

The West Midlands Rail Freight Interchange Order 201x

Statement of Common Ground – Canal and River Trust

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1.0 GLOSSARY

1.1.1 The terms used in this document are as follows:

DCLG	Department for Communities and Local Government
DCO	Development Consent Order
ExA	Examining Authority
the Trust	Canal and River Trust
CES	Canal Enhancement Scheme
SoCG	Statement of Common Ground

SRFI	Strategic Rail Freight Interchange
WMI	West Midlands Interchange

2. INTRODUCTION

- 2.1.1 This Statement of Common Ground (SoCG) has been prepared by FPCR Environment and Design Ltd (FPCR) on behalf of Four Ashes Limited (FAL, the Applicant) and Canal and River Trust (the Trust). It sets out common ground between the two parties (FAL and the Trust) in respect of the West Midlands Interchange (WMI) application (the Application).
- 2.1.2 This statement sets out the matters of interest to the Trust on which there is agreement between the Applicant and the Trust. It also sets out the matters which, at the time of writing, there is not agreement between the Trust and the Applicant.
- 2.1.3 The purpose of this statement is to assist the Examining Authority (ExA) in making its recommendation on the Application. It has been prepared in accordance with DCLG Guidance¹.
- 2.1.4 The Applicant and the Trust have met and corresponded through the consultation period of the Application. The Consultation Report (Document 5.1), as prepared by Copper, includes details of the responses received from the Trust and the FAL response to the comments leading up to the submission of the Application. This consultation has had some impact on the technical inputs to the Application as submitted.
- 2.1.5 Limited discussion around the design and construction methodologies for new and demolished structures has been held between Waldeck Consulting and the Trust. FAL have agreed that works will follow the Canal & River Trust's Code of Practice process.
- 2.1.6 This SoCG covers the following matters:
- Heritage, Character and Amenity;

¹ Planning Act 2008: Guidance for the examination of applications for development consent, DCLG, March 2015

- Bridge Crossings;
- Towpath and Access;
- Calf Heath Reservoir;
- Staffordshire and Worcestershire Canal Feeder Course;
- Natural Environment (including Noise and Air Quality);
- Surface Water Drainage;
- Land Ownership; and
- Commercial Matters.

3.BACKGROUND

3.1.1 The Application is for a Development Consent Order (DCO) under the Planning Act 2008, for a proposed strategic rail freight interchange (SRFI) in South Staffordshire District (the Site).

3.2 The Site

3.2.1 The Site comprises approximately 297 hectares (ha) of land.

3.2.2 The Site, located at Four Ashes, Staffordshire, is approximately 10km north of Wolverhampton and lies immediately west of Junction 12 of the M6.

3.2.3 The Site is broadly bounded by the A5 trunk road to the north (from Junction 12 to the Gailey Roundabout); Calf Heath reservoir, the M6, Stable Lane and Woodlands Lane to the east; Station Drive, Straight Mile and Woodlands Lane to the south; and the A449 trunk road (Stafford Road), from the Gailey Roundabout to Station Drive to the west. The south-eastern area of the Site is bisected by Vicarage Road.

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

3.3 Staffordshire and Worcestershire Canal

- 3.3.1 The Staffordshire and Worcestershire Canal travels through the Site along a broadly north-south alignment and there are existing marinas both to the north at Gailey and to the south-east of the site at Hatherton. Hatherton Canal, joins with the Staffordshire and Worcestershire Canal approximately 350m south-east of the Site boundary.
- 3.3.2 The Staffordshire & Worcestershire Canal is a designated Conservation Area. The Conservation Area designation covers the length of the Canal, which extends approximately 74km (46 miles) from Great Haywood in Staffordshire, to Stourport in Worcestershire. The Canal was first designated as a Conservation Area in 1978.
- 3.3.3 Gailey Wharf forms a complete set of canal architecture. The Wharf as a whole is locally listed and includes the Grade II Listed Roundhouse and Wharf Cottage which contribute to a '*picturesque grouping of buildings around Gailey Wharf*'. (Historic England listing entry)
- 3.3.4 There are a number of original canal bridges along the Staffordshire & Worcestershire Canal which contribute to its character, setting and heritage. These include Long Molls Bridge (no.76) and Calf Heath (no.77) bridge, both locally listed; and Gravelly Way Bridge (no.78) a c1770 typical and well preserved example of the original bridge design by James Brindley.
- 3.3.5 A towpath extends along the western side of the Canal for its length through the Site and this has links to Croft Lane, Gravelly Way, Station Road and a minor road to the south of Straight Mile.
- 3.3.6 The towpath provides an off-road pedestrian / cycle route for the wider area and, as acknowledged within Para 15.140, Chapter 15: Transport and Access of the Environmental Statement (Document 6.2), will provide a principal sustainable transport route for the proposed development.
- 3.3.7 There are no permanent residential mooring sites within WMI Order Limits. There are permanent leisure moorings at Gailey Wharf (L1) let on a 12month basis. There are no restrictions imposed on the length

of time people can stay on the boats at these moorings for leisure purposes.

3.3.8 There are permanent moorings at Gailey Marina associated with the business use. There are other moorings points at Gailey where time restrictions apply:

to the north of the A5:

– Gailey Wharf moorings – 4no. moorings restricted to maximum 48hours

To the south of the A5:

– Gailey Wharf Service Moorings – 2no.short-stay moorings for services and shop

– Gailey Bridge moorings – 2no. moorings restricted to maximum 5days and 4no. moorings restricted to maximum 48 hours.

3.3.9 Outside of these designated moorings sites boats can moor anywhere on the canal network for a period of up to 14days.

3.3.10 Calf Heath Reservoir is situated immediately adjacent to the the north-eastern Site boundary. Gailey Upper Reservoir and Gailey Lower Reservoir are located approximately 400m to the north-east of the site on the opposite side of the M6 motorway. All of the reservoirs are connected and are linked by a series of feeder channels to the Staffordshire & Worcestershire Canal including a partially culverted watercourse situated partly within the Site, along the northern Site boundary (alongside the A5). In addition, there is a feeder channel to the Hatherton Canal via a partially culverted watercourse to the east of the Site.

3.4 Proposed Development

3.4.1 In summary, the development proposals include the following:

- An intermodal freight terminal with direct connections to the West Coast Main Line, capable of accommodating up to 10 trains per day

and trains of up to 775m long, including container storage, Heavy Goods Vehicle ('HGV') parking, rail control building and staff facilities;

- Up to 743,200 square metres (gross internal area) of rail served warehousing and ancillary service buildings;
- New road infrastructure and works to the existing road infrastructure;
- Demolition and alterations to existing structures and earthworks to create development plots and landscape zones;
- Reconfiguring and burying of electricity pylons and cables; and
- Strategic landscaping and open space, including alterations to public rights of way and the creation of new ecological enhancement areas and publicly accessible open areas.

Canal Enhancement Scheme (CES)

3.4.2 A Canal Enhancement Scheme (CES) will be agreed and secured through a DCO Requirement. The improvements and mitigation measures included in the CES currently only relate to the section of the Canal which is located within the WMI Order Limits. The Trust have made representations to FAL that the CES should extend beyond the WMI Order Limits.

3.4.3 It is currently envisaged that the CES could include improvements and mitigation measures such as :

- Towpath surfacing improvements;
- Drainage improvements to the towpath;
- New sympathetic wayfinding and information signage along the Canal at appropriate locations;
- Heritage trail;
- Improvements to support leisure uses such as anglers – fishing pegs / parking areas or paddlers – entry / exit points to the water
- Ecological mitigation to include but not be restricted to that identified within the FEMMP (Doc 6.2; Technical Appendix 10.4) and the subsequent Ecological Mitigation and Management Plans (EMMPs) to be prepared for each phase of development

- 3.4.4 FAL will engage with the Trust and other parties to produce and agree the detailed CES as part of Phase 1 of the development.

4.DETAILED MATTERS AGREED

4.1 Heritage, Character and Amenity

Existing Character and Conservation Area

- 4.1.1 The Staffordshire & Worcestershire Canal is a designated Conservation Area. The Conservation Area designation covers the length of the Canal, which extends approximately 74km (46 miles) from Great Haywood in Staffordshire, to Stourport in Worcestershire. The Canal was first designated as a Conservation Area in 1978.
- 4.1.2 The relevant published documents include the Staffordshire and Worcestershire Canal Conservation Area Appraisal prepared by Staffordshire County Council (1978). Other relevant documents are the list entry descriptions for the listed buildings within the section of the canal which travels through the Site. The list entries are included as ES Technical Appendix 9.7 (Doc 6.2).
- 4.1.3 The setting of the Staffordshire and Worcestershire Canal CA is characterised by a transition between different landscape types and land uses

Landscape Design Approach and Mitigation

- 4.1.4 The proposed Green Infrastructure (GI) (including existing and new planting and habitats) extends to approximately 36% of the total site area. The extent of the proposed GI is detailed on the GI Parameters Plan (Doc 2.7). An Illustrative GI Plan is included at (Doc 6.2; ES Figure 12.11) and depicts how the GI proposals could come forward at the detailed design stage.
- 4.1.5 The proposal to utilise landscaping to buffer the visual impacts of the development is a sensible design strategy.

- 4.1.6 To the north of Gravelly Way, the closest Development Zones of the Proposed Development are set back from the Canal by at least 70 metres and up to approximately 250 metres.
- 4.1.7 To the south of Gravelly Way, development zones are in closer proximity to the Canal (Zones A1, B & C)
- 4.1.8 The design approach for the landscape 'buffer' areas and bunds relating to the Canal and Calf Heath Reservoir are illustrated on the Landscape Cross Sections (Document 6.2, Figure 12.12 – Illustrative Landscape Cross Sections (Sections C-CC; I-II; K-KK; and N-NN));
- 4.1.9 Photomontages depict the views from the canal and Calf Heath Reservoir (Document 6.2, Figure 12.13):
- Viewpoint 2 –from Gailey Marina
- Viewpoint 7 –from canal to south of Straight Mile
- Viewpoint 13 –from Calf Heath Reservoir
- Viewpoint 26 –from canal north of the A5
- 4.1.10 Photo viewpoints nos. 1,2,5,6,13,17,25,26,27 & 30 depict the views from, Calf Heath Reservoir, Gailey Marina and the Canal towpath at various locations (Document 6.2, Figure 12.8)
- 4.1.11 It will be appropriate for the Trust to be consulted on the subsequent detailed Green Infrastructure proposals during the detailed design period for each warehouse / relevant phase.

Assessment

- 4.1.12 There will be a degree of harm to the heritage value (significance) of the Canal CA arising from the change to the rural setting of the canal.
- 4.1.13 The direct effects to the Canal CA will include the creation of landscaping bunds, SuDS, removal of redundant steel pipe bridges and works to the canal corridor, such as towpath works and the introduction of a new road bridge at Gravelly Way.

4.1.14 The removal of the existing bridges will enhance the character and appearance of the CA by removing later structures which currently detract from the character and appearance of the canal corridor.

4.2 Bridge Crossings

Existing Canal Bridge Crossings

4.2.1 Existing Canal bridge crossings within or close to the Site comprise

- Watling Street A5 road bridge (Bridge No. 79);
- Four Ashes Bridge (Bridge No. 78a – owned by the Trust);
- Gravelly Way Bridge (Bridge No. 78 – owned by the Trust);
- Calf Heath Bridge (Bridge No. 77);
- Long Molls Bridge (Bridge No. 76-owned by the Trust) (south of Straight Mile).

4.2.2 None of the above existing bridges are currently proposed to be removed as a result of the Proposed Development. The Trust have however stated that Bridge no.78a should be removed as part of the proposals to reduce the impact of the proposed crossing and enhance the character, appearance and setting of Bridge no.78 and the Staffordshire & Worcestershire CA.

4.2.3 No formal detailed assessment has been undertaken on the suitability of Bridge 78 to accommodate any increased pedestrian or cycle traffic. The Trust consider it would be appropriate for such an assessment to be undertaken.

4.2.4 As part of the development, it has been agreed that 3no. structures which currently oversail the Staffordshire and Worcestershire canal, will be removed. These structures are identified in Document 6.2; Figure 4.4 and comprise:

- Concrete Bridge Over Canal: A road crossing, '*Schenectady Works Bridge*', that previously linked the Four Ashes industrial estate to land east of the Staffordshire and Worcestershire Canal..

- Steel Pipe Bridges over Canal : 2no. steel pipe bridges ‘*Schenectady Works Pipe Bridge No.1*’ and ‘*Schenectady Works Pipe Bridge No.2*’, located on the eastern edge of the existing Four Ashes industrial estate, which cross the canal adjacent the SI Group chemical plant to the north of the concrete road bridge.

4.2.5 Investigation of the structures, design of the removal methodology and any mitigation works required will be agreed with the Trust and will adhere to the Canal & River Trust’s “*Code of Practise for Works affecting the Canal & River Trust*”.

Proposals

4.2.6 A new road bridge crossing of the Canal is acknowledged to be necessary should the Proposed Development be approved. The location of the road bridge crossing is appropriate in relation to safe navigation of the Canal corridor.

4.2.7 The road is proposed to cross the Staffordshire and Worcestershire Canal approximately 40m north of the existing Four Ashes Bridge, No 78a. The current illustrative design for the bridge proposed by FAL can be found on 2.18D ‘Proposed Road Bridge B4 Section and Elevation’.

4.2.8 The new road bridge crossing is to be adopted by the County Council, therefore, the materials chosen for the structure need to be consistent with the loading and design life requirements of the “*Design Manual for Roads and Bridges (DMRB)*” by Highways England. The materials also need to consider the visual impacts and be appropriate for the Staffordshire & Worcestershire canal conservation area.

4.2.9 The design and construction of the new road bridge crossing will be agreed with the Trust in advance of any proposals being submitted to the Local Planning Authority for approval and will follow the Canal & River Trust’s “*Code of Practice for Works affecting the Canal & River Trust*” ”

4.3 Towpath and Access

- 4.3.1 The existing Canal towpath extends along the western side of the Canal.
- 4.3.2 The existing Canal towpath both within the Site and to the north and south is unsurfaced.
- 4.3.3 The development will provide new access points to the canal from the proposed Croft Lane Community Park. In addition, improvements and mitigation measures to the towpath will be agreed with the Trust and detailed within the CES.

4.4 Calf Heath Reservoir

- 4.4.1 Suitable access to the Calf Heath reservoir west dam will be maintained as part of the Proposed Development; to ensure inspection of the dam for leaks, as well as planned silt removal and regular vegetation management. On the basis that this access is maintained, Calf Heath Reservoir will continue to operate satisfactorily.
- 4.4.2 The ditch course at the foot of the Reservoir dam will be retained. This is partially shown on the drawing '*Works Associated with Canal and Rivers Trust Ditch Network*' (1516-0425-WDK-SI-C-301-012) (Doc 6.2 – Appendix 16.3).
- 4.4.3 The ditch course is within the site and will be retained around the length of the reservoir.
- 4.4.4 The ditch course and a minimum 5-metre-wide vehicular access maintenance strip with 2metre wide pedestrian access to the ditch course will be provided and maintained as part of the development.

4.5 Staffordshire and Worcestershire Canal Feeder Channels

- 4.5.1 A feeder channel, Gailey & Calf Heath Feeder is located along the northern site boundary. The feeder channel currently runs between the Gailey Lower Reservoir, Calf Heath Reservoir and the Staffordshire & Worcestershire Canal.

- 4.5.2 The proposals for the new link road between the A449 and the A5 include a new roundabout and associated highway re-alignment on the A5 which will be constructed over a portion of the current route of the feeder channel.
- 4.5.3 To facilitate the A5 realignment, a section of the canal feeder course is to be diverted and culverted beneath the new road. An existing access bridge across the feeder channel, Clovelly Bridge, is also to be removed as part of the development.
- 4.5.4 The culvert size and alignments are to be confirmed and agreed with the Trust at detailed design stage, following receipt of a detailed survey of the existing channel. The design will ensure that the existing flow rate is not throttled by the proposed culvert and all works will follow the Canal & River Trust's "*Code of Practice for Works affecting the Canal & River Trust*".
- 4.5.5 A redundant access bridge 'Clovelly Bridge' which passes over the feeder channel is to be removed as part of the development. A minimum 2m wide unrestricted maintenance strip is to be provided to the southern edge of the feeder channel and this will be maintained thereafter as part of the development.

4.6 Natural Environment (including Noise and Air Quality)

Ecology

- 4.6.1 Matters relating to the species / habitats associated with the Canal and Calf Heath Reservoir have been considered and mitigation measures are set out in the ES (Doc 6.2 Chapter 10) and the Framework Ecological Mitigation and Management Plan (FEMMP) (Doc 6.2 ES Technical Appendix 10.4). These will be secured through a Requirement of the DCO in addition to any enhancements to be proposed /agreed within the CES or the subsequent Ecological Mitigation and Management Plans (EMMPs) to be prepared for each phase of development.

Noise and Air Quality

- 4.6.2 The predicted construction noise levels that are referred to in Chapter 13 of the ES.
- 4.6.3 None of the moorings along the canal bordering the Site are permanent residential moorings though, as set out in Paragraphs 3.35-3.37 above, leisure moorings are present.
- 4.6.4 The only noise mitigation measures proposed for the scheme which are currently considered difficult to implement in relation to all the canal moorings is the bespoke noise insulation scheme.

4.7 Surface Water Drainage

- 4.7.1 National Policy Statement guidance on drainage design is to be followed, where practicable.
- 4.7.2 The drainage strategy separates the proposed development in to four catchments and provides conveyance to existing land drainage outfalls wherever possible, aiming to mimic the local hydrological regime.
- 4.7.3 The surface water drainage strategy for the development proposes discharge to the Staffordshire & Worcestershire Canal.
- 4.7.4 An Application to the Trust for surface water discharge to the canal has recently been submitted and approval from the Trust will be required to discharge surface water from the Site to the Canal. The volume, rate and velocity of discharge proposed, and the detailed outfall arrangement, are to be agreed by the Trust and all works will follow the Canal & River Trust's "*Code of Practice for Works affecting the Canal & River Trust*"

Pipe Boring beneath the Staffordshire and Worcestershire Canal

- 4.7.5 It is proposed to create a new, large capacity culvert beneath the canal, in the form of 3no. thrust bored 750mm diameter pipes. An indicative section of the proposal is shown on the drawing 1516-0425-WDK-S-C-301-003 'Proposed Drainage Pipe Boring Under Existing Canal', (Doc 6.2 – Appendix 16.3).

- 4.7.6 The detailed design and construction of the new bored pipelines are to be agreed by the Trust and all works will follow the Canal & River Trust's "Code of Practice for Works affecting the Canal & River Trust"

5. Land Ownership and Commercial Matters

- 5.1.1 Terms for the commercial rights for the new bridge, new culvert and other rights have been agreed with the the Trust on [xx xx xxx] including the right to transfer a small parcel of land need for the new bridge structure.
- 5.1.2 FAL have agreed not to use any Compulsory Acquisition Powers in relation to the Trust's land.

6. MATTERS NOT AGREED

6.1 Existing Character

- 5.1.1 FAL and the Trust do not agree on the extent to which the current character of the canal corridor is affected by existing commercial development. the Trust consider that the canal still retains a tranquil and a predominately rural character. FAL consider the area to be characterised more by a transition between different forms of landscape, including built-up areas, industrial areas and rural landscape.

6.2 Canal Enhancement Scheme (CES)

- 6.2.1 A Canal Enhancement Scheme (CES) will be agreed and secured through a DCO Requirement. The improvements and mitigation measures currently included in the CES only relate to the section of the Canal which is located within the WMI Order Limits.
- 6.2.2 The Trust consider that this Scheme should extend beyond the WMI Order Limits to ensure that the full impacts of the development on the canal corridor can be mitigated.

6.2.3 The Trust have requested that FAL undertake a towpath survey, extending beyond the limits of the site to determine the works required to support the proposed development.

6.2.4 To-date this towpath survey has not been carried out and FAL do not consider there would be any increased impact to the canal corridor / towpath from additional pedestrian / cycle movements arising as a result of the proposed development outside of the WMI Order Limits.

6.3 Green Infrastructure

6.3.1 The development is to be buffered from the canal by landscaped bunds. The Green Infrastructure Parameters Plans (Doc2.7) state that the height of the bunds are to be '*relative to the adjoining development zones finished floor levels (FFLs) as shown on document 2.6*'.

6.3.2 Document 2.6 – Parameters Plan: Floor levels & Heights Plan indicates levels for the development plots. No indication is given in relation to levels for the Spine Road or access roads.

6.3.3 The Trust consider the heights for the Strategic landscape bunds should be set as part of the DCO and implemented at the start of the development to ensure they become established at the earliest opportunity and the canal is protected from the impacts of the development both during construction and operation of the development from the outset.

6.3.4 The Trust remain concerned that the landscape bunding will be at its narrowest and lowest adjacent to Gailey Marina and the impacts (visual and acoustic) to users of the marina, moorers, canal users (walkers/cyclists, canoe club, anglers etc) has not been fully considered.

6.4 Bridge Crossings

6.4.1 The direct effects to the Canal CA will include the introduction of a new road bridge at Gravelly Way. The extent of the visual impact this additional crossing will have on the canal corridor, particularly considering its proximity to existing crossings at Gravelly Way is not agreed between the Trust and FAL.

6.4.2 The current layout and design has not been informed by detailed discussion with the Trust. The layout and design for the new road

crossing was amended following the Stage 2 consultation though these changes were not made in consultation with or agreed by the Trust.

6.4.3 There is already a modern bridge crossing at this location (Four Ashes Bridge (no. 78A) as well as a historic bridge (Gravelly Way Bridge, No. 78). The Trust consider that Four Ashes Bridge should be removed to enhance the setting of the historic bridge and reduce the impact 3no. bridge crossings in close proximity will have on this section of the CA.

6.4.4 FAL consider the bridge will be located at a point where the Canal meanders which prevents longer ranging views along the waterway and provision of an additional bridge crossing will not adversely impact on the visual amenities of the canal corridor or result in a tunnelling affect.

6.5 Protective Provisions

6.5.1 The Trust are seeking to include wording in the protective provisions which clarifies that Four Ashes' indemnity to the Trust shall include any loss sustained by the Trust in the event that the Trust's tenants/licensees terminate their agreements in respect of the use of the waterway (including the reservoir and marina) as a consequence of the effects of the DCO.

6.5.2 The Trust consider this to be reasonable because this loss is reasonably foreseeable particularly given that some of the Trust's tenants have already raised concerns regarding the proposals. If the Trust experience loss as a consequence of the DCO then it is equitable for the Trust to be compensated for this loss. The wording suggested in the protective provisions was intended to clarify a position that already exists; that FAL are required to fully compensate the Trust for any loss based upon the principle of equivalence.

7. CONCLUSION

7.1.1 This statement sets out a record of the issues of interest to Canal and River Trust (the Trust) and the extent to which these are agreed with Four Ashes Limited (FAL).

7.1.2 It sets out the general circumstances surrounding each issue, the position reached at the time of writing and matters which are not agreed.

8. SIGNED PARTIES

6.4.2 The Statement of Common Ground (SoCG) is jointly agreed by:

Signed Date

Name

On behalf of Four Ashes Ltd

Signed Date

Name

On behalf of Canal and River Trust