

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

### **The Examining Authority's written questions and requests for information (ExQ1)**

**Issued on 4 March 2019**

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 23 January 2019. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on Policy Context is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [WMIinterchange@planninginspectorate.gov.uk](mailto:WMIinterchange@planninginspectorate.gov.uk) and include '**West Midlands Interchange**' in the subject line of your email.

Responses are due by **Deadline 2: 5 April 2019**.

## Abbreviations used

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

## **The Examination Library**

References in these questions set out in square brackets (e.g. [APP-010]) are to documents catalogued in the Examination Library. 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:
1.0	<b>General and Cross-topic Questions</b>	
1.0.1	The Applicant and SSDC	<p><b>Existing Land Uses.</b>          Some of the base plans used in the submission include the notation 'Caravan Park' 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>Yes the current position is that planning permission was granted in 7.2.1961 (for 6 caravans) and 26.2.1963 for 3 additional caravans (copy enclosed of the site licence and planning permissions).</p> <p>In addition there is a planning permission in place under 18/00141/FUL for a mobile home. Copies of the 2018 permission and supporting reports can be supplied or can be viewed here - <a href="https://services.sstaffs.gov.uk/sscwebviewer">https://services.sstaffs.gov.uk/sscwebviewer</a></p> <p>Under the permission 18/00141/FUL, for retention of existing mobile home, the following condition was imposed:</p> <p><i>1. The mobile home hereby approved 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> <p>In addition there is an extant site licence for 9 caravans to be stationed (in accordance with section 3 of the Caravan Sites &amp; Control of Development Act</p>

		<p>1960).</p> <p>(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?</p> <p>See above</p>
1.0.2	The Applicant and CRT	<p>ES Appendix 12.7 [APP-105] describes Calf Heath Reservoir as <i>"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."</i> In many other places in the submission documents both Calf Heath and Gailey Reservoirs are described as feeder reservoirs for the Staffordshire &amp; Worcestershire Canal (S&amp;WC).</p> <p>Please confirm the main use of these reservoirs and whether this use continues to comprise their main purpose.</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 <i>"be stopped up during construction of that phase and an appropriate safe and alternative route provided in consultation with SSDC."</i> Elsewhere in the application documents it is suggested that this will be a permanent stopping up and that there is no intention to replace the right of way with an alternative route.</p>

ExQ1		
Question to:	Question:	
		<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>
	The Applicant	<p><b>Design Parameters</b></p> <p>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>(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>
<b>1.1.</b>	<b>Policy Context</b>	
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 been superseded and replaced by the NPPF issued in February 2019.

ExQ1	Question to:	Question:
		<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>
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 policy support for the continued use of the land within the development boundary for employment purposes. Core Policy 7: Employment and Economic Development states that <i>the Council will support measures to sustain and develop the local economy of South Staffordshire and encourage opportunities for inward investment and ... will support the development of creative and high technology industries at strategic employment sites in suitable locations within South Staffordshire.</i></p> <p>Four Ashes is specifically referenced as one of the Districts 4 strategic employment sites, at which the Council will support the delivery of general employment land including exploration of 'modest extensions' to those sites where justified by robust evidence and a reasoned justification. In the supporting text it is clear however that the Council recognises that a rail served regional logistic site would require a scale of development beyond a modest extension and is not compliant with the development plan. Policy EV1: Retention of Existing Employment Sites states that <i>the strategic employment sites at ... Four Ashes shall be used for employment purposes that accord with their substantive planning permissions and their strategic planning and economic justifications.</i></p>

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 in what the Applicant refers to as the North West Quadrant of the WM Region?</p> <p>There is no current adopted regional or sub-regional policy support. The adopted Core Strategy 2012 states at para 9.9 that the (now revoked) West Midlands Regional Spatial Strategy (WMRSS) Phase 2 Revision contained a policy relating to the provision of a Regional Logistics Site (RLS) to serve the needs of the Black Country, and local authorities within Southern Staffordshire was identified as an area of search for such a facility. Para 9.10 of the adopted Core Strategy concludes that the Panel Report into WMRSS Phase 2 Revision noted that there were differences of opinion as to whether the provision of a large logistics site was indeed the best way of meeting the aspirations of urban regeneration within the Black Country. The Panel Report also noted that 'there are a number of possibilities in other local authorities than South Staffordshire north of the conurbation.' As part of the adopted Core Strategy the Council acknowledged that rail freight in the region remained an outstanding issue and that a comprehensive study should be carried out with the Black Country. This is the Black Country and southern Staffordshire Regional Logistics Study 2013, which subsequently concluded that the geographic area should be extend to the</p>



		<p>region to take into consideration potential ... <i>provision in the widened study area based on the criteria developed.</i> This 2013 study has not been tested/examined or included in any development plan policy.</p> <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>There is no policy support in the adopted Core Strategy 2012, or the Site Allocations document (SAD) for the type and scale of development proposed at Four Ashes. The Council acknowledges in the Core Strategy that at the time of examination there were 2 sites being promoted within South Staffordshire District for rail freight, both of which were adjacent to large freestanding strategic employment sites. Core Policy 7 states that modest extensions to the four existing freestanding strategic employment sites will be considered in the SAD against other local planning policies to deliver sustainable development. However, the Council also recognises that, an RLS would require a scale of development beyond a modest extension. No support for the expansion of Four Ashes was included in the recently adopted SAD, September 2018.</p>
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ExQ1	Question to:	Question:
1.1.5.	SSDC	<p>(i) Please provide an update as to the current status of the SSDC Site Allocations Document (SAD).</p> <p>The Site Allocations Document (SAD) was adopted in September 2018.</p> <p>(ii) Does the SAD provide any policy support for the Proposed Development?</p> <p>The Site Allocations Document (SAD) does not provide any policy support for West Midlands Interchange (WMI).</p>
1.2.	<p><b>Need for the Proposed Development and Alternative Options</b>  <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><b>Need in the North West Quadrant of the WM</b>          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.</p> <p>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: (i) a SRFI in the North West Quadrant of the WM Region, and (ii) the suitability of the Four Ashes Location to meet any identified need?</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>(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>(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>
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>

ExQ1	Question to:	Question:
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><i>The study did not identify a specific need for an SRFI in South Staffordshire. At para 13.3.11 of the URS Study (2013) it states "Based on our market assessment we conclude 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 West Midlands which taken as a region has a need". Therefore, the study does not support the assertion that the SRFI is required to be located in South Staffordshire.</i></p>
1.2.5.	The Applicant and local authorities	<p>Paragraph 5.2.27 indicates that the URS Study concluded that the requirement for "at least 200-250ha" 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>

1.2.6.	The Applicant and local authorities	<p>(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> <p>As set out previously, the URS Study (2013) does not support the assertion that the SRFI is required to be located in South Staffordshire, just that there is a need for such a facility within the West Midlands region.</p> <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>The proposed strategic employment site at J11 has been put forward for South Staffordshire's Local Plan Review to consider for employment land. The site currently has no planning status and no decisions on the sites suitability or otherwise has been taken by South Staffordshire Council. It is also important to note that the site's ability to be deliverable in the early part of the plan period remains uncertain due to the M54/M6 link road DCO proposal, which proposes to go through this site in one form or another. The detail of the road proposal has yet to be finalised.</p> <p>(iii) Have any other strategic site/RLS opportunities been identified that might contribute to meeting that need?</p>
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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1.2.7.	The Applicant.	<p><b>Existing Rail Terminals</b>            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 Penkrudge (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>
1.2.8.	The Applicant, NR and local authorities	<p><b>Alternative Sites Assessment [APP-255]</b>            (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><a href="#">This is covered in the Statement of Common Ground that SSDC has agreed with the applicant.</a></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><a href="#">See above</a></p>

		<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><a href="#">See above.</a></p>
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ExQ1	Question to:	Question:
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?
1.2.10.	The Applicant	<p>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 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><a href="#">This is one of the alternative sites referred to in the Statement of Common Ground.</a></p>



1.2.12.	The Applicant and NR	<p><b>Capacity of Rail Network</b></p> <p>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>(i) What evidence/reassurance can NR provide that sufficient rail paths will be</p>
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<b>ExQ1</b>		
<b>Question to:</b>	<b>Question:</b>	
		<p>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>
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>(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>
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>
1.2.15.	The Applicant and NR	What progress has been made with the ‘Capacity Plus (Phase 1 WCML)’ process

ExQ1		Question to:	Question:
			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?
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? (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?
1.2.18.	The Applicant		<b>Scale of Development Proposed.</b> Reference is made in the Planning Statement to the volume of warehousing development at existing SRFIs and that proposed in other SFRI projects that are at various stages in the DCO examination process.  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?
1.2.19.	The Applicant		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.  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

ExQ1		
Question to:	Question:	
		specific need/ justification is there for including this area of land within the Proposed Development?
1.2.20.	The Applicant	<p><b>Rail Connectivity of Proposed Warehousing</b>            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>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, <i>"a significant element should be"</i>?</p>
1.2.21.	The Applicant	<p>(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> <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>
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 &amp; 1020 be provided within the scope of the submitted Parameter and Works Plans?</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

ExQ1	Question to:	Question:
		<p>undertaken by "tugmaster" vehicles.</p> <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> <ul style="list-style-type: none"> <li>(i) the extent to which these vehicles are currently used at existing SRFIs;</li> <li>(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</li> <li>(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.</li> </ul>
1.2.24.	The Applicant	<p><b>Commitment to Rail</b></p> <ul style="list-style-type: none"> <li>(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?</li> <li>(ii) Will any plots or units be reserved for occupation by users with an existing need for direct rail access?</li> <li>(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?</li> <li>(iv) What level of certainty can be given as to the long term economic and operational success of the rail terminal?</li> </ul>
1.2.25.	The Applicant	<p>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"</p>

ExQ1	Question to:	Question:
		<p>(paragraph 4.4.8).</p> <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>
1.2.26.	The Applicant.	<p>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.</p> <p>Is any commitment to be made in respect of the Expanded Rail Terminal and, if so, how could this be secured?</p>
1.2.27.	The Applicant and local authorities	<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>SSDC prefer the approach of including the commitment to the Rail Terminal in the DCO rather than through the DCOB – SSDC’s position remains that the Rail Terminal is critical and that this should be delivered first before other infrastructure.</p> <p>SSDC has made the applicant aware that in terms of drafting of this provision it wishes for there to be a clear commitment to deliver the Rail Terminal through a <u>Rail Delivery Programme with steps clearly set out and with evidence from</u></p>

		<a href="#">Network Rail to support the proposed timeline.</a>
1.2.28.	The Applicant and NR	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 facilitation sustainable transport options for future employees of the proposed development?
<b>1.3.</b>	<b>Green Belt</b>	
1.3.1.	The Applicant/ SSDC	Please provide an extract from the Proposals Map for the adopted development

ExQ1	Question to:	Question:
		<p>plan, centred on the application site, which identifies the existing Green Belt boundaries in the area extending north to Penkrudge, east to Cannock and south to the settlements immediately to the south of the M54.</p> <p>Maps supplied separately.</p>
1.3.2.	SSDC	<p>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?</p> <p>Table prepared separately.</p>
1.3.3.	SSDC and other local authorities	<p>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?</p> <p>The Council's response below sets out the key purposes of the Green Belt that are likely to be most impacted upon in the event that the scheme is permitted.</p> <p>In the Council's view, the Green Belt land on which the proposal is located performs a significant contribution in preventing the merging of neighbouring towns and other settlements of a significant size, both within and adjacent to the District. The Greater Birmingham HMA Strategic Growth Study has previously considered the implications of strategic development sites being brought forward in the A449 corridor, albeit in the context of potential new settlement proposals. In summary, it concluded at paragraph 8.87 that development of this scale between Wolverhampton and Penkrudge (i.e. along the A449 corridor) would result in the separation of Stafford and Wolverhampton becoming of more strategic importance in Green Belt terms.</p> <p>The Council agrees with this conclusion. The proposal would represent a</p>



	<p>significant increase in built form in a location which has already seen built form sprawl beyond the northern extent of Wolverhampton. This would risk merging the pattern of built development associated with Wolverhampton and the wider conurbation with Penkridge and, in turn, Stafford. It is therefore clear that there would be a clear and significant negative effect to this Green Belt purpose if land were released in this location.</p> <p>The land proposed for development also plays an important role in safeguarding the countryside from encroachment. The site area is primarily comprised of greenfield land of an agricultural or wooded character, and is enclosed by wider areas of open countryside with relatively little development to the north and west. Therefore, given the size of land take resulting from the proposal and the scheme's disproportionate size compared to the existing development at Four Ashes, there would inevitably be a significant effect on the Green Belt's ability to perform this purpose on the site and in the wider area.</p> <p>Finally, the Council considers that the Green Belt in this area plays an important role in assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. Paragraph 4.31 of the Council's 2018 Economic Development Needs Assessment indicates that South Staffordshire sits within the same functional economic market area as three of the four Black Country authorities (Wolverhampton, Walsall and Dudley). Equally, page 49 of the Black Country's own Economic Development Needs Assessment 2017 indicates that South Staffordshire is within an area of strong economic transactions with the Black Country, indicating strong flows between the two areas and interdependency of economic assets. Therefore, both studies indicate that employment land supply significantly increasing in South Staffordshire is likely to significantly affect the remaining need or demand for employment land in the Black Country. As set out in the Vision (paragraph 2.3(4)) of the Black Country's adopted 2011 Core Strategy, there is a clear need to recycle and redevelop the Black Country's portfolio of brownfield and derelict sites.</p> <p>In light of this, it is clear that such a significant level of provision of employment land in a Green Belt location is likely to affect that market demand for employment uses on derelict or brownfield land within the Black Country. Therefore, the Council's view is that this site sits within an area of Green Belt that performs a strong role in assisting in urban regeneration, by encouraging the</p>
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		recycling of derelict and other urban land.
1.3.4.	The Applicant, SSDC and other local authorities	<p>The parties are invited to comment on statements made in some of the RRs that the Green Belt in the vicinity of the site:</p> <p>(i) forms an important buffer between the historic settlements of Penkridge and Cannock</p> <p>(ii) forms an important buffer between Wolverhampton and the nearby villages and between the villages themselves; and</p> <p>As set out in the Council's response to 1.3.3, the A449 corridor has already seen significant historic encroachment and is recognised in the HMA Strategic Growth Study as an area which is sensitive to further strategic-scale development, due to its role in separating Wolverhampton and Stafford.</p> <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>
1.4.	<b>Employment and Socio-Economic and Human Health</b> <i>All paragraph, figure and table references are to ES Chapter 14 [APP-052] unless specified</i>	
1.4.1.	The Applicant	<p><b>Site Location</b></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>

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1.4.2.	The Applicant	<p><b>Assessment of Effects</b>            Chapter 14 appears to make no reference to any consultation with relevant stakeholders about the assessment of Socio-Economic and Health Effects.</p> <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>
1.4.3.	The Applicant	<p>Paragraphs 14.43 &amp; 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.</p> <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?            (ii) If so, can the Applicant provide an assessment of the significance of any such effects?</p>
1.4.4.	The Applicant	<p>The labour market data used (Tables 14.4-14.5 &amp; 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</p>

<b>ExQ1</b>		
	<b>Question to:</b>	<b>Question:</b>
		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?
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 &amp; 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>
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><a href="#">South Staffordshire Council confirms that the TTWA is agreed as a reasonable assumption for addressing the travel to work area for potential employees on the site.</a></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> <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</p>
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ExQ1		Question to:	Question:
			caution that may affect the outcome of the assessment?
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>
1.4.9.	The Applicant		Can the Applicant clarify what " <i>technical assessments</i> " are referred to in paragraphs 14.67 and 14.72?
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?
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. " <i>moderate</i> ", " <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?
1.4.12.	The Applicant		Can the Applicant clarify why the " <i>UK</i> " has been used in Table 14.16 where the " <i>National</i> " scale described in paragraph 14.55 includes only England and Wales and the other baseline data do not relate to the UK?
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"> <li>• Chapter 7: Air Quality;</li> <li>• Chapter 11: Ground Conditions;</li> <li>• Chapter 12: Landscape and Visual;</li> </ul>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> <li>• Chapter 13: Noise and Vibration;</li> <li>• Chapter 15: Transport; and</li> <li>• Chapter 16: Water and Flood Risk.</li> </ul> <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>
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>
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>
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 &amp; 14.318)?</p> <p><a href="#">SSDC does not believe that the ES shows that there will be significant adverse</a></p>

		<p>residual noise effects. Table 13.39 shows only moderate effects and the text of paragraphs 13.429 to 13.435 shows how the bespoke noise insulation scheme will ameliorate this.</p> <p>At all external locations the WHO guideline of 55dB is met. This standard is for residential amenity.</p>
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ExQ1	Question to:	Question:
1.4.17.	The Applicant, local authorities and other IPs	<p>Chapter 14 appears not to consider the possibility of any adverse effect on the revenue generated by existing 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><a href="#">South Staffordshire Council has no evidence to indicate whether the proposed development would or would not have any adverse impact on local businesses.</a></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 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><a href="#">An Employment, Skills &amp; Training Plan (ESTP) has been prepared and agreed</a></p>

		with the applicant, SSC, SCC and the City of Wolverhampton Council (CWC) to address the issue of targeting employment opportunities towards local unemployed people. The ESTP also ties in with the Travel Plan to target local people in accessing the proposed site with sustainable forms of transport.
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.

ExQ1	Question to:	Question:
		<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>The ES Chapter 14 &amp; Statement of Economic Benefits refers to disadvantaged areas with higher unemployment and low skills levels, the ESTP seeks to target the unemployed to take advantage of the job opportunities created at WMI. This includes specific geographical targeting within a 10 mile radius that does include disadvantaged areas in the locality.</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>
1.4.21.	The Applicant and local authorities	<p><b>Mitigation</b></p> <p>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> <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>The ESTP has been prepared by the applicant, SSDC, SCC and CWC, with the content being agreed subject to S106 agreement drafting and secured through dDCOb. Discussions are still ongoing on some of the practicalities that may need minor modifications to ensure consistency between the ESTP &amp; the dDCOb.</p> <p>(ii) How is this to be secured in the dDCO or DCOB?</p> <p>The dDCOb route would be the preferred route for securing the obligations on</p>

		both the applicant and the local authorities.
1.4.22.	The Applicant and local authorities	<p><b>Monitoring</b></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>The ESTP provides a monitoring framework and governance structure to ensure the long-term benefits of the proposals for the area.</p> <p>(ii) How would the output of any monitoring undertaken be used to influence future recruitment and training initiatives?</p> <p>As indicated above, the ESTP provides a monitoring framework and suitable governance structure for activities which includes a Brokerage Co-ordinator and Contingency Employment Fund. Payments of the Fund are triggered if fewer than 12% of employees on the site come from a period of unemployment or economic activity.</p>
1.5.	<p><b>Agriculture and Soils</b></p> <p><i>All paragraph and table references are to ES Chapter 6 (APP-026) unless otherwise specified</i></p>	

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1.5.1.	The Applicant and IPs	<p><b>Title: Loss of BMV Land</b>            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>
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?            (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>
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>
1.5.4.	The Applicant and NE	<p><b>Soil Resources</b>            NE (RR-1289) expresses concern about the maintenance of soil functionality as</p>

ExQ1	Question to:	Question:
		part of the proposal's landscaping provisions.  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?
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?
1.6.	<b>Ground Conditions</b> <b><i>All paragraph and table references are to ES Chapter 11 (APP-031) unless otherwise specified</i></b>	
1.6.1.	The Applicant	<b>Assessment of Effects</b> 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.  Can the Applicant explain how the spatial scope used in the assessment has been derived using a Source-Path-Receptor approach?
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?
1.6.3.	The Applicant	(i) Can the Applicant explain the rationale for/derivation of the selection of the sensitivity criteria set out in Table 11.3? (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?

ExQ1	Question to:	Question:
		(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?
1.6.4.	The Applicant	(i) Given that the construction period is expected to extend over 15 years can the Applicant clarify what is meant by " <i>temporary</i> " in the assessment of effects in Chapter 11? (ii) How should this term be understood in the context of the definitions of short, medium and long term in paragraph 2.61?
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?
1.6.6.	The Applicant, EA and other IPs	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.  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?
1.6.7.	The Applicant and EA	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.  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?
1.6.8.	The Applicant EA	Can evidence be provided to show that the EA is content that there is no

ExQ1		
Question to:	Question:	
		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?
1.6.9.	The Applicant and EA	<p>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 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?                      (ii) How are all of the other 'safeguarding measures' set out in Table 1 of Appendix 11.5 secured through the dDCO?</p>
1.6.10.	The Applicant	<p><b>Calf Heath Quarry</b></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?                      (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>
1.6.11.	The Applicant, EA and other IPs	<p><b>Mitigation and Monitoring</b></p> <p>(i) How would the mitigation measures described in Chapter 11 and the ODCEMP (APP-060) be secured?                      (ii) Are the EA and other relevant stakeholders satisfied as to the adequacy of the proposed mitigation measures?</p>
1.6.12.	The Applicant, EA and other IPs	Paragraph 5.17 of the ODCEMP proposes weekly inspections and monitoring



ExQ1	Question to:	Question:
		<p>during the construction period.</p> <p>What, if any, monitoring is proposed in the operational phase?</p>
1.7.	<p><b>Transport and Traffic</b>  <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><b>Accessibility to Markets and Sources of Labour</b>          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>
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?          (ii) Is this assumption agreed by 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?          (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</p>

ExQ1		
Question to:	Question:	
		to travel?
1.7.4.	The Applicant	<p>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.</p> <p>How will this provision be secured through the DCO?</p>
1.7.5.	The Applicant, HE and SCC	<p><b>Transport Assessment</b></p> <p>It is noted that an assessment of the effects of the Proposed Development with full occupation at 2036 has not been 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>
1.7.6.	The Applicant, HE and SCC	<p>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 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>

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		(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? (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?
1.7.7.	The Applicant, HE and SCC	(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? (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?
1.7.8.	The Applicant, HE and local authorities	(i) Are the M54/ M6/M6 Toll Link Saturn and South Staffordshire VISSIM models subject to any limitations or notes of caution that may materially affect the outcome of the TA? (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? (iii) Are the key relevant consultees satisfied that all significant development commitments have been taken into account?
1.7.9.	The Applicant, HE and SCC	(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?

ExQ1		
Question to:	Question:	
		(ii) Has the selection of these routes been agreed with HE/SCC?
1.7.10.	The Applicant	<p><b>Development Phasing</b>                      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 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>
1.7.11.	The Applicant, HE and SCC	<p><b>Road Safety Audits</b>                      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>
1.7.12.	The Applicant, HE and SCC	<p><b>Trip Generation</b>                      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 Proposed Development, considering no repeat or longer surveys have been undertaken?</p> <p>(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>
1.7.13.	The Applicant, Local Authorities, Parish Councils and	<p><b>Assessment of Effects and Mitigation</b>                      The Applicant's findings and conclusions about the likelihood of development</p>

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
	other IPs	<p>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?                      (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>
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>
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>
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</p>

ExQ1		Question to:	Question:
			using specified routes and the effectiveness of those measures? (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? (iii) Reference is made in the TA to an "HGV Enforcement Fund"; how would the establishment of this fund and the management and use of monies in that fund be secured through the DCO?
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?  <a href="#">SCC is providing information on this.</a>
1.7.18.	The Applicant and HE		<p><b>Dedicated Motorway Junction</b></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.                     (i) Has this option been considered in the preparation of the development proposals and TA? (ii) If that option has been considered and ruled out please set out the reasons for this.
1.8.	<p><b>Air Quality and AQMA</b>  <i>All paragraph and table references are to ES Chapter 7 [APP-027] unless otherwise specified</i></p>		
1.8.1.	The Applicant, EA and local authorities		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: (i) set out their understanding of the current legal position on this question, having regard to the Client Earth litigation; <a href="#">The Government has been found in breach of its legal requirements to</a>

		<p>meet air pollution levels set out in Directives/legislation. Defra issued a Directive to certain local authorities requiring them to review the levels of nitrogen dioxide within their areas to bring forward action plans to ensure that the requisite air pollution levels are met. SSDC is NOT one of those local authorities. However Walsall and Wolverhampton councils were two of those authorities and they are affected by the development.</p> <p>(ii) explain how this might affect the assessment of the potential AQ impacts of</p>
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ExQ1	Question to:	Question:
		<p>the Proposed Development; The assessment of impacts within SSDC is not affected by this. The usual legislation and guidance for assessing the impact of this development on its own merits apply to SSDC.</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 In so far as SSDC is able to comment on the impact on the area of SSDC a DCO can be granted based upon the assessment carried out by Four Ashes Ltd without leading to any infringement of EU or UK law.</p> <p>(iv) clearly identify what they understand to be the current UK guidance and policy documents in relation to these potential impacts? The Air Quality Standards Regulations 2010. The National Planning Policy Framework.</p> <p><b>NOTE: THIS IS THE SSDC RESPONSE ONLY. IT IS NOT THE RESPONSE OF ANY OTHER LOCAL AUTHORITY. THE RESPONSE IS COMMENSURATE WITH RECORDED LEVELS OF AIR POLLUTION IN SSDC AND ITS EXCLUSION FROM THE DEFRA DIRECTIVE DESCRIBED IMMEDIATELY BELOW.</b></p>



1.8.2.	The Applicant and SCC	<p><b>Assessment of Effects</b></p> <p>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 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>(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>
1.8.3.	The Applicant, HE, SSC and SSDC	<p>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 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>SSDC has engaged air quality consultants to review the work on its behalf. The modelled results have been subject to scrutiny in the SSDC area and this has led to considerable challenge to the applicants work and significant changes to the outputs of the model. SSDC still has concerns about the model outputs but it is satisfied that the overall impact of the development in the SSDC area will not be significant. The ExA should be aware that SSDC does not believe that any such scrutiny has taken place by the local authorities listed in Question 1.8.1 (i) above.</p>

ExQ1	Question to:	Question:
		<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>SSDC wishes to bring to the attention of the ExA its Members concerns about the number of developments taking place in the vicinity of the NE of its district. It is not clear if any of these have been included in the assessment of cumulative air quality impacts. In particular the following:</p> <ul style="list-style-type: none"> <li>• The extension of the i54 Business Park</li> <li>• Industrial Development on the old Royal Ordnance Factory Site at Featherstone</li> <li>• The outlet Village retail development just over the boundary in Cannock Town Centre</li> <li>• The new M54/M6 North link road</li> <li>• Housing allocation:             <ul style="list-style-type: none"> <li>o 160 East of Codsall with another 200 on safeguarded land.</li> <li>o 200 North of Penkridge (currently awaiting appeal decision outcome)</li> <li>o 80 East of Penkridge (subject to appeal)</li> </ul> </li> </ul>
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>

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>SSDC Environmental Health Response: In relation to construction operations the Env Health Service is primarily concerned with preventing dust nuisance to people and their property. There are a range of mechanisms available for the developers for dust control include water bowsers, soil management (i.e. locating soil in one place only without the need to frequently move it thus forming a crust on the surface) and stopping operations if wind speed and direction coupled with site activity mean that dust will cause a potential nuisance. Within the Requirements the applicant has agreed not to designate the site as having the defence of Statutory Undertaker under the Environmental protection Act 1990 (The applicant needs to confirm that they have agreed to this). Therefore SSDC can take appropriate action to require mitigation in the event of a statutory nuisance arising. Dust mitigation measures will be agreed for each phase through the Design and Construction Environmental Management Plan.</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 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> <p>Yes, This is acceptable to SSDC. The Air Quality chapter was reviewed by external experts appointed by SSDC. This matter was raised with the applicant and was resolved by the applicant to the satisfaction of SSDC.</p>

1.8.7.	Local authorities	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 NO <sub>2</sub> concentrations at the identified roadside receptors in all
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ExQ1	Question to:	Question:
		<p>the assessment years.</p> <p>(i) Are these findings accepted by the local authorities? SSDC has engaged air quality consultants to review the work on its behalf. The modelled results have been subject to scrutiny in the SSDC area and this has led to considerable challenge to the applicants work and significant changes to the outputs of the model . SSDC still has concerns about the model but it is satisfied that the overall impact of the development in the SSDC area will not be significant. The ExA should be aware that SSDC does not believe that any such scrutiny has taken place by the local authorities listed in Question 1.8.1 (i) above.</p> <p>(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? No comment. These sites do not fall within the SSDC District. Please see our comments in relation to the modelled outputs and our experience with the results detailed elsewhere in this response.</p> <p>NOTE: THIS IS THE SSDC RESPONSE ONLY. IT IS NOT THE RESPONSE OF ANY OTHER LOCAL AUTHORITY. THE RESPONSE IS COMMENSURATE WITH RECORDED LEVELS OF AIR POLLUTION IN SSDC AND ITS EXCLUSION FROM THE DEFRA DIRECTIVE DESCRIBED IN THE RESPONSE TO QUESTION 1.8.1 (I)</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 PM<sub>10</sub> 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> <p><i>This site is not in SSDC. It is in Walsall Council's area.</i></p> <p>(ii) What, if any, mitigation is proposed or could be put into place in relation to these predicted impacts?</p>
1.8.9.	The Applicant and local authorities	<p>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> <p><i>Based upon its experience on reviewing the air quality information provided in the ES and its subsequent consideration of responses by the applicant, in so far as SSDC is part of the defra 'UK0035 West Midlands Non agglomeration' zone then it believes that paragraphs 5.11-5.13 of the NPS can be met. SSDC cannot make this claim in relation to the wider impact of the scheme and its impact in other local authority areas and how this meets the aims of the NPS in relation to the defra 'UK0002 West Midlands Urban Authorities agglomeration' zone.</i></p>
1.8.10.	The Applicant	<p><b>Monitoring</b></p> <p>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>

ExQ1	Question to:	Question:
1.9.	<b>Noise, Vibration and Lighting</b> <i>All paragraph and table references are to ES Chapter 13 [APP-046] unless otherwise specified</i>	
1.9.1.	The Applicant and SSDC	<p><b>Baseline Noise Levels</b></p> <p>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 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>The post submission survey was completed and is contained within the applicants submission '13A Noise and Vibration' dated 24 October 2018. This addendum updated the background noise levels and the predicted operational noise levels were assessed against the revised background noise levels.</p> <p>The applicant's submission (Chapter 13 of the ES) and its addendum (13A Noise and Vibration) were independently assessed by external consultants on behalf of SSDC.</p> <p>Paragraphs 13A.53 to 13A.57 set out the applicants case for the use of the specified background noise levels used in the 13A addendum and their methodology and use has been independently confirmed for SSDC by its external consultants as being suitable.</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? Yes</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>Our independent experts considered the results of vibration monitoring to be reasonable and have not suggested any further requirements for SSDC to pursue. SSDC has confined its concerns in terms of vibration to the impact of the development as a Strategic Rail Freight Interchange and not the wider impact that may occur beyond the environs of the development site in terms of rail traffic vibration from the use of the rail network. SSDC has no reason to assume that this will be any different to current use in terms of the impact of vibration.</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 preclude the use of piling in respect of all other elements of the construction works?</p> <p>SSDC recognises that construction works are temporary and can be the most intrusive part of a development. SSDC considers that piling is a time consuming and expensive operation and will only be used by the developer where it is necessary to do so. SSDC considers that neither they nor the developer would require an unnecessary restriction on construction works. Requirement x (actual number to be confirmed) requires that each phase requires the agreement of a Phase specific Demolition and Construction Environmental Management Plan (DCEMP). SSDC considers that this Requirement, along with Section 61 Control of Pollution Act 1994 and Section 80 Environmental protection Act 1990 provide sufficient safeguards to ensure that any additional noise and vibration from piling can be adequately controlled.</p>



1.9.4.	The Applicant, SSDC, CRT, IWA and other IPs	Paragraph 13.182 states that the northern and southern canal-side moorings are considered to be of medium sensitivity.
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ExQ1	Question to:	Question:
		<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? Permanent residential canal moorings require planning permission. There is no planning permission granted for any permanent residential mooring in this area.</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? As there are no permanent residential moorings SSDC does not consider it appropriate to apply the same impact criteria as it does to permanent residential locations. Taking into account that mooring in these locations will be transient; that the 10dB above background levels derived are rating levels and not actual noise levels (i.e. Resound Acoustics on behalf of Four ashes Ltd have applied character corrections of +9dB to worst case predicted noise levels) and that even after the addition of the character correction that the noise levels are within the upper 55dB threshold set out in BS8233:2014 and the WHO Guidelines; then SSDC considers the level of impact to be acceptable (see paragraph 13A.101 of the noise addendum).</p>

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>
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</p>

ExQ1	Question to:	Question:
		<p>13.361 &amp; 13.362 as to the level of effect on roadside receptors from off-site road traffic vibration?            (ii) Are these conclusions accepted by the local authorities?</p> <p>Our independent review of noise and vibration carried out for SSDC by concluded that the applicants assessment of the effects of vibration were adequately assessed and the conclusions reasonable.</p>
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>SSDC has not considered the impact of noise and vibration from railway movements beyond the site boundary. Nevertheless the very small increase in rail freight movement predicted in paragraphs 13.375 and 13.376 would have a negligible impact on noise levels, particularly given the way in which railway noise is measured and assessed i.e over long averaging times.</p>

1.9.8.	The Applicant and SSDC	<p><b>Mitigation of Noise impacts</b></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? Yes</p> <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>SSDC believes that previous decisions on Runway Alteration at Heathrow Airport and Thames Tideway Tunnel along with PPG Noise have established the principle that a bespoke noise insulation scheme is a proper and appropriate method to reduce levels below a significant adverse effect. Neither Government Guidance or the decisions referred to above include the likelihood of people wishing to take up the scheme as an evaluation criteria. The bespoke noise insulation scheme is an integral part of the application meeting the aim of the NPS to avoid significant adverse effects.</p> <p>SSDC continues to work with the applicant to determine if there are any further measures that can be put in place that are not already included within the scheme – bunding, fencing, building orientation, specific Requirements about certain noise sources and building design etc</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? Please see the response to question 1.9.4</p> <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? Yes</p>
1.9.9.	The Applicant and SSDC	Paragraph 15.3.20 refers to the provision of noise barriers as part of the

ExQ1	Question to:	Question:
		<p>mitigation.                      As these appear not to be referenced in any of the draft requirements how is this element of mitigation secured through the dDCO?                      SSDC Environmental Health Service has been provided with a number of documents including drawing 4049-100 Rev05 which it assumes forms part of the application and specifies the heights etc of both bunds and barriers.</p> <p>SSDC understands that the applicant will address this so that they are part of the DCO.</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>As this is not currently dealt with in the requirements does an additional requirement need to be drafted?                      SSDC understands that the applicant will address this so that they are part of the DCO</p>
1.9.11.	The Applicant and SSDC	<p><b>Monitoring of noise and vibration effects</b>                      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?                      SSDC does not consider that any useful or meaningful monitoring can take place.</p> <p>(ii) If so how what form should this take and how could it best be secured through the DCO?                      SSDC proposes a Requirement that states 'The management of construction noise shall be carried out in accordance with the relevant Phase specific Construction EMP. If required by the LPA, consents under</p>

		S61 COPA'74 shall be sought for specific phases of the works' along with other Requirements that provide adequate safeguards to prevent and deal with any noise nuisance that may arise.
1.9.12.	The Applicant and SSDC	<p><b>Lighting Effects on Residential Amenity</b></p> <p>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> <p>SSDC has not completed its assessment of the impact of the development in relation to light pollution and cannot categorically state, as it can with air pollution and noise and vibration that it has no objection in principle on light pollution grounds and therefore SSDC may have further representations to make on any negative lighting impacts. However, SSDC recognises that the lighting installations are phase specific and the specific lighting installations will need to be agreed with SSDC at each phase which will afford the opportunity to ensure that light pollution is adequately controlled. It is therefore unlikely that there will be an objection in principle on light pollution grounds and there will be no matters that cannot be agreed between SSDC and Four Ashes Ltd.</p> <p>Furthermore in agreement with Four ashes Ltd the defence of statutory authority in relation to Part III of the Environmental Protection Act 1990 (Statutory Nuisance provisions) has been dis-applied to the development and therefore there are no restrictions on SSDC taking action for light nuisance under the statutory nuisance provisions of the Environmental Protection Act 1990 should the need arise.</p>
1.10.	<b>Ecology and Nature Conservation</b> <i>All paragraph and table references are to ES Chapter 10 [APP-030] unless otherwise specified</i>	
1.10.1.	The Applicant	<p><b>Assessment of Effects</b></p> <p>In [APP-018] ES Chapter 2 paragraph 2.61, long term temporary effects are</p>

<b>ExQ1</b>		<b>Question to:</b>	<b>Question:</b>
			<p>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>
1.10.2.	The Applicant, NE and SCC		<p>[APP-027] ES Chapter 7 paragraphs 7.188 &amp; 7.190 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 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>
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>



ExQ1	Question to:	Question:
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 SSC?</p>
1.10.5.	The Applicant, NE and SCC	<p>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.</p> <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>(ii) Does NE/ SCC agree that measures within the ODCEMP would provide adequate mitigation for the potential effects on such receptors?</p>
1.10.6.	The Applicant, NE and SCC	<p>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 water"</i> but omits reference to semi-natural and managed farmland.</p>

ExQ1		
Question to:	Question:	
		<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>(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?</p>
1.10.7.	The Applicant	<p>Paragraph 186 indicates the need for a programme of works to eradicate the invasive species rhododendron from Calf Heath Wood.</p> <p>Can the Applicant provide evidence that this programme would not generate any significant adverse effects on the ecological value and biodiversity of the Site?</p>
1.10.8.	SCC	<p>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?</p>
1.10.9.	The Applicant	<p>Consideration is given in Chapter 10 to the potential effects of pollution on amphibians and Great Crested Newts but not on otters.</p> <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>(iii) Are NE and SCC content that all potential adverse effects that may affect otters has been appropriately assessed?</p>
1.10.10.	The Applicant	<p>There appears be no assessment within Chapter 10 of the potential for adverse</p>

<b>ExQ1</b>		<b>Question to:</b>	<b>Question:</b>
			noise effects on 'other mammal species'.  Can the Applicant set out the reasons for not assessing these possible effects?
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 example in respect of works to create the proposed Community Parks and ecological corridors).  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?
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 would not be affected by these other development schemes.  Are these conclusions accepted and agreed by NE and SCC
1.10.13.	The Applicant		<b>Mitigation</b> Table 10.11 identifies proposed compensation areas that appear not to be identified within the GI Parameter Plans.

<b>ExQ1</b>		<b>Question to:</b>	<b>Question:</b>
			Can the Applicant confirm where these areas are identified in plan form?
1.10.14.	The Applicant		Can the Applicant confirm how the net gains, in 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?
1.10.15.	The Applicant		<p>Paragraph 3.5.4 of the Framework Ecological Mitigation and Management Plan (FEMMP) [APP-090] sets out a 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?            (ii) Can the Applicant provide details of the habitat to be created within this corridor?</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>
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?            (ii) If so, does the Applicant propose providing this compensation with like-for-</p>

ExQ1	Question to:	Question:
		<p>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>
1.10.18.	The Applicant	<p>ES Appendix 12.7 (Arboriculture Assessment) [APP-105] asserts that the loss of the native Black Poplar can 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>
1.10.19.	The Applicant, NE and SCC	<p>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 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</p>

<b>ExQ1</b>		<b>Question to:</b>	<b>Question:</b>
			within the EMMP when completed?
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>
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 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?            (ii) Would the proposed 15 years' maintenance programme be sufficient to secure this habitat mitigation be secured in perpetuity or is some commitment to retain this land as suitable habitat beyond that period required?            (iii) Would public access to and recreational use of the farmland habitat mitigation area be prevented and, if so, by what means?</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</p>

ExQ1		
Question to:	Question:	
		<p>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>(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?</p>
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>(iii) Do NE and SCC agree with the proposed bat mitigation measures and consider these to be adequate?</p>
1.10.25.	The Applicant, NE and SCC	<p>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>

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1.10.26.	NE and SCC	<p><b>Badgers</b></p> <p>(i) Can NE and SCC confirm that they have received and reviewed the Confidential Badger Report?</p> <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><b>Cultural Heritage and Archaeology</b></p> <p><i>All paragraph and table references are to ES Chapter 9 [APP-029] unless otherwise specified</i></p>	
1.11.1.	The Applicant, SSC, Historic England (HE)	<p><b>Assessment of Effects</b></p> <p>In Table 9.2 the 'Receptor Value' grading for the S&amp;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>(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>



ExQ1	Question to:	Question:
1.11.2.	The Applicant	<p>The Inland Waterways Association [RR-0654] (IWA) comments that, for most of its 46 miles, the S&amp;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>
1.11.3.	The Applicant	<p>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>
1.11.4.	The Applicant	<p>(i) Can the Applicant clarify what is meant, in paragraph 9.110, by the statement that the assessment "assumes that the proposals include direct contributions to the improvement of heritage receptors where their heritage value (significance) is affected"?</p> <p>(ii) Please provide specific examples of where and how this is expected to occur.</p>
1.11.5.	The Applicant	<p>At paragraph 9.151 the ES notes that Gailey Wharf has historic and architectural significance as a surviving example of a late 18<sup>th</sup> Century canal wharf and that the canal and surviving buildings provide a coherent ensemble.</p> <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>
1.11.6.	The Applicant	<p>Paragraph 9.353 cross refers to various viewpoints with ES Figure 12.13 but that</p>

ExQ1	Question to:	Question:
		<p>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 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>
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>
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>

ExQ1	Question to:	Question:
		Please advise which viewpoint the Applicant considers to best represent the view described in this paragraph.
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?            (ii) If not, can the Applicant please provide one or more representative viewpoints and photomontages along this section?</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>
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>"?            (ii) Is this statement consistent with the definitions of 'setting' and 'significance' in the Glossary to 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?
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</p>

ExQ1		Question to:	Question:
			<p>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>
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>
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>
1.11.16.	The Applicant		<p><b>Mitigation</b></p> <p>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</p>

ExQ1	Question to:	Question:
		<p>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>
1.11.17.	The Applicant and SCC	<p><b>Archaeology (ES Chapter 8) [APP-028]</b>            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>"?            (ii) Please clarify the extent of remaining evidence of this historic feature within the site.</p>
1.11.18.	The Applicant and SCC	<p>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>".</p> <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?            (ii) Would such an approach be consistent with the statement, in paragraph 199</p>

ExQ1	Question to:	Question:
		of the NPPF, that "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" and with the High Court judgment in the Hayes case <sup>1</sup> as to how this policy (as previously set out in paragraph 141 of the 2012 NPPF) should be interpreted?
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><a href="#">Please refer to SCC's answers on this.</a></p> <p>(ii) What prospect is there that the Scheme of Investigation within the High Priority Areas might confirm the presence of 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>
1.12.	<b>Landscape and Visual Effects</b> <b><i>All paragraph and table references are to ES Chapter 12 [APP-032] unless otherwise specified</i></b>	
1.12.1.	SSDC	<p><b>Landscape Character</b></p> <p>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> <p>Can SSDC please provide comments on:</p> <p>(i) the Council's purpose in commissioning this study;</p> <p><a href="#">The Landscape Sensitivity Study 2015 was commissioned to support the delivery of the Core Strategy through the Site Allocations Document (SAD). The landscape parcels were defined having regard to the scale of development considered appropriate in the Core Strategy, e.g. potential modest extensions to the free</a></p>

		<p>standing employment sites; and site proposals submitted to the Council.</p> <p>(ii) whether or not the findings and conclusions of the Study have been formally accepted and endorsed by the Council;</p> <p>The Study was examined as part of the examination into the SAD, which was held in November/December 2017 prior to SAD adoption in September 2018. The Council endorsed this study to substantiate the decision making in the SAD. Members of South Staffordshire Council resolved to endorse the Evidence base documents, which included the Landscape Sensitivity Study, as part of the decision to submit the SAD for examination.</p> <p>(iii) whether the Council considers the Study still to be up-to-date and relevant;</p> <p>Yes, the Council considers the Study remains up to date for the purposes of plan making as it was framed in the context of seeking to deliver the adopted Core Strategy.</p> <p>And</p> <p>(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> <p>The Council considers the Study to represent an accurate and up-to-date account of the landscape character of the site and its environments, taking sufficient account of the District level landscape character insofar as this is relevant to the site.</p>
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<sup>1</sup> R (on the application of J C Hayes) v City of York Council [2017] EWHC 1374 Admin

ExQ1	Question to:	Question:
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>
1.12.3.	The Applicant	<p><b>Landscape Effects</b></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>
1.12.4.	The Applicant and other IPs	<p>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 groups to the west of the railway would need to be removed to facilitate the</p>



ExQ1	Question to:	Question:
		<p>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>(ii) What mitigation is proposed for the loss of this 'strong green corridor'?</p>
1.12.5.	The Applicant	<p>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.</p> <p>Can the Applicant confirm the significance of the net effect overall?</p>
1.12.6.	The Applicant	<p>(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?</p> <p>(ii) What structures or features would these changes be "<i>contained</i>" by?</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>SSDC has concerns about the likely effect on views form Shoal Hill and the AONB as a whole. The evidence supplied to date by the applicant, in terms of landscape montages etc, does not appear to be an accurate representation of the impact (taking into account the way it depicts existing landmarks)</p>

		<p>The impact of lighting at night would have also have a concerning effect on the area.</p> <p>(ii) Would the Proposed Development add to the existing urban and industrial uses present in the view from the AONB (as suggested in paragraph 12.332) or would it form a new and separate element in that view?</p>
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ExQ1	Question to:	Question:
1.12.8.	The Applicant	<p><b>Mitigation of Landscape Effects</b>            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>
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 the new roundabout on the A5, what are the reasons for not proposing landscape mitigation in this location?</p>
1.12.10.	The Applicant	<p><b>Visual Effects</b>            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, 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</p>

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
		<p>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?            (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>
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>
1.12.12.	The Applicant	<p>Paragraph 12.440 concludes that the significance of the visual effect for towpath and canal users on Section A.1 of 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>
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</p>

ExQ1	Question to:	Question:
		view those users might experience on completion and at Year 15 following completion?
1.13.	<b>Drainage and Flood Risk</b> <b>All paragraph and figure references are to ES Chapter 16 [APP-055] unless otherwise specified.</b>	
1.13.1.	The Applicant, EA and other IPs	<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>
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> <ul style="list-style-type: none"> <li>(a) dividing the site into 4 catchment area and the identification of the most suitable and appropriate outfalls;</li> <li>(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;</li> <li>(c) the 'Allowable discharge rates' (Table 7.4) and Drainage Outfall Capacities (Table 7.5) set out in the Drainage Strategy;</li> <li>(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;</li> </ul>

ExQ1	Question to:	Question:
		(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.
1.13.3.	The Applicant	(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? (ii) If not, is there a need for some additional wording to the 'Works' descriptions to include these?
1.13.4.	The Applicant, EA, SCC and local authorities	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.  Is there any evidence for this concern and what implications, if any, does this have for the efficacy of the proposed drainage strategy?
1.13.5.	The Applicant, EA, SCC and local authorities	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.  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?
1.13.6.	The Applicant	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.

<b>ExQ1</b>		
<b>Question to:</b>	<b>Question:</b>	
		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?
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?
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?
<b>1.14.</b>	<b>Recreational and Leisure Activity</b> <b>All References are to ES Chapter 14 [APP-052] unless otherwise specified</b>	
1.14.1.	The Applicant	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.  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?
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 considered to be of medium sensitivity for the purposes of the noise impact assessment but

ExQ1	Question to:	Question:
		<p>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>(ii) what would the impact of the development be on those using the moorings as recreational and leisure receptors?</p> <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&amp;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>
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</p>



ExQ1	Question to:	Question:
		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?
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>
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</p>

ExQ1	Question to:	Question:
		<p><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>
1.14.6.	The Applicant	<p>The Applicant's attention is drawn to various representations submitted by the RYA [RR1319], Greensforge Sailing Club [RR 0705] and others associated with the Club or reservoir [RR 0903, 0926, 0976, 0654 &amp;1155].          In summary these representations contend that;</p> <ul style="list-style-type: none"> <li>• the winds from the South to the South West/West are the best and most reliable winds for sailing on the reservoir;</li> <li>• these winds are the only winds that are not currently interrupted by some form of obstruction;</li> <li>• 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;</li> <li>• 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;</li> <li>• such interruptions could also have a severely detrimental effect by making sailing conditions dangerous and, thereby, rendering the reservoir unsuitable for training purposes;</li> <li>• 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.</li> </ul> <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>

ExQ1	Question to:	Question:
1.14.7.	The Applicant, Greensforge Sailing Club, RYA and other IPs	<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>(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 schemed as indicated in the parameter plans "<i>4049-1031-11</i>" 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</p>

ExQ1	Question to:	Question:
		<p>from Google Earth as stated on page 3 of the document?</p> <p>(vi) Are the consultants' assumptions about the sheltering effect of this "dense" tree belt consistent with the Arboriculture Assessment (ES Appendix 12.7) which 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>(vi) 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 "no additional shelter" at ground level. Can buildings of up to 30m in height reasonably be described as "relatively low rise"?</p> <p>(vii) 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>(viii) 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>(ix) 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</p>

ExQ1	Question to:	Question:
		<p>in the second part of the paragraph that "<i>the additional shelter provided by the proposed scheme is for south westerly winds ...towards the western edge of the reservoir</i>"?</p> <p>(x) 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>(xi) 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 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>(xii) 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>(xiii) 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>(xiv) 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>
1.14.8.	The Applicant	The Study acknowledges (page 2) that changes in the terrain close to a sailing

ExQ1	Question to:	Question:
		<p>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>". 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>
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 been taken into account in reaching conclusions as to significant effects on leisure and amenity receptors?            (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>

<b>ExQ1</b>		<b>Question to:</b>	<b>Question:</b>
			<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>
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>
<b>1.15.</b>	<b>The Staffordshire and Worcester Canal</b>		
1.15.1.	The Applicant and CRT		<p>ES paragraph 11.142 assesses the S&amp;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?          (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>

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
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 &amp; 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>(iii) How and by whom would the detailed design for these works be approved at the relevant stage of implementation of the development?</p>
1.15.3.	The Applicant and CRT	<p>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?</p>
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> <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>
1.15.5.	The Applicant and CRT	<p>It is noted that the proposed Canal Towpath enhancement scheme would relate</p>



ExQ1	Question to:	Question:
		<p>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> <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>(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>
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>
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>

ExQ1	Question to:	Question:
		(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> "? (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?
1.16.	<b>Compulsory Acquisition                      References to Land Parcels are abbreviated to LP</b>	
1.16.1.	The Applicant and Mills & Reeve (Bericote Four Ashes Limited)	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.  (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? (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? (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?

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1.16.2.	The Applicant and Wedlake Bell LLP (Gestamp Tallent Limited)	<p>Wedlake Bell [RR 1194] set out a number of concerns on behalf of Gestamp Tallent Limited who are a tenant of 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?                      (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?                      (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>
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?
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:                      (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;                      (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>

ExQ1	Question to:	Question:
		(iii) the current position with regards to the service of and response to the Blight Notice referred to in the RR?
1.16.5.	The Applicant	<p><b>Statement of Reasons (SoR) [APP-005]</b>          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 "<i>to ensure that the Applicant retains the ownership</i>" 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 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>
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?          (ii) Why could the necessary objective be secured by TP powers or other temporary means?</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>

ExQ1	Question to:	Question:
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>
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>
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>
1.16.11.	The Applicant	<p><b>Funding Statement [APP-006]</b></p> <p>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, although the Statement identifies the potential sources of funding, it does not appear to include any assertion of confidence that the necessary resources to</p>

ExQ1	Question to:	Question:
		<p>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?                      (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?                      (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>
<b>1.17.</b>	<b>Draft Development Consent Order</b>	
1.17.1.	All to note	<p>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.</p> <p>The examination timetable provides that matters raised orally in response to that schedule are to be submitted in writing by <b>Deadline 1: 13 March 2019</b>. Comments on any matters set out in those submissions are to be provided by <b>Deadline 2: 5 April 2019</b>, 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</p>

ExQ1	Question to:	Question:
		<p>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><a href="#">SSDC has already made the ExA aware of its concerns regarding these matters in the submissions at Deadline 1 and therefore is not repeating its comments.</a></p> <ul style="list-style-type: none"> <li>(i) whether the commitment to the completion and making available for operational use of the Initial Rail Terminal should be included within the DCO rather than solely within the DCOB;</li> <li>(ii) whether there is a need for a commitment within the DCO or DCOB to the delivery of the Expanded Rail Terminal;</li> <li>(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;</li> <li>(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;</li> <li>(v) The suggested requirement that buildings in Zone 7 to be single aspect to provide screening to potential noise sensitive receptors;  <a href="#">The applicant is addressing this matter (see 1.9.9)</a></li> <li>(vi) The suggested requirement for noise barriers in parts of the Proposed</li> </ul>

		<p>Development; The applicant is addressing this matter (see 1.9.10) (vii) The suggested need for further assessment (including wind tunnel</p>
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ExQ1	Question to:	Question:
		<p>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; <a href="#">SSDC does not consider this necessary. See 1.9.8</a></p> <p>(x) the monitoring and report of noise and vibration levels at sensitive receptors during construction; and <a href="#">SSDC does not consider this necessary. See 1.9.11</a></p> <p>(xi) the requirement that no felling or cutting back of vegetation be carried out during the bird breeding season.</p>