

From: [Thomas, Patrick](#)
To: [West Midlands Interchange](#)
Subject: WEST MIDLANDS INTERCHANGE - HIGHWAYS ENGLAND'S DEADLINE 3 SUBMISSION Your Ref:TR050005
Our Ref: 20015068
Date: 24 April 2019 13:00:13
Attachments: [Highways England's further comments following Applicant's response to ExA's Written Questions - 240419.docx](#)

Dear Sir/Madam,

I attach Highways England's Deadline 3 Submission for the above.

It has been noted that incorrect numbering was used in the table submitted by Highways England at Deadline 2 in response to the ExA's Written Questions. We apologise if this has caused any confusion or inconvenience. Having spotted this error we have chosen to resubmit the table to include the correct numbering. We have also taken the opportunity to add additional comments in response to some answers provided by the Applicant where we consider this to be helpful or necessary.

Kind Regards
Patrick

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Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response	
1.0	General and Cross-topic Questions				
1.0.2	<p>The Applicant and CRT</p>	<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 & Worcestershire Canal (S&WC).</p> <p>Please confirm the main use of these reservoirs and whether this use continues to comprise their main purpose.</p>	<p>We have no comment on the specific question posed by the ExA.</p> <p>The matter of the existing CRT feeder channel connection between reservoir and canal is of interest to Highways England as this will become located within the Highway Boundary on completion and adoption of the A5 trunk road works. The location of connection is of concern to Highways England as the DCO does not make provision for the adoption of the connection by CRT or for its future maintenance. The presence of this feeder channel which would remain un-adopted by any party under the terms of the DCO has the potential to import maintenance liabilities and adverse safety consequences to the SRN.</p> <p>For the avoidance of doubt as a private connection Highways England will not adopt the resulting asset.</p>	<p>The Applicant acknowledges there is an inconsistency in the application documentation.</p> <p>The Applicant now understands the Reservoirs are not used as balancing ponds.</p> <p>The Applicant's understanding is that the Calf Heath Reservoir and Gailey Reservoir feed, and are linked to, the Staffordshire and Worcestershire Canal. The link is via a partially culverted watercourse situated partly within the Site, along the northern Site boundary (alongside the A5), as well as to Hatherton Canal via a partially culverted watercourse to the east and south east of the Site.</p>	<p>The Applicant's response does not address Highways England's previous comment with regards to an un-adopted drainage asset that would fall within the SRN highway boundary following the completion of highway works associated with the development. This remains a significant concern for Highways England.</p>
1.1.3	<p>SCC</p>	<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>	<p>Highways England has received from the applicant a transport assessment that makes no consideration of minerals extraction.</p> <p>Whilst the matter of policy is one for the County planning authority we note that the implications of any additional mineral abstraction beyond that currently consented would need to be assessed, therefore we concur with the ExA's proposition that the minerals would not be worked under the DCO as currently worded.</p>	-	-

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1.2.7	<p>The Applicant.</p> <p>Existing Rail Terminals</p> <p>Several of the RRs argue that there is no need for a new SRFI because the area is well served by existing facilities. Although exact site locations have not been quoted in most of the representations this list includes: East Midlands Parkway (stated to be operating below its capacity); DIRFT; Telford (stated to be underused and receiving only 1 train per week); Dudley Freight Terminal (stated to have closed due to a lack of use); Donnington SRFI; Stoke-on-Trent (stated to be an existing road/rail depot with good road and motorway access); Rail connected warehousing at Penkrige (which is said to have been demolished because there was no demand for it). Some, but by no means all, of these facilities are referred to in the Market Assessment [APP-257] Report.</p> <p>Can the Applicant provide a written note commenting on the availability of all these suggested alternatives and their capacity/suitability to meet some or all of the identified need for SRFI capacity in the North West Quadrant of the WM Region?</p>	<p>We note that a well-planned network of SRFI sites has the potential to reduce SRN lorry movements by removal of long distance road trips to rail. The matter of site selection and site promotion is a matter for the private sector to pursue. We look forward to the applicant's note on which we reserve the right to comment.</p>	<p>Firstly, in terms of the ability of any site to contribute to the need for SRFI capacity in the North West Quadrant (NW Quadrant) (see Appendix 2) of the WM Region, the following should be noted:</p> <ul style="list-style-type: none"> In terms of the geographic catchment of rail freight traffic moved through SRFI, Analysis of ProLogis survey data for DIRFT I indicates that one third of all rail-related traffic stays within the site, with the remaining two-thirds of all rail-related traffic being typically concentrated within 15 km of the site (DIRFT III Need Report, Nathaniel Lichfield & Partners for ProLogis, October 2012, paras 5.76 and 5.77). In terms of alternatives to addressing the need, the NPS is clear (paragraph 2.55 and in Table 4) that neither option of a) reliance on the existing rail freight interchanges to manage demand or b) reliance on a larger number of smaller rail freight interchange terminals would address the need. <p>In terms of the sites noted by the RRs:</p> <ul style="list-style-type: none"> East Midlands Parkway (East Midlands region): this is a passenger station with no rail freight facilities, on a main line route with W7 loading gauge clearance (Paragraph 4.85 of the NPS states "As a minimum a SRFI should ideally be located on a route with a gauge capability of W8 or more"). East Midlands Parkway is over 60km from Four Ashes. The site could therefore not address the need – it would serve a different part of the country; DIRFT (SRFI in East Midlands region): The site is over 70km from Four Ashes and could not therefore address the need; Telford (RFI in West Midlands region): an intermodal terminal funded and promoted by the public sector, in a peripheral location with loading gauge constraints preventing full W8 gauge 	-

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			<p>clearance. In recent years the site has been used to stable empty wagons and passenger coaches and for a daily flow of aggregates traffic. Telford is an existing site which pre-dates the NPS and is not big enough to address the need;</p> <ul style="list-style-type: none"> • Dudley (former RFI in West Midlands region): the Freightliner terminal closed in 1986 through a decision by the operator (British Rail) to consolidate operations on another terminal in Birmingham at Lawley Street, which remains in operation today. The railway line to which the Dudley terminal was connected closed in 1993, and the site is expected to be incorporated into future expansion of the Midland Metro tram network. The site could therefore not address the need; • Donnington: this could either refer to Telford (Donnington) noted above, or to the East Midlands Distribution Centre (EDC) at Castle Donnington which has a small RFI attached to one of the warehouses (the M&S site). EDC became operational in 2018 and is now being marketed for use. EDC is an existing site over 60km from Four Ashes, which predates the NPS and is not big enough address the need. We are not aware of any SRFI site named Donnington in the Stoke-on-Trent area; • Penkridge: the Applicant has not found any evidence of any current or historic rail-served warehouses in the area and no remaining main line connections which could form the basis for a new RFI or SRFI. • Stoke: has the ability to be a location for a SRFI with good rail and road access, but is too far away to serve the needs of the Black Country and Birmingham Conurbation. <p>The WMI Alternative Sites Assessment (Document 7.2, APP-255) has considered all realistic prospects for SRFI sites of sufficient size and road/rail connectivity in the area.</p>	

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1.2.12	The Applicant and NR	<p>Capacity of Rail Network</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 available in the short (Years 1-5 of the proposed construction phasing) and longer term (Years 6-10) to accommodate these anticipated train movements without an adverse effect on passenger and other freight movements on this part of the WCML?</p> <p>(ii) Can these suggested movements satisfactorily be accommodated without a significant effect on the speeds of passenger services using this section of the network?</p>	<p>We have observations that the development's traffic generation is directly connected to the availability of rail but that it is for the applicant to demonstrate the availability of rail transport to the ExA.</p> <p>The NPS sets out at paragraph 4.89 that: <i>"As a minimum, a SRFI should be capable of handling four trains per day and, where possible, be capable of increasing the number of trains handled"</i> (emphasis added).</p> <p>The Proposed Development will commit to creating the SRFI with the Initial Rail Terminal. The Expanded Rail Terminal is anticipated to increase the handling capacity to up to 10 trains per day.</p> <p>(i) As per Section 3.6 of the Network Rail SoCG (Document 8.1, AS-025), two pathing studies have been carried out in 2007 and 2017 with both studies indicating that paths are available on the network at regular intervals throughout the day.</p> <p>It may be helpful for the ExA to be informed by the note contained at Appendix 7 of this document, which has been agreed with Network Rail and explains how rail paths are allocated.</p> <p>The most recent train pathing study concluded that it would <i>"be possible to choose 4 paths each way in the initial phase of operations, with the increase to ten paths in the future, based on the current timetable"</i>.</p> <p>The paths identified in the study have been formulated to ensure no impact on passenger services. Some non-passenger services would be retimed to make efficient use of the network.</p> <p>On this basis there would be no adverse impact on passenger and other freight movements on this part of the WCML.</p> <p>(ii) Yes - the paths identified in the study have been formulated to ensure no impact on passenger services.</p> <p>The most recent train pathing study concluded that it would <i>"be possible to choose 4 paths each way in the initial phase of operations, with the</i></p>	-

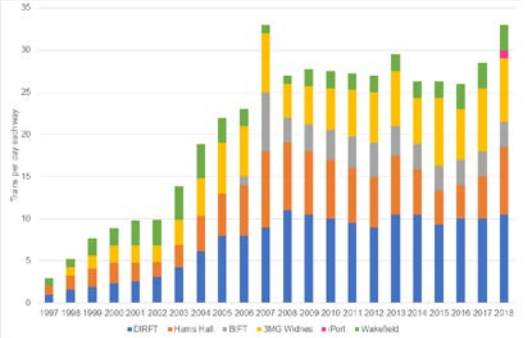
Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response
			<i>increase to ten paths in the future, based on the current timetable".</i>	
1.2.12	The Applicant	<p>(i) Given that the warehousing proposed in Zones A3 to A7 would be segregated 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>	<p>We note the satisfactory test of the traffic impacts of 147,000m² of B8 warehousing without rail connectivity that has been conducted by the applicant as a presumed Phase1 of the development.</p> <p>(i) The answer above in 1.2.20 sets out the NPS position on the need for rail linked warehousing in the NPS (paragraph 4.88). Warehousing in zones A7 and A3 are rail served rather than rail connected. There is no intention that warehouses in these zones would be directly rail connected. Customer demand is predominantly for rail served warehousing rather than rail connected warehousing so that the economies of scale of operating one larger intermodal terminal can be shared. The fixed operational costs of a rail terminal such as lifting equipment and staffing costs can be shared amongst a number of customers in a common user rail terminal and it will also be easier to make up full train loads by combining the traffic of a number of parties in a common user rail terminal rather than trying to operate a number of smaller independent rail terminals at the site. For these reasons customers usually prefer rail served warehousing.</p> <p>The number of rail connected warehouses on SRFI varies, from Hams Hall, Wakefield, iPort and EMG with no provision, to DIRFT I/II having 3 customers with direct rail connections to the warehouses at present. Currently only 3 warehouses across all the 7 operational SRFI (all located at DIRFT), actually receive wagons directly alongside the building, or nearby using intermodal terminals adjoining the service yards. WMI would provide up to 5 units with rail facilities adjoining the service yards, with up to 2 of these facing onto the intermodal terminal.</p>	-

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			<p>(ii) The approach for WMI is consistent with the determination by the Secretary of State on the EMG DCO, stating (paragraph 21): <i>"The Secretary of State accepts that the application proposals do not provide specifically for future extension of the rail infrastructure beyond that which would be authorised by the Order. He considers, however, that the capacity which the currently proposed rail facilities would provide, without any future extension, is such as to allow a substantial volume of rail freight traffic to and from the site (the equivalent of up to 1800 HGV movements per day). He is satisfied that, if realised, this would make a significant and worthwhile contribution to modal transfer which is a key objective of the NPSNN policies for SRFIs.</i></p> <p>As can be seen in the Illustrative Expanded Rail Terminal Layout (Document 2.15B, APP-250), there is provision for the extension of rail infrastructure that will allow rail connections to the warehouses in Development Zone A2.</p> <p>The degree of rail connectivity significantly exceeds that found to be compliant with the NPS at EMG.</p> <p>Please also refer to the answer to ExQ1.2.24.</p>		
1.2.23	The Applicant	<p>The Rail Operations Report [APP-256] indicates that movement of containers from the Rail Terminal to and from the rail served warehouses may be undertaken by "tugmaster" vehicles.</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> <p>(i) the extent to which these vehicles are currently used at existing SRFIs;</p> <p>(ii) the extent to which the layout and form of those SRFIs where they are used is similarly to that proposed at WMI (including the nature and extent of any public highway used to undertake the transfer of containers from the rail</p>	<p>If the applicant offers a firm proposal in response to this question that suggests operation of such vehicles would occur on the SRN we reserve the right to make observations on the safety aspects of such proposals.</p>	<p>(i) Tugmasters and HGVs are used at DIRFT for moving containers between the rail terminals and warehouses operated by Tesco, Eddie Stobart and WH Malcolm. The picture below shows a Tesco tugmaster alongside an Eddie Stobart HGV.</p>  <p>Tugmasters are proposed to be introduced to the iPort SRFI in the next months as the rail terminal activities expand.</p>	<p>A risk based assessment of the use of Tugmaster vehicles on the SRN will be required. This assessment should include detail of the quantum of Tugmaster vehicles on the SRN including details of routes and total distance travelled.</p>

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	<p>terminal to warehouse units and vice versa); and</p> <p>(iii) what restrictions would apply to the use of such vehicles on the public highway having regard to matters such as road fund licence and insurance, weight limits and type of fuel used.</p>		<p>Tugmasters are "Works Truck" and are an "excepted vehicle" according to para 11 of Schedule 1 to the Hydrocarbon Oil Duties Act 1979. HMRC Excise Notice 75 gives examples of Works Trucks as being fork lift trucks, 'shunt' vehicles designed to haul articulated trailers and their goods around sites and in the context of SRFIs, special vehicles which lift and move freight containers around sites.</p> <p>(ii) Tugmasters are used within the DIRFT estate operating across and along private and public highways, and therefore operate in the same way as proposed for WMI. The journey from the rail terminal to the furthest potential warehouse customer at DIRFT I & II covers approximately 2.086km on adopted roads.</p> <p>The distance to the Tesco, Eddie Stobart and WH Malcolm warehouses at DIRFT is a maximum of approximately 1.136km, of which approximately 385m is on private roads. The equivalent distance at WMI to the furthest warehouse is approximately 2.05 km, of which approximately 1km is on adopted roads.</p> <p>(iii) Tugmasters operate on the public highway at DIRFT with rebated fuel and without a road licence with the approval of HM Revenue & Customs (HMRC) and the Vehicle & Operator Services Agency (VOSA).</p> <p>HMRC Excise Notice 75 and the FTA Yearbook of Road Transport Law 2019 states that "Works Trucks" (i.e. Tugmasters) using rebated fuel must only be used on public roads:</p> <ul style="list-style-type: none"> • for carrying goods between private premises and a vehicle on a road no more than one kilometre away • when passing from one part of private premises to another • when passing between private premises and other private premises where the different premises are within one kilometre of each other. 	

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			The maximum gross weights for goods vehicles is set out in the Road Vehicles (Construction and Use) Regulations 1986 as amended and amount to 44 tonnes. Vehicles are permitted to operate at weights above 44 tonnes, subject to the provision of suitable licences. Any Tugmasters operating at WMI would be subject to the restrictions set out above and would use both private and public roads along the same principles of those which take place at DIRFT.	
1.2.24	The Applicant	<p>Commitment to Rail</p> <p>(i) What steps/measures are proposed in the marketing and disposal of those units with potential to be directly rail linked to ensure that they are occupied by users with an immediate or future need for direct rail access?</p> <p>(ii) Will any plots or units be reserved for occupation by users with an existing need for direct rail access?</p> <p>(iii) What strategies/measures are proposed in marketing the Proposed Development to ensure that users with an existing or potential need for convenient access to a rail terminal are secured as occupiers?</p> <p>(iv) What level of certainty can be given as to the long term economic and operational success of the rail terminal?</p>	<p>We re-iterate our observation that the assumptions used in traffic analysis should seek to be replicated in the operational phase of the development</p> <p>Before directly responding to the questions, it may be helpful to provide some context. In particular, it is clear that Government policy for SRFIs in the NPS is aspirational. The policy seeks to provide the opportunity to secure the benefits of the use of rail in the freight journey, but there is no evidence of the Government requiring or artificially enforcing that outcome. Instead, the NPS points to the need for SRFIs to provide the necessary opportunity, but recognises the need for market flexibility.</p> <p>Paragraph 2.42 of the NPS recognises that <i>"rail freight has started to play"</i> an increasingly significant role in logistics, while paragraph 2.53 and 2.54 identifies the importance of <i>"facilitating"</i> the development of the intermodal rail freight industry through a network of SRFIs. Paragraphs 2.45 and 2.58 recognise the need to provide the opportunities of SRFI but to recognise that flexibility is needed. In particular, paragraph 2.45 provides:</p> <p><i>"In addition, the nature of the commercial development is such that some degree of flexibility is needed when schemes are being developed, in order to allow the development to respond to market requirements as they arise."</i></p> <p>With this in mind, paragraph 4.83 of the NPS provides:</p> <p><i>"Rail freight interchanges are not only locations for freight access to the railway but also locations for businesses, capable now or in the future, of supporting their commercial activities by rail. Therefore, from the outset, a rail freight interchange (RFI) should be developed in a form</i></p>	-

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				<p><i>that can accommodate both rail and non-rail activities."</i></p> <p>For this reason, the Secretary of State has not imposed requirements on the only other 2 SRFIs to have been consented through the DCO process (DIRFT III and EMG) to require either rail-linked warehouses, or to control the nature of the users of the warehouses, or to impose restrictions on their operation. Instead, the Secretary of State has been satisfied that the purpose of the proposal is to facilitate the important mode shift identified as the objective of SRFI in the NPS by providing the long term opportunity for businesses to be located with direct access to a high quality rail freight interchange.</p> <p>This issue was addressed directly at EMG and the Secretary of State's decision letter provides (at paragraph 24):</p> <p><i>"With regard to the risk that a significant part of the development could remain road-based, the Secretary of State considers that the requirement for the rail freight terminal to be operational before the occupation of more than 260,000m2 of rail served warehousing gives sufficient assurance that the rail facilities will be delivered as soon as is reasonably practicable in the programme for this development. While he accepts that in a commercial project of this sort there can be no absolute certainty that the rail facilities will be used to their fullest extent, he is reassured that the strong and growing demand for rail freight facilities including SRFIs recognised by the Examining Authority, and as expressed in the NPSNN (paragraph 2.45), means that there are reasonable prospects that as this SRFI is developed it will fulfil its potential for contributing to modal transfer in the freight sector, which is the clear purpose of this application."</i></p> <p>Experience suggests that this policy approach has been successful. In particular, the evidence identifies the increasing use of rail by businesses</p>	

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			<p>over time once they are established with access to a rail interchange. The table below provides the evolution of rail freight traffic at all operational SRFI in England.</p>  <p>The Applicant has no doubt that the Proposed Development would be particularly attractive to occupiers seeking access to rail freight. The scarcity of the opportunity to use rail freight in the region, combined with the outstanding quality of the rail freight connection, the rail route and the line capacity all combined to make WMI an outstanding candidate as a SRFI.</p> <p>(i) The Applicant would use its extensive network of rail freight industry contacts to assist in the marketing of the rail connected and rail served units. The choice of using a rail served or rail connected warehouse would ultimately be for the end customer. Historic demand has overwhelmingly been for rail served warehousing so that customers can benefit from the lower operating costs of a larger combined user facility rather than a dedicated single user terminal.</p> <p>(ii) Plots in development zones A1 and A2 would be targeted at customers with a requirement for direct rail connections.</p> <p>(iii) The Applicant's team has a long track record in securing customers for rail terminals and the rail freight market. The contacts and experience of the Applicant in this sector would be used fully to secure customers with an existing or potential need for convenient access to a rail terminal.</p>	

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

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			to ensure the use of the rail facilities are maximised. In addition to this, customers increasingly require the rail connections and infrastructure to be part of their site selection criteria.	
1.2.26	The Applicant. Is any commitment to be made in respect of the Expanded Rail Terminal and, if so, how could this be secured?	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. The applicant's gravity model approach to consideration of the TTWA has been agreed with Highways England specifically to ensure that as a new major employment site, trips that would otherwise fall outside a traditional census-based traffic analysis would be captured in terms of impact on the SRN.	Not an issue for Highways England directly but we re-iterate our observation that the assumptions used in traffic analysis should seek to be replicated in the operational phase of the development. The TTWA and the application of such data has the potential to affect SRN. There is no intention to commit to any particular timing of the expansion of the rail terminal which will be carried out in response to customer demand, as explained above.	The applicant's response does not provide clarity as to the timing of the expanded rail terminal, and we reiterate our observation that the assumptions used in the traffic analysis should seek to be replicated in the operational phase of the development.
1.4.6	The Applicant and local authorities 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?	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. The applicant's advisors subsequently submitted a further analysis in October 2016 that reconsidered the TTWA assessment in light of our comments. This was reviewed and accepted by us in October 2016.	Initially, Highways England raised concerns with the applicant about the assessment of employment trips within the gravity model following the issue by the applicant's advisors of a technical note in September 2016. The concerns raised included the treatment of TTWA's to the west of the site and consideration of LGV movements within the assessment. The principles behind and the scale of the TTWA have been formulated and agreed in consultation with key stakeholders including South Staffordshire District Council, Staffordshire County Council, City of Wolverhampton Council, Highways England. The principles and extent of the TTWA is common ground with Staffordshire County Council (Document 8.5, submitted at Deadline 2). Details of the consultation process and outcomes are set out in the Chapter 4 paragraph 4.1-4.20 of the Labour Market Context, Appendix 1 of the Employment, Skills and Training Plan Framework (which can be found in Appendix 3 of Document 9.1, REP1-002).	-
1.7	Transport and Traffic <i>All paragraph and table references are to the Transport Assessment (ES Technical Appendix 15.1) (APP-114) unless otherwise specified</i>			
1.7.1	The Applicant, HE and SCC Accessibility to Markets and Sources of Labour	Overall, on the basis of the evidence supplied by the applicant Highways England is satisfied that the light vehicle distribution has been conducted in an appropriate manner.	Yes. The Applicant believes this is agreed with HE and SCC.	-

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response	
		<p>Have the Light Vehicle Distribution assumptions underpinning the Sustainable Transport Strategy (STS) (APP-136) (Table 4.1) and Transport Assessment (APP-130) (TA) been agreed by HE and SCC?</p>	<p>The applicant's technical note of October 2016 set out the approach to vehicle distribution.</p> <p>We agreed that census data based on a local ward would not be a true reflection of the WMI catchment area for traffic. Hence an alternative methodology was utilised as summarised below.</p> <p>We confirmed that outcome of a gravity model was acceptable after refinement by the applicant to consider the effect of the Birmingham conurbation and treatment of Shropshire.</p> <p>We noted minor journey time issues that would require cross check using Tom Tom traffic data if this became available.</p> <p>We note that the outcomes are reflective of size of the WMI proposal and the background assumptions made by the applicant.</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?</p> <p>(ii) Is this assumption agreed by HE and SCC?</p>	<p>Having reviewed the data presented by the applicant we can confirm our agreement to this outcome.</p>	<p>(i) The distribution of 60% of HGV trips to and from WMI from the WM region is based on the data in Table 3 of Technical Note 14 (Document 6.2 APP-142) alone, which summarises data from the National Freight Statistics 2015.</p> <p>(ii) Yes. The Applicant believes this assumption is agreed with HE and SCC.</p>	-
1.7.3	The Applicant and SCC	<p>Table 4.3 of the STS sets a target of a 10% reduction from the assumed baseline in journeys to work as a car driver but a significant part of this reduction is predicted to be achieved by a large increase in the numbers travelling as a car passenger (an increase from 7.5% to 12.5).</p> <p>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>We have interest in the effect of the 10% reduction.</p> <p>Highways England note that the traffic modelling has been conducted without the 10% reduction in place. As the travel plan measures will be bespoke to each unit on site the delivery of the 10% reduction in car driver journeys may not be on a linear basis across the years of the site being delivered and operational.</p>	<p>(i) It has been agreed with SCC that the STS measures are sufficient to achieve the 10% reduction from the assumed baseline in journeys to work as a car driver.</p> <p>(ii) It has been agreed with SCC that the target modal shift is suitably ambitious. The applicant has agreed a baseline modal shift target with SCC that is considered to be achievable and this is set out within The Site Wide Travel Plan (Document 6.2 App-137). Initial, achievable modal share targets will be determined following baseline</p>	-

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response	
		<p>(i) Is this increase in public transport use achievable through the proposed measures set out in the STS?</p> <p>(ii) Is it sufficiently ambitious in the context of the site's location and its accessibility to the main areas from which future employees of WMI are expected to travel?</p>	<p>We consider that the applicant's traffic analysis is therefore a worst-case scenario.</p>	<p>travel to work surveys. The Site Wide Travel Plan (Document 6.2, APP-137) is currently the subject of discussions with SCC; however, it has been agreed that the success of the SWTP will be reviewed annually Whilst there is no definitive industry guidance, it is widely accepted in the industry that travel plan targets should be SMART (Specific, Measurable, Achievable, Relevant and Time-bound). It is considered best practice to set achievable targets so that the SWTP is seen to operate successfully. These are supported by a contingent fund identified in the DCOB.</p>	
1.7.5	<p>The Applicant, HE and SCC</p>	<p>Transport Assessment</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>	<p>The requirements of Circular 02/2013 requires a future year assessment although any mitigation strategy is defined at the opening year with an assumption of full development in place. In this context, policy would require a test at the end of the local plan period or 10 year post the DCO being submitted for examination.</p> <p>In this case we confirmed to the applicant that, given the state of development of the M54/M6 link road proposals, no reliable future year assessment was possible. Given this lack of certainty, it was agreed to ensure that the general requirements of the DMRB were met that a 15 year post opening test of the SRN schemes (A449 and A5 roundabouts) would be necessary to ensure that continued operation of each junction remained satisfactory. In the case of these tests, the M54/M6 link was <i>not</i> assumed to be place in order to provide a worst case scenario.</p> <p>The outcome of these tests were that without- and with-development traffic the new SRN junctions continued to function satisfactorily in 2036.</p> <p>The current situation is that the M54/M6 link road remains a scheme in development. Its completion remains subject to the conclusion of statutory procedures including independent examination of the proposed scheme and the proposed scheme continuing to represent value for money for taxpayers.</p>	<p>It has been agreed with HE and SCC that it is not necessary to assess the likely effects of the M54 / M6 link road. At the time of assessment, the preferred route had not been announced. It was not possible to assume a likely route as each route option would have a different impact on traffic. Therefore, it was agreed with HE and SCC that WMI would be assessed without inclusion of the M54 / M6 Link Road for the 2021 opening year and this would be compliant with DfT Circular 02/2013.</p> <p>Having undertaken a DfT compliant assessment in agreement with HE it is not necessary to assess a 2036 scenario. Whilst considering whether a 2036 assessment with the M54 / M6 Link Road is desirable it is beneficial to consider the attributes of the scheme, which is to provide an improved and more direct link between the M54 and the M6 north or M6 (Toll). Currently traffic wishing to travel between these routes use a combination of roads including the A460 / M6 J11 or the A449 /A5/ M6 J12, the latter route passing to the west and north of WMI. It is self-evident that the M54 / M6 Link Road will reduce traffic flows on these roads. The position has been agreed with HE.</p>	-

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response	
			<p>Neither of these are certain at this point in time.</p> <p>In terms of traffic analysis, the Preferred Route Announcement makes no reference to the detail of the scheme necessary to conduct a detailed traffic assessment of the WMI proposal in a future year. For example, speed limits, junction details and design standards for the proposal are still being developed in preparation for a DCO application in due course. Any traffic modelling would necessarily require a substantial level of assumption that may not in due course be correct.</p> <p>We reiterate that a future year assessment of the M54/M6 link road is not possible on the current facts and that the alternative approach taken still satisfies us that a worse-case scenario has been used for assessment of WMI.</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> <p>(ii) Is the impact of such closures on traffic flows on the A449/A5 and other local routes of a sufficient scale to warrant further assessment or sensitivity testing of the likely effects of development generated traffic on these routes at times</p>	<p>We note that there are occasions when diversion of traffic will occur; the A449 north of the A5/A449 Gailey Roundabout is a standard diversion route for such situations set by the DfT and is known to Staffordshire County Council.</p> <p>In the year 11/2017 to 11/2018 there were 9 full closures of the M6 between junction 12 and 13 for unplanned maintenance work; in each case only one of the two carriageways was affected. These closures equated to circa 1% of the total time for the motorway be normally open to traffic. Each closure occurred overnight for periods of between 3 and 6 hours. As such, we are of the view that the closure of the motorway is not a factor for further assessment.</p> <p>Seeking to equate specific non-closure incidents on the M6 with specific increases in traffic flow on local roads is fraught with uncertainty given the dynamic nature of such situations. Attempting to replicate such a dynamic situation in a traffic assessment would necessarily require a wide range of</p>	<p>(i) -</p> <p>(ii) From the data presented up to August 2017 it has been agreed with HE that the number, timing and duration of unplanned closures of this section of motorway is not sufficient to warrant further assessment.</p> <p>(iii) Due to the management of vehicle arrivals at WMI, it is not expected that contingent measures would be required to be used. However in the event of an unforeseen circumstance, contingent measures have been identified in relation to HGVs. These are set out in the Site Wide HGV Management Plan (Document 6.2 APP-138), and are considered to be sufficient. Any vehicles travelling to WMI will be advised of operational issues and notified to delay arrival. This will be important for drivers who will not want to waste driver time unnecessarily. Drivers leaving WMI will not want to continue an onward journey if they are to join a queue, given that it would affect drivers working time limits. Designated HGV parking areas are proposed at WMI and secured through the requirements to enable drivers to take</p>	-

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response	
		<p>when an unplanned closure of the M6 occurs?</p> <p>(iii) Are any contingency measures needed to ensure minimal adverse impact on local roads and communities from development generated traffic at times when unplanned closures of the M6 result in the transfer of significant volume of traffic onto major and local roads in the vicinity of the application site? If so, what might those measures reasonably comprise?</p>	<p>assumptions to be made about the nature of the incident, clear up times, signing of the incident on the wider SRN and matters such as the use of variable speed limits (which affect traffic flow) to control the incident(s) in question.</p> <p>Highways England continues to maintain a force of traffic officers who key role is to ensure the safe and effective operation of the network and speedy resolution of incidents with a priority to managing traffic to reduce incident related congestion. The long term operation of the traffic service is a key commitment of Highways England.</p> <p>The HGV management developed by the applicant only relieves HGV operators of the routing obligations in cases of total closure of the M6. As such, we would expect that during any incidents below a total closure that the HGV management will be rigorously enforced by the applicant as committed too.</p> <p>The policy requirements of Circular 02/2013 and the web-based PPG indicates that there is no general need to assess potential degraded operation of the road network <i>per se</i> in the context of a planning application.</p>	<p>statutory breaks if required. The level of HGV parking areas proposed provide significant areas within the site where HGVs can be accommodated if required during any unplanned closures of the M6.</p>	
1.7.7	The Applicant, HE and SCC	<p>(i) Has any account been taken in the TA of the peak traffic movements generated by major events at Weston Park which are stated in a number of RRs to give rise to significant congestion and delays on the local highway network? (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 taking place?</p>	<p>In our view the consideration of 'special event' traffic is outside of the planning application traffic assessment process. We consider that consideration by the applicant is not required as the policy requirements of Circular 02/2013 and the web-based PPG indicates that there is no general need to assess potential degraded operation of the road network <i>per se</i> in the context of a planning application.</p> <p>Should such an assessment be made, in our view any mitigation found necessary would not meet the tests associated with both planning conditions (in the case of DCO requirements) or planning obligations as the (WMI) development traffic would not be seen as the cause.</p>	<p>(i) No, however, concern about events at Weston Park was raised at the first Public Consultation. Consequently the Applicant made inquiries about the impact of these events. At that time the major event which was referred to was the V Festival. The HE confirmed that in the early years of the festival there had been significant congestion on the local highway network and in particular from the M6 J12 along the A5. As a result HE worked closely with Weston Park in order to improve conditions for major events. This included the construction of a new access and car park which enabled traffic from the south to use the M54 and avoid J12 thereby splitting the traffic demand. Following this plan, the traffic conditions during major events improved considerably.</p>	-

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response	
		<p>In the case of major events major events at Weston Park (although rarer than previously with the V festival no longer held at Weston Park for example) we work with Staffordshire County Council and the emergency services to prepare a bespoke event traffic management in case of major events.</p> <p>This event planning process would necessarily use the level of traffic on the network as a starting point for any special traffic measures determined to be required. This would if WMI were operational include the traffic generated by WMI.</p> <p>In our view any mitigation found necessary would not meet the tests associated with both planning conditions (in the case of DCO requirements) or planning obligations as the (WMI) development traffic would not be seen as the cause.</p>	<p>(ii) Given the improved traffic management plan for Weston Park and the infrequent number of major events no further assessments were deemed necessary.</p>		
1.7.8	<p>The Applicant, HE and local authorities</p>	<p>(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?</p> <p>(ii) As these models are used to inform both the TA and the AQ assessment, please clarify what committed development schemes been taken into account in the TA either in the base Models or in subsequent adjustments made as part of the assessment?</p> <p>(iii) Are the key relevant consultees satisfied that all significant development commitments have been taken into account?</p>	<p>The Saturn and VISSIM models represent the most up to date information available in terms of the analysis of WMI.</p> <p>Highways England policy is to require mitigation to be considered at the opening year of the development proposed. The M54/M6 link will not be open by this date, nor is any certainty as to the <i>detailed</i> likely effect of the M54/M6 link on the WMI development traffic in a future year possible. We make further comment on this point in our response to question 1.7.5, above and note that the applicant removed the M54/M6 link road from the relevant future Saturn models prior to assessments being made.</p> <p>Both models were suitably validated for the purposes of assessing the WMI traffic impacts with known changes to the highway network included at the time of validation. We are content that the base traffic models (Saturn and VISSIM) satisfactorily replicated the surveyed network conditions at the time of validation.</p>	<p>(i) As with any computer modelling package, there are limitations. Given the nature of the models which focus on strategic and primary routes, they do not include for all roads in the area surrounding WMI and do not include non-primary roads, such as rural lanes. However, this does not materially affect the outcome of the Transport Assessment (Document 6.2, APP-114). The M54/ M6/M6 Toll Link SATURN model remains the only publicly available and accurate tool for strategic traffic distribution in the area. A new model has been developed for other future years in order to test the M54 / M6 link road, however the applicant has been advised by HE that any further modelling prepared for the M54/M6 link road is not currently in the public domain and is not available.</p> <p>The VISSIM model had been built by HE consultants in preparation for modelling the effects of the M6 / M54 / M6 Toll Link Road, however, it has been utilised in order to model the impact of WMI and the effect of the link road through the site. This was done in close consultation with HE and both HE and SCC support the results from the model. The VISSIM</p>	-

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response	
			<p>To produce opening year models (do minimum, with WMI traffic and with WMI traffic + mitigation) an agreed Temprow traffic growth forecast was used.</p> <p>A list of 'committed developments' was collected by the applicant from the relevant local planning authorities who are best placed to confirm this information. Highway England reviewed this list and confirmed our agreement to it.</p> <p>As part of our traffic modelling review exercises we confirmed that the committed development traffic has been applied to the traffic modelling in accordance with the requirements of DfT Circular 02/2013.</p> <p>On the basis of the above, we are content to confirm that both models are suitable for the assessments conducted by the applicant. We further note that assessment of strategic traffic movements followed by more detailed analysis in a micro-simulation model such as VISSIM is an industry standard technique to assess large developments.</p>		
1.7.9	The Applicant, HE and SCC	<p>(i) Can the Applicant clarify which routes have been used for the modelling of construction road traffic impacts, and provide reasons for selecting these routes?</p> <p>(ii) Has the selection of these routes been agreed with HE/SCC?</p>	<p>The applicant has produced the assessments on the basis agreed with us as part of the traffic analysis scoping discussions, namely that heavy vehicles used for construction purposes should remain on the SRN for the majority of their journey.</p> <p>The SRN is the appropriate for heavy construction traffic rather than local roads. The Construction and Demolition Management Plan and HGV management Plan make reference to this requirement. We have noted to the applicant the need for the DCO to make provision for the provision, maintenance and subsequent removal of satisfactory temporary signage to ensure this is delivered.</p>	<p>(i) Construction traffic routes were chosen based on the most direct route between WMI and the Strategic Road Network in order to minimise the volume of construction traffic on local roads. Construction vehicles would be directed to use the M6 Junction 12 as this provides access from the north, south and east of the country. Construction vehicles travelling from the immediate west of the site for example Mid Wales or Telford would be advised to use the A449 via the M54 Junction 2.</p> <p>(ii) Proposed construction routing is set out in the Demolition and Construction Traffic Management Plan (Document 6.2 App-143) (Sections 3.2 and 3.3).</p>	-
1.7.10	The Applicant	<p>Development Phasing</p> <p>Paragraph 4.3.1 states that, based on the indicative phasing plans, all highway infrastructure will have been introduced by</p>	<p>We have noted the applicant's phasing proposal and its treatment in the traffic analysis.</p>	<p>ES Figure 4.5 is an indicative drawing of the site layout based around phasing of warehouse units. It is acknowledged that paragraph 4.3.1 of the Transport Assessment (Document 6.2, APP-114)</p>	-

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response	
		<p>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>	<p>We have confirmed the applicant has tested to our satisfaction the provision of 147,000m² of development prior to completion of the A449/A5 link road and opening of the rail terminal. The traffic assessments are based on the full level of infrastructure being available immediately after that point.</p>	<p>is incorrect as not all highway infrastructure will be introduced by the end of indicative Phase 1.</p> <p>A plan has been produced provided at Appendix 14 of this document which shows the phasing of proposed highway mitigation and access infrastructure as per the Requirement 25 set out in the dDCO. All highway mitigation would be delivered by the end of Phase 1; however, some elements of the vehicular access strategy may come forward later than Phase 1 for example the accesses for the land served via Vicarage Road.</p>	
1.7.11	The Applicant, HE and SCC	<p>Road Safety Audits</p> <p>Paragraph 5.3.2 states that safety audits of the proposed works to HE's network were ongoing at the time that the TA was written.</p> <p>Have these been completed and are they to be submitted to the examination?</p>	<p>As recorded in our Deadline 1 submission, the RSA stage 1 process is ongoing.</p> <p>As per the DMRB requirements for such assessments, a Walking, Cycling and Horse Rider Assessment has been satisfactorily completed prior to the RSA 1 commencing.</p> <p>At this stage we raise particular concern with the findings of the RSA 1 in respect of M6 junction 12. Although capacity assessment of the roundabout in scenarios with development traffic is satisfactory, the RSA 1 has identified safety concerns that may escalate with development traffic. Potential options for addressing this concern may involve works at the junction but outside the DCO boundary which the applicant will not have the power to undertake</p> <p>In terms of the SRN RSA Stage1 we are working with the applicant to conclude to our satisfaction the assessment, the necessary designer's response and approval of any exceptions that may be necessary. We envisage completion within the Examination timescales. Whilst their subsequent submission to the Examination is a matter for the applicant, we envisage this occurring in due course.</p>	<p>The Stage 1 Road Safety Audit of the proposed works to HE's network has been completed. This is provided at Appendix 15 of this document.</p>	<p>The Stage 1 Road Safety Audit of the proposed works to Highways England's network is not agreed and therefore is not completed.</p>
1.7.12	The Applicant, HE and SCC	<p>Trip Generation</p> <p>TA Appendix K [APP-140] indicates that the surveys at DIRFT were carried out over a 24-hour period in June 2016.</p>	<p>We note the applicant's stated position on the collection of data from DIRFT.</p> <p>We are satisfied that the surveys conducted, the cross referencing to longer term traffic counts in the DIRFT area, and confirmation of</p>	<p>(i) It is not uncommon for one day of surveys to be used to develop trip generation for development. Trip generation methodology for both DIRFT III SRFI and East Midlands Gateway SRFI, both recent consents through the DCO process, relied upon one day of surveys. Two</p>	-

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response																
	<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>	<p>the rail movements during the survey period given sufficient confidence that the survey data is reflective of the position at DIRFT and therefore is suitably representative of an SRFI with characteristics similar to the proposed WMI development.</p> <p>The approach proposed by the applicant was reviewed by us and accepted; DIRFT was identified by the applicant as the only SRFI which offered a traffic level similar to the proposed development and a mature rail offer of a similar type to that proposed at WMI.</p> <p>It is noted that the applicant assessed the DIRFT information against data collected over a longer period to ensure it was reflective of general trends at DIRFT.</p>	<p>other SRFI currently going through the DCO process also rely on only one day of surveys to support their trip generation methodology.</p> <p>As part of the discussion process with HE and SCC HE raised this same question. Our response was provided in September 2016, as follows:</p> <p><i>"At the meeting with HE, SCC, SSC and JMP on the 25th July [2016], it was queried whether these surveys [DIRFT Surveys] represented typical conditions.</i></p> <p><i>There were no known disruptions on the roads surrounding DIRFT on the day of the survey therefore in order to demonstrate that these surveys do represent typical conditions, count data from our DIRFT surveys, for locations on the A5 through the site, have been compared to the continuous count data captured by HE for the latest year (01/08/15 – 31/07/16). The results of this are presented below. 24hr traffic flow data from three locations on the A5 through DIRFT has been extracted from the ANPR surveys as well as Annual Weekday Traffic (AWT) for Aug 15 to Jul 16 from the HE count data. This is presented in the Table below.</i></p> <table border="1"> <caption>Two Way 24hr A5 Traffic Flows (Total Vehicles)</caption> <thead> <tr> <th>Location</th> <th>DIRFT Survey</th> <th>HE Traffic Counts (Aug 15 – Jul 16 AWT)</th> <th>Difference</th> </tr> </thead> <tbody> <tr> <td>A5 West of M1</td> <td>26595</td> <td>25703</td> <td>5%</td> </tr> <tr> <td>A5 North of DIRFT</td> <td>17673</td> <td>16842</td> <td>3%</td> </tr> <tr> <td>A5 South of DIRFT</td> <td>13623</td> <td>14172</td> <td>-4%</td> </tr> </tbody> </table> <p><i>This table demonstrates that the surveyed flows were slightly higher than the HE recorded AWT through DIRFT but slightly lower on the A5 south of DIRFT. This indicates that the 24hr surveys conducted at DIRFT were typical and comparable to average flows, therefore producing robust trip rates for the WMI assessment.</i></p>	Location	DIRFT Survey	HE Traffic Counts (Aug 15 – Jul 16 AWT)	Difference	A5 West of M1	26595	25703	5%	A5 North of DIRFT	17673	16842	3%	A5 South of DIRFT	13623	14172	-4%	
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			<p><i>Hopefully this provides reassurance that the survey results at DIRFT represent a typical day and are suitable for use in calculating WMI trip rates."</i></p> <p>As can be seen from the above, HE traffic count data for the A5 within the DIRFT site limits was used to provide evidence that on the day of the survey traffic flows were typical for that area.</p> <p>Where possible, observations of the train arrival and departure timings were also taken from the survey footage and compared to typical time table information to ensure train patterns were normal on the day of the survey.</p> <p>(ii) Following review of this evidence HE and SCC have agreed to the trip generation based on one 24-hour survey at DIRFT as set out in Technical Note 5 (Document 6.2 APP 140).</p>		
1.7.13	The Applicant, Local Authorities, Parish Councils and other IPs	<p>Assessment of Effects and Mitigation</p> <p>The Applicant's findings and conclusions about the likelihood of development generated traffic using minor roads (including routes through nearby local villages and communities) as an alternative to the signed routes are set out in Section 9.11.</p> <p>(i) Are these accepted by the local authorities, Parish Councils and other IPs?</p> <p>(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>	<p>We reiterate our view that WMI traffic wherever possible should use the SRN. This is reflected in the HGV Management Plan and the supporting signage plan.</p> <p>We note the applicant has committed to enforcement of the HGV routing proposals; we comment on this further in response to matter 1.7.16</p>	<p>(i) It has been agreed with SCC that the provision of a Contingent Traffic Management Fund as identified in the DCOB Agreement and pre-construction traffic surveys as set out in an updated version of the Site Wide HGV Management Plan (Document 6.2, App-138) provides an appropriate means to monitor the likelihood of development traffic using minor roads as alternatives to the Primary Road Network.</p> <p>(ii) -</p>	-
1.7.15	The Applicant, HE and SCC	<p>ES Table 15.24, relating to operational effects of the Proposed Development, shows that annual average accident rates are likely to increase on 14 of the 26 Links assessed.</p> <p>(i) Do such increases give rise to significant concerns over highway safety on these links and does the proposed mitigation represent an appropriate response to any such concerns?</p>	<p>We note the majority of predicted effects are "Minor Adverse" in nature. This is to be expected given the increase in traffic volumes assessed.</p> <p>We have raise particular concern with the findings of the RSA 1 in respect of M6 junction 12. Although capacity assessment of the roundabout in scenarios with development traffic is satisfactory, the RSA 1 has identified safety concerns that may</p>	<p>(i) The text in paragraph 15.226 of the ES Transport Chapter (Document 6.2, APP 053) incorrectly references an increase in accident rate on 14 links. This should be 13 links as shown in Table 15.24 of the ES Transport Chapter. On 10 of the 13 links the increase is predicted to be less than 1 annual accident and on the others 3 it is between 1 and 2. However, on these three links the accident rates are higher to start with so the proportional increase is still low. Therefore, it is not considered that the slight increase in</p>	The Applicant's response makes reference to the Contingent Traffic Management Fund; however this does not address Highways England's concern regarding the potential need to provide additional funding for works if a safety issue arises.

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response
		<p>escalate with development traffic. We do, however, note that our review of the RSA data shows that not all personal injury accidents at M6 junction 12 has been recorded. This in our view underestimates the potential for issues to occur in the 'with development' scenario. We are awaiting an updated collision assessment to be tabled by the applicant.</p> <p>Potential options for addressing this concern may involve works at the junction but outside the DCO boundary which the applicant will not have the power to undertake.</p> <p>The applicant's RSA team are aware of this and we are expecting further detail from the applicant in respect of the accident analysis of M6 junction12</p> <p>In terms of the SRN, all works will be subject to detailed road safety audit procedures to ensure that adverse implications can be 'designed out'.</p> <p>We are of the view that the measures proposed are appropriate for the traffic volumes predicted.</p> <p>We further note that the applicant has made funding available for further works to remediate any safety concerns that emerge post opening through the operation of the site wide transport management group. We note that the level of the funding proposed is limited and if substantial works are subsequently required due to adverse impacts caused by the development Highways England will expect the applicant to fund such works.</p> <p>On the basis of the above we are of the view that the question in para 108(c) of the NPPF has been satisfactorily answered by the applicant provided the applicant is cognisant of the possible need to fund addition works if safety concerns arise.</p>	<p>accident rates represents significant highway safety concerns. Specific mitigation, which will benefit highway safety, is proposed including a new link road, new pedestrian / cycle crossings, new footways / cycleways and banning of specific traffic movements. These, along with the Site Wide HGV Management Plan (Document 6.2, APP 138), Site Wide Travel Plan (Document 6.2 APP 137) and Contingent Traffic Management Fund identified in the DCOB, are considered suitable for mitigating the highway safety impacts.</p>	

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response
1.7.16	<p>The Applicant, HE and SCC</p> <p>A number of IPs have questioned the practicability of enforcing a ban on HGVs using the A449 through Penkridge as a route between WMI and Junction 13 of the M6.</p> <p>(i) Are similar bans in place in relation to other SRFIs and are any case studies available to demonstrate what measures have been used to enforce the ban on using specified routes and the effectiveness of those measures?</p> <p>(ii) How would a system of fines for those breaching such a ban be operated and what would revenue from those fines be used for?</p> <p>(iii) Reference is made in the TA to an "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?</p>	<p>In our view, the correct place for WMI development traffic is on the SRN as far as practical as we have recorded elsewhere. The matter of A449 operation north of the Gailey Roundabout is a matter for Staffordshire County Council whom we are aware has made detailed comment on the applicant's proposal.</p> <p>The applicant has put forward a detailed proposal that ensures that the above premise is delivered. We have not reason to presume that the proposed system would not be effective.</p> <p>In terms of other SRFI's progressing HGV controls we are aware that Warwickshire County Council have been considering suitable measures at DIRFT but clearly we cannot comment on the detail or effectiveness of this.</p>	<p>(i) The principle of monitoring and identifying vehicle types and movements is well established with restrictions relying on such monitoring currently in place in a number of locations, for example: the London Congestion Charge, the London Low Emission Zone, the Dartford Crossing toll and a link road at Addenbrooke's Hospital in Cambridge. The Applicant is not aware of any case studies on the use of these measures at other SRFIs but such a scheme has been agreed with the highway authorities at Howbury Park SRFI near the Dartford Crossing. Additionally, two schemes in Hampshire have been agreed at a warehouse development at Andover Business Park and Hartland Park (near Fleet).</p> <p>(ii) and (iii) The principles of the system are set out in sections 7 and 9 of the Site Wide HGV Management Plan (Document 6.2, APP 138). The obligation to comply with the Site Wide HGV Management Plan and the HGV Management Plans (which will carry forward the occupier specific requirements) is currently contained within the DCOB and will therefore bind the land and those occupying it. It has been agreed with SCC that the fines will be added to the Contingent Traffic Management Fund and therefore it can be targeted at measures to address the effect of any breaches if necessary. References to the HGV Enforcement Fund in the Transport Assessment should now be considered to be referring to the Contingent Traffic Management Fund.</p>	-
1.7.17	<p>The Applicant, HE, SCC and SSDC</p> <p>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?</p>	<p>Yes, the proposition advanced by the applicant in relation to a first phase of development prior to the A449/A5 Link Road coming on stream has been subject to traffic assessment on a 'stand-alone' basis, i.e. with no A449/A5 Link Road and the rail terminal <u>not</u> in operation.</p> <p>The assessments show that the 'phase 1' development can be accommodated on the SRN.</p>	<p>The traffic impact relating to the floor area backstops set out in paragraph 9.13.22 of the Transport Assessment (Document 6.2, App 114) have been agreed with HE and SCC.</p>	-

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response	
			A bespoke trip rate and traffic distribution analysis was conducted by the applicant to support this assessment.		
1.7.18	The Applicant and HE	<p>Dedicated Motorway Junction</p> <p>The suggestion has been made by some of those objecting to the proposed development that the traffic impacts would be substantially be reduced if the WMI was served by a new, dedicated junction on the M6.</p> <p>(i) Has this option been considered in the preparation of the development proposals and TA?</p> <p>(ii) If that option has been considered and ruled out please set out the reasons for this.</p>	<p>We examined this possibility in early consultation with the applicant and concluded that due to the inability for a dedicated junction to meet the relevant policy requirements and standards as set out in the Design Manual for Roads and Bridges (DMRB) a new junction is not a feasible proposition.</p> <p>The policy position is clearly set out in DfT Circular 02/2013 "The strategic road network and the delivery of sustainable development", paragraphs 40 and 41 which state; "<i>Where appropriate, proposals for the creation of new junctions or direct means of access may be identified and developed at the Plan-making stage in circumstances where it can be established that such new infrastructure is essential for the delivery of strategic planned growth.</i>" Paragraph 42 amplifies paragraphs 39 and 40; "<i>Where the strategic growth test cannot be met there will be no additional junctions with, or direct means of access to, motorways and other routes of near motorway standard other than for the provision of signed roadside facilities for road users, maintenance compounds and, exceptionally, major transport interchanges.</i>" In our view the strategic growth test has not been made and would not necessarily be appropriate for a single development of the type proposed by WMI; therefore Circular 02/2013 paragraph 42 is engaged precluding on policy grounds a new junction.</p> <p>The practicable opportunity to deliver a new motorway junction would also appear to be undeliverable in engineering terms. The DMRB sets standards that define the minimum distances between junctions on the Strategic Road Network. Standard TD22/06 paragraph 4.35 requires that for Rural Motorways, the desirable minimum weaving length must be 2 kilometres. At this location the M6 is classified as a Rural Motorway. The</p>	<p>(i) The option of a dedicated motorway junction has been considered in the preparation of the development proposals, but following discussions with HE was ruled out.</p> <p>(ii) As set out with HE's Deadline 1 Submission (REP1-007), the provision of a new motorway junction would be precluded by Circular 02/2013 as the strategic growth test would not be met. As also set out in HE's Deadline 1 Submission, it would also be undeliverable in engineering terms.</p> <p>As set out in the Transport Assessment (Document 6.2, APP-114) at paragraph 9.2.16, no material queues are shown to form at M6 Junction 12 due to changes in traffic forecast to arise from the Development. It has been agreed with HE that it is not necessary to provide a new junction with the M6 in order to serve the Development on the grounds of highway capacity.</p>	-

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response	
			distances between M6 junction 11a and 12 are – Northbound 1.81km and southbound 1.48km providing no space for a new motorway junction.		
1.8	Air Quality and AQMA <i>All paragraph and table references are to ES Chapter 7 [APP-027] unless otherwise specified</i>				
1.8.7	Local authorities	<p>Table 7.15-7.18 and Figures 7.3a-7.5d, dealing with AQ effects of road traffic generated by the Proposed Development, shows only negligible to slight adverse impact in terms of NO₂ concentrations at the identified roadside receptors in all the assessment years.</p> <p>(i) Are these findings accepted by the local authorities?</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?</p>	<p>We note that the management of Air Quality matters ultimately falls to the Local Authority to manage however we do have statutory responsibilities in terms of AQ on the SRN</p> <p>We have reviewed the AQ assessments.</p> <p>We note no new exceedances within close proximity of SRN are predicted, however we do note that existing sensitive receptor 7a which is located near to M6 (affected Road) air quality impact in relation to 24 hour PM₁₀ will be worsened as a result of development therefore the applicant should consider mitigation.</p> <p>We note that the management of Air Quality matters ultimately falls to the Local Authority to manage.</p>	-	-
1.8.8	The Applicant and SSDC	<p>Paragraphs 7.180-7.185 conclude that overall impacts on AQ resulting from the development are not considered to give rise to a significant effect on human health, notwithstanding that the assessment has identified a moderate and a major impact in respect of the 24hour PM₁₀ objective at one receptor location which is representative of 3-4 houses adjacent to the M6.</p> <p>(i) Are these findings and conclusions agreed by SSDC?</p> <p>(ii) What, if any, mitigation is proposed or could be put into place in relation to these predicted impacts?</p>	<p>We note that the management of Air Quality matters ultimately falls to the Local Authority to manage however we do have statutory responsibilities in terms of AQ on the SRN</p> <p>We have reviewed the AQ assessments.</p> <p>We note no new exceedances within close proximity of SRN are predicted, however we do note that existing sensitive receptor 7a which is located near to M6 (affected Road) air quality impact in relation to 24 hour PM₁₀ will be worsened as a result of development therefore the applicant should consider mitigation.</p> <p>We note that the management of Air Quality matters ultimately falls to the Local Authority to manage.</p>	<p>(i) -</p> <p>(ii) The predicted exceedance of the 24 hour mean PM₁₀ objective stems primarily from the existing pollutant concentrations due to the proximity of the receptors to the M6. As explained in paragraph 7.77 of document 6.2 (APP- 027), the significance of the impact is judged in relation to the change in annual mean PM₁₀ concentrations. Receptor 7a has the highest predicted impacts, with the concentrations predicted to increase from 36.0 to 36.2µg/m³ in 2021, 35.2 to 35.4µg/m³ in 2028 and 35.2 to 35.7 µg/m³ in 2036. The predicted future concentrations with the proposed development in place are therefore less than the baseline concentrations in 2021 without the development in place and approximately 99% of the predicted concentration stems from the existing traffic flows. The proposed mitigation of the road traffic impacts is described in</p>	We await comments from the appropriate local authority which we note is Walsall Council rather than South Staffordshire District Council.

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response
			paragraphs 15.274 -15.282 of Document 6.2 (APP-053).	
1.9.	Noise, Vibration and Lighting <i>All paragraph and table references are to ES Chapter 13 [APP-046] unless otherwise specified.</i>			
1.9.6	<p>The Applicant and local authorities</p> <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 "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".</p> <p>(i) Please clarify what approach has been taken to this part of the assessment and what level of confidence can be placed on the conclusions in paragraphs 13.361 & 13.362 as to the level of effect on roadside receptors from off-site road traffic vibration?</p> <p>(ii) Are these conclusions accepted by the local authorities?</p>	<p>The assessment of Traffic Noise and Vibration impacts has not been adequately assessed in accordance with DMRB. Therefore the assessments for the most part do not appear to be compliant with the requirements therefore the conclusions would not be acceptable at present due to fundamental concern raised.</p> <p>Assessment should be made based upon baseline surveys which should be undertaken in the year prior to works being undertaken for short term effect assessment (surveys have been undertaken in 2016) and the opening year of works for long term effect assessment (based at 5 years + in ES however DMRB states 15 years) . Following on from this assessment of likely increases based on the modelling that was carried out should categorise significance of impact based on change in noise level e.g. More than 5db change short term is classed as major impact. In this report short term affect has been based on increase above 65db levels and 5db has been classed as adverse only. Vibration should also be measured in this way and any increase above 0.3mm/s assessed in a detailed assessment. The approach taken by the applicant as stated in Paragraph 13.13.360 is therefore not compliant with DMRB requirements.</p> <p>Concern over the categorisation of high sensitivity receptors (DMRB states education</p>	<p>(i) This is an error in Technical Appendix 13.2 (Document 6.2, APP-109), and it should have set out the same approach as described in paragraph 13.360 (Document 6.2, ES Chapter 11, APP-046), i.e. that the impact categories for road traffic vibration are considered to be one category lower than for noise, as is set out in the Design Manual for Roads and Bridges (DMRB) (Volume 11, Section 3, Part 7, HD213/11 Revision 1, November 2011).</p> <p>Since the assessment accords with the DMRB methodology, it is considered to be robust.</p> <p>(ii) -</p>	<p>Further to Highways England's previous comment, the applicants acoustic consultant has discussed the assessment methodology with Kier's Environmental Manager (Area 9 Asset Support Contractor on behalf of Highways England) and it was concluded the assessment is compliant with DMRB requirements. However this results in a significant impact which requires mitigation. This latest position was noted in the SoCG (5th April 2019) between Highways England and the Applicant.</p>

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response	
		<p>and workshops with high precision tasks) and assessment of night time effects above 55db which do not appear to have been assessed fully. Particularly as the predictions of most locations will exceed this.</p> <p>More up to date baselines are mentioned and this would be the only way the developer would be able to assess their short and long term (after 15 years of project opening) effects, in particular as they state the baselines currently used were not representative.</p>			
1.13.	<p>Drainage and Flood Risk <i>All paragraph and table references are to ES Chapter 16 [APP-055] unless otherwise specified.</i></p>				
1.13.2	<p>The Applicant, EA, SCC and other IPs</p>	<p>The proposed Surface Water Drainage Strategy [APP-152] divides the site into 4 separate catchment areas with 2 of these eventually discharging surface water flows from the site into the River Penk and two discharging into the canal.</p> <p>(i) Can evidence be provided of agreement with the relevant bodies as to the following key elements of that strategy:</p> <p>(a) dividing the site into 4 catchment area and the identification of the most suitable and appropriate outfalls;</p> <p>(b) the 'increased' discharge rates (paragraph 7.5.3.6) due to the unsuitability of the site for surface water to be managed through infiltration;</p> <p>(c) the 'Allowable discharge rates' (Table 7.4) and Drainage Outfall Capacities (Table 7.5) set out in the Drainage Strategy;</p> <p>(d) the required volumes of attenuation which have been used in the outline design of the water detention basin proposed as part of the GI provision;</p> <p>(e) the schedule of 'special provisions' set out in paragraphs 9.3.1-9.3.13 of the</p>	<p>Highways England has not agreed the site drainage strategy to date.</p> <p>The issue of the discharge of water from the catchments identified by the applicant is of concern to Highways England.</p> <p>In particular no connection between the site drainage and the SRN highway drainage system is permitted.</p> <p>Concern has also been raised in regard to the proposed culvert under the A5 Trunk Road mitigation works to accommodate the existing CRT feeder channel in regard to how it will be maintained and who will be responsible for such asset, preference has been stated toward diverting of the CRT feeder channel outside of the SRN as per the existing situation.</p>	<p>(i) The flood risk assessment and surface water drainage strategy were provided to the Lead Local Flood Authority and Environment Agency as regulatory bodies for Ordinary Watercourses and Rivers respectively.</p> <p>The EA response deferred comment to LLFA as it is proposed to discharge surface water to ordinary watercourses. The LLFA were consulted on the design of the proposed surface water drainage strategy and have confirmed their satisfaction with the scheme as designed.</p> <p>(a) SCC as the Lead Local Flood Authority (LLFA) were consulted on the design of the proposed surface water drainage strategy and have confirmed their satisfaction with the scheme as designed. The EA response deferred comment to LLFA as it is proposed to discharge surface water to ordinary watercourses.</p> <p>(b) Paragraph 7.5.3.6 of the Site Wide Surface Water Drainage Strategy (Document 6.2, APP.152) compares the use of infiltration drainage with positive drainage outfall. In the pre-developed state a greater proportion of the water falling on the site as rainfall would be lost through infiltration, evaporation and evapo-transpiration. The 'increase' does not refer to rate of discharge which is proposed to be equal to or less than the pre-development state.</p>	<p>The applicant's response does not address Highways England's concerns regarding the drainage strategy and the assumption that highway drainage can be utilised. There is also the issue with the CRT feeder channel, which will fall within land to be transferred to Highways England following construction of highway works associated with the development.</p>

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response
	<p>Drainage Strategy which are required in order to direct surface water from the proposed catchments to existing outfalls whilst maintaining the existing hydraulic regime for the site.</p>		<p>(c) SCC as the Lead Local Flood Authority (LLFA) were consulted on the design of the proposed surface water drainage strategy and have confirmed their satisfaction with the scheme as designed.</p> <p>CRT have been consulted separately regarding the capacity of the canal to receive surface water at the volume and rates proposed and permission to discharge surface water has been officially applied for to formalise the consultation. The EA response deferred comment to LLFA as it is proposed to discharge surface water to ordinary watercourses.</p> <p>(d) SCC as the Lead Local Flood Authority (LLFA) were consulted on the design of the proposed surface water drainage strategy and have confirmed their satisfaction with the scheme as designed. The EA response deferred comment to LLFA as it is proposed to discharge surface water to ordinary watercourses.</p> <p>(e) The LLFA have consulted on the overall surface water drainage strategy which includes the 'special provisions' and have confirmed their satisfaction with the scheme as designed.</p> <p>CRT have been consulted on the installation of the new pipelines beneath the Staffs and Worcs canal and the outfall to the Staffs and Worcs Canal and have confirmed their satisfaction with the principles of the scheme as designed. NR have been consulted through the design of the surface water drainage strategy and their requirements have been accommodated in the site wide drainage strategy. They have raised no concerns in respect of the scheme as designed.</p>	

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response	
1.13.3	The Applicant	(i) In relation to the "special provisions" (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?	In our view this question could also pertain to the likely to be proposed site drainage assets under the A449 and A5 roads.	(i) & (ii) The identification of, and drafting of, the works in Schedule 1 are being reviewed and any necessary revised drafting will be included in the dDCO to be submitted for Deadline 3.	The applicant's response does not acknowledge the similarity of issues affecting the SRN.
1.17	Draft Development Consent Order				
1.17.1	All to note	The Rule 6 Letter, dated 23 January 2019, included notification of an Issue Specific Hearing (ISH) on the dDCO which was held on 28 February 2018 (ISH1). The agenda for ISH1, published on the project page of the national infrastructure planning website set out a schedule of issues and questions for examination at that hearing. The examination timetable provides that matters raised orally in response to that schedule are to be submitted in writing by Deadline 1: 13 March 2019 . Comments on any matters set out in those submissions are to be provided by Deadline 2: 5 April 2019 , which is the same as the deadline for responses to these questions. IPs who participated in ISH1 and consider that their issues have already been drawn to the ExA's attention in their written submissions made at Deadline 1 do not need to reiterate issues or comments in response to the questions below. IPs are requested to review the Deadline 1 written submissions arising from ISH1 before responding to the question below. Matters set out in Deadline 1 written submissions arising from ISH1 are best responded to in Deadline 2 comments rather than in responses to the following questions, which aim to capture matters that were not raised at ISH1.	Noted by Highways England	-	-

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response
1.17.2	<p>The Applicant and other IPs</p> <p>In light of questions asked elsewhere in this schedule the Applicant is requested to consider whether there is a need for further revision of or alteration to the dDCO, including the draft Requirements, and/or to the draft DCOB in order to address the following matters:</p> <p>(i) whether the commitment to the completion and making available for operational use of the Initial Rail Terminal should be included within the DCO rather than solely within the DCOB;</p> <p>(ii) whether there is a need for a commitment within the DCO or DCOB to the delivery of the Expanded Rail Terminal;</p> <p>(iii) Further specification of what details are to be submitted as part of the proposed phasing under draft Requirement 2; particularly in relation to the provision of new and replacement habitats in mitigation for the felling of part of Calf Heath Wood and mitigation for the removal of Native Black Poplar;</p> <p>(iv) The parameters that are said to have been applied in assessing the effects of site lighting on bats and other areas of ecological sensitivity;</p> <p>(v) The suggested requirement that buildings in Zone 7 to be single aspect to provide screening to potential noise sensitive receptors;</p> <p>(vi) The suggested requirement for noise barriers in parts of the Proposed Development;</p> <p>(vii) The suggested need for further assessment (including wind tunnel modelling) of the effects of the detailed proposal for buildings in Zone A4a and A5a on sailing conditions on Calf Heath Reservoir;</p>	<p>We await the applicant's revised DCO to be supplied at Deadline No 3.</p> <p>In terms of question 1.5.2 (i) and (ii) we have recorded our concerns as to the effect of the rail terminal not being operational as proposed</p>	<p>(i) Please see response to ExQ1.2.17. As confirmed in the Applicant's Response to ISH1:1.34 and ISH1:1.54 (see Document 9.1, REP1-002), the obligations relating to the timing and delivery of the rail terminal will be moved from the DCOB into Schedule 2 of the dDCO – this will be reflected in the next version of the dDCO to be submitted for Deadline 3.</p> <p>(ii) Please see responses to ExQ1.2.25 (ii) and ExQ1.2.26. The Applicant does not intend to amend the dDCO to include a commitment for the Expanded Rail Terminal.</p> <p>(iii) Please see responses to ExQ1.10.23 (ii) and (iii) and ExQ1.10.18. The Applicant will amend Requirement 2 to specify what details will be submitted as part of the phasing plan approval and this amendment will be included in the next version of the dDCO to be submitted for Deadline 3. The Applicant does not consider any amendments are necessary in respect of the replacement habitat and removal of Black Poplar, which are adequately covered by Requirements 11 and 17.</p> <p>(iv) Please see response to ExQ1.10.24. The Applicant does not consider that any amendments to the dDCO are necessary. These parameters are included within and secured via the FEMMP (and therefore by Requirement 11). Further lighting mitigation measures are defined and secured via the FEMMP including the commitment that detailed lighting designs will take place in conjunction with an ecologist and such designs will be subject to the approval of Staffordshire County Council's ecologist. Paragraph 3.7.30 of the FEMMP provides parameters required for the lighting in the hopover locations.</p> <p>(v) Please see response to ExQ1.9.10 (i). The Applicant intends to include an additional Requirement in the next version of the dDCO to be submitted for Deadline 3.</p> <p>(vi) Please see response to ExQ1.9.9. The noise barriers are secured by the Green Infrastructure</p>	<p>Highways England reiterates that we await the applicant's revised DCO to be supplied at Deadline No 3.</p>

Examining Authority's Question		Highways England Comment	Applicant's Response	Highways England Comment to Applicant's Response
	<p>(viii) The suggested requirement that all buildings on the site should provide changing facilities, showers and secure cycle parking to encourages cycle use;</p> <p>(ix) A restriction on the use of piling except in connection with the construction of the bridge piers for the proposed Link Road Bridge;</p> <p>(x) the monitoring and report of noise and vibration levels at sensitive receptors during construction; and</p> <p>(xi) the requirement that no felling or cutting back of vegetation be carried out during the bird breeding season.</p>		<p>Parameters Plans (Document Series 2.7, APP-200 – 204), article 4 and the approval of detail in respect of each phase is secured by Requirement 3.</p> <p>(vii) Please see response to ExQ1.14.6. Any amendment to the dDCO will be considered upon receipt of the information specified in that response.</p> <p>(viii) Please see response to ExQ1.7.4. The various facilities will be secured through the Site Wide Travel Plan (and its associated Sustainable Transport Strategy). This is secured by Requirement 22 and the Applicant therefore does not propose to amend the dDCO.</p> <p>(ix) Please see response to ExQ1.9.3. The Applicant considers that Requirement 20 deals with the issue.</p> <p>(x) Please see response to ExQ1.9.11. Any necessary noise monitoring is covered by the Bespoke Noise Scheme and secured in the DCOB. The Applicant does not propose to amend the dDCO or the DCOB in respect of vibration monitoring, since none is proposed, nor considered necessary.</p> <p>(xi) Please see response to ExQ1.10.20. The Applicant considers that no additional requirement is needed. The FEMMP secured by Requirement 11 includes the provision to undertake clearance outside of the bird-breeding season. This is in paragraph 3.7.12 of the FEMMP and also provides appropriate ecological controls in the event that vegetation removal, topsoil stripping or building demolition needs to be undertaken between March and the end of August.</p>	