p> <p>Have these been completed and are they to be submitted to the examination?</p>	<p>The Stage 1 Road Safety Audit of the proposed works to HE's network has been completed. This is provided at Appendix 15 of this document.</p>
1.7.12.	The Applicant, HE and SCC	<p>Trip Generation</p> <p>TA Appendix K [APP-140] indicates that the surveys at DIRFT were carried out over a 24-hour period in June 2016.</p> <p>(i) Can the Applicant provide justification that use of one 24-hour survey at DIRFT provides a robust basis on which to assess likely HGV and non-HGV trip generation data for the</p>	<p>(i) It is not uncommon for one day of surveys to be used to develop trip generation for development. Trip generation methodology for both DIRFT III SRFI and East Midlands</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>Proposed Development, considering no repeat or longer surveys have been undertaken?</p>	<p>Gateway SRFI, both recent consents through the DCO process, relied upon one day of surveys. Two other SRFI currently going through the DCO process also rely on only one day of surveys to support their trip generation methodology.</p> <p>As part of the discussion process with HE and SCC HE raised this same question. Our response was provided in September 2016, as follows</p> <p><i>“At the meeting with HE, SCC, SSC and JMP on the 25th July [2016], it was queried whether these surveys [DIRFT Surveys] represented typical conditions.</i></p> <p><i>There were no known disruptions on the roads surrounding DIRFT on the day of the survey therefore in order to demonstrate that these surveys do represent typical conditions, count data from our DIRFT surveys, for locations on the A5 through the site, have been compared to the continuous count data captured by HE for the latest year (01/08/15 – 31/07/16). The results of this are presented below. 24hr traffic flow data from three locations on the A5 through DIRFT has been extracted from the ANPR surveys as well as Annual Weekday Traffic (AWT) for Aug 15 to Jul 16 from the HE count data. This is presented in the Table below.</i></p>

ExQ1	Question to:	Question:	Applicant's Response																
			<p>Two Way 24hr A5 Traffic Flows (Total Vehicles)</p> <table border="1"> <thead> <tr> <th data-bbox="1335 499 1509 592">Location</th> <th data-bbox="1509 499 1621 592">DIRFT Survey</th> <th data-bbox="1621 499 1924 592">HE Traffic Counts (Aug 15 – Jul 16 AWT)</th> <th data-bbox="1924 499 2092 592">Difference</th> </tr> </thead> <tbody> <tr> <td data-bbox="1335 592 1509 683">A5 West of M1</td> <td data-bbox="1509 592 1621 683">26595</td> <td data-bbox="1621 592 1924 683">25703</td> <td data-bbox="1924 592 2092 683">5%</td> </tr> <tr> <td data-bbox="1335 683 1509 766">A5 North of DIRFT</td> <td data-bbox="1509 683 1621 766">17673</td> <td data-bbox="1621 683 1924 766">16842</td> <td data-bbox="1924 683 2092 766">3%</td> </tr> <tr> <td data-bbox="1335 766 1509 858">A5 South of DIRFT</td> <td data-bbox="1509 766 1621 858">13623</td> <td data-bbox="1621 766 1924 858">14172</td> <td data-bbox="1924 766 2092 858">-4%</td> </tr> </tbody> </table> <p><i>This table demonstrates that the surveyed flows were slightly higher than the HE recorded AWT through DIRFT but slightly lower on the A5 south of DIRFT. This indicates that the 24hr surveys conducted at DIRFT were typical and comparable to average flows, therefore producing robust trip rates for the WMI assessment.</i></p> <p><i>Hopefully this provides reassurance that the survey results at DIRFT represent a typical day and are suitable for use in calculating WMI trip rates.”</i></p> <p>As can be seen from the above, HE traffic count data for the A5 within the DIRFT site limits was used to provide evidence</p>	Location	DIRFT Survey	HE Traffic Counts (Aug 15 – Jul 16 AWT)	Difference	A5 West of M1	26595	25703	5%	A5 North of DIRFT	17673	16842	3%	A5 South of DIRFT	13623	14172	-4%
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A5 South of DIRFT	13623	14172	-4%																

ExQ1	Question to:	Question:	Applicant's Response
		(ii) Are the relevant consultees satisfied that data collected in one 24-hour survey provides a robust basis on which to assess likely HGV and non-HGV trip generation data for the Proposed Development?	<p>that on the day of the survey traffic flows were typical for that area.</p> <p>Where possible, observations of the train arrival and departure timings were also taken from the survey footage and compared to typical time table information to ensure train patterns were normal on the day of the survey.</p> <p>(ii) Following review of this evidence HE and SCC have agreed to the trip generation based on one 24-hour survey at DIRFT as set out in Technical Note 5 (Document 6.2 APP 140).</p>
1.7.13.	The Applicant, Local Authorities, Parish Councils and other IPs	<p>Assessment of Effects and Mitigation</p> <p>The Applicant's findings and conclusions about the likelihood of development generated traffic using minor roads (including routes through nearby local villages and communities) as an alternative to the signed routes are set out in Section 9.11.</p> <p>(i) Are these accepted by the local authorities, Parish Councils and other IPs?</p>	<p>(i) It has been agreed with SCC that the provision of a Contingent Traffic Management Fund as identified in the DCOB Agreement and pre-construction traffic surveys as set out in an updated version of the Site Wide HGV Management Plan (Document 6.2, App-138) provides an appropriate means to monitor the likelihood of development</p>

ExQ1	Question to:	Question:	Applicant's Response								
		(ii) If they are not accepted, what specific aspects are disputed and what are the reasons for taking a different view on these potential effects?	<p>traffic using minor roads as alternatives to the Primary Road Network.</p> <p>(ii) -</p>								
1.7.14.	The Applicant	<p>ES Table 15.19, relating to operational effects of the Proposed Development, shows that there would be an increased level of severance on Link 3 (increased from moderate to significant) and Link 13 (increased from slight to moderate).</p> <p>(i) What specific mitigation is proposed in respect of these increases in severance to result in the overall conclusion, at paragraph 15.284, that the residual effect on severance overall would be negligible to minor adverse?</p>	<p>Severance has been calculated based on the daily traffic thresholds set out in the DMRB (Vol 11, Section 3, Part 8). These are included in Table 15.5 of the Transport ES Chapter (Document 6.2 APP 053) and set out here</p> <table border="1" data-bbox="1337 810 2107 954"> <thead> <tr> <th>Severance Level</th> <th>Threshold</th> </tr> </thead> <tbody> <tr> <td>Slight</td> <td><8,000</td> </tr> <tr> <td>Moderate</td> <td>8-16,000</td> </tr> <tr> <td>Significant</td> <td>>16,000</td> </tr> </tbody> </table> <p>For link 3 (Cannock Road between Wolgarston Way and the A34) the change in daily traffic between the 2021 Base and 2021 Base plus Development is less than 5% however, the 2021 base flows are just below the significant severance threshold (16,000 vehicles) and the 2021 Base Plus Development is just over the significant threshold. In calculating the development effect on this link, consideration has been given to the likely use of this road by pedestrians and cyclists and the likely need to cross it. Using the consultant's professional judgement these were both</p>	Severance Level	Threshold	Slight	<8,000	Moderate	8-16,000	Significant	>16,000
Severance Level	Threshold										
Slight	<8,000										
Moderate	8-16,000										
Significant	>16,000										

ExQ1	Question to:	Question:	Applicant's Response
			<p>considered low. The road is a rural link between Penkrigde and Cannock, with no existing facilities for most of the route for either pedestrians or cyclists. There are also no significant destinations for pedestrians or cyclists along it with few properties served by it. Therefore it was considered that the link had a low sensitivity to change. When this sensitivity is combined with the low change in traffic flow it results in only a negligible to minor adverse effect on the link.</p> <p>For link 13 (Vicarage Road between proposed site access and A5) the change in flow is greater however, overall traffic flow on this link is lower. Again, as with link 3, the likely demand for pedestrians (and its suitability as a pedestrian route) and cyclists was considered. It is a rural link with only a handful of existing properties along it. There is no existing footway or cycleway on this link and no paths worn into the grass verges indicating no evidence of pedestrian demand. The development is unlikely to increase pedestrian demand on this section of Vicarage Road due to the lack of destinations reached from it within a reasonable walking distance. Therefore, it was considered to have a low sensitivity to changes in severance. When combined with the change in traffic flow this link was judged to experience a minor adverse effect.</p> <p>As a result, it was not deemed necessary to include specific mitigation on either of these links, especially as it could encourage pedestrian use of unsuitable routes. Mitigation</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>such as the HGV Management Plan (Document 6.2 APP 138) and Travel Plan (Document 6.2 APP 137) will help to reduce the volume of development traffic on the highway network and reduce the impact on severance overall.</p> <p>The overall impact on severance of negligible to minor adverse quoted in Paragraph 15.284 is based on the combined effect on all links. The majority experience negligible to minor or minor adverse but there are also two links which experience a benefit in severance.</p>
1.7.15.	The Applicant, HE and SCC	<p>ES Table 15.24, relating to operational effects of the Proposed Development, shows that annual average accident rates are likely to increase on 14 of the 26 Links assessed.</p> <p>(i) Do such increases give rise to significant concerns over highway safety on these links and does the proposed mitigation represent an appropriate response to any such concerns?</p>	<p>(i) The text in paragraph 15.226 of the ES Transport Chapter (Document 6.2, APP 053) incorrectly references an increase in accident rate on 14 links. This should be 13 links as shown in Table 15.24 of the ES Transport Chapter. . On 10 of the 13 links the increase is predicted to be less than 1 annual accident and on the others 3 it is between 1 and 2. However, on these three links the accident rates are higher to start with so the proportional increase is still low. Therefore, it is not considered that the slight increase in accident rates represents significant highway safety concerns. Specific mitigation, which will benefit highway</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>safety, is proposed including a new link road, new pedestrian / cycle crossings, new footways / cycleways and banning of specific traffic movements. These, along with the Site Wide HGV Management Plan (Document 6.2, APP 138), Site Wide Travel Plan (Document 6.2 APP 137) and Contingent Traffic Management Fund identified in the DCOB, are considered suitable for mitigating the highway safety impacts.</p>
1.7.16.	The Applicant, HE and SCC	<p>A number of IPs have questioned the practicability of enforcing a ban on HGVs using the A449 through Penkridge as a route between WMI and Junction 13 of the M6.</p> <p>(i) Are similar bans in place in relation to other SRFIs and are any case studies available to demonstrate what measures have been used to enforce the ban on using specified routes and the effectiveness of those measures?</p>	<p>(i) The principle of monitoring and identifying vehicle types and movements is well established with restrictions relying on such monitoring currently in place in a number of locations, for example: the London Congestion Charge, the London Low Emission Zone, the Dartford Crossing toll and a link road at Addenbrooke's Hospital in Cambridge. The Applicant is not aware of any case studies on the use of these measures at other SRFIs but such a scheme has been agreed with the highway authorities at Howbury Park SRFI near the Dartford Crossing. Additionally, two schemes in Hampshire have been agreed at a warehouse development at Andover Business Park and Hartland Park (near Fleet).</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) How would a system of fines for those breaching such a ban be operated and what would revenue from those fines be used for?</p> <p>(iii) Reference is made in the TA to an "<i>HGV Enforcement Fund</i>"; how would the establishment of this fund and the management and use of monies in that fund be secured through the DCO?</p>	<p>(ii) and (iii) The principles of the system are set out in sections 7 and 9 of the Site Wide HGV Management Plan (Document 6.2, APP 138). The obligation to comply with the Site Wide HGV Management Plan and the HGV Management Plans (which will carry forward the occupier specific requirements) is currently contained within the DCOb and will therefore bind the land and those occupying it. It has been agreed with SCC that the fines will be added to the Contingent Traffic Management Fund and therefore it can be targeted at measures to address the effect of any breaches if necessary. References to the HGV Enforcement Fund in the Transport Assessment should now be considered to be referring to the Contingent Traffic Management Fund.</p>
1.7.17.	The Applicant, HE, SCC and SSDC	Have the mitigation measures proposed in paragraph 9.13.22 (relating to the volume of floorspace to be occupied prior to the opening of the proposed A449/A5 Link Road) been agreed by the relevant consultees?	The traffic impact relating to the floor area backstops set out in paragraph 9.13.22 of the Transport Assessment (Document 6.2, App 114) have been agreed with HE and SCC.
1.7.18.	The Applicant and HE	<p>Dedicated Motorway Junction</p> <p>The suggestion has been made by some of those objecting to the proposed development that the traffic impacts would be substantially be reduced if the WMI was served by a new, dedicated junction on the M6.</p>	

ExQ1	Question to:	Question:	Applicant's Response
		<p>(i) Has this option been considered in the preparation of the development proposals and TA?</p> <p>(ii) If that option has been considered and ruled out please set out the reasons for this.</p>	<p>(i) The option of a dedicated motorway junction has been considered in the preparation of the development proposals, but following discussions with HE was ruled out.</p> <p>(ii) As set out with HE's Deadline 1 Submission (REP1-007), the provision of a new motorway junction would be precluded by Circular 02/2013 as the strategic growth test would not be met. As also set out in HE's Deadline 1 Submission, it would also be undeliverable in engineering terms.</p> <p>As set out in the Transport Assessment (Document 6.2, APP-114) at paragraph 9.2.16, no material queues are shown to form at M6 Junction 12 due to changes in traffic forecast to arise from the Development. It has been agreed with HE that it is not necessary to provide a new junction with the M6 in order to serve the Development on the grounds of highway capacity.</p>
1.8.	<p>Air Quality and AQMA <i>All paragraph and table references are to ES Chapter 7 [APP-027] unless otherwise specified</i></p>		
1.8.1.	<p>The Applicant, EA and local authorities</p>	<p>The parties will be aware that the UK government has been the subject of a significant level of judicial scrutiny over its implementation and compliance with the Air Quality Directive. Can the parties please:</p>	

ExQ1	Question to:	Question:	Applicant's Response
		<p>(i) set out their understanding of the current legal position on this question, having regard to the Client Earth litigation;</p>	<p>(i) As a result of the continued failure of the UK, since 2010, to comply with the limits for nitrogen dioxide levels, a number of judicial reviews have been brought against the UK Government, generally referred to as the Client Earth litigation. These proceedings have resulted in the Government being required to produce a number of different air quality plans aimed at reducing nitrogen dioxide levels. Following the, largely successful, judicial reviews, most recently to the July 2017 Government Plan 'UK Plan for tackling roadside nitrogen dioxide concentrations', the High Court ruled that a supplement to the 2017 Plan be produced, which was published on 5 October 2018, titled 'Supplement to the UK plan for tackling roadside nitrogen dioxide concentrations'. This Supplement sets out measures that the Government has directed that specified local authorities must deliver to help achieve compliance with nitrogen dioxide limits on certain roads.</p> <p>In addition to the above judicial review proceedings, on 17 May 2018, the EU Commission referred the UK, amongst other countries, to the Court of Justice of the EU for failure to respect limit values for nitrogen dioxide and for failing to take appropriate measures to keep exceedance periods as short as possible. CJEU has not yet heard the case, but the Court has the power to fine the UK for breaching the legislation.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) explain how this might affect the assessment of the potential AQ impacts of the Proposed Development;</p> <p>(iii) state their opinion as to whether or not a DCO for the Proposed Development can be granted without leading to any infringement of EU or UK law; and</p>	<p>On 14 January 2019, the Government published its Clean Air Strategy 2019 to demonstrate how it will tackle all sources of air pollution and includes goals that are more ambitious than EU requirements.</p> <p>The Government has been clear that it has no plans to change limit values and targets for air quality following Brexit, the European Union (Withdrawal) Act 2018 is designed to ensure that, as far as possible, the same rules and laws will apply following Brexit. In addition, draft clauses of the Environment (Principles and Governance) Bill were published in December 2018 which is aimed to create a new framework going forward for environmental governance.</p> <p>(ii) The requirements of the Air Quality Directive are reflected in the NPS paragraphs 5.11 to 5.13, as set out in ExQ1 1.8.9. This has specifically been addressed in the assessment (as per paragraphs 7.78 to 7.85 of document 6.2, (APP-027)) and it is confirmed that the proposed development will not lead to a zone or agglomeration becoming non-compliant, or delay compliance of a non-compliant zone or agglomeration.</p> <p>(iii) See comment above.</p>

ExQ1	Question to:	Question:	Applicant's Response
		(iv) clearly identify what they understand to be the current UK guidance and policy documents in relation to these potential impacts?	<p>(iv) The policy requirements are set out in the NPS paragraphs 5.11 to 5.13 and in paragraph 181 of the NPPF. For developments that impact on road traffic emissions, Highways England IAN 175/13 provides guidance on evaluating compliance with EU Limit Values. The following UK guidance and policy documents are considered to be current with the regard to the potential impacts on the Air Quality Directive:</p> <ul style="list-style-type: none"> (a) The NPS (b) Air Quality Standards Regulations 2010 (as amended) (c) NPPF (d) NPPG (e) Local Air Quality Management Policy Guidance, April 2016 (f) UK Plan for Tackling Roadside NO2 Concentrations, July 2017 (g) Supplement to the UK plan for tackling roadside nitrogen dioxide concentrations, October 2018 (h) Clean Air Strategy 2019
1.8.2.	The Applicant and SCC	<p>Assessment of Effects The ES Scoping Report, submitted in September 2016 (APP-058), indicated that potential operational AQ impacts on sensitive habitats within Local Wildlife Sites (LWS) would be assessed. However, Chapter 7 only considers the</p>	

ExQ1	Question to:	Question:	Applicant's Response
		<p>potential effect of construction dust on 2 of the 13 LWS which lie within 1 km of the site – Gailey Reservoir LWS, and Calf Heath Bridge LWS (paragraphs 7.156 -7.157).</p> <p>(i) Given the proximity of the other 11 LWS can the Applicant explain why have these designations not been considered as part of the baseline environment in assessing potential effects in both the construction and operational phases?</p>	<p>(i) The spatial scope of the assessments is set out in paragraphs 7.87 and 7.88 of Document 6.2 (ES Chapter 7, APP-027) for construction dust. The study area is generally described as extending up to 350m of the Site boundary, and 50m of roads used for construction vehicles. These distances are applicable to impacts on human health receptors. For ecological receptors, the Institute of Air Quality Management (IAQM) screening criteria for dust impacts are:</p> <ul style="list-style-type: none"> • 50 m of the boundary of the site; or • 50 m of the route(s) used by construction vehicles on the public highway, up to 500 m from the site entrance(s) for trackout. <p>In relation to the Site boundary, very small sections of Somerford Wood and land at Four Ashes are within 50m of the Site boundary and no specific dust risk assessment was undertaken for these sites due to the limited amount of construction work to be undertaken at the Site boundary adjacent to these sites. However, the identified mitigation within the ODCEMP, Document 6.2 (ES Technical Appendix 2.3, APP-060) includes relevant mitigation for dust impacts</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>that could affect these sites and this was taken into account in the ecological assessment of potential impacts (paragraphs 10.210 and 10.211, Document 6.2 (ES Chapter 10, APP-030)).</p> <p>With respect to trackout, the proposed construction routes are presented in the Demolition and Construction Traffic Management Plan, document 6.2 (ES Technical Appendix 15.1, Appendix N, APP-143). These routes incorporate the A449, the A5 and the M6. LWS within 500m of the Site and within 50m of these roads include Gailey Reservoirs, Somerford Wood and Watling Street Plantation. As detailed in paragraph 7.157 of Document 6.2 (ES Chapter 7, APP-027) Gailey Reservoirs is not considered to be a sensitive receptor to construction dust from Site activities or trackout. Impacts on Somerford Wood and Watling Street Plantation are considered in paragraphs 10.210 and 10.212 of Document 6.2 (ES Chapter 10, APP-030). The assessment concluded that a direct or indirect (e.g. dust deposition) significant adverse effect on both of these sites at a County (or any other scale) was extremely unlikely with measures defined in the ODCEMP, Document 6.2 (ES Technical Appendix 2.3, APP-060) in place.</p> <p>The spatial scope of the operational impact assessment is described in 7.91 of Document 6.2 (ES Chapter 7, APP-027), and only ecological receptors within 200m of roads that meet the criteria and where EU Limit Values and National Air</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) Can the Applicant clarify why the Gailey Reservoir LWS is not considered to be a sensitive receptor in relation to dust effects (paragraph 7.157) and why no dust impacts that would affect the integrity or function of the Calf Heath Bridge LWS are predicted?</p> <p>(iii) Are these conclusions accepted by SCC?</p>	<p>Quality Strategy Objectives apply have been assessed. This approach has been agreed with Natural England.</p> <p>In addition, and as alluded to above, an assessment of potential construction impacts on all LWS within 1km of the Site was made in paragraphs 10.200 to 10.220 of Document 6.2, (ES Chapter 10, APP—030). The assessment considered direct and indirect effects (e.g. dust deposition).</p> <p>An assessment of potential operational impacts on all LWS within 1km of the Site was made in paragraphs 10.310 to 10.320 of Document 6.2 (ES Chapter 10, APP-030). No adverse operational impacts on any LWS was predicted.</p> <p>(ii) Gailey Reservoirs LWS is designated for its bird interest due to the presence of the water. As the water body is not sensitive to dust deposition, it is not considered a sensitive receptor for dust effects. Calf Heath Bridge LWS is a stretch of canal, the habitats present are not considered to be sensitive to dust impacts.</p> <p>(iii) -</p>
1.8.3.	The Applicant, HE, SSC and SSDC	The ES Scoping Opinion [APP-012] stated that the Applicant should set out the detailed modelling assumptions used to underpin the assessment but this does not appear to have been done in relation to the Saturn	

ExQ1	Question to:	Question:	Applicant's Response
		<p>and VISSIM traffic models which have been used as major inputs into the assessment of AQ effects.</p> <p>(i) Are there any key assumptions, limitations or notes of caution in relation to these models that might affect the accuracy and reliability of the AQ assessment?</p> <p>(ii) Can the applicant confirm which routes have been used for the modelling of construction road traffic AQ impacts?</p> <p>(iii) Can the applicant confirm which other developments have been included in the cumulative assessment of AQ effects?</p>	<p>(i) The model version is set out in paragraph 7.62 of Document 6.2 (ES Chapter 7, APP-027) and the detailed AQ modelling assumptions are set out in paragraph 7.115 of Document 6.2 (ES Chapter 7, APP-027) and in Appendix 7.2, Document 6.2 (ES Technical Appendix 7.2, APP-068). In particular, ES Technical Appendix 7.2 (page A7 2-9) of Document 6.2 (APP-068) contains a summary of the key assumptions and limitations concerning the traffic data used in the assessment.</p> <p>(ii) The same road network was modelled for construction road traffic AQ impacts as for operational road traffic impacts, although the quantity of construction traffic on the road network is in many cases, below the DMRB threshold for an assessment to be necessary. The road network is set out in Figure 7.2.1, Appendix 7.2 of Document 6.2 (ES Technical Appendix 7.2, APP-068).</p> <p>(iii) The cumulative developments for construction impacts are those which are within 350m of the Site in accordance with IAQM guidance, as described in paragraphs 7.232 and 7.233 of Document 6.2 (ES Chapter 7, APP-027). These are Bericote Development and Calf Heath Quarry. The cumulative operational schemes are those referenced in the answer to ExQ1.7.8.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.8.4.	The Applicant	<p>Table 7.12 identifies demolition activity as being of small dust emission magnitude for the purposes of the assessment.</p> <p>Is it proposed to crush and re-use demolition materials on site and has this been taken into account in reaching this conclusion?</p>	<p>While it is proposed to crush and re-use the demolition material, the overall volume of material that will be subject to this procedure is low as there are only a limited number of buildings on site. The duration of the activity will also be correspondingly short. It is therefore considered that the dust emission magnitude is small from the demolition activities, and the overall risk is negligible. Notwithstanding this, Table 9.1 of the ODCEMP, Document 6.2 (ES Technical 2.3, APP-060) confirms that dust mitigation measures for a high risk site for demolition are to be employed.</p>
1.8.5.	The Applicant, EA, SCC and SSDC	<p>ES Table 11.10 states that potential significant effects may arise from construction dust and identifies proposed mitigation measures but the Chapter 11 assessment does not cross refer to Chapter 7.</p> <p>Can evidence be provided that the relevant stakeholders are content that the effects of construction dust on the Four Ashes Pit SSSI, off-site businesses and commercial users, residents and other receptors are capable of being mitigated such that no significant residual effects are likely as asserted in paragraph 7.215?</p>	<p>ES Table 11.10, Document 6.2 (ES Chapter 11, APP-031) cross references to the ODCEMP which is informed by the results of the Dust Risk Assessment undertaken in Chapter 7 of ES, Document 6.2 (APP-027). The construction dust risk assessment has been undertaken in accordance with the IAQM Guidance, 7.65 of Document 6.2 (ES Chapter 7, APP-027). The IAQM methodology is to identify the required mitigation based on the level of risk of dust impacts. With effective mitigation in place, it is an inherent assumption of the guidance that the residual effects will be not significant.</p>
1.8.6.	SSDC	<p>Paragraphs 7.166-7.167 deal with potential emissions from the additional train movements likely to be generated by the</p>	-

ExQ1	Question to:	Question:	Applicant's Response
		<p>Proposed Development and conclude that AQ impacts from these movements can be screened out as being insignificant.</p> <p>Is this accepted by SSDC?</p>	
1.8.7.	Local authorities	<p>Table 7.15-7.18 and Figures 7.3a-7.5d, dealing with AQ effects of road traffic generated by the Proposed Development, shows only negligible to slight adverse impact in terms of NO₂ concentrations at the identified roadside receptors in all the assessment years.</p> <p>(i) Are these findings accepted by the local authorities? (ii) As two of the receptor locations where a slight adverse impact is predicted are within a designated AQMA do the relevant local authorities accept the conclusion set out in paragraph 7.220 that a slight adverse impact in these locations is not considered to be significant?</p>	-
1.8.8.	The Applicant and SSDC	<p>Paragraphs 7.180-7.185 conclude that overall impacts on AQ resulting from the development are not considered to give rise to a significant effect on human health, notwithstanding that the assessment has identified a moderate and a major impact in respect of the 24hour PM₁₀ objective at one receptor location which is representative of 3-4 houses adjacent to the M6.</p> <p>(i) Are these findings and conclusions agreed by SSDC?</p>	(i) -

ExQ1	Question to:	Question:	Applicant's Response
		(ii) What, if any, mitigation is proposed or could be put into place in relation to these predicted impacts?	(ii) The predicted exceedance of the 24 hour mean PM ₁₀ objective stems primarily from the existing pollutant concentrations due to the proximity of the receptors to the M6. As explained in paragraph 7.77 of document 6.2 (APP-027), the significance of the impact is judged in relation to the change in annual mean PM ₁₀ concentrations. Receptor 7a has the highest predicted impacts, with the concentrations predicted to increase from 36.0 to 36.2µg/m ³ in 2021, 35.2 to 35.4µg/m ³ in 2028 and 35.2 to 35.7 µg/m ³ in 2036. The predicted future concentrations with the proposed development in place are therefore less than the baseline concentrations in 2021 without the development in place and approximately 99% of the predicted concentration stems from the existing traffic flows. The proposed mitigation of the road traffic impacts is described in paragraphs 15.274 -15.282 of Document 6.2 (APP-053).
1.8.9.	The Applicant and local authorities	In terms of its potential effect on the designated AQMAs identified in paragraphs 7.34-7.40 does the Proposed Development satisfy the guidance and requirements set out in NPS paragraphs 5.11-5.13?	<p>Overall, the Proposed Development satisfies the guidance and requirements set out in NPS 5.11 to 5.13.</p> <p>Paragraph 5.11 of the NPS states that air quality considerations are likely to be particularly relevant where a development is within or adjacent to an AQMA, a road identified above Limit Values or nature conservation sites; and where changes are sufficient to bring about the need for a new AQMA, change the size of an existing AQMA or bring about changes to exceedances of the Limit Values, or where</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>they may have the potential to impact on nature conservation sites. Chapter 7 of the ES, document 6.2 (APP-027) has considered impacts in relation to Air Quality Management Areas (AQMAs) as stated in paragraphs 7.120 to 7.124; roads identified as being above Limit Values (paragraphs 7.78 to 7.85); and nature conservation sites (paragraphs 7.94 to 7.97 and Table 7.6. Development traffic does not bring about the need for a new AQMA, or bring about changes to exceedances of the Limit Values or have significant effects on nature conservation sites (paragraphs 7.221 and 7.225 of document 6.2, (ES Chapter 7, APP-027), and paragraphs 10.301-10.320 of document 6.2, (ES Chapter 10, APP-030)).</p> <p>Paragraph 5.12 of the NPS requires that the Secretary of State must give air quality considerations substantial weight where, after taking into account mitigation, a project would lead to a significant air quality impact in relation to EIA and/or lead to a deterioration in air quality in a zone/agglomeration. The ES concluded that the development would not have a significant air quality impact (paragraph 7.219 of document 6.2, (ES Chapter 7, APP-027)) and would not lead to a deterioration in air quality in a zone/ agglomeration. Accordingly, air quality considerations do not merit substantial weight.</p> <p>Paragraph 5.13 of the NPS states that the Secretary of State should refuse consent where, after taking account of</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>mitigation, the air quality impacts of the scheme will result in a zone/agglomeration becoming non-compliant or affect the ability of a non-compliant zone/agglomeration to achieve compliance within the most recent timescales reported to the European Commission. As stated in paragraph 7.201 of ES Chapter 7, Document 6.2 (APP-027), the impacts of the proposed development will not lead to a zone/agglomeration becoming non-compliant and would not delay a non-compliant zone becoming compliant (paragraph 7.202). The consent should therefore not be refused on this basis.</p>
1.8.10.	The Applicant	<p>Monitoring No specific monitoring has been identified in Chapter 7.</p> <p>Can the Applicant explain how the monitoring of AQ effects arising from the construction and operation of the development would take place and how the output from such monitoring would be used to determine the need for, and form of, any remedial action?</p>	<p>The proposed monitoring in relation to construction dust impacts is described in Table 9.1 and paragraphs 9.8 and 9.9 of the ODCEMP, Document 6.2 (ES Technical Appendix 2.3, APP-060) and secured by the draft Requirement 4. The results of the dust monitoring will be used to confirm that the dust mitigation measures are effective. Where the dust deposition rates are above relevant thresholds, the reasons will be investigated and alternative working arrangements put in place as necessary. The procedures for the monitoring will be part of the Dust Management Plan to be included as part of the DCEMPs to be approved by SSDC via draft Requirement 4.</p> <p>Monitoring of operational air quality effects has not been proposed as no significant effects are predicted. In addition, there are very great practical difficulties in monitoring of</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>operational road traffic impacts associated with a specific development. For the majority of the modelled receptor locations, the development contribution is the same order of magnitude as variations in pollutant concentrations resulting from changes in baseline traffic and variations in meteorology that occur from year to year. As shown in ES Technical Appendix 7.6 of Document 6.2, (APP-072) the predicted annual mean NO₂ concentrations reduce significantly over the period during which the proposed development is built out as a result of reductions in NO_x emissions from the vehicle fleet. The reductions in emissions per vehicle greatly outweigh the increase in emissions from the development traffic. Overall therefore, it would be very difficult if not impossible to determine the impact of development traffic from monitoring of NO₂ concentrations.</p>
1.9.	<p>Noise, Vibration and Lighting <i>All paragraph and table references are to ES Chapter 13 [APP-046] unless otherwise specified</i></p>		
1.9.1.	<p>The Applicant and SSDC</p>	<p>Baseline Noise Levels It is noted that some of the background noise surveys carried out might have been affected due to road works and that, in light of these possible limitations, the Applicant has used the lowest representative values from each survey monitoring location in the assessment. However, reference is made in paragraph 13.119 to an agreement with SSDC that a further baseline survey would be undertaken after the</p>	<p>The updated baseline survey results are contained in an addendum to the ES, which has been submitted at Deadline 2 (Addendum to the Chapter 13 of the ES).</p> <p>The new survey data varies by a small amount from that included in Chapter 13 of the ES (Document 6.2, APP-046), although the data is not consistently higher or lower across the monitoring locations.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>DCO submission when all the road works had been completed.</p> <p>Has this post submission survey been completed and do the results of this support the background levels assumed in the Chapter 13 baseline?</p>	<p>However, since the data set out in the ES Addendum was gathered without the extraneous effects that affected the earlier surveys, the most recent survey data is considered to be the most robust information on which to base the assessment.</p>
1.9.2.	The Applicant and SSDC	<p>(i) Were the locations at which background vibration measurements were taken (paragraph 13.154) agreed with SSDC?</p> <p>(ii) How representative are the measurements recorded at the survey locations of the likely vibration levels at similar distances from the Network Rail boundary at other points along the rail corridor?</p>	<p>(i) Yes, the vibration monitoring locations were agreed with the EHO in post at the time at SSDC prior to the survey being undertaken.</p> <p>(ii) The vibration monitoring locations are considered to be representative of other locations along the railway line at similar distances where their relationship to the railway line is similar. Position V2 was at grade with the railway line and Position V1 was elevated above it on an embankment.</p>
1.9.3.	The Applicant and SSDC	<p>The assessment of noise and vibration effects during the construction phase is based on the understanding that piling works would only be required for the construction of the abutments to the new bridge over the WCML and canal.</p> <p>Given this assumption and the potential for piling to cause both noise and vibration, is a requirement needed to</p>	<p>It is correct that the noise assessment was based on piling only occurring at the bridge abutments. However, it does not necessarily follow that piling should be prohibited elsewhere.</p> <p>Noise from piling would be controlled under Requirement 20 of the dDCO.</p>

ExQ1	Question to:	Question:	Applicant's Response
		preclude the use of piling in respect of all other elements of the construction works?	
1.9.4.	The Applicant, SSDC, CRT, IWA and other IPs	<p>Paragraph 13.182 states that the northern and southern canal-side moorings are considered to be of medium sensitivity.</p> <p>(i) What is the nature of the use of these moorings and can they reasonably be distinguished from other residential properties close to the application site?</p> <p>(ii) Given the Applicant's acknowledgement as to the practical difficulties on including canal boats in the Bespoke Insulation Scheme (paragraphs 13.295-13.298) do the predicted rating levels at these moorings of at least 10dB above background levels represent an acceptable level of impact?</p>	<p>(i) The canal moorings are understood to all be temporary moorings. While boats can be moored overnight, the maximum mooring time along this stretch of the canal is five days. The shorter duration of their potential exposure distinguishes them from permanent residential properties in the area, in terms of the noise assessment.</p> <p>(ii) The advice in British Standard 4142: 2014 in terms of the acceptability or otherwise of particular outcomes relates to locations to people inside or outside a dwelling or premises used for residential purposes, and the moorings are temporary, not residential.</p> <p>British Standard 4142: 2014 is clear that its advice in terms of outcomes is dependent on context and in this instance, outcomes of around +10dB are considered broadly acceptable in the wider context of the scheme, its compliance with the NPS and the temporary nature of the moorings.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.9.5.	The Applicant	<p>Paragraph 13.188 states that the duration of the worst impacts from construction noise is likely to be limited because the upper ranges of predicted noise levels would occur only when works are taking place at the closest possible distance to the receptor. However, Table 13.24 shows that a number of receptors are likely to be affected by noise levels above the 65dB criterion from works in more than one phase of the construction works. Some would experience such levels in up to 4 of the 6 phases over the anticipated 15-year construction programme.</p> <p>What consideration, if any, has been given to the potential cumulative effect (over time) of these predicted impacts and what, if any, additional mitigation might be necessary to protect those receptors from such longer-term impacts?</p>	<p>The construction programme was not, and is still not, known in detail, so it is not possible to quantify the exact durations where the construction noise levels will be at their highest.</p> <p>The fact that some locations are predicted to have construction noise levels that are above the 65dB criterion for a number of phases of work does not necessarily indicate that there will be prolonged periods where the noise levels will be at their highest. It is more likely that there will be several short periods over the course of the construction programme where the upper ranges will be reached; the duration of each peak period being unknown at this time, but likely to be measured in terms of days or weeks rather than months.</p> <p>To reach the highest construction noise levels, it was assumed that the plant were all located at the closest possible distance to the receptor under consideration (as noted in para 13.170 of Chapter 13 of the ES (Document 6.2, APP-046)). It is unlikely that the plant would maintain such a location for anything more than a few days or a week, without moving further away, thereby reducing the construction noise levels from the highest values shown in Chapter 13.</p> <p>It is not possible to consider the cumulative effect over time, in the way suggested by the question, since the duration of the exposure to the highest noise levels during any</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>particular phase of works is not known. However, in broad terms, since the periods during which the highest noise levels potentially experienced are expected to be short, and separated by significant periods where the works are further away, it is considered unlikely that the cumulative impact over time will be worse than the impact at any given time.</p>
1.9.6.	The Applicant and local authorities	<p>Section A13.2.6 of ES Technical Appendix 13.2 [APP-109] states that, for the ease of assessment, rather than assuming that the impact of traffic vibration is lower than that caused by traffic noise, it is assumed that the impact is the same. However, paragraph 13.13.360 states that the <i>“impact categories for off-site road traffic vibration are taken to be one category lower than was the case for off-site road traffic noise”</i>.</p> <p>(i) Please clarify what approach has been taken to this part of the assessment and what level of confidence can be placed on the conclusions in paragraphs 13.361 & 13.362 as to the level of effect on roadside receptors from off-site road traffic vibration?</p>	<p>(i) This is an error in Technical Appendix 13.2 (Document 6.2, APP-109), and it should have set out the same approach as described in paragraph 13.360 (Document 6.2, ES Chapter 11, APP-046), i.e. that the impact categories for road traffic vibration are considered to be one category lower than for noise, as is set out in the Design Manual for Roads and Bridges (DMRB) (Volume 11, Section 3, Part 7, HD213/11 Revision 1, November 2011).</p> <p>Since the assessment accords with the DMRB methodology, it is considered to be robust.</p>

ExQ1	Question to:	Question:	Applicant's Response
		(ii) Are these conclusions accepted by the local authorities?	(ii) -
1.9.7.	The Applicant, NR and local authorities	<p>The change in noise level resulting from increased train movements has been calculated for a notional receptor set 25m back from the nearside rail (paragraph 13.337).</p> <p>Is this agreed to be representative of the position of the nearest noise and vibration sensitive receptors along the WCML corridor to the north and south of the site?</p>	<p>The principle of the assessment location was agreed with SSDC in advance of the assessment and both the Applicant and SSDC consider it representative of the potential change in railway noise.</p> <p>It is the change in railway noise and vibration that has been assessed, so the exact assessment location is less relevant than the calculated changes in noise level, which are expected to occur at all locations along the railway line, where railway noise dominates.</p>
1.9.8.	The Applicant and SSDC	<p>Mitigation of Noise impacts</p> <p>The noise assessment predicts potential moderate to major adverse impacts on several receptors in the construction phase and moderate adverse effects on a number of receptors during the operational phase.</p> <p>(i) Would the proposed Bespoke Noise Insulation System provide adequate mitigation to ensure satisfactory residential environments inside of properties as suggested at paragraph 13.433?</p>	<p>(i) The Bespoke Noise Insulation Scheme will provide the means by which sound insulation for each qualifying property can be installed if necessary. This allows the installed system to be tailored to the particular circumstances of each property.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) What is the prospect of the owners/occupiers of affected properties wishing to take up the offer of noise insulation if they are eligible under the Bespoke Scheme?</p> <p>(iii) What, if any, measures could be put in place to mitigate significant adverse noise impacts on residential gardens and external private amenity areas?</p>	<p>The Bespoke Noise Insulation Scheme is therefore considered to provide sufficient mitigation of internal sound levels that the internal environment would be acceptable.</p> <p>(ii) The Bespoke Noise Insulation Scheme is a voluntary scheme offered by the Applicant, which has been designed to trigger eligibility for noise insulation at a lower level than would be the case under the road and railway Noise Insulation Regulations.</p> <p>The aim of the scheme is to offer mitigation in the event that the Proposed Development causes significant adverse effects at residential properties around the site.</p> <p>Owners/occupiers are not obliged to accept any offer made under the Bespoke Noise Insulation Scheme, however, the scheme offers them the opportunity to control internal sound levels, so there would be a benefit in accepting any offers.</p> <p>(iii) Mitigation embedded into the scheme to limit noise and vibration impacts includes:</p> <ul style="list-style-type: none"> • the orientation and location of noise generating activity away from residential receptors. • the use of buildings themselves as noise screens;

ExQ1	Question to:	Question:	Applicant's Response
			<ul style="list-style-type: none"> • the location of the rail terminal adjacent to the existing WCML away from immediate residential receptors; • the incorporation within the scheme of additional land for noise and visual mitigation – for instance achieving separation between properties in Station Drive and the rail interchange; • a commitment secured by requirement to high quality building specification and to operating procedures to limit noise effects; • a commitment to prepare Demolition and Construction Environmental Management Plans to limit and manage the effects of the construction phase; and • the development of an extensive green infrastructure network including the use of landscape bunds and fencing to screen residential receptors from noise generating activities. <p>Resound Acoustics formed part of the design team ensuring that these measures were embedded within the development to mitigate and minimise the noise effects of the proposed development.</p> <p>In addition, the detailed construction of the development could be subject to approval by the SSDC Environmental Health department under the terms of the Control of</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(iv) Do the proposed mitigation measures result in a level of noise impact which is consistent with the guidance and requirements set out in paragraphs 5.186-5.196 of the NPS?</p>	<p>Pollution Act (Section 61 procedures) to provide appropriate control of the works.</p> <p>These measures in combination meet the second aim of the NPS and they also significantly address the first aim to “avoid significant adverse impacts on health and quality of life from noise as a result of the new development”.</p> <p>The contextual part of the operational noise assessment conducted using British Standard 4142: 2014 indicates that sound levels in gardens will meet the only available criteria for outdoor amenity spaces (para 13.291 of Chapter 13 of the ES (Document 6.2, APP-046)).</p> <p>(iv) The three aims of national policy set out at paragraph 5.195 of the NPS are fully recognised and taken into account in the WMI application.</p> <p>Chapter 13 (see paragraph 13.7.3) of the Planning Statement (Document 7.1A, APP-252) sets out the analysis of how WMI meets the tests in the NPS.</p>
1.9.9.	The Applicant and SSDC	<p>Paragraph 15.3.20 refers to the provision of noise barriers as part of the mitigation.</p> <p>As these appear not to be referenced in any of the draft requirements how is this element of mitigation secured through the dDCO?</p>	<p>We assume that the reference to paragraph 15.3.20 in the question should be to paragraph 15.4.20 of the Planning Statement (Document 7.1A, APP-252).</p> <p>The landscape bunding mitigation and acoustic fencing are shown on, and controlled by the Green Infrastructure</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Parameters Plan (APP-200, APP-201, APP-202, APP-203, APP-204, APP-205) and Requirement 3.</p> <p>Any on-plot mitigation, for example acoustic fencing around a service yard, is required to be submitted for approval under Requirement 3(n) of the dDCO (AS-014).</p>
1.9.10.	The Applicant and SSDC	<p>Paragraph 15.4.35 states that the DCO requirements will stipulate that all development within Zone A7 must be single aspect so that the proposed buildings would provide noise screening between the service yard/loading docks and the noise sensitive receptors.</p> <p>(i) As this is not currently dealt with in the requirements does an additional requirement need to be drafted?</p>	<p>The Applicant believes that the reference to paragraph 15.4.35 in ExQ1.9.10 should be to paragraph 15.4.33 of the Planning Statement (Document 7.1A, APP-252).</p> <p>(i) The Applicant believes an additional requirement is required and will incorporate such a requirement in the next revision of the dDCO to be submitted for Deadline 3.</p>
1.9.11.	The Applicant and SSDC	<p>Monitoring of noise and vibration effects</p> <p>Chapter 13 makes no reference to monitoring the noise and vibration impacts of the development in either the construction or operational phases.</p> <p>(i) Is any monitoring required?</p>	<p>(i) The Bespoke Noise Insulation Scheme provides for monitoring to be undertaken in connection with the implementation of the scheme, if required. No other noise monitoring is considered to be necessary. No vibration monitoring is proposed.</p>

ExQ1	Question to:	Question:	Applicant's Response
		(ii) If so how what form should this take and how could it best be secured through the DCO?	(ii) The monitoring in connection with the Bespoke Noise Insulation Scheme is provided for in the DCOb.
1.9.12.	The Applicant and SSDC	<p>Lighting Effects on Residential Amenity The assessment set out in Table 9 of the Lighting Strategy and Lighting Impact Assessment [APP-106] concludes that there would be no nuisance or loss of amenity impacts at any nearby residential properties.</p> <p>Are these findings accepted and agreed by SSDC?</p>	At the time of writing the Applicant has received no comments from SSDC on the Lighting Strategy and Lighting Impact Assessment (ES Technical Appendix 12.8, Document 6.2, APP-106).
1.10.	<p>Ecology and Nature Conservation <i>All paragraph and table references are to ES Chapter 10 [APP-030] unless otherwise specified</i></p>		
1.10.1.	The Applicant	<p>Assessment of Effects In [APP-018] ES Chapter 2 paragraph 2.61, long term temporary effects are stated to be effects lasting more than 5 years. However, in the context of ecological assessment, such a period might arguably be considered to represent a permanent effect.</p> <p>Given the anticipated 15-year construction period and the overall scale of development proposed, can the Applicant clarify the definition of “temporary” and “permanent” effects as used in the Chapter 10 assessment?</p>	<p>Paragraph 2.62 of Chapter 2 (Document 6.2, APP-018) states ‘<i>Where a technical chapter of this ES uses a different definition of duration for temporary effects this is stated clearly in the methodology section of that chapter</i>’.</p> <p>Generally, in the ecology ES chapter (Document 6.2, APP-030) durations have been quantified within the assessment text in line with CIEEM Guidance e.g. months, years, decades. For example, paragraphs: 10.202 (underlining for emphasis) “<i>Demolition and construction works are likely to cause a degree of temporary disturbance for the duration of construction (i.e. in the timescale of years for construction works in the northern parts of Zones A4 and A5</i>” – See</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>clarification in ExQ1 1.10.4); 10.238 “<i>Any pollution events in the construction phase (whilst unlikely due to controls defined in the ODCEMP) could impact on biological receptors, but this is considered a <u>temporary impact from which the watercourses and ponds could recover (in months) through flushing, and their integrity would therefore not change in the long term (years).</u>”;</i> and 10.274: “<i>Disturbance at the off-site Daubenton’s roosts in Calf Heath Wood would be temporary for the duration of construction (i.e. in the <u>timescale of years</u> from noise from construction plant and activity and from lighting). The Daubenton’s day roosts in Calf Heath Wood are considered <u>only likely to be subject to disturbance effects during construction of development Zone A4b.</u>”</i></p> <p>The use of permanent in the assessment is just that. For example, the permanent loss of habitats present within the development footprint e.g. (Document 6.2, APP-030) paragraphs 10.222, 10.230 & 10.244.</p>
1.10.2.	The Applicant, NE and SCC	[APP-027] ES Chapter 7 paragraphs 7.188 & &.190 conclude that the impact of the Proposed Development in terms of NOx concentrations would exceed the 1% critical level for 10m across the assessed transect at Belvide Reservoir SSSI. In considering the effect of this on the SSSI, paragraph 10.306 concludes that the resultant changes to the water chemistry of the reservoir are unlikely	

ExQ1	Question to:	Question:	Applicant's Response
		<p>to affect the ecological structure or function of the SSSI and that a significant adverse effect at a National Scale is unlikely.</p> <p>Are these findings and conclusions accepted and agreed by NE and SCC?</p>	<p>The Applicant understands that these findings are accepted and agreed by SCC and NE.</p>
1.10.3.	The Applicant and NE	<p>(i) Has agreement been reached between the Applicant and NE with regard to the cumulative effects of the proposal in combination with other developments on both the Belvide Reservoir and Doxey and Tillington Marshes SSSIs?</p> <p>(ii) In light of the comments made by NE in its RR, does the Applicant propose any additional mitigation (on-site or off-site) to conserve the SSSIs?</p>	<p>(i) Yes – this is provided within Paragraph 5.1.5 of the Ecology, Landscape & Visual Impact and Agriculture & Soils - Statement of Common Ground – Natural England (February 2019) (REP1-003). This states that “<i>FAL and NE agree that the NSER appropriately considers cumulative (in combination) effects with respect to the three European Sites assessed in the NSER</i>” (Paragraph 5.1.5). The same methodology has been used for assessing air quality impacts on these Nationally designated sites as per those assessed in the NSER (Document 6.2, APP-089). Paragraph 7.235 of ES Chapter 7 (Document 6.2, APP-027) states “<i>The traffic data provided by WSP has taken into account the cumulative impact of a number of developments within the study area. The predicted impacts therefore take account of the cumulative impacts associated with these other schemes</i>”.</p> <p>(ii) No additional mitigation is proposed. As concluded in Paragraph 10.306 (Document 6.2, APP-030), a significant adverse effect at the National scale for Belvide Reservoir is</p>

ExQ1	Question to:	Question:	Applicant's Response
			considered unlikely (in relation to air quality). Paragraph 10.309 (Document 6.2, APP-030) concludes that the impact of the scheme on Doxey and Tillington Marshes is insignificant in all years.
1.10.4.	The Applicant, NE and SCC	<p>Paragraph 10.202 states that noise from construction activities near to Calf Heath Reservoir (which is part of Gailey Reservoirs LWS) is "<i>likely to cause a degree of temporary disturbance for the duration of the construction</i>". As noted in Q1.9.1 above it is unclear as to what time period is meant by the term "temporary" as used in Chapter 10.</p> <p>In light of importance of the reservoir and LWS for breeding and wintering birds has the ES conclusion that conservation status of birds using the LWS would not be affected (paragraph 10.204) been accepted and agreed by NE and/or SCC?</p>	Paragraph 10.202 (Document 6.2, ES Chapter 10, APP-030) quantifies temporary " <i>in the timescales of years for construction works in the northern parts of Zones A4 and A5</i> ". No disturbance effects are predicted for construction activities outside of the aforementioned Zones due to the distance away from the receptor. Therefore disturbance is possible during construction in the northern parts of Zones A4 and A5, however as mitigation measures are implemented and in particular, as mounding and screening is put into place, effects would be expected to lessen over time. The Applicant is not aware of Natural England commenting on the status of birds using the LWS. During discussion with SCC they have indicated that consideration of this point will be provided via their response to ExQ1.
1.10.5.	The Applicant, NE and SCC	Paragraph 10.205 states that the provisions within the ODCEMP would reduce the risk of pollution of Gailey Reservoirs LWS but the ODCEMP and Framework Ecological Mitigation and Management Plan (FEMMP) do not appear to include any specific measures to prevent noise, AQ or other pollution for birds or other ecological receptors.	

ExQ1	Question to:	Question:	Applicant's Response
		<p>(i) Can the Applicant clarify which measures included in the ODCEMP/ FEMMP would operate to reduce the potential impact of construction activities on ecologically sensitive receptors including (but not limited to) Gailey Reservoirs LWS within the Zone of Influence?</p>	<p>(i) The ODCEMP (Document 6.2, APP-060) does not specifically reference ecological receptors, however, in the assessment, where reference is made to the following mitigation measures these have been considered as part of Chapter 10 (Document 6.2, APP-030) to be protective of ecological receptors.</p> <ul style="list-style-type: none"> • Noise – Measures detailed in Section 8 of the ODCEMP. • Air Quality – Measures defined in Section 9 of the ODCEMP. • Pollution Prevention & Control – Measures defined in Section 12 of the ODCEMP. • Best Practice Construction – Measures defined in Section 4 of the ODCEMP. • Management of Light Pollution Measures defined in Section 10 of the ODCEMP. <p>The Phase specific EMMPs will specify these measures (and any other shown to be required from additional surveys undertaken in line with the FEMMP (Document 6.2, APP-090)) specifically for relevant ecological receptors. Note that following comments from SCC the FEMMP is being updated to include overarching habitat management and monitoring principles.</p>

ExQ1	Question to:	Question:	Applicant's Response
		(ii) Does NE/ SCC agree that measures within the ODCEMP would provide adequate mitigation for the potential effects on such receptors?	<p>Section 5.1.14 of the Ecology, Landscape & Visual Impact and Agriculture & Soils - Statement of Common Ground – Natural England (February 2019) (Document 8.4, REP1-003) (as included within the Applicant's Deadline 1 submission) states that the Applicant and NE agree that NE should be consulted on the EMMPs.</p> <p>(ii) Agreement has not currently been confirmed between the Applicant and SCC – this is pending consideration of the response to point (i) above.</p> <p>Section 5.1.12 of the Ecology, Landscape & Visual Impact and Agriculture & Soils - Statement of Common Ground – Natural England (February 2019) (Document 8.4, REP1-003) (as included within the Applicant's Deadline 1 submission) states that the Applicant and NE consider that proposed Ecological Mitigation and Management Plan (EMMPs) for each phase of development comprises an appropriate mechanism for securing ecological enhancement and mitigation.</p>
1.10.6.	The Applicant, NE and SCC	Paragraph 10.222 states that the loss of semi-natural and managed farmland across the site would have an adverse effect and result in the loss of ecosystem integrity, but paragraph 10.390 states that the <i>“retention of habitat, creation of new habitat and enhancement of existing habitat will offset the habitat lost with respect to woodlands, hedgerows, woodland, semi-improved grassland and open</i>	The arable and improved grassland habitats forming the managed farmland (arable and grazed pasture) were assessed to be of importance at the 'Site' scale and were consequently determined to be an 'Other Ecological Feature' summarised in Table 10.9 (Document 6.2, APP-030). In line with the assessment methodology 'Other Ecological Features' were not considered further in the

ExQ1	Question to:	Question:	Applicant's Response
		<p><i>water” but omits reference to semi-natural and managed farmland.</i></p> <p>(i) Can the Applicant provide evidence that the new habitats created, as stated in paragraph 10.390, will appropriately mitigate for the adverse effect of the loss of semi-natural and managed farmland?</p>	<p>assessment. However, the species supported by these habitats, for example the bird assemblage including farmland birds were valued at the ‘County’ scale and were subject to separate detailed assessment.</p> <p>(i) The managed farmland habitats were assessed and were not considered to be an ‘Important Ecological Feature’ in their own right (arable habitats were considered ecologically poor) and as such mitigation for these habitats has not been provided.</p> <p>The habitats created would provide variety in structure and niches for a range of species. The biodiversity supported by woodland, hedgerows, semi-improved grassland and open water is significantly greater than managed arable farmland.</p> <p>The following mitigation measures are included within the FEMMP (Document 6.2, APP-090), secured by a dDCO to mitigate against the adverse effect of loss of the managed farmland on the species this habitat supports, namely farmland birds:</p> <ul style="list-style-type: none"> • Enhancement and management of 12 ha of existing intensively managed arable farmland off-site (within 1 km of the Site) dedicated for the benefit of farmland birds – (Draft Obligation, Document 7.7B, APP-157).

ExQ1	Question to:	Question:	Applicant's Response
		(ii) Can the Applicant provide evidence that NE and SCC are in agreement that the new habitats will appropriately mitigate for the loss of semi-natural and managed farmland?	<ul style="list-style-type: none"> • Two parcels of land on-site provided for farmland bird mitigation to be sown with a seed bearing crop and managed in the operational phase by periodic harrowing or ploughing and an area of grassland subject to restricted access. • Elements of the Community Parks will include habitats that can be tilled to emulate arable habitats lost in construction. <p>However, the Ecology ES (Document 6.2, APP-030) assessment acknowledges in Table 10.13 that a significant residual effect at the local scale is anticipated for farmland birds due to the loss of supporting habitats.</p> <p>(ii) Natural England have not provided comment specifically on the loss of semi-natural and managed farmland. SCC confirmed that the off-site farmland bird mitigation area is in principle a useful measure to help to compensate for loss of habitat for birds of the agricultural environment that cannot be mitigated by Community Park or other site landscaping measures.</p>
1.10.7.	The Applicant	Paragraph 186 indicates the need for a programme of works to eradicate the invasive species rhododendron from Calf Heath Wood.	Reference to invasive non-native species (INNS) in paragraph 10.186 (Document 6.2, APP-030) was written with respect to species referred to in Schedule 9 of the Wildlife Countryside Act 1981 – namely Japanese knotweed and Himalayan balsam.

ExQ1	Question to:	Question:	Applicant's Response
		Can the Applicant provide evidence that this programme would not generate any significant adverse effects on the ecological value and biodiversity of the Site?	Phased removal of non-native species such as rhododendron is proposed and is secured in the FEMMP (Document 6.2, APP-90). This is proposed to be removed over several years to promote the native shrub layer as an enhancement measure for biodiversity. The proposed phased approach does not remove all of the structure from the woodland in one operation. Areas of rhododendron would remain while the cleared areas establish/re-establish providing continuity of habitat, for example for nesting birds. Rhododendron has potential to support nesting birds, measures are defined in paragraph 3.7.12 of the FEMMP (Document 6.2, APP-090) to ensure these works do not contravene legislation. With these measures in place, the programme to eradicate the invasive species rhododendron from Calf Heath Wood would not generate any significant adverse effects on the ecological value and biodiversity of the Site.
1.10.8.	SCC	Does SCC agree that 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 with the GI strategy?	-
1.10.9.	The Applicant	Consideration is given in Chapter 10 to the potential effects of pollution on amphibians and Great Crested Newts but not on otters.	

ExQ1	Question to:	Question:	Applicant's Response
		<p>(i) Given that otters are known to be present in the area can the Applicant explain the reasons for the decision not to assess potential effects of pollution on otters?</p> <p>(ii) Given the evidence that otters are found mainly in the canal corridor has any consideration be given to the potential for disturbance to otters resulting from the increased train movements and activities within the proposed Rail Terminal?</p>	<p>(i) The ODCEMP (Document 6.2, APP-060) sets out measures, to mitigate potential for spillages of fuel oils and other potentially harmful liquids on-site and clean up any pollution incident, which will be adopted throughout the construction period. With the implementation of these measures, the risk of pollution to the canal and in turn an effect on the otter population is considered unlikely. In the unlikely event of a spill (pollution incident) this may have a short-term (months), temporary impact on the food supply which has potential to impact otters. However, given the large territories held by otters and the fact that otters are unlikely to be solely reliant on the canal for feeding, a significant adverse effect on otters at the District, or any scale is not anticipated or considered likely.</p> <p>(ii) This was considered. No otter holts or resting places were identified during the otter survey. Published literature (Ecology of the European Otter, Conserving Natura 2000 Rivers, Ecology Series No.10) suggesting that otters are very flexible and are not significantly affected by various forms of anthropogenic disturbance in terms of noise or proximity to human activity was considered and the existing context of the canal adjacent the railway and an industrial estate was taken into account. Given these factors, a significant effect such as to affect the conservation status of this species within their range was not considered likely.</p>

ExQ1	Question to:	Question:	Applicant's Response
		(iii) Are NE and SCC content that all potential adverse effects that may affect otters has been appropriately assessed?	(iii) Paragraph 5.1.10 of the Ecology, Landscape & Visual Impact and Agriculture & Soils - Statement of Common Ground – Natural England (February 2019) (REP1-003) (as included within the Applicant's Deadline 1 submission) states that <i>"FAL and NE agree that all issues relating to the following protected species / habitats have been satisfactorily addressed and appropriate mitigation measures are set out in the final ES - Otters"</i> .
1.10.10.	The Applicant	<p>There appears be no assessment within Chapter 10 of the potential for adverse noise effects on 'other mammal species'.</p> <p>Can the Applicant set out the reasons for not assessing these possible effects?</p>	<p>The distribution of available habitat was considered to be more of a determining factor for these species and these impacts have been assessed in the ES (Document 6.2, APP-030). In the operational phase, these species would be restricted to the green infrastructure, notably the community parks where landscape mounding would serve to limit increases in noise.</p> <p>These species were considered to not be especially sensitive to noise disturbance. These species are present/assumed to be present within the baseline in a working agricultural landscape, with quarrying activities and in proximity to busy roads, railway and industrial estate.</p>
1.10.11.	The Applicant	There is little in Chapter 10 to explain how the anticipated construction phases might interact, particularly in relation to how the impacts of one phase might influence the ecological mitigation carried out in another phase (for	The assessment considers the parameter plans, however potential phasing of the project has also been considered. This is to ensure any specific effects associated with phasing have been considered, whilst noting final phasing is

ExQ1	Question to:	Question:	Applicant's Response
		<p>example in respect of works to create the proposed Community Parks and ecological corridors).</p> <p>Can the Applicant clarify what, in the context of the Chapter 10 assessment, is to be understood by the 'worst case scenario' in terms of phasing and how the project implementation would be managed to ensure that embedded mitigation (i.e. the measures included in the Ecological Mitigation and Management Plan) would be effective?</p>	<p>unknown at this stage. However, this ensures a worst case scenario is considered as the principle of phasing is inherent in the assessment. Requirement 17 of the dDCO (Document 3.1A, AS-014) and the FEMMP (Document 6.2, APP-90) stipulates the timing of / triggers for delivery of key ecological mitigation provision including Croft Lane Community Park, the ecological corridor linking Calf Heath Wood and Calf Heath Reservoir and the southern section of Calf Heath Community Park. This provision ensures that mitigation is provided at the appropriate time irrespective of the final phasing.</p> <p>Each EMMP prepared would take account of ES findings and consider baseline conditions for that specific area as well as other areas of the Site. This will enable consideration of habitats at the time of development for each phase; noting retained habitats to be protected or new / enhanced habitats which require consideration.</p>
1.10.12.	The Applicant, NE and SCC	Paragraphs 10.428–10.437 identify potential cumulative construction and operational effects with other committed development in the locality of the site. Paragraphs 10.432 and 10.438 conclude that these other development proposals would have limited residual effects because of the mitigation and controls built into their relevant consents and that the significance of the effects of the Proposed Development as identified in the Chapter 10 assessment	<p>The Applicant believes that the conclusions are accepted and agreed with SCC.</p> <p>At the time of writing, the Applicant is awaiting confirmation from NE.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>would not be affected by these other development schemes.</p> <p>Are these conclusions accepted and agreed by NE and SCC?</p>	
1.10.13.	The Applicant	<p>Mitigation Table 10.11 identifies proposed compensation areas that appear not to be identified within the GI Parameter Plans.</p> <p>Can the Applicant confirm where these areas are identified in plan form?</p>	<p>These are provided in Technical Appendix 12.9 – Green Infrastructure Schedule of Areas (Document 6.2, APP-107). As stated in Paragraph 10.223 (Document 6.2, ES Chapter 10, APP-030) these are based on the Green Infrastructure Parameters Plan (APP-200, APP-201, APP-202, APP-203, APP-204, APP-205) with the exception of hedgerows and individual trees which are based upon the Landscape and Green Infrastructure - Illustrative Plan (APP-043). The provision of a net gain for native broadleaved woodland and semi-improved grassland in area terms and native species rich hedgerows in terms of linear metres is secured via the FEMMP (Document 6.2, APP-90).</p>
1.10.14.	The Applicant	<p>Can the Applicant confirm how the net gains, in terms of linear metres of species rich hedge row and broadleaved woodland (paragraphs 10.231 & 10.232), will be delivered and secured through the DCO?</p>	<p>These commitments are set out within the FEMMP (Document 6.2, APP-090) secured in the dDCO, Schedule 2, Requirement 11 (Ecological Management and Mitigation Plan).</p>
1.10.15.	The Applicant	<p>Paragraph 3.5.4 of the Framework Ecological Mitigation and Management Plan (FEMMP) [APP-090] sets out a</p>	

ExQ1	Question to:	Question:	Applicant's Response
		<p>commitment to the completion of a 100m wide wildlife corridor linking Calf Heath Wood and Calf Heath Reservoir.</p> <p>(i) Can the Applicant clearly identify this proposed corridor on the GI Parameter Plans?</p> <p>(ii) Can the Applicant provide details of the habitat to be created within this corridor?</p>	<p>(i) The GI Parameters Plan will be amended to clearly identify the proposed corridor.</p> <p>(ii) Planting - Native broadleaved woodland, woodland fringe planting, understorey and ground flora planting with woodland clearings / glades – Full details will be included within the Phase 1 EMMP. Further outline habitat creation in the corridor includes areas of standing deadwood and log/brash piles using existing deadwood where this cannot be retained elsewhere on site and providing habitat for saproxylic species. Elements of this are to be ring barked to create nesting habitat for woodpeckers, marsh tit and willow tit. Based on comments received from SCC the FEMMP is being updated.</p>
1.10.16.	The Applicant	<p>Paragraph 3.2.5 of the FEMMP states that measures will be put in place to ensure that there is no unauthorised access to the retained area of Calf Heath Wood so that this can be maintained as an area for nature conservation.</p> <p>How would this be achieved and at what stage would this protection be implemented?</p>	<p>The development plots adjacent the retained woodland will be fenced and maintained for the duration of the operational phase as secured via the FEMMP (Paragraph 3.2.5) (Document 6.2, APP-090). This would be delivered as the adjacent plots are bought forward for development. In addition, this will be achieved via dense woodland fringe planting comprising a large proportion of thorny species such as hawthorn and blackthorn within a native mix. The planting would be undertaken following felling of northern</p>

ExQ1	Question to:	Question:	Applicant's Response
			component of Calf Heath Wood as detailed and secured in the FEMMP (Paragraph 3.3.3) (Document 6.2, APP-090).
1.10.17.	The Applicant	<p>Paragraph 3.5.6 of the FEMMP states that the southern half of the proposed Calf Heath Community Park would be provided when the proposed felling of part of Calf Heath Wood is carried out.</p> <p>(i) Is it intended that the southern part of the Community Park be considered as direct compensation for the loss of part of the Calf Heath Wood as this is not fully clear from the ES?</p>	<p>(i) The provision of the southern half of Calf Heath Community Park is not intended to act as direct compensation for the loss of part of Calf Heath Wood. The timing of provision of the southern half of Calf Heath Community Park was arrived at as part of consultation undertaken with SCC. As detailed in Requirement 17 of the dDCO (Document 3.1A, AS-014) Croft Lane Community Park will be completed within 5 years of the commencement of the authorised development and likewise the ecological corridor linking Calf Heath Wood and Calf Heath Reservoir (or prior to commencement of development at Development Zones A4a or A4b as shown on the green infrastructure parameters plan (Document 2.7, APP-200), whichever is sooner). These mitigation areas include woodland planting and will be provided in advance of the proposed felling of part of Calf Heath Wood.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) If so, does the Applicant propose providing this compensation with like-for-like habitats or with different and enhanced habitats?</p> <p>(iii) Can the Applicant provide further information on the proposed programming/ sequencing of the proposed works to ensure that the new habitats in the southern part of the Community Park become established before the felling of trees in Calf Heath Wood occurs?</p> <p>(iv) How would the use of and public access to the Community Park be managed so as to ensure the long term success of the proposed habitats?</p>	<p>(ii) Please refer to response (i) above.</p> <p>(iii) As noted in (i) Calf Heath Community Park is not intended to act as direct compensation for the loss of part of Calf Heath Wood. Significant Woodland planting is provided within Croft Lane Community Park and within the ecological corridor linking Calf Heath Wood and Calf Heath Reservoir – provision of these two areas has been 'front loaded' (within 5 years of commencement of the authorised development) to assist habitat establishment before the felling of trees in Calf Heath Wood occurs.</p> <p>(iv) Paragraph 3.2.8 of the FEMMP (Document 6.2, APP-090) secured via Requirement 11 (Document 3.1A, AS-014) states "<i>Access to the community parks will be managed in the operational phase in order to maximise the value of this habitat. For instance, signage will be provided highlighting the value of these areas and promoting their responsible use. The parks will be actively managed by the Applicant's management company to remove litter and seek responsible use of these areas and deter activities that would compromise their use by target species.</i>"</p>
1.10.18.	The Applicant	ES Appendix 12.7 (Arboriculture Assessment) [APP-105] asserts that the loss of the native Black Poplar can	

ExQ1	Question to:	Question:	Applicant's Response
		<p>successfully be mitigated partly through cuttings and the collection of seed from existing trees for new planting and suggests that this was to be done in 2017.</p> <p>(i) Has this process been started?</p> <p>(ii) If not, how can the need for these measures to be carried out before the Black Poplar is felled be secured through the DCO?</p> <p>(iii) Where would the new native Black Poplar trees be planted and what measures would be put in place to ensure the success of this new planting?</p>	<p>(i) The process has commenced to the extent that a contractor/ plant nursery has agreed to undertake the works and to maintain and grow these on for a number of years until these plants would be planted on site. Timing of taking the cuttings is still to be agreed but the next optimum time will be October 2019.</p> <p>(ii) The appropriate measures will be detailed in the revised FEMMP to be submitted at a later date. The implementation of this is secured by R11 of the dDCO.</p> <p>(iii) The location of the new native Black Poplar trees on site would be agreed as part of the detailed design process and agreements for the landscape works. It is envisaged that the new trees would be planted in the proposed community parks and in the areas of wetland habitat creation; where space will allow the trees to grow to full maturity.</p>
1.10.19.	The Applicant, NE and SCC	Although Section 3.3 of the FEMMP expressly identifies the 'Important' hedgerows to be retained it does not similarly identify veteran and future veteran trees or specify the additional protection measures that are recommended in Appendix 12.7. Neither does the FEMMP refer to the need	Following comments from SCC the FEMMP will be updated to better align with Appendix 12.7 (Document 6.2, APP-105).

ExQ1	Question to:	Question:	Applicant's Response
		<p>for continued appraisal of long-term management operations in relation to these retained trees in order to ensure their long term survival as recommended at paragraph 5.31 of Appendix 12.7.</p> <p>Can the Applicant explain why these measures have not been included within the FEEMP, and can the Applicant state whether these measures will be included within the EMMP when completed?</p>	
1.10.20.	The Applicant, NE and SCC	<p>Paragraph 5.64 of the Arboriculture Assessment recommends that all vegetation and, particularly, woody vegetation proposed for clearance should be removed outside of the bird-breeding season.</p> <p>Is an additional requirement needed to set out this stipulation or would it be adequately covered in R11 relating to the FEMMP?</p>	<p>The Applicant considers that an additional requirement is not needed.</p> <p>The FEMMP (Document 6.2, APP-090) secured by Requirement 11 (Document 3.1A, AS-014) includes the provision made in Paragraph 5.64 of the Arboriculture Assessment (Document 6.2, APP-105) i.e. undertake clearance outside of the bird-breeding season. This is in paragraph 3.7.12 of the FEMMP (Document 6.2, APP-090) and also provides appropriate ecological controls in the event that vegetation removal, topsoil stripping or building demolition needs to be undertaken between March and the end of August.</p>
1.10.21.	NE and SCC	NE and SCC are requested to comment on the scope and content of the FEMMP and to give their views as to whether this provides a robust basis for agreeing Phase specific	-

ExQ1	Question to:	Question:	Applicant's Response
		EMMPs which would be capable of securing all the necessary mitigation measures.	
1.10.22.	The Applicant	<p>The main mitigation in relation to the loss of farmland habitat supporting farmland birds is proposed through the future enhancement and management of 12ha of existing farmland off-site.</p> <p>(i) Can the Applicant provide an explanation as to why this mitigation cannot be provided on-site in accordance with the hierarchy of mitigation?</p> <p>(ii) Would the proposed 15 years' maintenance programme be sufficient to secure this habitat mitigation be secured in</p>	<p>(i) Approximately 2.5 ha of on-site mitigation for farmland birds is provided as shown and secured via Requirement 11 of the dDCO (Figure 3.5 of the FEMMP (Document 6.2, APP-090)). The eastern parcel adjacent Woodlands Lane as shown on Figure 3.5 of the FEMMP (Document 6.2, APP-090) would be subject to restricted access. The illustrative masterplan (Document 2.8, APP-205) shows no permissive paths within either of these areas. Given the proposed inclusion of permissive paths within the Community Parks it was considered there was potential for conflicts between community uses, dogs etc and delivery of effective mitigation for farmland birds (outside of the approximate 2.5 ha described above). As such, a larger contiguous area of off-site mitigation land, not subject to any right of way and managed exclusively for the benefit of farmland birds was identified.</p> <p>(ii) The Applicant considers that the 15 year commitment to manage the habitat is sufficient in order to provide</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>perpetuity or is some commitment to retain this land as suitable habitat beyond that period required?</p> <p>(iii) Would public access to and recreational use of the farmland habitat mitigation area be prevented and, if so, by what means?</p>	<p>appropriate compensation during construction while habitats establish.</p> <p>(iii) There are no public rights of way across the farmland habitat mitigation area. The land will be fenced and / or enclosed by hedgerows.</p>
1.10.23.	The Applicant	<p>Paragraph 10.227 refers to the anticipated phasing of various GI works. It would seem that this phasing is likely to be critical to the successful mitigation of the ecological impacts of the Proposed Development.</p> <p>(i) Do the phasing commitments in relation to the "<i>completion</i>" of the Community Parks and ecological corridor as set out in Article 17 of the dDCO go far enough to secure these important elements of the ecological mitigation proposals?</p> <p>(ii) Should Requirement 2 in the dDCO specify what details are to be submitted for approval as part of the phasing plan and state that the submitted details should be in accordance with the indicative phasing plan and schedule submitted with the application.</p>	<p>(i) The delivery of the ecological mitigation proposals will also be detailed in the respective EMMPs secured via Requirement 11 of the dDCO. The EMMP's will include habitat management and monitoring stipulations. This, in combination with the phasing commitments detailed in Requirement 17 of the dDCO, are considered appropriate to secure these key ecological mitigation measures.</p> <p>(ii) The Applicant agrees and will amend the requirement. This will be included in the next version of the dDCO to be submitted for Deadline 3.</p>

ExQ1	Question to:	Question:	Applicant's Response
		(iii) Are any other amendments to the dDCO required to ensure that new habitats are in place and become established before certain areas of existing habitat are lost?	(iii) It is not considered that additional amendments to the dDCO are required to ensure that new habitats are in place and become established before certain areas of existing habitat are lost. The existing provision in Requirement 17 of dDCO and via the FEMMP (Document 6.2, APP-090) in Requirement 11 of the dDCO are considered to address this.
1.10.24.	The Applicant, NE and SCC	<p>Paragraph 10.365 lists a number of parameters which have been used within the assessment of operational lighting effects on foraging bats. There is a cross reference to the Lighting Strategy [APP-106] but Section 5.3 of that document does not list the parameters set out in the bullet points within paragraph 10.365. Neither do these appear to be shown on the Parameter Plans.</p> <p>(i) As these appear to be a critical component of the mitigation of potential effects how are these secured through the dDCO?</p> <p>(ii) Are there other specific details of constraints/parameters for the on-site lighting that need to be specified in a Requirement within Schedule 2 of the DCO or by other means?</p>	<p>(i) These measures are included within and secured via Paragraph 3.1.4 of the FEMMP (Document 6.2, APP-090).</p> <p>(ii) Further lighting mitigation measures are defined and secured via the FEMMP (Document 6.2, APP-090) including the commitment that detailed lighting designs will take place in conjunction with an ecologist and such designs will be subject to the approval of Staffordshire County Council's ecologist. Paragraph 3.7.30 of the FEMMP (Document 6.2, APP-090) provides parameters required for the lighting in the hopover locations.</p>

ExQ1	Question to:	Question:	Applicant's Response
		(iii) Do NE and SCC agree with the proposed bat mitigation measures and consider these to be adequate?	<p>(iii) Paragraph 5.1.10 of the Ecology, Landscape & Visual Impact and Agriculture & Soils - Statement of Common Ground – Natural England (February 2019) (as included within the Applicant's Deadline 1 submission) (Document 8.4, REP1-003) states that "<i>FAL and NE agree that all issues relating to the following protected species / habitats have been satisfactorily addressed and appropriate mitigation measures are set out in the final ES - Bats</i>".</p> <p>The Applicant believes that SCC are content with the proposed mitigation.</p>
1.10.25.	The Applicant, NE and SCC	Are the relevant consultees satisfied that dark corridors can be maintained in the locations shown on Figure A1.1 of the FEMMP, given that the Illustrative Masterplan [APP-206A-D] shows that these are likely to be immediately adjacent to buildings, car parks and service areas?	<p>The Applicant understands that SCC are satisfied in-principle that the dark corridors can be maintained. However, as set out in the SoCG with SCC (Document 8.5, submitted at Deadline 2), elements of the current version of the FEMMP (ES Technical Appendix 10.4/APP-090) are still being discussed. Any of the relevant consultees' detailed concerns regarding the dark corridors can potentially be addressed as part of these ongoing discussions.</p> <p>The Applicant is not aware of any concerns from NE.</p>
1.10.26.	NE and SCC	<p>Badgers (i) Can NE and SCC confirm that they have received and reviewed the Confidential Badger Report?</p>	-

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) Based on the information in that report, are NE and SCC satisfied with the assessment of construction and operational effects on badgers and their habitats as set out in ES Chapter 10?</p> <p>(iii) Is the mitigation proposed in relation to badgers adequate to offset any significant harm to this species and their habitats?</p>	
1.11.	<p>Cultural Heritage and Archaeology <i>All paragraph and table references are to ES Chapter 9 [APP-029] unless otherwise specified</i></p>		
1.11.1.	<p>The Applicant, SSC, Historic England (HE)</p>	<p>Assessment of Effects In Table 9.2 the 'Receptor Value' grading for the S&WC Conservation Area is graded as Low. This grading, which is a key input into the assessment of effects, seems to be based on Table 9.3 which grades all conservation areas and their settings as of low value irrespective of their size, character, content and the degree to which their special character and appearance remains intact.</p> <p>(i) Is this a reasonable approach given that there is no national system of grading of conservation areas as there is for listed buildings?</p>	<p>The grading of the heritage value of heritage receptors is based on the methodology set out at paragraphs 9.70-9.111 of ES Chapter 9 (Document 6.2, APP-029) and, in particular, Table 9.3.</p> <p>(i) This approach is considered reasonable. Conservation areas are identified as having Low value because – unlike listed buildings, Scheduled Ancient Monuments and World Heritage Sites – they are identified through local designation processes as opposed to national mechanisms. The higher heritage value of listed buildings etc. is proportionate to reflect the process through which they are designated, and their importance at a national level.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) Has this grading been informed by any on-site survey and assessment of the character and appearance of the Conservation Area?</p> <p>(iii) What is the basis of the value grading for all the other identified heritage receptors?</p> <p>(iv) Does Historic England agree with the methodology set out within Table 9.2 and 9.3?</p>	<p>(ii) This grading has been qualified and found to be sound as a result of on-site survey and assessment. Site visits were undertaken in January 2017 and March 2017 (the latter with Historic England).</p> <p>(iii) See response to (i) above.</p> <p>(iv) Historic England have agreed the methodology as confirmed in the Statement of Common Ground between Historic England and the Applicant (Document 8.3, AS-024).</p>
1.11.2.	The Applicant	<p>The Inland Waterways Association [RR-0654] (IWA) comments that, for most of its 46 miles, the S&WC corridor remains essentially rural and that, until recently, the only major industrial intrusion was the chemical works at Four Ashes. The IWA considers that the assessment in Chapter 9 belittles the importance of this rural setting and exaggerates the industrial elements in the setting of the Conservation Area.</p> <p>(i) Can the Applicant respond to these criticisms and to IWA's view that Table 9.2's grading of the heritage value of the Canal, Gailey Wharf, Long Moll's Bridge as low, and of Gravelly Way Bridge as Very Low is a "travesty"?</p>	<p>(i) It is not disputed that the setting of the majority of the Conservation Area (along its total and substantial length of 46 miles) is rural. The Proposed Development will have no effect on the setting, rural or otherwise, for the c.43 miles of the conservation area which fall outside of the site boundary.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>A description of the setting of the Conservation Area in its totality is set out at paragraphs 9.136-9.139 of ES Chapter 9 (Document 6.2, APP-029). The experience of the canal involves frequent transitions through different environments consequent of its original industrial function. These comprise the, settlements/urban areas, industrial areas and the landscapes which separate them. Four Ashes is not the only area where the canal interacts with industrial activity – see also Baswich, Fordhouses, Smestow, Cookley and Kidderminster.</p> <p>The effect on the Conservation Area as a whole is assessed at paragraphs 9.372-9.374 of ES Chapter 9 (Document 6.2, APP-029).</p> <p>In accordance with the methodology and best practice, the assessment in ES Chapter 9 (Document 6.2, APP-029) is focussed on the change to the setting of the stretch of the S&WC Conservation Area which travels through the site. This is proportionate to the Proposed Development and no more than is necessary to understand the impact on the designated heritage asset.</p> <p>The setting for the c.2.8 mile stretch of the Conservation Area which passes through the site has been affected by industrial activity and forms part of the experience of this relatively small part of the canal (in section A.2 as identified</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>in ES Chapter 9 (Document 6.2, APP-029)). The IWA acknowledge this as 'major' industrial activity and so it is not an exaggeration to consider that industrial activity is a significant aspect of the setting of the Conservation Area in this location.</p> <p>The open, rural quality of the landscape to the north and south of Four Ashes (sections A.1 and A.3 identified in the above document) is acknowledged (see paragraphs 9.152 and 9.158 of ES Chapter 9 (Document 6.2, APP-029)).</p> <p>The loss of the rural setting as a result of the Proposed Development is considered to cause harm to the character and appearance of the Conservation Area. The rural setting is not, therefore, belittled, but appropriately regarded as important to the special interest of the Conservation Area and treated accordingly (see ES Chapter 9 (Document 6.2, APP-029) paragraphs 9.346-9.354).</p> <p>This harm is considered to be less than substantial because it does not represent the total loss of the heritage asset or its heritage value. In accordance with paragraph 5.134 of the National Policy Statement for National Networks (2014) (NPS), it is necessary to balance the harm with the heritage benefits and other public benefits of the Proposed Development. This exercise is undertaken at paragraphs 9.368-9.371 of ES Chapter 9 (Document 6.2, APP-029).</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>In terms of the heritage value ascribed to the heritage assets identified by IWA in their response, refer to 1.11.1 above.</p> <p>The methodology at paragraphs 9.70-9.111 of ES Chapter 9 (Document 6.2, APP-029) and, in particular, Table 9.2 is clear as to the criteria for grading and should be read alongside the qualitative descriptions presented in the baseline.</p>
1.11.3.	The Applicant	Can the Applicant comment on the view expressed by both CRT and the IWA that the removal of modern Four Ashes Bridge (78A) would help to compensate for the heritage impacts of the proposed road bridge carrying the new Link Road over the canal and clarify what is intended in respect of Bridge 78A?	<p>Four Ashes Bridge (78A) will provide a public right of way (pedestrian and cycle) to access both the Canal and the site.</p> <p>It is not possible to provide the public right of way on the older bridge at Gravelly Way (no. 78) due to health and safety: Bridge 78 is too narrow and the parapets are too low to support this use.</p> <p>It is acknowledged that the removal of bridge 78A would enhance the character and appearance of the conservation area. This is not, however, a practical option for the reasons described above (where pedestrian and cycle access is an important requirement) and the removal of the bridge does not form part of the Proposed Development on this basis.</p> <p>The CRT say that the removal of bridge 78 would prevent a tunnelling effect for those travelling along this section of the canal.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Paragraphs 9.327-9.342 of ES Chapter 9 (Document 6.2, APP-029) addresses this comment. In summary, the retention of bridge 78A at this location, together with the proposed new road bridge, is not considered to create a tunnelling effect.</p> <p>The new and existing bridges are located where the Canal meanders east and, as such, long linear views are not possible. The effect of passing under bridges is already part of the user's experience in this part of the canal, and any additional effect would be short-lived.</p>
1.11.4.	The Applicant	(i) Can the Applicant clarify what is meant, in paragraph 9.110, by the statement that the assessment " <i>assumes that the proposals include direct contributions to the improvement of heritage receptors where their heritage value (significance) is affected</i> "?	<p>(i) The Applicant acknowledges that the wording in paragraph 9.110 of Chapter 9 of the ES (Document 6.2, APP-029) is unclear.</p> <p>Mitigation measures have been identified through the Canal Enhancement Scheme to reduce, and where possible, mitigate harm to the Canal Conservation Area and to improve the setting of heritage assets. The mitigation proposed through the Canal Enhancement Scheme (also referred to as the Canal Enhancement Strategy) is set out at paragraph 9.475 of the ES, and in more detail at Section 7.9 of the Design and Access Statement (Document 7.5, APP-258).</p>

ExQ1	Question to:	Question:	Applicant's Response
		(ii) Please provide specific examples of where and how this is expected to occur.	<p>The Canal Enhancement Scheme will only apply to the area of the Canal which is located within the Order Limits of the Proposed Development.</p> <p>As noted in the Design and Access Statement (paragraph 7.9.4) the Scheme includes the removal of redundant pipe bridges along the Canal, enhancing the character and appearance of the Conservation Area. The Scheme will also include consideration of the detailed design of the new road bridge, enhancement works to the towpath and improved pedestrian connections along the Canal.</p> <p>(ii) As noted in the response to (i) above, the Canal Enhancement Scheme provides details of the mitigation measures have been identified to reduce, and where possible, mitigate harm to the Canal Conservation Area and to improve the setting of heritage assets.</p> <p>Requirement 15 (1) (f) provides for the approval of a Canal Enhancement Scheme for each relevant phase, securing the implementation of the Scheme.</p>
1.11.5.	The Applicant	At paragraph 9.151 the ES notes that Gailey Wharf has historic and architectural significance as a surviving example of a late 18 th Century canal wharf and that the canal and surviving buildings provide a coherent ensemble.	It is necessary to assess and understand the heritage value of each heritage receptor scoped in to the assessment separately in accordance with the methodology. This includes the individual buildings at Gailey Wharf (which fall within section A.1 of the conservation area identified in ES

ExQ1	Question to:	Question:	Applicant's Response
		<p>Has this group value and shared setting been fully taken into account in the assessment of the heritage value of the various buildings and structures comprising this coherent ensemble as set out in paragraphs 9.255-9.274?</p>	<p>Chapter 9 (Document 6.2, APP-029) paragraphs 9.148-9.152) where these are either listed or identified as non-designated heritage receptors.</p> <p>The group value and shared setting has been taken into account in the individual assessments at paragraphs 2.55-2.274. The setting of Gailey Wharf is clearly identified as making a positive contribution to the heritage value of each asset – see paragraphs 2.258, 2.263, 2.268 and 2.273.</p> <p>The mutually beneficial relationship is considered in the assessment, see paragraphs 9.346-9.350, and also the assessment for Map Group M at paragraphs 9.438-9.451.</p> <p>(All paragraph references above relate to ES Chapter 9 (Document 6.2, APP-029)).</p>
1.11.6.	The Applicant	<p>Paragraph 9.353 cross refers to various viewpoints with ES Figure 12.13 but that figure does not appear to include wirelines or photomontage images from Viewpoints 5, 6 or 25.</p> <p>(i) Please clarify where these viewpoints and wirelines are located.</p> <p>In Figure 12.13 [APP-045], Viewpoint 3 appears to be located to the rear of properties on Croft Lane rather than at</p>	<p>(i) Wirelines or photomontages have not been prepared for all of the photo viewpoints included within the ES (at ES Figure 12.8). This includes viewpoints 5, 6 and 25.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>the edge of the canal and both this and Viewpoint 4 (which, again, is not included in Figure 12.13) show views to the south west/ north west rather than to the east.</p> <p>(ii) Can the Applicant please provide photographs of the existing view and photomontages at 2 additional viewpoints at the canal edge which look towards the development proposed in Zones A4a and A4b? One of these views would preferably be on the straight section of the canal to the south of Viewpoint 3 (looking east) and one slightly to the west of Viewpoint 4 but looking to the north east.</p>	<p>Photomontages have been prepared for ten of the thirty five photo viewpoints. The location of all the photo viewpoints and those to also be included as photomontages were agreed with NE, SCC and SDDC; as advised at ES paragraphs 12.455 -12.460.</p> <p>The location of the photo viewpoints and photomontages are shown on ES Figure 12.7. In addition, grid references are also included for the photo montages as detailed within the 'Viewpoint Location' notes beneath each of the photomontages at ES Figure 12.13.</p> <p>Viewpoint 3 is located on the western side of the Croft Lane properties (and not at the edge of the canal) as correctly suggested. The location of this viewpoint was agreed as a suitably representative view in relation to the Croft Lane properties at this location. The views are generally south west/ north west respectively as also correctly suggested.</p> <p>(ii) Photomontages (and the existing view) have been prepared and are available at Appendix 16 of this document.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.11.7.	The Applicant	<p>Paragraph 9.349 states that the Proposed Development further south of Gailey Wharf (within Zone A4) "<i>may also be visible to some degree</i>" and that the development would appear as "<i>a minor backdrop in the view</i>" from Gailey Wharf. The photomontage for Viewpoint 2 shows a considerable extent of built development which appears to cover both Zones A4a and A4b.</p> <p>Please clarify which plots the buildings shown in this view occupy and what building lines, eaves and maximum heights have been assumed in this representation.</p>	<p>Two buildings are visible within Viewpoint 2 (on the Photomontages as ES 12.13). The most visible and nearest is situated in Development Zone A4a and the other is within Development Zone A4b.</p> <p>The layout of the buildings within the photomontages is based upon the Illustrative Masterplan Doc 2.8D (APPs-205-209) and the maximum building heights as detailed on Doc 2.6 (APPs-195-199). The proposed buildings are illustrated on the photomontages with a parapet at the eaves at the maximum building height.</p> <p>Within this Viewpoint 2 photomontage, the nearest and most visible building (within Zone A4a) is visible at 20m high. The building within Zone A4b is visible at both 20m high and 30m high, in accordance with the maximum building heights as detailed on Doc 2.6 (APPs-195-199).</p> <p>It is noted that Viewpoint 2 is not taken from within 'Gailey Wharf' as is described in paragraph 9.349 of ES Chapter 9 (Document 6.2, APP-029). In this context, Gailey Wharf refers to the collection of buildings and the area around the lock at the junction of the canal with the A5 - this area is also assessed as separate heritage receptor in the ES, with ref. M.4 (Chapter 9, Document 6.2, APP-029) – see paragraphs 9.449-9.451.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Gailey Wharf, as it is referred to in paragraph 9.349, is a location further north than the position of Viewpoint 2, where views to the south would be more enclosed by the buildings and planting at the wharf edge.</p> <p>The change to the setting of the canal conservation area demonstrated by Viewpoint 2 are assessed as part of the analysis of the effect on section A.1 of the canal as identified in ES Chapter 9 (Document 6.2, APP-029). A degree of harm is identified to this section as a result of the change of the setting from rural to developed land.</p>
1.11.8.	The Applicant	<p>Paragraph 9.354 states that "<i>there are occasional glimpses across hedged fields from the Canal CA.</i>"</p> <p>Please advise which viewpoint the Applicant considers to best represent the view described in this paragraph.</p>	<p>See response to ExQ1.11.6. Two new viewpoints have been prepared by the Applicant to represent the experience described in 9.354 and are available at Appendix 16.</p> <p>It is noted that photo viewpoint 4 (see Document 6.2, Figure 12.7 (APP-039) and Figure 12.8 (APP-040) does show the view across the landscape to the north-west of the canal.</p>
1.11.9.	The Applicant	<p>Paragraph 9.357 states that, within section A.3 of the canal (seemingly wrongly referred to as A.2 on page 16 of Chapter 9), "<i>users may be aware of development in Zone A7.</i>"</p> <p>(i) Are there any viewpoints/photomontages that illustrate the effect of the Proposed Development on this section of the canal?</p>	<p>There is an error in drafting on page 16. Calf Heath Bridge to Long Moll's Bridge (south section) should be identified as A.3 not A.2.</p> <p>(i) No viewpoints/photomontages have been prepared for the DCO Application from section A.3 of the conservation</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) If not, can the Applicant please provide one or more representative viewpoints and photomontages along this section?</p>	<p>area. A photograph of the setting north of this part of the canal is presented on page 2 of Technical Appendix 9.6.</p> <p>This photograph shows the considerable area of open land (which will be unchanged in the Proposed Development) between the canal and Straight Mile. Viewpoint 10 shows the view towards the site from Straight Mile. The site is screened from the road and canal, which is approximately 170m to the south, by the hedgerows along this route.</p> <p>(ii) The separating distance (c.170m) between the Proposed Development (Zone A7c) and section A.3 of the canal and the presence of existing mature canalside woodland and other vegetation means that the effect the Proposed Development on the experience of the canal will be limited. There will be no change to the open setting to the north of this section of the conservation area (A.3) which will be managed as open landscape (Calf Heath Community Park; refer to GI plans – Figure 4.3 and Figure 12.11).</p> <p>Furthermore, in this section the canal is travelling on an east-west axis. The focus of an individual using the canal will be straight ahead in either direction, and not towards the site/Proposed Development in the distant, peripheral field of view.</p> <p>A number of representative viewpoints for section A.3 of the canal are included at Appendix 17 of this document,</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>however, due the limited availability and restricted nature of any available views towards the proposed development from section A.3, it is not considered necessary to prepare photomontages from this section.</p> <p>In addition, a number of additional representative viewpoints for section A.2 of the canal have been added for reference. These include the more recent Bericote development.</p> <p>Additional photomontages from section A.1 are also included at Appendix 16 of this document as per ExQ 1.11.6 (ii).</p>
1.11.10.	The Applicant	<p>Paragraph 9.355 refers to section A.2 of the canal corridor but describes this (in brackets) as "<i>Gailey Wharf to Gravelly Way</i>".</p> <p>Should this read "<i>Gravelly Way to Calf Heath Bridge</i>"?</p>	<p>The ExA's understanding is correct. Paragraph 9.355 should refer to Gravelly Way to Calf Heath Bridge. This is a drafting error. The assessment applies correctly to section A.2 as identified in the baseline.</p>
1.11.11.	The Applicant	<p>(i) What specific case law does the Applicant rely upon for the view, stated in paragraph 9.356, that "<i>intervisibility between a heritage receptor and its setting does not, by default, mean that setting makes a contribution to significance</i>"?</p>	<p>(i) The most significant and recent consideration of the effects of development on the setting of heritage assets is the Court of Appeal judgment in <i>Catesby Estates v Steer and Historic England</i> [2018] EWCA Civ 1697, which references and extracts the relevant considerations from the earlier case law.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Applying, and clarifying, the earlier case of <i>Williams v Powys County Council</i> [2017] EWCA Civ 427, Lindblom LJ confirmed in <i>Catesby Estates</i> that although 'setting' is a concept recognised by statute, it is not statutorily defined and does not lend itself to precise definition. Nevertheless, it is clear that setting of heritage assets is capable of being affected in some discernible way by development, whether within the setting or outside it. <i>Catesby Estates</i> also set out the general point that none of the relevant policy, guidance and advice prescribes for all cases a single approach to identifying the extent of a heritage assets setting. The facts and circumstances will differ from one case to the next and the way in which a heritage asset is experienced is not limited only to the sense of sight.</p> <p>Whilst the extent and importance of setting is often expressed by reference to visual considerations, the way in which a heritage asset is experienced is also influenced by other environmental factors such as noise, dust, vibration from other land uses in the vicinity, and by the understanding of the historic or social relationships between places. The contribution that setting makes to the significance of the heritage asset does not depend on their being an ability to access or experience that setting. Its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.</p>

ExQ1	Question to:	Question:	Applicant's Response
		(ii) Is this statement consistent with the definitions of 'setting' and 'significance' in the Glossary to the NPPF?	<p>For the reasons set out above it is considered that the statement is supported by the case law referred to above in that the inter-visibility between a heritage receptor and its setting does not necessarily mean that setting makes a contribution to significance, as there a wide range of general considerations that should be examined to determine if, and to what extent, setting contributes to the significance of a heritage asset.</p> <p>(ii) The above case law clarifies the approach to setting in accordance with the definitions provided in the NPPF and the implementation of the relevant policies for designated heritage receptors.</p> <p>It is noted that the definitions provided in the NPS, applicable in this case, are consistent with the NPPF (2019).</p> <p>In light of the consideration given to the definitions of 'setting' and 'significance' in the NPPF by the courts and also government guidance, the statement is therefore considered to be consistent with the NPPF.</p>
1.11.12.	The Applicant	With reference to paragraph 9.366 (second bullet) to what extent is the industrial character of the Proposed Development similar to existing development within the setting of sections A.1 and A.3 of the Canal Conservation Area?	In full, paragraph 9.366 (second bullet) of the ES (Document 6.2, APP-029) states: " <i>The industrial character of the Proposed Development is dissimilar to the open land at the north part of the CA, but similar to the development in the setting of the CA south of Gravelly Way.</i> "

ExQ1	Question to:	Question:	Applicant's Response
			<p>The Applicant considers that the character of the Proposed Development is similar to the industrial character and uses prevalent in the area south of Gravelly Way (i.e. the Four Ashes Industrial Estate to the east of the CA and the Bericote development to the west).</p> <p>However, taking into account the proposed enhancement works which will directly benefit the canal and the embedded mitigation such as GI Parameter Plan (Document 2.7, APP - 200) and aspects of architectural design, it is considered that the Proposed Development would result in a better and more respectful setting to the CA north of Gravelly Way than the existing development in the setting of the CA south of Gravelly Way.</p> <p>The GI Parameter Plan includes 3.5m-8m bunding and planting which will screen views of the proposals for users of the towpath along the western bank of the Canal. It also includes significant landscape buffers and the creation of community parks to preserve the landscape setting of the CA.</p> <p>Once developed, these enhancement works and embedded mitigation would result in a different and more respectful setting to the CA north of Gravelly Way.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.11.13.	The Applicant	<p>In ES Chapter 13 (Noise and Vibration) the Grade II listed Wharf Cottage is identified as one of the properties that are likely to require noise insulation to provide an appropriate internal noise environment (paragraph 13.287).</p> <p>(i) Has this potential requirement for noise insulation been taken into account in the assessment of effects and in reaching the conclusion, at paragraph 9.445, that the effect of the Proposed Development on the heritage significance of Wharf Cottage would be negligible?</p> <p>(ii) Can the Applicant clarify its position on this potential direct effect and how this might affect the findings of in relation to this asset?</p> <p>(iii) Similarly the assessment of the heritage effects on Straight Mile Farm appears not to have taken account of the potential effect of noise insulation works (this property is also included in the list in paragraph 13.287). Please can the Applicant clarify its position on this potential direct effect and how this might affect the findings in relation to this non-designated heritage asset?</p>	<p>(i) & (ii) The assessment did not explicitly assess the requirement for noise insulation. However it is assumed that any noise insulation to be installed would be commensurate with the listed status of the building and appropriately designed secondary glazing will preserve the character of a listed building. Providing this approach is taken, there would be no additional effect on the heritage value of Wharf Cottage</p> <p>Therefore the assessment of likely effect on the heritage value of the listed building as expressed at paragraphs 9.260-9.264 of ES Chapter 9 (Document 6.2, APP-029) would be unchanged.</p> <p>(iii) Unlike Wharf Cottage, Straight Mile Farm is not designated as a listed building Straight Mile Farm is also not identified as a locally listed building by the local authority.</p> <p>Straight Mile Farm is identified as having Very Low heritage value which is wholly derived from its external appearance as a part of the area's earlier agricultural history.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Noise insulation measures could be installed with no detriment of its heritage value. The assessment of likely effects on Straight Mile Farm are, therefore, unaffected by possible noise insulation measures.</p>
1.11.14.		<p>Paragraph 5.53 of the Arboriculture Assessment notes that <i>"prior to any tree surgery and / or felling of trees within the Conservation Area designation it will be necessary to apply to the District Council to gain consent for the works"</i>.</p> <p>Has the possible need to remove or prune trees within the Conservation Area been taken into account in the Chapter 9 assessment?</p>	<p>A very limited number of trees will be removed and pruned to allow for the creation of the new bridge crossing at Gravelly Way. The trees to be removed are identified on the Tree Retention Plan at Figure 3.1 of Technical Appendix 12.7 (Document 6.2, APP-105).</p> <p>The heritage value of the conservation area is derived from its historical and architectural interest as an industrial feature. Trees therefore make a limited contribution to its heritage value. Notwithstanding this, it is acknowledged that vegetation and trees along the canal provide an attractive and positive component of its character and setting. However, the loss of the small number of trees at Gravelly Way is considered to have no effect on the appreciation or experience of the heritage value of the canal. This part of the canal has already substantially experienced later influences and there will be no 'gap' in the vegetated edge because it will be replaced by the bridge.</p> <p>The effect of the new bridge on the canal is assessed at paragraphs 9.329-9.432 of the assessment at ES Chapter 9 (Document 6.2, APP-029). This includes a discussion of the</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>change to the character of the edges and setting of the conservation area.</p> <p>There is considered to be no change to the assessment of likely effects on the heritage value of the conservation area arising from the removal of the small number trees in this location.</p>
1.11.15.	The Applicant	<p>Paragraph 9.195 asserts that the historic field patterns have been degraded through later industrial workings.</p> <p>Is this true in relation to the approximately 211ha (71% of the total area of the application Site) which remains in agricultural use?</p>	<p>A description and assessment of historic landscape character, including an analysis of remaining field patterns/historic hedgerows, is presented at paragraphs 9.181-9.198 9.405-9.407 of ES Chapter 9 (Document 6.2, APP-029).</p> <p>It is noted that the field patterns in the majority of the Site represent late 18th and early 19th century parliamentary enclosure. This very typical and by no means unique to the Site.</p> <p>The judgement in paragraph 9.195 is maintained: the ability to appreciate and understand the historic agricultural character has been degraded as a result of later interventions such as the major roads and industrial working which have divorced the Site from the wider landscape context. It is not an intact historic agricultural landscape.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.11.16.	The Applicant	<p>Mitigation Paragraph 9.352 states that the GI relating to the canal has been designed with the visual amenity of the canal as a priority and that the mounding and planting will be maintained and managed throughout the operation of the development to ensure that the effectiveness of the screening does not diminish over time. Although the draft DCOB includes an obligation in relation to the future management of the proposed Community Parks by the Estate Management Company this does not appear to include other GI outside of those parks.</p> <p>How would the management and maintenance of the GI for the lifetime of the Proposed Development be secured?</p>	<p>The definition of Green Infrastructure was altered between the first version of the DCOB received by the ExA (Document 7.7A, APP-156) and the version submitted prior to the ISH1 DCO Hearing (Document 7.7C, AS-023). The definition now includes all of the strategic Green Infrastructure. The inclusion in the DCOB was at the request of SSDC and relates only to the establishment of a management company.</p> <p>Requirement 16 in Schedule 2 of the dDCO contains the ongoing requirement to maintain landscaping.</p>
1.11.17.	The Applicant and SCC	<p>Archaeology (ES Chapter 8) [APP-028] Figure 7 of the LiDAR data assessment [APP-077] appears to indicate an extensive area of ridge and furrow within that part of the site to the west of the WCML and a second concentration of this feature within Proposed Development Zones A5a and A7a whereas the Gradiometer survey [APP-078] only identified clear evidence of ridge and furrow in Survey Areas D and I.</p> <p>(i) Is this evidence sufficient to support the conclusion in the Statement of Potential in paragraph 8.73 that only "<i>traces of ridge and furrow</i>"?</p>	<p>(i) Yes. There are no extant earthwork remains within the Site and the remote sensing evidence is not definitive, both from the Lidar data and from the gradiometer survey. The</p>

ExQ1	Question to:	Question:	Applicant's Response
		(ii) Please clarify the extent of remaining evidence of this historic feature within the site.	<p>suggestion of very slight differences in the topography consistent with ridge and furrow earthworks within the western section of the Site can only be inferred through a specific data interpolation algorithm, rather than being visible across all of the processing methods as would be expected from definitive earthworks. Additionally, the responses suggestive of ridge and furrow within the Lidar data are remarkably straight, therefore, a degree of caution must be applied in their interpretation as ridge and furrow often exhibits a less than uniform expression with older examples characterised by a 'backwards S' morphology.</p> <p>(ii) The extent of evidence is as summarised in (i) above, there is no absolutely definitive area within the Site which could with certainty be classified as ridge and furrow, hence the insinuation noted above that there are 'traces' rather than definite features.</p>
1.11.18.	The Applicant and SCC	Paragraphs 8.78-8.88, concerning archaeological features references WA 88, 89, 21 and 29, note the likelihood of damage to or destruction of these features and, in each case, state that the loss of the feature would be of moderate to minor significance. However, in the summary table of residual effects the removal of or damage to each of these assets is classified as " <i>moderate</i> ".	

ExQ1	Question to:	Question:	Applicant's Response
		<p>(i) When, as seems to be the case in respect of all of these assets, the heritage significance is at present uncertain, is it reasonable to assume that the fact of recording its presence is sufficient to reduce the significance of its total loss as this assessment seems to suggest?</p> <p>(ii) Would such an approach be consistent with the statement, in paragraph 199 of the NPPF, that "<i>the ability to record evidence of our past should not be a factor in deciding whether such loss (of the heritage asset) should be permitted</i>" and with the High Court judgment in the Hayes case¹ as to how this policy (as previously set out in paragraph 141 of the 2012 NPPF) should be interpreted?</p>	<p>(i) Yes. Preservation by record is a recognised form of mitigation for archaeological remains. Paragraph 5.142 of the NPS acknowledges that even where there is a '<i>high probability</i>' of '<i>undiscovered heritage assets with archaeological interest</i>' that identification and treatment during construction (which comprises preservation by record) is an appropriate procedure.</p> <p>(ii) It is absolutely consistent and the mitigation measures are nationally recognised by statutory consultees and archaeological contractors alike. The assessment is not suggesting that the mitigation measures will alleviate the effects altogether, it recognises the nature of the potential loss of the asset and indicates how this may be mitigated against, not completely removed.</p>
1.11.19.	The Applicant, SSC, SSDC	<p>(i) Has the Outline Scheme of Investigation [APP-079] been agreed with the relevant consultees?</p> <p>(ii) What prospect is there that the Scheme of Investigation within the High Priority Areas might confirm the presence of</p>	<p>(i) The Outline Written Scheme of Investigation (Document 6.2, APP-079) has been agreed with SCC.</p> <p>(ii) The possibility of such remains is low. As per paragraph of 5.142 of the NPS there isn't a high probability of remains of major significance being present on-site. Should remains</p>

¹ R (on the application of J C Hayes) v City of York Council [2017] EWHC 1374 Admin

ExQ1	Question to:	Question:	Applicant's Response
		<p>an archaeological asset of major significance that should be left undisturbed?</p> <p>(iii) What flexibility is provided within the DCO to enable a reduction in or amendment to any of the development zones if the presence of such an asset was confirmed?</p>	<p>associated with the settlement at Pennocrucium be identified, these are perhaps the most likely to potentially be of major significance; similarly, should extensive early prehistoric remains be present this could also potentially be of major significance. Pennocrucium is the off-site scheduled monument to the north-west of the Site, on the north side of the A5 adjacent to Dobbies Garden Centre. Based on the assessment findings it is reasonable to expect anything to be found within the Site to be of less than national significance. It is considered that, given the evidence looked at/gathered to date, the likelihood of significant remains (i.e., of national significance) to be low. In general, there is greater likelihood for such remains in close proximity of the A5.</p> <p>(iii) For the reasons outlined above this flexibility isn't considered necessary.</p>
1.12.	<p>Landscape and Visual Effects <i>All paragraph and table references are to ES Chapter 12 [APP-032] unless otherwise specified</i></p>		
1.12.1.	SSDC	<p>Landscape Character In the absence of District Level Landscape Character Assessment reliance is placed (in paragraphs 12.78-12.86) on the Landscape Sensitivity Assessment Study for Employment Site Allocations for South Staffordshire (December 2015) [APP-034].</p>	-

ExQ1	Question to:	Question:	Applicant's Response
		<p>Can SSDC please provide comments on: (i) the Council's purpose in commissioning this study; (ii) whether or not the findings and conclusions of the Study have been formally accepted and endorsed by the Council; (iii) whether the Council considers the Study still to be up-to-date and relevant; and (iv) whether the Study serves as an appropriate basis on which to assess the landscape character of the site and its environs at a District level?</p>	
1.12.2.	The Applicant and other IPs	<p>Paragraphs 12.87 and 12.88, dealing with Historic Landscape Character, make no reference to the role of hedgerows, and particularly the important hedgerows, in defining that historic character.</p> <p>What contribution do these features make to the Historic Landscape Character having regard to the assessment set out in ES Chapter 9?</p>	<p>Historic Landscape Character is principally addressed in Environmental Statement Chapter 9 (Document 6.2, APP-029). However, it is also covered in ES Chapter 12 and taken into account in the landscape and visual impact assessment.</p> <p>ES paragraphs 12.87 and 12.88 make reference to regular field boundaries and to the degrading of the pattern of enclosure boundaries.</p> <p>The hedgerows, including the 'important hedgerows' do contribute to the historic landscape character of the Site. This contribution is not however notable. As advised at ES paragraph 9.195, the historical value of the hedgerows on the Site is limited, as they are typical of Parliamentary period hedgerows, which survive in large numbers throughout England, especially in the Midlands. The historic field patterns survive to a degree, but have been degraded across much of the Site.</p>

ExQ1	Question to:	Question:	Applicant's Response
			See also the response to ExQ1.11.15.
1.12.3.	The Applicant	<p>Landscape Effects</p> <p>Table 4 of the Arboriculture Assessment sets out detailed data as to the numbers of individual trees, tree groups, lengths of hedgerows and areas of woodland to be retained within the Proposed Development and to be either fully removed or partially lost to facilitate the development. However, there appear to be a number of discrepancies (in all categories) between this data and that set out ES Appendix 12.9 [APP-107] which purports to set out the overall effect of the proposal including the proposed new planting.</p> <p>(i) Please can the Applicant check these two sets of data and confirm which is correct?</p> <p>(ii) Having done so, can the Applicant provide a short note confirming what the overall effect of the Proposed Development would be and identifying to what extent net gains would be achieved in each of these categories?</p>	<p>(i) The two sets of data have been checked and the Note included in the response to (ii) below confirms the position.</p> <p>(ii) A Note is attached at Appendix 18 confirming the data on trees and the overall effect of the Proposed Development.</p>
1.12.4.	The Applicant and other IPs	Paragraph 3.35 of the Arboriculture Assessment describes the belts of trees alongside the WCML as providing a strong green corridor to the north and south of Gravelly Way but Figure 3.1 in that appendix appears to show that all tree	

ExQ1	Question to:	Question:	Applicant's Response
		<p>groups to the west of the railway would need to be removed to facilitate the development.</p> <p>(i) To what extent is the loss of this strong linear feature reflected in Chapter 12 assessment of the effect on LCP FAE01 (paragraphs 12.309-12.310), the Site Landscape Character (paragraphs 12.345-350) and on Woodland Trees and Hedgerows (paragraphs 12.354-369)?</p>	<p>(i) The loss of the existing trees and planting along and immediately to the west of the rail line is taken into account in each of the highlighted scales of assessment. This loss of trees/ planting does contribute towards the overall level of adverse effect determined for each of different assessments stated. For LCP FAE01, the existing rail side tree groups/ belts are not particularly noteworthy in landscape character terms, though in conjunction with the rail corridor and cutting they do form a localised landscape boundary on the eastern side of LCP FAE01.</p> <p>At a Site wide scale, the loss of these trees and the consequential changes in landscape character to this part of the Site have also been taken into account. These trees/ planting are also not particularly noteworthy in landscape character terms at this scale, though they do contribute (alongside the other site wide trees and woodland) to the Site's landscape character, including its varied use and visually interrupted nature.</p> <p>The loss of these trees/ planting has also been taken into account in assessing the effects upon the existing site wide Woodland, Trees and Hedgerows. The losses are assessed during the construction period as detailed in the Landscape Effects Table (ES Technical Appendix 12.5).</p>

ExQ1	Question to:	Question:	Applicant's Response
		(ii) What mitigation is proposed for the loss of this 'strong green corridor'?	(ii) The mitigation for the loss of the trees and planting along the rail corridor comprises the new native woodland, tree and hedgerow planting to be established and managed on both a Site wide basis and within LCP FAE01. The latter planting will principally extend along the A449 road corridor on the western side of LCP FAE01. Overall, this mitigation will include a substantially greater number of new native trees and other plants, than would be lost, as detailed within ES Technical Appendix 12.9.
1.12.5.	The Applicant	Paragraph 12.350, states that, although the magnitude of change on the Site's landscape character would be high, it would not all be adverse. Can the Applicant confirm the significance of the net effect overall?	The significance of the landscape effect on the Site's landscape character will be Moderate/ Major Adverse upon completion of the Proposed Development. This will reduce over time to Moderate Adverse at year 15. This assessment of the significance of the effect is included at ES Technical Appendix 12.5.
1.12.6.	The Applicant	(i) Given that the Site is largely flat and that the main changes to the Site's landform are likely to result from the construction of mounds and development platforms for large footprint buildings, in what way would these changes be largely " <i>localised and contained</i> " as asserted in paragraph 12.353?	(i) Whilst the Site can be characterised as largely flat, there is still a change in level of circa 10 metres across the Site as a whole. Beyond the Site's boundaries the landform variations are relatively greater. In terms of the scale of the landform changes these are 'localised' and will not constitute changes of any particular note beyond the Site itself. The landform changes will also be effectively contained by the visually enclosed and

ExQ1	Question to:	Question:	Applicant's Response
		(ii) What structures or features would these changes be "contained" by?	<p>interrupted nature of the existing Site; thus limiting any wider experience of or views towards the landform changes.</p> <p>(ii) The new landform features and variations on site will be effectively visually contained by a combination of the existing woodland and trees and existing built development and infrastructure immediately surrounding the Site. These include woodlands (eg Somerford Wood and Marsh Wood) to the west and south west, the M6 corridor and reservoir (with existing woodland and embankments) to the east; industrial area (including sewage works) and woodlands to the south and by the pattern of hedgerows and hedgerow trees beyond the A5 close to the north.</p>
1.12.7.	SSDC, SCC and other IPs	<p>Paragraph 12.334 concludes that, when completed, the Proposed Development would have a minor adverse effect on the landscape character of the Cannock Chase AONB but a number of RRs express concerns about the effect on the AONB, particularly in views from Shoal Hill.</p> <p>(i) What do IPs consider to be likely effect on views from Shoal Hill, on the landscape character of the Heathlands Landscape Character Area within the AONB, and on the landscape character of the AONB as a whole?</p> <p>(ii) Would the Proposed Development add to the existing urban and industrial uses present in the view from the AONB</p>	-

ExQ1	Question to:	Question:	Applicant's Response
		(as suggested in paragraph 12.332) or would it form a new and separate element in that view?	
1.12.8.	The Applicant	<p>Mitigation of Landscape Effects Paragraph 12.143 notes that "<i>in most instances the formation of the proposed mounding is linked to the formation of the development plot plateaus, as part of a sustainable earthworks strategy.</i>"</p> <p>Are there are areas of mounding which it would be essential to have installed and planted prior to the commencement of construction works within an adjacent development zone in order to avoid a significant adverse landscape or visual impact?</p>	<p>There are no areas of mounding that (in landscape and visual terms) are considered essential to be formed and planted prior to the commencement of construction works within an adjacent development zone in order to avoid a significant adverse landscape or visual impact. It should be noted that there will be some resultant significant adverse landscape and visual construction effects for some receptors whether or not the proposed areas of mounding and associated planting are in place.</p> <p>Pre-commencement or early formation of the mounding and associated planting will generally reduce the level of effect during the construction works for some receptors. This will include some of the visual receptors closest to the proposed areas of mounding.</p>
1.12.9.	The Applicant	<p>Although the illustrative masterplan [APP-206A-D] shows a landscape strip to the western edge of development zone A4a (Plot 4010) this is not shown for within either the Development Zone [APP-190-194] or GI Parameters Plans [APP-200-204].</p> <p>(i) Given that the proposed new link road would be used by 'through' traffic as well as that visiting the Proposed Development, and that part Plot 4010 would be visible from</p>	<p>(i) A defined landscape strip (as part of the GI parameters) between the proposed link road and the western edge of Development Zone A4a was not assessed to be required in</p>

ExQ1	Question to:	Question:	Applicant's Response
		the new roundabout on the A5, what are the reasons for not proposing landscape mitigation in this location?	<p>landscape and visual terms. At this position, mounding and planting along the western side of the proposed link road will provide effective mitigation to the canal corridor and nearby properties.</p> <p>A notable GI/ landscape area is also included to the proposed roundabout and the A5 to the north. In combination with the GI/ landscape corridor on the eastern side of the canal, these areas will provide suitable landscape and visual mitigation to the north and west of Development Zone A4a.</p> <p>New 'through' traffic using the proposed link road will inevitably have views of the proposed development through the Site. However, a suitable landscape design solution to the western side of Development Zone A4a can be achieved without the need to define a specific area for landscape mitigation at this stage.</p>
1.12.10.	The Applicant	<p>Visual Effects</p> <p>It is noted that the assessment of visual effects has been carried out on a 'worst case' basis with regard to the maximum height of buildings and structures in line with the maximum heights shown in the Parameter Plans. However, ES Appendix 12.2 [APP-099] explains that, when generating the photomontages, the buildings have been assumed to be sited as shown on the illustrative masterplan,</p>	

ExQ1	Question to:	Question:	Applicant's Response
		<p>which does not form part of the application. As the Parameter Plans provide flexibility as to the detailed siting of buildings within each development zone there would seem to be potential for buildings to be sited closer to some receptors than is shown in the illustrative masterplan. For example, if an occupier had no requirement for double docking, that occupier may wish the building to be positioned further back within the plot and/or increased in depth.</p> <p>(i) Has the assessment of visual effects also assumed that all buildings are sited as indicated on the illustrative masterplan and, if so, does this provide a robust basis for assessing the significance of the effect on all potential receptors?</p> <p>(ii) Has the maximum height shown for the relevant development zone been assumed to apply to all or only part of (e.g. a high bay element) of the building(s) in each zone?</p>	<p>(i) The visual impact assessment is based upon the proposed development parameters as detailed on Documents 2.5 – 2.7 (APP-190 to APP-204) and not upon the Illustrative Masterplan.</p> <p>The assessment was informed by the photomontages, but not based upon them.</p> <p>(ii) The maximum heights have been applied as detailed on the Floor Levels and Building Heights Parameter Plan (Document 2.6, APP-195). This includes assessing different maximum heights within some of the Development Zones. Where this occurs, the visual impact assessment has assessed these different maximum heights across the relevant parts of the Zones.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>The Photomontages (ES Figure 12.13, APP-045) also include the buildings shown to the maximum heights reflecting those detailed on Document 2.6. This includes some buildings encompassing two maximum heights (eg Unit 3030 as shown on the Illustrative Masterplan (Doc 2.8, APP-205)). As suggested, the higher part of the building could represent a high bay element.</p>
1.12.11.	The Applicant	<p>Within paragraphs 12.375-12.412 the completed development is identified as being likely to have a moderate/major adverse effect and, in some cases, a major adverse effect on visual receptors.</p> <p>Are the views from any of these receptors represented by any of the photomontages included in Figure 12.13 and, if so, which ones?</p>	<p>The following are those photomontages most representative of the relevant visual receptors. Some are not taken from the location of the receptor but are nearby and may assist in understanding the likely nature of the views:</p> <p>Wharf House and The Cottage (P2) & Oak View and adjoining properties on Croft Lane (P3): Photomontage 2 is the nearest; though views from these properties will vary given their respective positions and the presence of other nearby planting and features.</p> <p>Properties on Croft Lane (P4): Photomontage 3.</p> <p>For reference, a number of the landscape cross sections (at ES Figure 12.12) include other visual receptors identified within paragraphs 12.375-12.412.</p>
1.12.12.	The Applicant	Paragraph 12.440 concludes that the significance of the visual effect for towpath and canal users on Section A.1 of	The photomontages for Viewpoint 2 are considered to be generally representative of the more easterly or south

ExQ1	Question to:	Question:	Applicant's Response
		<p>the Canal corridor (as defined in ES Chapter 9) would be moderate/major adverse.</p> <p>Are the photomontages for Viewpoint 2 in Figure 12.13 representative of the view those users might experience, both at Year 1 completion and at Year 15 following completion?</p>	<p>easterly views that towpath users might experience along this stretch of the canal.</p> <p>The views will inevitably vary due to the presence of existing trees and planting on the eastern banks of the canal and the proposed mounding beyond. However, the effective visual screening of the proposed link road and associated traffic and the lower parts of the built development is considered to be fairly represented by the photomontages for Viewpoint 2.</p> <p>Views for boat users are likely to be rather more restricted due to their relative position and height of the viewer, in relation to the mounding and existing and proposed planting close to the east of the canal.</p> <p>Two additional easterly photomontage views from the towpath have been prepared as confirmed at ExQ1.11.6 (ii) (see Appendix 16 of this document).</p>
1.12.13.	The Applicant	<p>Paragraph 12.452 concludes that the significance of the visual effect on users of Calf Heath Reservoir would be moderate/major adverse.</p> <p>Are the photomontages for Viewpoint 13 in Figure 12.13 representative of the view those users might experience on completion and at Year 15 following completion?</p>	<p>The photomontages for Viewpoint 13 are considered to be generally representative of the type of view that may be experienced by users of the Reservoir. Viewpoint 13 is not however taken from within the Reservoir but from a slightly elevated position just beyond its northern boundary, on the southern edge of the A5, close to Junction 12.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>It should also be noted that views for users of the reservoir towards the Proposed Development will vary around the reservoir with the clearest views generally from the north and east, particularly in winter.</p> <p>In the context of the significance of the visual effect upon users of the Reservoir, the magnitude of change arising (upon completion) is assessed as High. The susceptibility (Medium) and value (Low/ Medium) of the existing views also inform the resultant significance of visual effect. This is detailed at Doc 6.2 ES Technical Appendix 12.6 (APP-038); Receptor V1.</p>
1.13.	<p>Drainage and Flood Risk All paragraph and figure references are to ES Chapter 16 [APP-055] unless otherwise specified.</p>		
1.13.1.	<p>The Applicant, EA and other IPs</p>	<p>Paragraphs 16.96-16.127 conclude that the potential construction effects on all identified receptors would be negligible. In each case this conclusion is reached on the basis that the requirements of the ODCEMP are implemented throughout the demolition and construction phase.</p> <p>Can evidence be provided that these conclusions are accepted and agreed by all the relevant stakeholders?</p>	<p>Paragraph 5.1.1 of Statement of Common Ground with Environment Agency (Document 8.2, AS-026) states the following:</p> <p><i>“The Applicant and the EA agree on the following areas of interest to the EA (specifically in relation to Land Contamination, Remediation, Flood Risk and Water Resource issues):</i></p> <ul style="list-style-type: none"> • <i>The nature and extent of the development.</i> • <i>The general mitigation methods to be applied during construction of the development.”</i>

ExQ1	Question to:	Question:	Applicant's Response
			<p>CRT and SCC have been consulted on the proposals, which include measures to mitigate the risk of flooding and to water quality, and have raised no concerns in respect of the scheme as designed.</p> <p>These measures will be further developed post-DCO consent in the preparation of a DCEMP for each phase of development which will be submitted for approval to the Local Planning Authority prior to construction. This is included in Requirement 4 of the dDCO (Document 3.1A, AS-014).</p>
1.13.2.	The Applicant, EA, SCC and other IPs	<p>The proposed Surface Water Drainage Strategy [APP-152] divides the site into 4 separate catchment areas with 2 of these eventually discharging surface water flows from the site into the River Penk and two discharging into the canal.</p> <p>(i) Can evidence be provided of agreement with the relevant bodies as to the following key elements of that strategy:</p>	<p>(i) The flood risk assessment and surface water drainage strategy were provided to the Lead Local Flood Authority and Environment Agency as regulatory bodies for Ordinary Watercourses and Rivers respectively.</p> <p>The EA response deferred comment to LLFA as it is proposed to discharge surface water to ordinary watercourses. The LLFA were consulted on the design of the</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(a) dividing the site into 4 catchment area and the identification of the most suitable and appropriate outfalls;</p> <p>(b) the 'increased' discharge rates (paragraph 7.5.3.6) due to the unsuitability of the site for surface water to be managed through infiltration;</p> <p>(c) the 'Allowable discharge rates' (Table 7.4) and Drainage Outfall Capacities (Table 7.5) set out in the Drainage Strategy;</p>	<p>proposed surface water drainage strategy and have confirmed their satisfaction with the scheme as designed.</p> <p>(a) SCC as the Lead Local Flood Authority (LLFA) were consulted on the design of the proposed surface water drainage strategy and have confirmed their satisfaction with the scheme as designed.</p> <p>The EA response deferred comment to LLFA as it is proposed to discharge surface water to ordinary watercourses.</p> <p>(b) Paragraph 7.5.3.6 of the Site Wide Surface Water Drainage Strategy (Document 6.2, APP.152) compares the use of infiltration drainage with positive drainage outfall. In the pre-developed state a greater proportion of the water falling on the site as rainfall would be lost through infiltration, evaporation and evapo-transpiration. The 'increase' does not refer to rate of discharge which is proposed to be equal to or less than the pre-development state.</p> <p>(c) SCC as the Lead Local Flood Authority (LLFA) were consulted on the design of the proposed surface water drainage strategy and have confirmed their satisfaction with the scheme as designed.</p> <p>CRT have been consulted separately regarding the capacity of the canal to receive surface water at the volume and rates</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(d) the required volumes of attenuation which have been used in the outline design of the water detention basin proposed as part of the GI provision;</p> <p>(e) the schedule of 'special provisions' set out in paragraphs 9.3.1-9.3.13 of the Drainage Strategy which are required in order to direct surface water from the proposed catchments to existing outfalls whilst maintaining the existing hydraulic regime for the site.</p>	<p>proposed and permission to discharge surface water has been officially applied for to formalise the consultation. The EA response deferred comment to LLFA as it is proposed to discharge surface water to ordinary watercourses.</p> <p>(d) SCC as the Lead Local Flood Authority (LLFA) were consulted on the design of the proposed surface water drainage strategy and have confirmed their satisfaction with the scheme as designed.</p> <p>The EA response deferred comment to LLFA as it is proposed to discharge surface water to ordinary watercourses.</p> <p>(e) The LLFA have consulted on the overall surface water drainage strategy which includes the 'special provisions' and have confirmed their satisfaction with the scheme as designed.</p> <p>CRT have been consulted on the installation of the new pipelines beneath the Staffs and Worcs canal and the outfall to the Staffs and Worcs Canal and have confirmed their satisfaction with the principles of the scheme as designed. NR have been consulted through the design of the surface water drainage strategy and their requirements have been accommodated in the site wide drainage strategy. They</p>

ExQ1	Question to:	Question:	Applicant's Response
			have raised no concerns in respect of the scheme as designed.
1.13.3.	The Applicant	<p>(i) In relation to the “<i>special provisions</i>” (section 9.3 of the Drainage Strategy) required to implement the drainage strategy would the construction of new drainage beneath the WCML and the S&WC be authorised by the dDCO as drafted?</p> <p>(ii) If not, is there a need for some additional wording to the ‘Works’ descriptions to include these?</p>	(i) & (ii) The identification of, and drafting of, the works in Schedule 1 are being reviewed and any necessary revised drafting will be included in the dDCO to be submitted for Deadline 3.
1.13.4.	The Applicant, EA, SCC and local authorities	<p>Some of the RRs comment that the water table in the surrounding area is high and that the undeveloped land within the site is important for absorbing rainwater and reducing the risk of flooding. There is accordingly a concern about the effect of the development in increasing the risk of flooding elsewhere.</p> <p>Is there any evidence for this concern and what implications, if any, does this have for the efficacy of the proposed drainage strategy?</p>	<p>The capacity for ‘greenfield’ land to absorb rainwater and the role of this process in reducing flood risk is assessed as an integral part of the Flood Risk Assessment (FRA) (Document 6.2, APP-150) and in undertaking calculations for the Site Wide Surface Water Drainage Strategy (Document 6.2, APP-152).</p> <p>The FRA acknowledges the relatively high groundwater levels in certain areas of the Site and assesses the groundwater flood risk at the Site in accordance with figure GW-SS in Volume 2 of The South Staffordshire, Cannock Chase, Lichfield and Stafford Strategic Flood Risk Assessment (SFRA). The site is categorised in <i>Category A: Limited potential for groundwater flooding to occur.</i></p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>The locally high groundwater levels are taken into account in the Site Wide Surface Water Drainage Strategy which mitigates a potential risk of groundwater flooding by directing development away from the more susceptible areas and in the design of the diverted land drainage network.</p> <p>The Site Wide Surface Water Drainage Strategy is designed so as not to increase the risk of flooding elsewhere and includes attenuation to reduce peak surface water runoff rates to 'greenfield' rates, including a 40% allowance for climate change in line with EA guidance. This is reflected in the conclusions of the FRA that the proposed development will not result in increased flood risk to any receptor.</p>
1.13.5.	The Applicant, EA, SCC and local authorities	<p>A concern is raised in some of the RRs that there is an existing problem of flooding in Brewood and that the Proposed Development could exacerbate both that risk and the frequency of flooding in that area.</p> <p>What evidence is there of this existing problem and what implications, if any, does this have for the efficacy and acceptability of the proposed drainage strategy?</p>	<p>Brewood is located some distance from the Site on a separate tributary of the River Penk. It is not considered to be a sensitive receptor in relation to flood risk associated with the proposed development. There would be no potential for effects on the separate tributary of the Penk as a result of the proposed development. Existing flooding in Brewood is therefore not considered specifically within the scope of the FRA (Document 6.2, APP-150) or ES Chapter 16 Water Environment and Flood Risk (Document 6.2, APP-055).</p> <p>ES Chapter 16 and the FRA conclude that there are no anticipated effects on flood risk to any receptor, including the River Penk and its tributaries upstream or downstream of the</p>

ExQ1	Question to:	Question:	Applicant's Response
			Site, as a result of the proposed development and its associated drainage strategy.
1.13.6.	The Applicant	<p>Paragraph 7.3.1.1 of the Drainage Strategy states that the nature of the B8 use category and the scale of the development is such that rainwater harvesting is considered to offer a negligible impact on the overall runoff quantity.</p> <p>Whilst this may be true in terms of surface water runoff from the overall area of buildings and hard standing proposed does this mean that there would be no intention or requirement to include rainwater harvesting in the building design?</p>	<p>The unsuitability for rainwater harvesting is more directly associated with the extremely small capacity to <u>utilise</u> collected rainwater per unit area, rather than the suitability of the site infrastructure for collecting it.</p> <p>There is no commitment or requirement within the DCO application to include rainwater harvesting in the building design. Ultimately, the decision of whether or not to include rainwater harvesting will be according to occupier preference.</p> <p>Under Requirement 29, the buildings are required to achieve a BREEAM 'Very Good' rating, which requires the use of potable water to be minimised. This can be achieved by a number of methods, potentially including rainwater harvesting.</p>
1.13.7.	EA, SCC and Other IPs	Are the relevant bodies content that the mitigation proposals to secure the attenuation of surface water discharge into the identified water courses would be adequate so as not to increase the risk of flooding off-site?	<p>The LLFA have been consulted on the design of the surface water drainage strategy and have confirmed their satisfaction with the scheme as designed.</p> <p>The EA have deferred to the LLFA in respect of the surface water drainage strategy, as per paragraphs 5.1.8-5.1.9 of</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>Statement of Common Ground with Environment Agency (Additional Submission, AS-024).</p> <p>CRT have been consulted and have confirmed that the canal network has capacity to accept surface water from the development.</p>
1.13.8.	EA, SCC and Other IPs	Are the relevant bodies content that the drainage strategy and associated mitigation proposals would be adequate to remove the risk of any significant adverse effects in terms of the pollution or contamination of any water course, water bodies or groundwater resources?	<p>The LLFA have been consulted on the design of the surface water drainage strategy and have reviewed the treatment train design (a treatment train is a sequence of multiple storm water treatments).</p> <p>The LLFA have confirmed their satisfaction with the scheme as designed.</p> <p>The EA have deferred to the LLFA in respect of the surface water drainage strategy, as per paragraphs 5.1.8-5.1.9 of Statement of Common Ground with Environment Agency (Additional Submission, AS-024).</p> <p>The CRT have been consulted and their engineers have reviewed the treatment train design. No concerns have been raised with the scheme proposals to manage water quality.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.14.	Recreational and Leisure Activity All References are to ES Chapter 14 [APP-052] unless otherwise specified		
1.14.1.	The Applicant	<p>There is reference in some of the RRs (including that submitted by CRT) to a Canoe Club which is based on the canal at Gailey but this is not included in the list of clubs in Table 14.18.</p> <p>Is the Applicant aware of the use of the canal by this club and have the potential effects of the Proposed Development on its members' use and enjoyment of the canal for leisure activity been assessed?</p>	<p>The Gailey Canoe club is listed in Table 14.18 of Chapter 14 of the ES as one of the "<i>Organisations and clubs operational in the Local Area</i>".</p> <p>The Canoe Club were contacted directly during Stage 1 and Stage 2 Consultation as part of the mailing to residents and businesses in the Consultation Zone. No response was received either during consultation or outside of it. The concerns about the impact of the development on the Canoe Club were raised by members of the public, but none of those identified themselves as connected to any such club.</p> <p>Chapter 14 of the ES, APP-052. Paragraphs 14.246-14.255 and Paragraphs 14.327-14.332 set out the likely effects on existing businesses, organisations and clubs during demolition, construction and operation.</p>
1.14.2.	The Applicant, CRT and IWA	Paragraph 14.179 notes that the closest moorings at Gailey Wharf have a 1 year contract for residential use and that up to 10 households could be occupied at these moorings at any one time. The IWA [RR-0654] notes that there are both permanent and visitor moorings at Gailey Wharf and that these form a popular place for boat users to rest preceding or following their working the locks to the north. ES Paragraph 13.182 states that the canal-side moorings are	

ExQ1	Question to:	Question:	Applicant's Response
		<p>considered to be of medium sensitivity for the purposes of the noise impact assessment but it is not clear from Chapter 14 as to what level of sensitivity these moorings are considered to have as recreational and leisure receptors. Paragraph 14.251 notes that noise effects for users of the moorings are expected to be significant but does not address the effect on those using the moorings as recreational and leisure receptors.</p> <p>(i) Can the Applicant confirm what level of sensitivity these receptors have been assigned for the purposes of the Chapter 14 assessment and the basis of this judgement?</p>	<p>(i) As confirmed by CRT, the canal moorings are now understood to all be temporary moorings. While boats can be moored overnight, the maximum mooring time along this stretch of the canal is five days. Paragraph 14.179 should be amended to state that "the closest moorings at Gailey Wharf can be occupied on a temporary basis for up to five nights and up to 10 households could be occupied at these moorings at any one time." The Applicant understands there are no approved permanent mooring sites within the Order Limits. All moorings within the Order Limit are visitor / leisure moorings, which are subject to limits varying from "<i>no overnight stay</i>" to "<i>maximum 5 days</i>".</p> <p>None of the moorings are registered with the local planning authority for the purposes of Council Tax, and therefore are not considered to be residential in nature.</p> <p>The sensitivity of these receptors is considered to be limited due the transience of the receptors and the temporary nature of their exposure to any effects arising from the proposed</p>

ExQ1	Question to:	Question:	Applicant's Response
		(ii) what would the impact of the development be on those using the moorings as recreational and leisure receptors?	<p>development. Some sensitivity arises because stakeholders have indicated this this is a valuable stopping point along the S&WC (as referenced in the question) although this is also limited because there are alternative 48hr-5day Mooring points at Penkridge. (see Document 6.2 Technical Appendix 9.3 - Map: Staffordshire and Worcestershire Canal for a full map of mooring points. Note that Penkridge and Gailey are on page 13 (APP-082) The sensitivity of recreational and leisure users of the moorings is considered to be medium.</p> <p>(ii) The scale of noise impacts on the moorings is presented in detail in Chapter 13 of the ES. In summary the results of the assessment are as follows:</p> <p>Some noise and vibration effects from construction are expected to be significant for users of the moorings at least for short periods where the works are close to the receptors. With respect to amenity for leisure users, the effect is likely to be adverse but short term. As construction is phased, individual receptors – such as a mooring – are not expected to experience the effects consistently over the period of construction. Rather any adverse effects will be intermittent and short term for any one receptor, which will be reinforced by the transient nature of such users. As mitigation measures are implemented and the works progress around the site, effects would be expected to lessen over time. Therefore the overall effect is expected to be adverse, but not significant, other than in emergencies (e.g. over-running</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>works) and periodic night-time works with prior agreement of the LPA (e.g. rail or highway works which are necessary to be undertaken at night), there will be no construction work at night, so there should be no significant adverse effects that would prevent the moorings from being used as a stopping point for night stops.</p> <p>During operation, the assessment of on-site operational noise suggests that moderate adverse effects are likely at a number of receptors at and around the canal including moorings. The assessment used to assess on-site operational noise is specific to residential receptors, and may be less appropriate for recreational users. There are no specific noise criteria for recreational users, although when considering such receptors, reference is typically made to the general outdoor guideline values published by the World Health Organisation in their document Guidelines for Community Noise. As is noted in paragraph 13.291 of Chapter 13 of the ES, the predicted operational noise levels, including any acoustic character corrections, would meet the 55dB criterion set out in that WHO document at all assessment locations except one, and this would suggest that the outdoor noise levels are broadly acceptable. At the one location where it does exceed the criterion, it only does so by 1dB, which is not considered to be a significant exceedance.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(iii) Does the Applicant accept that these moorings form an important element in the experience of the experience of boat users using the S&WC as is suggested by the IWA?</p> <p>(iv) If so, what is the Applicant's response to the IWA's assertion that the Proposed Development would render this section of the canal unattractive for mooring and significantly damage the tourism value of the whole canal?</p>	<p>The noise assessment is based on a number of assumptions, each of which bias the assessment towards the worst-case, so taken together, are likely to result in an over-estimate of the actual likely impact. The mitigation design has been sympathetic towards the canal corridor, and bunds of between 3.5 and 8m in height are proposed between the development zones and the canal corridor.</p> <p>Given the transience of the canal users at these moorings, any effect would be short term.</p> <p>(iii) The Applicant accepts that the moorings have leisure and recreational value but not necessarily that these mooring are particularly or uniquely important given the alternative mooring sites at Penkrudge and elsewhere along the canal (see Document 6.2 Technical Appendix 9.3 - Map: Staffordshire and Worcestershire Canal for a full map of mooring points. Note that Penkrudge and Gailey are on page 13 APP-082).</p> <p>(iv) Because of the alternative mooring sites available and the short term nature of any effects (i.e. only experienced for a small portion of an overall journey) the Applicant does not agree that this effect would significantly affect or damage tourism on the canal as a whole.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.14.3.	The Applicant	<p>A number of the RRs refer to the popularity of the area around Four Ashes for horse riding as a recreational activity with particular references to the use of Straight Mile as a popular route for horse riders, cyclist and walkers. Paragraph 14.189 identifies ramblers and dog walkers as recreational and amenity receptors but has not included horse riders, cyclists and walkers.</p> <p>(i) Can the Applicant explain the basis on which recreation and amenity receptors have been identified and the reasons why recreational walkers, cyclists and horse riders have not been identified in this category of receptor?</p> <p>(ii) What potential, if any, is there for these groups of recreational users to be adversely affected by the Proposed Development as a result of increased traffic on Straight Mile and other local roads or by the noise, air quality or visual effects of the Proposed Development?</p>	<p>(i) & (ii) The list of recreation and amenity receptors in Paragraph 14.189 (Chapter 14 of the ES, APP-052) is not intended to be exhaustive. Dog walkers and ramblers are provided as examples.</p> <p>Paragraph 14.176 states that Recreation and Amenity receptors have been identified as users of and visitors to a range of locations around the site including parkland, the towpath etc. This would include cyclists and recreational walkers.</p> <p>Table 14.18 (Organisations and clubs operational in the Local Area) includes the Wolverhampton Racing Cycling Club which is considered to have some sensitivity to potential effects on roads and PRowS.</p> <p>Impacts on cycleways are considered in Paragraphs 14.309 and 14.343. No effects are assessed to be significant.</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>The impact on horse riders is scoped out of the assessment as set out in Paragraph 15.95 of Chapter 15 of the ES which states that there are no bridleways in the immediate vicinity of the Site and traffic flow increases as a result of the Proposed Development on the quiet lanes surrounding the Site, likely to be used by equestrians, have been assessed to be low.</p>
1.14.4.	Greensforge Sailing Club	<p>The RRs indicate that Calf Heath Reservoir has been used by a Sailing Club for more than 40 years and is also used as Sailing School. The Club/School is said to be an accredited Royal Yachting Association (RYA) training centre for sailing and is used by Sea Scouts and Sea Cadets for training purposes and also by groups of disabled persons.</p> <p>Can Greensforge Sailing Club please provide a written submission setting out further information on: the number and age profile of its membership; the number of other groups/ organisations using the reservoir for sailing and sailing training purposes; an indication of the frequency and duration of sailing/training use and the numbers of people likely to be making use of the reservoir for sailing at any one time; and an indication of recent and expected future trends in the level of membership of the Club and the level of use of the reservoir for sailing purposes?</p>	-

ExQ1	Question to:	Question:	Applicant's Response
1.14.5.	The Applicant	<p>(i) Is the Applicant aware of the use of Calf Heath Reservoir as an RYA accredited sailing school and by Sea Cadets, Sea Scouts and other groups?</p> <p>(ii) Is this level of use fairly reflected in Table 14.18 which notes only the Sailing Club as one of the groups and organisations that might be affected?</p> <p>(iii) Can the Applicant explain the basis of the assessment in Table 14.18 that the Sailing Club is a receptor of only "<i>some sensitivity</i>" in that the development could have "<i>some indirect effects from any recreation and amenity effects on Calf Heath Reservoir</i>"?</p> <p>(iv) Are the potential effects on the Sailing Club and other users of the reservoir for sailing or training properly described as "<i>indirect effects</i>" or could the "<i>potential for significant changes in the speed or direction of wind</i>" (paragraph 14.240) on the reservoir be a 'direct' effect of the Proposed Development?</p>	<p>(i) The Applicant is aware of these users of the Reservoir.</p> <p>(ii) The Sea Scouts and the RYA Sailing school were considered to be affiliated with the Sailing Club and assessed in combination. The Applicant is continuing to engage with the Sailing Club to fully understand its concerns as well as those of the other users of the reservoir (see ExQ1.14.6)</p> <p>(iii) As set out in the answer to 1.4.11, some sensitivity could include receptors with Medium or High sensitivity, which is relevant to the Sailing Club.</p> <p>(iv) Effects on recreation and amenity are typically assessed to be indirect. The direct effect is the creation of wind effects. This has the potential to have an indirect effect on sailing. The classification of the effect as indirect does not reduce its weight in the assessment.</p>
1.14.6.	The Applicant	The Applicant's attention is drawn to various representations submitted by the RYA [RR1319], Greensforge Sailing Club [RR 0705] and others associated	The Applicant met with Greensforge Sailing Club on 18 th January 2019 to discuss the representations. In light of the meeting it was considered that further assessment would be

ExQ1	Question to:	Question:	Applicant's Response
		<p>with the Club or reservoir [RR 0903, 0926, 0976, 0654 &1155].</p> <p>In summary these representations contend that;</p> <ul style="list-style-type: none"> • the winds from the South to the South West/West are the best and most reliable winds for sailing on the reservoir; • these winds are the only winds that are not currently interrupted by some form of obstruction; • because they are the most constant and reliable these winds are the best winds for training young and other new sailors and are critical to the carrying out of training activity safely at the reservoir; • interruption to these winds would have a significant detrimental effect on the viability of the Club by significantly reducing the number of days when conditions are suitable for sailing; • such interruptions could also have a severely detrimental effect by making sailing conditions dangerous and, thereby, rendering the reservoir unsuitable for training purposes; • any significant adverse effect on the use of the reservoir for training would also negatively affect the long-term sustainability of the Club because of the importance of training in attracting and retaining members. 	<p>necessary in order to assess the representations further. Subsequent to this meeting the Applicant has instructed wind specialists (RWDI) to undertake wind modelling.</p> <p>Given the parameters basis of the proposed development and that specific building layouts / locations are not known at this stage, based on advice from RWDI, it was considered that a wind tunnel test wouldn't be the best option for further assessment as a wind tunnel test would typically consider a single, fixed and final layout (and wouldn't comprise a comparison with baseline conditions). Instead RWDI proposed that computational fluid dynamic (CFD) modelling be undertaken as this could consider a range of layouts. Therefore the commissioned CFD modelling will assess 3 scenarios: baseline conditions; the illustrative masterplan; and an alternative layout with a single large building in Zone A4a. Once the CFD modelling is complete the data will be assessed by Sailing Specialists (Wolfson Unit) as appointed by the Applicant to consider potential relative changes to sailing conditions.</p> <p>It is currently anticipated that this information should be available by Deadline 3. It is considered that a response to the points raised in 1.14.6 should be provided in light of the commissioned modelling / assessment. During this period the Applicant will continue to engage with Greensforge Sailing Club.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>A response to these comments is requested from the Applicant who should clearly indicate which points are accepted or disputed and the reasons for not accepting any points that are disputed.</p>	
1.14.7.	<p>The Applicant, Greensforge Sailing Club, RYA and other IPs</p>	<p>The Applicant has submitted a report on the Wind Effects on Sailing [APP-113].</p> <p>Based on the ExA's review of that document and the criticisms of it which have been made by a number of IPs can the Applicant provide a response to the following questions and queries? Other IPs are invited to respond to any of the questions in which they have a particular interest?</p> <p>(i) To what extent, if any, is the adequacy and validity of the Study called into to question because it is a desk based study with nobody involved in its production having visited the reservoir or the Site?</p> <p>(ii) To what extent, if any, is the validity of the Study limited by the apparent lack of any engagement by the consultants who produced it with the Sailing Club or its members to gain local knowledge about the prevailing winds at Calf Heath Reservoir and the effect of changes in wind direction and speeds on the suitability of the reservoir for sailing and training new and young sailors?</p>	<p>(i) A desk-based study is considered a reasonable approach to assess general effects from readily available data.</p> <p>(ii) As outlined in response to ExQ1.14.6, the Applicant has engaged with the Sailing Club and further assessment has been commissioned.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(iii) Page 2 of the report describes the Study as a “<i>qualitative study</i>”. What is meant by this term and does such a study allow for a full assessment of the potential effects on wind at the reservoir?</p> <p>(iv) Page 2 also states that the Study is based on a review of the massing and location of the proposed scheme as indicated in the parameter plans “4049-1031-11” but there appears to be no plan with this specific reference amongst the plans submitted with the application. Please clarify which plans were considered by the consultants in undertaking their assessment.</p> <p>(v) The assessment in the Study places great reliance on the sheltering effect of what it describes as a “<i>dense treeline</i>” belt which Figure 2 shows as extending along the north eastern and all of the southern edges of the reservoir. Is this assumption reliable if the consultants have estimated the height of these trees from Google Earth as stated on page 3 of the document?</p> <p>(vi) Are the consultants’ assumptions about the sheltering effect of this “<i>dense</i>” tree belt consistent with the Arboriculture Assessment (ES Appendix 12.7) which</p>	<p>(iii) The desk-based wind assessment was qualitative as it didn’t include quantitative modelling. The desk-based assessment was conducted to provide some guidance as to the likely effects due to the Proposed Development. CFD wind assessments will be carried out to understand the changes to wind patterns over the Calf Heath Reservoir due to the Proposed Development.</p> <p>(iv) The desk-based assessment was conducted on illustrative massing (Document 2.8, APP-205) of the Proposed Development and the local wind climate for the Site.</p> <p>(v) The updated assessment (CFD modelling) will include details from the Arboricultural Survey (Document 6.2, APP-105).</p> <p>(vi) As mentioned above, this was a qualitative review, and a more detailed assessment of the wind effects is being conducted using the Arboricultural Survey.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>records a wide mix of tree species within Woodland Area W5 and indicates that the narrowest parts of that woodland are those on the southern and south-western edges of the reservoir, and with Viewpoint 13 in ES Figure 12.8 which does not appear to show a tree belt of uniform height or thickness?</p> <p>(vii) What explanation is there for the inconsistency of the Study's findings as to sheltering effect of this tree belt and the statement by the Club and other IPs that the winds from the S to SW are uninterrupted and are the best and most reliable winds for sailing?</p> <p>(viii) On page 4 of the Study the consultants state that, due to the sheltering effect of the existing tree line, the addition of buildings of up to 30m in height and 7-8m tall earth bunds will provide "<i>no additional shelter</i>" at ground level. Can buildings of up to 30m in height reasonably be described as "<i>relatively low rise</i>"?</p> <p>(ix) Please clarify why it is concluded that the presence of a belt of trees around 9m high would result in nearby buildings of up to 30m high having no additional effect on wind flow from the south and south west?</p>	<p>(vii) Typically lower level winds are used for sailing. As such, based on this qualitative review, it was deemed that the low-level wind would not be as affected due to the existing trees which already exists along the southern and south-western sides of the Calf Heath Reservoir. A more detailed assessment is being undertaken which can consider data in light representations from the sailing club.</p> <p>(viii) A more detailed assessment is being undertaken which can consider data in light representations from the sailing club.</p> <p>(ix) A more detailed assessment is being undertaken which can consider data in light representations from the sailing club.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(x) Is this conclusion consistent with the finding, on page 5 of the Study, that new buildings of up to 20m high and earth mounds of 7-8m high on the west side of the reservoir, where there is no existing tree shelter, “will create a significant changes in wind flow from the west” such that mitigation by way of minimising landscaping is considered to be necessary?</p> <p>(xi) Is the conclusion in the first part of the paragraph on Page 4, that “when winds from the south and south west are considered, there is not expected to be a significant change in wind flow from these directions” fully consistent with that in the second part of the paragraph that “the additional shelter provided by the proposed scheme is for south westerly winds ...towards the western edge of the reservoir”?</p> <p>(xii) If the assessment is correct that the greatest effect would be on winds coming onto the reservoir over its south-western/western edge as indicated in Figure 3 within the study what would the implications of the interruption of these winds be for the use of the reservoir for sailing and training purposes?</p> <p>(xiii) The assessment appears to have been based on a review of a parameter plan for building floor levels and heights. What account has been taken in that assessment of the flexibility built into the Development Zone Parameters</p>	<p>(x) This should read “<i>the additional shelter profited by the proposed scheme is for <u>westerly</u> winds...towards the edge of the reservoir</i>”</p> <p>(xi) This will be quantified through the future CFD assessments to be carried out.</p> <p>(xii) The maximum parameters were used for the desk-based assessment in order to assess a worst-case scenario. For future detailed assessments, variations in the scheme can be tested.</p> <p>(xiii) The details of wind flow changes will be assessed in the upcoming CFD assessment. The desk-based assessment was intended to provide some indication for the likely large</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>Plans which provide for a minimum of 2 and a maximum of 8 buildings within Development Zone 4 and which do not fix either the footprint or orientation of the buildings in this zone?</p> <p>(xiv) Page 4 of the Study deals with the effect on wind flow but does not appear to consider the localised effect of the proposed buildings on wind direction, even though it is acknowledged on page 2 that changes to terrain can affect wind speed, direction and turbulence. Has this potential effect on the use of the reservoir been fully considered and assessed in the Study?</p> <p>(xv) Would the number and orientation of buildings erected in Zone 4 be an important factor in determining the likelihood of an adverse effect on sailing conditions resulting from localised changes in wind direction and velocity?</p> <p>(xvi) One of the IPs states that 'expert opinion' is that if there will be air disturbance on the leeward side of any structure over a distance equivalent to 30 times the height of the structure. When applied to the proposed buildings of 30m high the 900m distance affected by that turbulence would extend over the full area of the reservoir. What evidence is there to support these assertions?</p>	<p>scale aerodynamic effects due to the Proposed Development.</p> <p>(xiv) This will be assessed in more detail during the ongoing CFD assessment.</p> <p>(xv) The CFD Assessment will test 2 alternative configurations of buildings in Zone A4a and consider the differences in these findings.</p> <p>(xvi) Based on RWDI's experience of wind tunnel tests, typically shelter is provided between 3-5 times the height of the building on the leeward side. However, further changes to the local wind characteristics could be felt after this distance. This would require a more detailed assessment and therefore this will be assessed during the CFD assessment which is being carried out.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.14.8.	The Applicant	<p>The Study acknowledges (page 2) that changes in the terrain close to a sailing facility would result in changes to wind speed, direction and turbulence and that an area with high wind turbulence or where the wind direction changes significantly over a short distance “<i>will reduce the quality of sailing or, in extreme cases, prevent sailing altogether</i>”.</p> <p>The Sailing Club and others concerned about this issue go further in stating that interruptions to the prevailing wind from high mounds and buildings could make sailing dangerous, particularly when the reservoir is being used to train young and new sailors.</p> <p>Does the Applicant accept that such a risk might occur from increased turbulence and/or changes in wind direction?</p>	Refer to further assessment being undertaken as outlined in ExQ1.14.6.
1.14.9.	The Applicant, Greensforge Sailing Club, RYA and other IPs	<p>The Study concludes, on page 6, that sailing quality is likely to be reduced from winds from a range of angles from the south-west to north-west and recommends that, in order to minimise the effect of the Proposed Development, the height of buildings should be minimised and any landscaping should be limited. The Study also recommends the need for a wind tunnel test at detailed design stage to measure the changes in wind speed, direction and turbulence resulting from the detailed proposals?</p> <p>(i) Where in ES Chapter 14 is consideration given to these recommended mitigation measures and how have they</p>	(i) Paragraph 14.240 of Chapter 14 takes into account the overall conclusions of the Study, and states that “Up to 30%

ExQ1	Question to:	Question:	Applicant's Response
		<p>been taken into account in reaching conclusions as to significant effects on leisure and amenity receptors?</p> <p>(ii) Although a number of different clubs and organisations are identified as potential recreation and amenity receptors in Table 14.18, Chapter 14 does not set out an assessment of the effect on these individual receptors; the only conclusion drawn appears to be that in paragraph 14.250 that <i>“the majority of clubs are not expected to be significantly or adversely affected.”</i> Is this conclusion adequately supported by the findings of the Wind Assessment Study?</p> <p>(iii) Are the recommended mitigation measures set on page 6 of the Study reflected in the Parameter Plans, Design and Access Statement and Requirements in the dDCO and, if not, are any amendments to these documents required in order to avoid a significant adverse effect on the use of the reservoir for sailing and sailing training?</p> <p>(iv) Is any additional mitigation required to achieve that outcome and to ensure that there is no significant adverse effect on the usability of Calf Heath Reservoir for sailing and the training of young and new sailors</p>	<p>of the time there may some changes in the wind speed or direction.” The Study took into account the building heights and the proposed earth bund. Mitigation for wind impacts was not proposed and therefore did not form part of the assessment.</p> <p>(ii) The majority of clubs are not expected to be affected. The sailing club may be adversely effected but, based on the effects identified in the Study, this effect is not likely to be major adverse (significant) The findings of the wind study, which was a qualitative review, suggested that 70% of the time no changes in wind were expected and 30% of the time some sailing quality could be reduced. The study did not conclude that sailing during this 30% of the time would be curtailed.</p> <p>(iii) No, these recommendations are not included in the Parameters Plans etc. Based on the available evidence, no significant adverse effects are identified so no further mitigation is necessary. The answer to ExQ1.14.7 describes the further assessments that have been commissioned to assess wind effects.</p> <p>(iv) See the response to part (iii) above.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.14.10.	The Applicant	<p>Concerns are also raised in representations from the Club and its members about a proposal to make Vicarage Road at the end of the access lane to the reservoir one way. It is said that this will add some 4-5 miles to the journey for members coming to and from the reservoir and will, accordingly, have an adverse effect on Club membership and use of the reservoir for sailing.</p> <p>Can the Applicant confirm its intentions with regard to Vicarage Road and respond to the concerns about the potential effect on vehicular access to the reservoir?</p>	<p>The highway works to Vicarage Road are set out on the Highways General Arrangement Plans (Document 2.9L, APP-219 and Document 2.9J, APP-220).</p> <p>The highway works are not proposed to extend to the access to the Sailing Club, which is some 470 metres to the north of the proposed roundabout that is proposed on Vicarage Road and all traffic movements from Vicarage Road both into and out of the Sailing Club will continue to be possible.</p> <p>Concerns may have been raised by the Sailing Club with regards to the proposal to introduce physical measures to prevent traffic turning right from the A449 into Station Drive. However this will only affect those wishing to reach the sailing club from the south via the A449 and who will still be able to reach the reservoir by carrying out a u turn manoeuvre at the proposed A449 Roundabout to travel back to the junction with Station Drive. It would also be possible to reach the reservoir via the proposed A449/A5 link road, the A5 before joining Vicarage Road.</p> <p>It can therefore be seen that access to the Reservoir will not be compromised.</p>

ExQ1	Question to:	Question:	Applicant's Response
1.15.	The Staffordshire and Worcester Canal		
1.15.1.	The Applicant and CRT	<p>ES paragraph 11.142 assesses the S&WC as a medium sensitivity receptor, apparently on the understanding that the canal is "<i>likely to be lined and not in total continuity with regional groundwater.</i>"</p> <p>(i) Can the Applicant/ CRT provide evidence to support this assumption?</p> <p>(ii) To what extent has hydrological continuity between the Canal and watercourses been considered in the ES and is this likely to be a significant concern or issue in relation to the Proposed Development?</p>	<p>(i) No empirical evidence has been gathered in relation to the lining of the canal to support the ES. The canal at this location is understood to be surface water fed (partially by the nearby canal feeder reservoirs), and there is a very high probability that it is lined given the permeable ground conditions of some of the Site and canal levels; and given the typical construction of canals and waterways of this era. It is therefore unlikely to have any significant interaction with groundwater, and the assumption made in the ES is considered to be reasonable.</p> <p>(ii) The ES Chapter 16: Water Environment and Flood Risk (Document 6.2, APP-055) gives a full account of the surface water hydrology at the Site and its relationship with the canal in both the baseline and post-development scenarios.</p> <p>The baseline surface water catchments at the Site are summarised in paragraph 16.62 of the ES (ES Chapter 16, Document 6.2, APP-055), and considered in more detail in the Site Wide Surface Water Drainage Strategy (ES Technical Appendix 16.3, Document 6.2, APP-152). In</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>summary there are understood to be three out of eight separate catchments that discharge to the canal. The proposed development drainage catchments are described in paragraph 16.87 of the ES (ES Chapter 16, Document 6.2, APP-055).</p> <p>The Site Wide Surface Water Drainage Strategy has been designed such that the proportion of the Site discharging to each watercourse (including the canal), is in line with the existing baseline situation (paragraph 16.88 of the ES, ES Chapter 16, Document 6.2, APP-055).</p>
1.15.2.	The Applicant and CRT	<p>(i) Is CRT content in principle that the 3 large diameter pipes which are needed to convey surface water from the eastern to the western side of the canal (paragraphs 9.3.5-9 & 9.3.6 of APP-152) could be installed without significant risk to the structural integrity and operation of the canal?</p> <p>(ii) As the installation of these pipes does not appear to be included under any of the listed Works in the dDCO how would this construction be authorised by the DCO?</p>	<p>(i) The Applicant believes that CRT are content, in principle, however at the time of writing the Applicant is awaiting confirmation from CRT.</p> <p>The CRT have been consulted on the design of the new pipelines beneath the Staffs and Worcestershire Canal, this led to the increase in depth of the pipelines to mitigate any impact on the canal structure.</p> <p>(ii) The identification of, and drafting of, the works in Schedule 1 are being reviewed and any necessary revised drafting will be included in the dDCO to be submitted for Deadline 3.</p>

ExQ1	Question to:	Question:	Applicant's Response
		(iii) How and by whom would the detailed design for these works be approved at the relevant stage of implementation of the development?	(iii) The detailed design will be approved: (a) by CRT pursuant to the protective provisions for CRT included in Part 7 of Sch 13 in the dDCO (Para 4 etc.) to take account of their private interest in protecting their asset; and (b) by the local planning authority under R3(2)(e)
1.15.3.	The Applicant and CRT	Is CRT content in principle that its requirement that surface water discharged to the canal should not have a transverse discharge velocity of no greater than 0.3m/s can be achieved by means of a reception chamber and weir as suggested at paragraphs 9.3.10-9.3.13 of ES Appendix 16.3?	The principle of installing a reception chamber and weir was established through consultation with CRT.
1.15.4.	The Applicant and CRT	<p>CRT [RR 1155] has raised concerns about the proposed retention of the access track from Gravelly Way which it says would result in the proposed new Link Road Bridge over the canal requiring a materially wider span than would otherwise be needed. CRT is concerned about large spaces being created beneath bridges over the canal as these can attract anti-social behaviour.</p> <p>(i) Can the Applicant clarify its proposals in relation to this issue and advise what if any agreement is in place between the parties?</p>	(i) The access track below Gravelly Way cannot be removed. It is required to maintain the access to the existing property (Gravelly Way House) throughout the construction of the new spine road and associated new crossing over the Canal.

ExQ1	Question to:	Question:	Applicant's Response
		<p>(ii) The ExA wishes to receive a signed SoCG between the Applicant and the CRT which provides a position statement on discussions over the CRT's other concerns about the design of the Link Road bridge as set out in its RR and clearly identifies what is and what is not agreed in relation to this key element of the Proposed Development.</p>	<p>In response to comments from CRT, the bridge span was reduced on the eastern wall to reduce accessibility and incorporate protective planting on this side. The facing materials were also changed to masonry, as this was considered to be less prone to graffiti.</p> <p>The bridge is to be adopted and there will be a management company for WMI based at Gravelly House, very near to the Canal bridge. This, coupled with the increased public vigilance brought by the WMI development, would minimise any anti-social behaviour.</p> <p>(ii) At the time of writing, a response to a draft SoCG sent to CRT on 11 March 2019 is awaited..</p>
1.15.5.	The Applicant and CRT	<p>It is noted that the proposed Canal Towpath enhancement scheme would relate only to that section of towpath which falls within the Order Limits. CRT suggests that this would not be sufficient to address the wider impacts of the development on the towpath or to unlock its potential as an off-road cycle path to serve the development as part of the Applicant.</p>	

ExQ1	Question to:	Question:	Applicant's Response
		<p>(i) Can CRT please set out in more detail what it considers the “<i>wider impacts</i>” on the towpath would be?</p> <p>(ii) Can the Applicant respond to those concerns and clarify its view as to the importance of the use of the canal towpath beyond the Site boundaries in order to help achieve the sustainable transport targets set out in Appendix G to the STS?</p>	<p>(i) -</p> <p>(ii) In general terms, the Canal towpath provides a complimentary role in terms of providing for cycle and pedestrian journeys to WMI.</p> <p>The Canal towpaths to the north and south of the Site are unsurfaced, and so not as easily accessible to cyclists as the surrounding cycle routes that are surfaced. As noted in the Transport Assessment (Document 6.2, App 114) the surrounding area benefits from a relatively flat topography which should encourage cyclists to travel to the Site. Document 6.2, Figure 15.9 (App-054) provides the cycle catchment of the Site, which extends to a distance of 8km. It is possible to cycle to and from Penkridge Railway Station using the cycle routes as shown on Document 6.2, Figure 15.7 (APP-054). The route also facilitates an interchange with public transport. Of particular relevance are the proposed improvements to the existing A449 pedestrian / cycleway.</p> <p>As can be seen from Document 6.2, Figure 15.7 (APP-054), there are significant existing advisory cycle routes within the area to the east, south and west of the Site. These cycle routes do not provide designated cycle facilities, but are classified by SCC as routes that are suitable for cycling due to lower traffic volumes. For day to day cycle travel to WMI, these routes are likely to be more attractive than the canal</p>

ExQ1	Question to:	Question:	Applicant's Response
		(iii) Is there a justification, in terms of mitigating the effects of the development on the towpath or on the highway network, of extending the linear scope of the proposed towpath enhancement scheme and, if so, which additional sections of towpath should be included?	<p>towpath given that they will provide quicker journey times to WMI. This is an important factor when considering that journeys to WMI for workers are of a time dependant nature.</p> <p>(iii) Having regard to the above, the impact of cycling on the towpath outside of the Order Limits is expected to be limited and no improvements measures are considered to be necessary.</p>
1.15.6.	The Applicant and CRT	<p>CRT states that the submitted plans indicate a proposed landscaping bund encroaching into the ditch located to the toe of the west dam at Calf Heath Reservoir and that this ditch needs to remain free from obstruction. CRT also states that there is a need for a strip of land to be reserved to provide access to the west side ditch for maintenance purposes.</p> <p>Have these requirements been reflected in the proposed Works and Parameters Plans and, if not, what amendments are required to safeguard this part of the canal infrastructure?</p>	<p>There is no need to amend the Works and Parameters Plans on the basis of the queries raised in ExQ1.15.6.</p> <p>CRT provided this comment on the basis of reviewing the Parameter Plans which do not provide the detail (due to their scale) required to review the mounding proposals in detail.</p> <p>The mounding proposals have been designed to ensure that the ditch course at the foot of the Reservoir is retained. This is shown on the drawing 'Works Associated with Canal and Rivers Trust Ditch Network' (1516-0425-WDK-SI-C-301-012) provided in the Surface Water Drainage Strategy (Document 6.2, Appendix 16.3, APP-152).</p> <p>This drawing also indicates the 2m maintenance strip, requested by CRT in earlier correspondence. This strip would also allow the CRT to gain access by foot to the west</p>

ExQ1	Question to:	Question:	Applicant's Response
			of the ditch. The bunding is generally at a gradient of 1 in 4 (or lower), which would also be fully accessible by tracked plant.
1.15.7.	The Applicant, EA, CRT	<p>CRT [RR-1155] refers to ES paragraph 10.238 which states that '<i>pollution events</i>' occurring on the Site could be "<i>flushed through</i>" the drainage system and raises concerns about the potential impact of such an event on fish stocks in the river.</p> <p>(i) Do the EA and CRT agree with the Applicant's conclusion that if pollution events occur the canal "<i>could recover (in months) through flushing, and their integrity would therefore not change in the long terms</i>"?</p> <p>(ii) Can the Applicant provide evidence that if pollution events effecting Staffordshire and Worcestershire Canal occur, significant adverse effects to aquatic ecology (including fish, riverine mammals, amphibians and birds) will not occur?</p>	<p>(i) -</p> <p>(ii) These events are considered highly unlikely with the mitigation measures defined within the ODCEMP (Document 6.2, APP-060) to control the risk of pollution events during construction. Refuelling of plant and vehicles will only take place within designated refuelling areas, protected by hardstanding and oil/petrol interceptors (or equivalent alternative biological treatment measures). An Emergency Incident Plan would be in place to deal with potential spillages and/or pollution incidents. This would include the provision of on-site equipment for containing spillages, such as spill kits, emergency booms and chemicals to soak up spillages. Any pollution incidents will</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>be reported immediately to the Environment Agency and SSDC. All site staff will be trained at Site induction and in tool-box talks in how to respond to a pollution incident and a flow diagram will be developed for the Contractor's DCEMP. In the operational phase Areas of development (Zones A1-A7, Zone B and Zone C as shown on the Development Zone Parameter Plan (Document 2.5, (APP-190)) would be designed with standard pollution prevention measures included, such that spills are retained by appropriate attenuation facilities with suitable interceptors or equivalent alternative biological treatment measures and water quality in discharged water is of permissible standard. This is secured via the FEMMP (Document 6.2, APP-090).</p>

ExQ1	Question to:	Question:	Applicant's Response
1.16.	Compulsory Acquisition References to Land Parcels are abbreviated to LP		
1.16.1.	The Applicant and Mills & Reeve (Bericote Four Ashes Limited)	<p>Mills & Reeve [RR 0960] set out a number of concerns with regard to the proposed CA of land owned by Bericote and land over which Bericote has existing rights as well as about the seeking within the dDCO of powers to vary existing rights of way and to amend services upon which Bericote relies upon for access to and servicing of Four Ashes Park.</p> <p>(i) In completing the Compulsory Acquisition Status Report that was requested in Annex F to the Rule 6 Letter the Applicant is requested to provide an updated position statement in relation to negotiations with Bericote on these proposed acquisitions of land and rights?</p> <p>(ii) Mills & Reeve are requested to clarify their understanding of the current position with regard to those negotiations and to highlight any outstanding issues or concerns?</p> <p>(iii) Both parties are requested to provide a position statement on their discussions as to the protective provisions to be included in the DCO and to highlight any outstanding issues or concerns?</p>	<p>(i) An update on the negotiations will be provided by the Applicant on submission of the Compulsory Acquisition Status Table for Deadline 3, as requested.</p> <p>(ii) -</p> <p>(iii) The Protective Provisions are being reviewed by Bericote and their advisors. A response is awaited at the time of writing.</p>
1.16.2.	The Applicant and	Wedlake Bell [RR 1194] set out a number of concerns on behalf of Gestamp Tallent Limited who are a tenant of	

ExQ1	Question to:	Question:	Applicant's Response
	Wedlake Bell LLP (Gestamp Tallent Limited)	<p>Bericote Four Ashes Limited at Four Ashes Park. These concerns largely mirror those of Bericote as set out in Q1.16.1 above.</p> <p>(i) In completing the Compulsory Acquisition Status Report the Applicant is requested to provide an updated position statement in relation to negotiations with Gestamp Tallent on these proposed acquisitions of land and rights?</p> <p>(ii) Wedlake Bell is requested to clarify its understanding of the current position with regard to those negotiations and to highlight any outstanding issues or concerns?</p> <p>(iii) Both parties are requested to advise whether any protective provisions in favour of Gestamp Tallent need to be included in the DCO, in addition to those in favour of Bericote.</p>	<p>(i) An update on the negotiations will be provided by the Applicant on submission of the Compulsory Acquisition Status Table for Deadline 3, as requested.</p> <p>(ii) -</p> <p>(iii) The Protective Provisions are being reviewed Gestamp and their advisors. A response is awaited.</p>
1.16.3.	The Applicant	Can the Applicant provide a detailed response to the objection submitted by FBC Manby Bowdler LLP [RR-0963 on behalf of Inglewood Investment Company in relation to the proposed CA of LPs 101, 102,103, 110,112 and 113?	<p>The Book of Reference (Document 4.3, APP-007) makes it clear that, in respect of LPs 101 – 103, all interests in the land are proposed to be acquired, this therefore includes any separate minerals interests. The Book of Reference also states that the ownership of the minerals interests in LPs 101 and 102 is unknown.</p> <p>The Applicant can confirm that the LP 103 is now accepted to be owned by The Inglewood Investment Company Limited</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>and understands that this is being rectified at the Land Registry (and FBC Manby Bowdler LLP are aware of this).</p> <p>The pink hatching referred to by FBC Manby Bowdler LLP does not apply to LP 101 – 103 because it only applies to parcels where the only interests to be compulsorily acquired is the minerals interest and not the freehold interest. The pink block colouring on LP 101 – 103 indicates that all interests are to be acquired – as per the Book of Reference.</p> <p>Paragraph 3.19.17 of the Statement of Reasons states that it relates to the LPs where Staffordshire Sand & Gravel Company Limited (SSG) has a tenancy and/or rights. The Applicant's land referencing exercise indicates that SSG does have rights over those LPs and that is the reason they are included in the Book of Reference in respect of those LPs.</p> <p>In relation to the three specific clarifications sought at the end of the letter:</p> <ul style="list-style-type: none"> • the intention is to include the minerals under LP 101 – 103; • as above; • there is no current intention to utilise the minerals under LP 101 – 103 during the construction process,

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			in contrast to the minerals further north relating to the quarry site.
1.16.4.	The Applicant and Hinson Parry and Company	<p>The RR submitted by Hinson Parry and Company on behalf of the owners of Mile End Cottage [RR-0963] asserts that that property is effectively blighted and unsaleable and that a blight notice has been served on the Applicant.</p> <p>Can the parties please provide a statement setting out:</p> <p>(i) what, if any, negotiations have taken place or ongoing in respect of the acquisition of this property and the progress made towards an agreement;</p> <p>(ii) their positions as to the most appropriate timing for the completion of any proposed acquisition and settlement of any compensation or purchase price agreed;</p> <p>(iii) the current position with regards to the service of and response to the Blight Notice referred to in the RR?</p>	<p>(i) Terms for acquisition of Mile End Cottage have been agreed with the owners and solicitors have been instructed to document the agreement.</p> <p>(ii) The terms including timings have now been agreed with owners of Mile End Cottage and are now in legal drafting.</p> <p>(iii) Contrary to these representations, a blight notice was not served.</p>
1.16.5.	The Applicant	<p>Statement of Reasons (SoR)[APP-005]</p> <p>Paragraph 3.7 states that acquisition of what presumably are sub-soil interests within the currently adopted part of Gravelly Way need to be acquired “to ensure that the Applicant retains the ownership” but the BoR [APP-007] does not record the Applicant as having any legal interests in LP 19. The table commencing on page 16 states that CA</p>	

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		<p>of LP 19 is need for the stopping up of Gravelly Way but, as a matter of statutory procedure, the stopping up of a public highway does not require the acquisition of the sub-soil interests.</p> <p>(i) Can the Applicant confirm who the registered owner of the subsoil interests in LP 19 is and clarify what the principal reasons why the acquisition of those interests is required for or to facilitate the Proposed Development?</p>	<p>(i) LP19 is the main element of the adopted section of Gravelly Way west of the rail line. The surface rights currently rest with Staffordshire County Council, but the subsoil interests remain with the adjoining owners. The subsoil interests are required in order to carry out the necessary drainage and utility services as well as the removal of the footings for the existing rail bridge on the western side of the rail line. This will provide certainty on the delivery of the new infrastructure. Once the highway has been stopped up, the ownership of the land would pass to the adjoining owners and the acquisition of the LP is therefore required to ensure that the Applicant is able to dedicate the revised highway arrangements, as well as delivering the above mentioned infrastructure.</p>
1.16.6.	The Applicant	<p>In relation to LP21 the SoR states (page 18) that the CA of all interests in the plot is required to accommodate the removal of the masonry bridge (part of Gravelly Way) over the WCML.</p> <p>(i) Is the CA of all interests in this LP necessary and proportionate?</p>	<p>(i) The CA of LP21 is necessary to remove uncertainty over the various ownership interests and their interaction. At</p>

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		(ii) Why could the necessary objective be secured by TP powers or other temporary means?	<p>present the land under the bridge and under the WCML is owned by Piers Monckton, but the bridge surface is owned by Staffordshire County Council and the bridge structure is owned by Network Rail. On completion of the works these rights will be significantly altered and will be redundant once the bridge is removed. In the interests of clarity in the future it was thought sensible to update the title position through CA to reflect the position of this parcel after the works have been carried out.</p> <p>(ii) Temporary Possession powers or other means would not provide clarity on the title once the works had been carried out.</p>
1.16.7.	The Applicant	<p>In relation to LP 23c the SoR states (page 18) that CA is required for the removal of the telecommunications mast as part of Works No. 3 but this mast appears to be within the site of the proposed Rail Works (Works No. 1).</p> <p>Please clarify the purposed of this proposed CA.</p>	<p>The ExA is correct. LP 23c is within Works No. 1 rather than Works No. 3.</p> <p>The purpose of the proposed CA is ensure the necessary rights are obtained for the removal and relocation of the existing telecommunications mast, the current position of which is inconsistent with Works No. 1.</p>
1.16.8.	The Applicant	<p>In relation to LP 58 the SoR states (page 18) that CA is required for a footpath which forms part of Works No. 10b.</p> <p>Is this land also required to enable the construction of the proposed Link Road itself (Works No. 4)?</p>	<p>LP58 is required for the footpath (being part of Works No. 10b) which passes beneath the link road (Works No. 4). The Legend on the Works Plans (Document Series 2.2, APP-172-181) describes this area as Works No. 4 over Works No. 10b (see Sheet 7 - Document 2.2G, APP-179).</p>

ExQ1	Question to:	Question:	Applicant's Response
1.16.9.	The Applicant	<p>Section 5 of the SoR dealing with compliance with the Government's Guidance on the use of CA as part of a DCO (September 2013) does not appear to address the requirements in paragraph 19 of the Guidance with regard to potential risks and impediments and other physical and legal matters.</p> <p>The Applicant is requested to provide a supplementary statement setting out its position on these matters and opinion as to whether or not the requirements in this part of the guidance are met.</p>	See the Supplementary Statement provided at Appendix 19 of this document.
1.16.10.	The Applicant and EA	<p>The SoCG between the Applicant and EA [AS-026] (paragraph 5.1.7) states that the parties are agreed that the variation of the Environmental Permit in relation to the groundwater remediation of the SI Land is not a significant impediment to the Proposed Development, although paragraph 24 of ES Technical Appendix 11.5 notes that this would need to go through a "full" variation process.</p> <p>Is it possible to provide an estimate of how long it may take to prepare, process and approve such an application?</p>	The variation of the Environmental Permit has been discussed with the EA. A variation can be determined in 3 months by the EA, however the EA have advised to allow up to 12 months in order to enable sufficient time to prepare the necessary application documentation, consult with the EA before formal submission and the formal determination period.
1.16.11.	The Applicant	<p>Funding Statement [APP-006] Although the Funding Statement includes an estimate of the likely costs of acquiring all the interests and rights identified in the BoR it does not appear to include any estimated of the costs of implementing the development. Similarly,</p>	

ExQ1	Question to:	Question:	Applicant's Response
		<p>although the Statement identifies the potential sources of funding, it does not appear to include any assertion of confidence that the necessary resources to complete the acquisitions and implement the development will be available. The Statement also appears not to confirm that the necessary funds are available to complete the proposed acquisition and make any related compensation payments within the 5 year period allowed for implantation of the CA powers.</p> <p>(i) Can the Applicant confirm the estimated costs of implementing the development as proposed?</p> <p>(ii) Can the Applicant confirm that the necessary funds will be available to complete all the proposed acquisitions within 5 years of the date on which the DCO is made if the application is approved?</p>	<p>(i) The actual costs of implementing the development will depend upon the precise form of the development brought forward pursuant to the Order, however the primary infrastructure costs of the development to be incurred in its implementation are currently estimated to be in the region of £132m (inclusive of s.106 Agreement costs but excluding land assembly).</p> <p>(ii) Para 18 of the '<i>Guidance related to procedures for the compulsory acquisition of land</i>' refers to the Applicant being able to demonstrate that adequate funding to enable the compulsory acquisition costs is likely to be available within the five year period. Paragraph 5.1 of the Funding Statement (Document 4.2, APP-006) provides an estimate of the total anticipated costs of compulsory purchase and paragraph 5.4 of the Statement confirms that the compensation will be funded by the Applicant.</p>

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		<p>(iii) The Applicant is requested to indicate its view as to whether the Funding Statement as currently drafted meets the requirements set out in paragraphs 17 and 18 of the Guidance.</p>	<p>Paragraph 6.1 of the Statement explains that there are a number of alternative and complementary funding mechanisms which may be used to fund the development. The precise funding mechanisms to be used have not been committed to at this stage and will be determined at the relevant time and in the light of prevailing commercial circumstances.</p> <p>(iii) The Applicant specifically sought confirmation as to the adequacy of the Funding Statement during the course of pre-application discussions on the draft documentation and no concerns were expressed.</p> <p>Paragraph 17 of the '<i>Guidance related to procedures for the compulsory acquisition of land</i>' requires that the statement explain how compulsory purchase is to be funded – please see the answer to (ii) above.</p> <p>Whilst paragraph 17 of the Guidance also refers to providing information regarding both acquiring the land and implementing the project, it is correct to say that the Funding Statement did not include the latter. However paragraph 5.6 of the statement refers to Article 23 of the dDCO which provides for a guarantee to be in place before compulsory acquisition powers are exercised. The Guidance was written before it became common place for such articles to be provided in dDCO and makes no reference to such provisions. It is suggested that the relevance of some of</p>

ExQ1	Question to:	Question:	Applicant's Response
			<p>paragraphs 17 and 18 is less having regard to the inclusion of Article 23.</p> <p>Paragraph 18 states that Applicants should be able to demonstrate that adequate funding is likely to be available to enable compulsory purchase within the statutory period - for which see (ii) above.</p> <p>The Applicant is committed to delivering the development and the professionalism, expense and financial commitment made in bringing forward this application, combined with the pedigree of shareholders, evidences that, should the application be approved in its current form, then the demonstrated strong market demand for the development (see Market Assessment (Document 7.4 [APP-257] and Updated Market Assessment (Document 7.4A) submitted at Deadline 2)) would ensure the development is implemented.</p>
1.17.	Draft Development Consent Order		
1.17.1.	All to note	The Rule 6 Letter, dated 23 January 2019, included notification of an Issue Specific Hearing (ISH) on the dDCO which was held on 28 February 2018 (ISH1). The agenda for ISH1, published on the project page of the national infrastructure planning website set out a schedule of issues and questions for examination at that hearing.	-

ExQ1	Question to:	Question:	Applicant's Response
		<p>The examination timetable provides that matters raised orally in response to that schedule are to be submitted in writing by Deadline 1: 13 March 2019. Comments on any matters set out in those submissions are to be provided by Deadline 2: 5 April 2019, which is the same as the deadline for responses to these questions.</p> <p>IPs who participated in ISH1 and consider that their issues have already been drawn to the ExA's attention in their written submissions made at Deadline 1 do not need to reiterate issues or comments in response to the questions below. IPs are requested to review the Deadline 1 written submissions arising from ISH1 before responding to the question below. Matters set out in Deadline 1 written submissions arising from ISH1 are best responded to in Deadline 2 comments rather than in responses to the following questions, which aim to capture matters that were not raised at ISH1.</p>	
1.17.2.	The Applicant and other IPs	<p>In light of questions asked elsewhere in this schedule the Applicant is requested to consider whether there is a need for further revision of or alteration to the dDCO, including the draft Requirements, and/or to the draft DCOB in order to address the following matters:</p> <p>(i) whether the commitment to the completion and making available for operational use of the Initial Rail Terminal</p>	<p>(i) Please see response to ExQ1.2.17. As confirmed in the Applicant's Response to ISH1:1.34 and ISH1:1.54 (see</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>should be included within the DCO rather than solely within the DCOB;</p> <p>(ii) whether there is a need for a commitment within the DCO or DCOB to the delivery of the Expanded Rail Terminal;</p> <p>(iii) Further specification of what details are to be submitted as part of the proposed phasing under draft Requirement 2; particularly in relation to the provision of new and replacement habitats in mitigation for the felling of part of Calf Heath Wood and mitigation for the removal of Native Black Poplar;</p> <p>(iv) The parameters that are said to have been applied in assessing the effects of site lighting on bats and other areas of ecological sensitivity;</p>	<p>Document 9.1, REP1-002), the obligations relating to the timing and delivery of the rail terminal will be moved from the DCOB into Schedule 2 of the dDCO – this will be reflected in the next version of the dDCO to be submitted for Deadline 3.</p> <p>(ii) Please see responses to ExQ1.2.25 (ii) and ExQ1.2.26. The Applicant does not intend to amend the dDCO to include a commitment for the Expanded Rail Terminal.</p> <p>(iii) Please see responses to ExQ1.10.23 (ii) and (iii) and ExQ1.10.18. The Applicant will amend Requirement 2 to specify what details will be submitted as part of the phasing plan approval and this amendment will be included in the next version of the dDCO to be submitted for Deadline 3. The Applicant does not consider any amendments are necessary in respect of the replacement habitat and removal of Black Poplar, which are adequately covered by Requirements 11 and 17.</p> <p>(iv) Please see response to ExQ1.10.24. The Applicant does not consider that any amendments to the dDCO are necessary. These parameters are included within and secured via the FEMMP (and therefore by Requirement 11). Further lighting mitigation measures are defined and secured via the FEMMP including the commitment that detailed lighting designs will take place in conjunction with an ecologist and such designs will be subject to the approval</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(v) The suggested requirement that buildings in Zone 7 to be single aspect to provide screening to potential noise sensitive receptors;</p> <p>(vi) The suggested requirement for noise barriers in parts of the Proposed Development;</p> <p>(vii) The suggested need for further assessment (including wind tunnel modelling) of the effects of the detailed proposal for buildings in Zone A4a and A5a on sailing conditions on Calf Heath Reservoir;</p> <p>(viii) The suggested requirement that all buildings on the site should provide changing facilities, showers and secure cycle parking to encourages cycle use;</p> <p>(ix) A restriction on the use of piling except in connection with the construction of the bridge piers for the proposed Link Road Bridge;</p>	<p>of Staffordshire County Council's ecologist. Paragraph 3.7.30 of the FEMMP provides parameters required for the lighting in the hopover locations.</p> <p>(v) Please see response to ExQ1.9.10 (i). The Applicant intends to include an additional Requirement in the next version of the dDCO to be submitted for Deadline 3.</p> <p>(vi) Please see response to ExQ1.9.9. The noise barriers are secured by the Green Infrastructure Parameters Plans (Document Series 2.7, APP-200 – 204), article 4 and the approval of detail in respect of each phase is secured by Requirement 3.</p> <p>(vii) Please see response to ExQ1.14.6. Any amendment to the dDCO will be considered upon receipt of the information specified in that response.</p> <p>(viii) Please see response to ExQ1.7.4. The various facilities will be secured through the Site Wide Travel Plan (and its associated Sustainable Transport Strategy). This is secured by Requirement 22 and the Applicant therefore does not propose to amend the dDCO.</p> <p>(ix) Please see response to ExQ1.9.3. The Applicant considers that Requirement 20 deals with the issue.</p>

ExQ1	Question to:	Question:	Applicant's Response
		<p>(x) the monitoring and report of noise and vibration levels at sensitive receptors during construction; and</p> <p>(xi) the requirement that no felling or cutting back of vegetation be carried out during the bird breeding season.</p>	<p>(x) Please see response to ExQ1.9.11. Any necessary noise monitoring is covered by the Bespoke Noise Scheme and secured in the DCOB. The Applicant does not propose to amend the dDCO or the DCOB in respect of vibration monitoring, since none is proposed, nor considered necessary.</p> <p>(xi) Please see response to ExQ1.10.20. The Applicant considers that no additional requirement is needed. The FEMMP secured by Requirement 11 includes the provision to undertake clearance outside of the bird-breeding season. This is in paragraph 3.7.12 of the FEMMP and also provides appropriate ecological controls in the event that vegetation removal, topsoil stripping or building demolition needs to be undertaken between March and the end of August.</p>