

Applicant's Responses to Other Parties Deadline 2 Submissions

The West Midlands Rail Freight Interchange Order 201X

Deadline 3 - 24 April 2019

Four Ashes Limited

THE WEST MIDLANDS RAIL FREIGHT INTERCHANGE ORDER 201X
APPLICANT'S RESPONSES TO DEADLINE 2 SUBMISSIONS - DOCUMENT 11.1

1. This document sets out the Applicant's responses to other parties' submissions to the Examining Authority (ExA) made at Deadline 2.
2. No attempt has been made to respond to every single submission. The responses have focused on issues thought to be of most assistance to the ExA. Where points have been raised by various parties, the Applicant has responded only to one particular party, but the responses are applicable to all parties who have made the same point.
3. The Applicant also does not seek to respond to all the points made where the Applicant's response is already contained within other submissions made since the Application was accepted, including:
 - i. the Applicant's Post Hearing Submissions (Document 9.1, REP1-002); or
 - ii. the Applicant's Responses to the ExA's first written questions (Document 10.1, REP2-009 – REP2-013) submitted at Deadline 2;

save where it is thought helpful to repeat or cross refer to the information contained in the above documentation.

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Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
Statutory Bodies		
South Staffordshire District Council ("SSDC")	<p><u>Written Representation</u> (REP2-046)</p> <p>The following text was extracted from the SSDC's Written Representations:</p>	<p>The Applicant has worked closely with SSDC from the earliest stages of the project and the Applicant is very grateful to SSDC for the constructive attitude it has taken to engagement and, in particular, in relation to the Statement of Common Ground (REP2-006).</p> <p>Whilst SSDC's Deadline 2 submissions are relatively extensive (taking into account the Council's Written Representations, Local Impact Report and response to EXQ1), much of what is set out either mirrors, or has already been addressed by, the Applicant in its application documents, in the SoCG or in the Applicant's submissions to Deadline 2.</p> <p>The Applicant has produced the attached note (Appendix 1) to provide a general responses to SSDC's Deadline 2 submissions. The Applicant would be happy to elaborate on any of these issues if that would assist the Examining Authority, but it is hopefully helpful if this response is targeted on a limited number of themes and a small number of specific, detailed responses to matters raised by SSDC.</p>

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SSDC	<p>(3.) <i>“NNNPS recognises a need for development on the national networks to support national and local economic growth and regeneration, particularly in the most disadvantaged areas (NNNPS Paragraph 2.5).”</i></p> <p>(5.) <i>“NNNPS [Paragraph 5.178] makes it clear that the Secretary of State will need to assess whether there are very special circumstances (VSC) to justify inappropriate development within the Green Belt and makes it clear that the proposed VSC must clearly outweigh the potential harm to the Green Belt <u>and</u> any other harm. It is the Council's case that the scheme does not meet that test.”</i></p> <p>(7.) <i>“SSDC considers that if the WMI proposal is to proceed that it is critical that:</i></p> <ul style="list-style-type: none"> <i>• there is certainty that the rail connection will be delivered</i> <i>• there is a clear rail delivery programme with detailed timings and that this is evidence based</i> <i>• the rail infrastructure is delivered first”</i> <p>(10.) <i>“... this proposal represents a significant increase in employment provision which would inevitably lead to increased pressure on housing over and above provision being planned for in SSDC's emerging Local</i></p>	<p>(3.) The National Policy Statement for National Networks (NPS) paragraph reference should be 2.6.</p> <p>(5.) Please refer to the attached note (Appendix 1).</p> <p>(7.) Please refer to the document entitled “Timing of the Provision of the Rail Freight Terminal”, appended to this document (Appendix 2).</p> <p>(10.) No evidence is provided to support the Local Plan Review's assumed outcomes of the impacts of the Proposed Development.</p>

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SSDC	<p><i>Plan Review [Issues & Options Consultation Document Paragraphs 3.8, 3.21 & 4.26-4.27]."</i></p> <p>(11.) <i>"There is no ready supply of labour for the proposed development within South Staffordshire and that is highly likely to lead to significant pressures to increase the housing supply in the District which will in turn lead to greater impact on the Green Belt, as 80% of South Staffordshire is Green Belt."</i></p> <p>(12.) <i>"SSDC continues to have concerns [as expressed in response to Stage 2 Consultation letter to Peter Frost 17 August 2017 - attached at Appendix 1] about the sheer scale of these proposals. We assert that the clear physical boundary of Vicarage Road should not be breached. We consider that there is no demonstrable need for the site to be 'stretched' in this south-easterly direction and should be justified by</i></p>	<p>However, a detailed assessment of existing travel to work patterns (both by sector and by regional characteristics) has been undertaken by the Applicant, which has confirmed that no new housing would be required to accommodate workers at the Site. This work has included reviewing skill levels and qualifications within a reasonable travelling distance against the jobs that are anticipated to be provided by the Proposed Development.</p> <p>This evidence demonstrates that the catchment of potential employees is substantial and adequate to provide a labour supply for the Proposed Development without any significant migration.</p> <p>(11.) See response to (10.) above.</p> <p>(12.) The "Scale of Development Proposed" was raised by the ExA in the FWQs. The Applicant's response to the two questions on this topic (EXQ1.2.18 and ExQ1.2.19) are set out at Appendix 9 and 10 of the Applicant's Responses (Document 10.1, REP2-011) and are considered to address the point raised by SSDC in paragraph 12 of their Written Representations.</p>

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SSDC	<p><i>evidence of viability. The quantum of additional floorspace that the WMI proposal achieves in this part of the site (south-east of Vicarage Road) appears small (with significant areas of landscaping buffer)."</i></p> <p>(13.) <i>"SSDC draws attention to the amount of development that is planned for within a relatively small geographic area and will impact on highways (through traffic congestion) and local residential amenities. Other significant traffic generators include a new retail complex at Mill Green, Cannock [Designer Outlet opening in 2020] and the i54 and Royal Ordnance Factory [ROF], in South Staffordshire. Extensions to I54 and ROF are proposed within the adopted Site Allocations Document [SAD] – Policy SAD 5 Employment Land Allocations. The potential impact includes the cumulative impact during the construction phase as well as, if approved, when the WMI site is operational."</i></p> <p>(14.) <i>"... we are concerned when the SRN experiences traffic congestion and indeed road closures [in particular the M6]. Closures and congestion inevitably lead to traffic seeking alternative routes. This leads to 'rat-running' through the network of narrow rural lanes that form an important part of the character and local environs of the area that surrounds the WMI site."</i></p>	<p>(13.) A list of committed schemes considered in the application documentation and within the traffic modelling is provided within Table 17.3 of the Environmental Statement Chapter 17 Cumulative Effects (Document 6.2, APP-056).</p> <p>The methodology of the Cumulative Effects Assessment and the list of committed schemes are matters of agreement between the Applicant and SSDC (Section 13, Document 8.7 - Statement of Common Ground with SSDC, REP2-006).</p> <p>(14.) 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, see paragraph 6.2.33 onwards) 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</p>

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SSDC	<p>(15.) <i>“Travel by private cars [without substantial levels of car sharing or coaches/buses provided from key locations] will result in significant increased volume of private motor cars on the highway networks in the environs of the WMI site.”</i></p> <p>(15.) <i>“The local area currently experiences problems associated with HGV drivers spending time in the local area (either because they arrive early for collections/deliveries or their driving hours are limited). This gives rise to random parking on local roads and in lay-bys. We see this impact on local amenities</i></p>	<p>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 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> <p>(15.) The Sustainable Transport Strategy (APP-136) is included as an appendix to the Transport Assessment (APP-114). This sets out the strategy to improve the bus, walking and cycling infrastructure. Contributions towards key elements of the Sustainable Transport Strategy, including shuttle buses, will be secured through the Section 106 Agreement. Improvements to walking and cycling infrastructure are included on the General Arrangement drawings (APP-210), secured by Schedule 1 of the DCO, the requirements and the Protective Provisions with Highways England and Staffordshire County Council in Parts 2 and 3 of Schedule 13 of the dDCO (Document 3.1B).</p> <p>(15.) Driver welfare facilities and suitable provision for HGV parking, including Early Arrival Bays, Extended Stay Bays and Operational Bays, are included as part of the Proposed Development and agreed between the Applicant and SCC, as referenced within paragraph 9.15 of the SoCG (REP2-007) and are</p>

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SSDC	<p><i>becoming far worse as a consequence of the proposed development [unless suitable provision for HGV parking, including longer stays for sleep over/longer breaks, is included within the WMI site]."</i></p> <p>(18.) <i>"The nature of employment at a rail freight interchanges (with a number of sheds used for storage and distribution purposes) will be low skilled."</i></p>	<p>to be included in the next draft of the Development Consent Obligation</p> <p>(18.) The Proposed Development is expected to support a range of types and skill-levels of jobs, which are a good match for the qualifications and skills of the labour market within the Travel to Work Area. Details are set out in the West Midlands Interchange Labour Market Context, Appendix 1 of the Employment, Skills and Training Plan Framework (Document 9.1, REP1-002) Section 3. Research set out in the Economic Benefits Statement (APP-253) indicates that at least 40% of the jobs at WMI will be higher skilled jobs – managers, engineering and technical professionals and skilled trade – and in administrative and customer service roles.</p> <p>The nature and suitability of the jobs to be provided by the Proposed Development is referenced in the SoCG (Document 8.7, REP2-006) between the Applicant and SSDC at paragraph 12.5 as an agreed matter:</p> <p><i>"The on-site jobs at WMI would consist of a mix of entry level opportunities through to management, administrative and technical roles for senior and experienced candidates. The proposed scale of job creation and the skills mix of the new positions would be a good fit for the labour market within the Travel to Work Area ('TTWA')."</i></p>

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SSDC	<p><u>Local Impact Report</u> (REP2-051)</p> <p>(5.1.2) <i>“Given the close proximity of Bericote Four Ashes to the DCO application site, it is considered that the profile at appendix 1 is equally relevant for the SRFI proposal.”</i></p> <p>(5.1.5) <i>“It is reasonable to conclude that (like Bericote Four Ashes) there are 628,000 employees in the DCO SRFI Four Ashes catchment area and that there is a higher % of full time (68.7%) than part time (31.3%) employees which is similar to the national average.”</i></p> <p>(5.1.6) <i>“The proportion of South Staffordshire residents claiming out of work benefits (9.1%) is lower than the regional (10.7%) and national (9.4%) averages. The socio-economic profile (attached at Appendix 1) comprises a breakdown of out of work benefits and shows a decrease within the anticipated DCO SRFI catchment area (however Employment Support allowance and Incapacity Benefits are increasing). The anticipated DCO SRFI catchment area has a similar Job Seekers Allowance (JSA) claimant rate as the West Midlands for working age population but is above the Staffordshire and national averages.”</i></p>	<p>(5.1.2, 5.1.5 and 5.1.6) The data used in Appendix 1 of the LIR is from 2015. For unemployment and benefit statistics, more up to date information is available and this is presented in the West Midlands Interchange Labour Market Context, Appendix 1 of the Employment, Skills and Training Plan Framework (Document 9.1; REP1-002) Section 5, Tables 1-7.</p> <p>An employee catchment area (or travel to work area) has been defined for WMI. This is wider than that set out for Bericote Four Ashes. This travel to work area is explained and defined in the West Midlands Interchange Labour Market Context, Appendix 1 of the Employment, Skills and Training Plan Framework (Document 9.1; REP1-002), Figure 2 and Section 4.</p> <p>This travel to work area has been established in consultation with stakeholders and is established common ground with both SCC and SSDC (Document 8.5; REP-007 Section 8 Paragraphs 8.5-8.10 and Document 8.7; REP-006 Section 12 Paragraphs 12.5-12.10)</p>

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SSDC	<p>(Sections 6.2 - 6.5) <i>"In conclusion, harm to Green Belt interests arises from inappropriateness, loss of openness, and harm to individual Green Belt purposes. The specific purpose that suffers harm in the case of the proposed Strategic Rail Freight Interchange (SRFI) is that of safeguarding the countryside from encroachment. This is in addition to inappropriateness and loss of openness. Each of these components of Green Belt harm – inappropriateness, loss of openness and encroachment, attract substantial weight in the 'planning balance' of this planning decision."</i></p> <p>(6.6.1) <i>"Paragraph 3.21 of the [Local Plan Issues & Options Consultation Document] states:</i></p> <p><i>"...If permitted the scheme would increase the number of people coming into the district for work and therefore using the infrastructure network; or coming into the district to live, therefore increasing the pressure for additional housing."</i></p>	<p>(Sections 6.2 - 6.5) Please refer to the attached note at Appendix 1.</p> <p>(6.6.1) During the Public Consultation, the Applicant submitted representations to the Local Plan Issues & Options Consultation Document related to paragraph 3.21 which stated:</p> <p><i>"This statement assumes outcomes and impacts of the WMI scheme which are not substantiated by research or evidence. We suggest that the following amended text is more accurate:</i></p> <p><i>"This includes potential impacts on the local environment, as well as impact on infrastructure and housing requirements. If permitted, the scheme would increase the number of people coming into the district for work and therefore using the infrastructure network; or, <u>potentially</u>, coming into the district to live and, therefore increasing the pressure <u>resulting in an increased need for additional housing.</u>"</i></p>

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SSDC	<p>(6.6.2) <i>“There is low unemployment in the District of South Staffordshire and in the County of Staffordshire overall. In addition, the types of jobs that South Staffordshire residents access are not low skilled jobs within storage and distribution sheds.”</i></p> <p>(6.6.3) <i>“The WMI scheme would introduce a significant number of additional Heavy Goods Vehicles (HGVs) into the local area. The local area currently experiences problems associated with HGV drivers spending time in the local area (either because they arrive early for collections/deliveries or their driving hours are limited). This gives rise to random parking on local roads and in lay-bys. We see this impact on local amenities becoming far worse as a consequence of the proposed development [unless suitable provision for HGV parking, including longer stays for sleep over/longer breaks, is included within the WMI site].”</i></p>	<p>(6.6.2) WMI is expected to support a range of types and skill-levels of jobs, which are a good match for the qualifications and skills of the labour market within the Travel to Work Area. Details are set out in the West Midlands Interchange Labour Market Context, Appendix 1 of the Employment, Skills and Training Plan Framework (Document 9.1, REP1-002) at Section 3. Research set out in the Economic Benefits Statement (Document 7.1B, APP-253) indicates that at least 40% of the jobs at WMI will be higher skilled jobs – managers, engineering and technical professionals and skilled trade – and in administrative and customer service roles.</p> <p>See also the Applicant's response to SSDC Written Representation paragraph 18 above.</p> <p>(6.6.3) Please see response to paragraph 15 of the SSDC Written Representations above.</p>

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SSDC	<p>(8.1.5) <i>“There will also be potential archaeological impacts of the proposed works with a substantial complex of scheduled monuments less than 1km to the west of the development site...”</i></p> <p>(8.1.6) <i>“Early consultation with Staffordshire County Council Historic Environment Team will be essential in this case.”</i></p>	<p>(8.1.5) There are four scheduled monuments within 1 km of the Site, not six as suggested by SSDC (as per paragraph 8.57 of the ES (Document 6.2, Chapter 8, APP-028). <i>“Camp NE of Stretton Mill”</i> (NHLE 1006120) and <i>“Roman Villa 300m NW of Engleton Hall”</i> (NHLE 1006082) are both approximately 1.6 km to the west of the Site.</p> <p>(8.1.6) The Applicant has been liaising with the Historic Environment Team at Staffordshire County Council. The Outline Written Scheme of Investigation (Document 6.2, ES Technical Appendix 8.5, APP-079) has been approved by this body (as per paragraph 13.3 in the Statement of Common Ground between SCC and the Applicant (Document 8.5, ES Technical Appendix 8.5, APP-079).</p>
	<p>Responses to FwQs (REP2-049)</p> <p>(ExQ1.0.1) SSDC state that planning permission was granted in 7.2.1961 (for 6 caravans) and 26.2.1963 for 3 additional caravans (copy enclosed of the site licence and planning permissions).</p>	<p>(ExQ1.0.1) The caravan site referred to at the start of SSDC's response and in the Swallow Field Caravan Licence appended to the response appears to be located on Crateford Lane (outside of the Proposed Development Site) and is not thought to be relevant to the question – which queries the potential of a <i>“Caravan Park’ on land to the west of Croft Lane”</i>.</p>

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SSDC	<p>(ExQ1.3.3) SSDC state that <i>"In the Council's view, the Green Belt land on which the proposal is located performs a significant contribution in preventing the merging of neighbouring towns and other settlements of a significant size, both within and adjacent to the District... The proposal would represent a significant increase in built form in a location which has already seen built form sprawl beyond the northern extent of Wolverhampton. This would risk merging the pattern of built development associated with Wolverhampton and the wider conurbation with Penkridge and, in turn, Stafford."</i></p> <p>(ExQ1.3.4 (ii)) SSDC state that <i>"the A449 corridor has already seen significant historic encroachment and is recognised in the HMA Strategic Growth Study as an area which is sensitive to further strategic-scale development, due to its role in separating Wolverhampton and Stafford."</i></p>	<p>The Applicant agrees with the remainder of SSDC's response to this question.</p> <p>(ExQ1.3.3) SSDC's response to ExQ1.3.3 is inconsistent with their Local Impact Report (REP2-051) which states <i>"In this location the WMI scheme would not give rise to unrestricted urban sprawl"</i> (paragraph 6.3.2) and <i>"Given this geography, the proposal would not give rise to a merging of towns"</i> (paragraph 6.3.3).</p> <p>SSDC's Local Impact Report concludes that <i>"one purpose of Green Belt that is fully engaged by the WMI scheme and this is the safeguarding of the countryside from encroachment"</i> (para 6.3.7).</p> <p>The Applicant's consideration of paragraph 134 of the NPPF is set out from paragraph 6.4.3 to 6.4.11 of the Planning Statement (Document 7.1A, APP-252).</p> <p>(ExQ1.3.4 (ii)) As above, SSDC's response to this question is inconsistent with their Local Impact Report (REP2-051) (paragraphs 6.3.2 and 6.3.3).</p> <p>The Applicant disagrees with SSDC's response to this question and has asserted that the Green Belt in the vicinity of the Site does not form an important buffer between Wolverhampton and the nearby villages or between the villages themselves (Document 10.1, ExQ1.3.4 (ii)).</p>

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SSDC	<p>(ExQ1.8.3(i)) "SSDC has engaged air quality consultants to review the work on its behalf. The modelled results have been subject to scrutiny in the SSDC area and this has led to considerable challenge to the applicants work and significant changes to the outputs of the model. SSDC still has concerns about the model outputs but it is satisfied that the overall impact of the development in the SSDC area will not be significant. The ExA should be aware that SSDC does not believe that any such scrutiny has taken place by the local authorities listed in Question 1.8.1 (i) above."</p> <p>(ExQ1.8.3(iii)) "SSDC wishes to bring to the attention of the ExA its Members concerns about the number of developments taking place in the vicinity of the NE of its district. It is not clear if any of these have been included in the assessment of cumulative air quality impacts"</p> <p>(ExQ1.8.5) "SSDC Environmental Health Response: In relation to construction operations the Env Health Service is primarily concerned with preventing dust nuisance to people and their property. There are a range of mechanisms available for the developers for</p>	<p>(1.8.3(i)) Whilst the air quality modelling work has been subject to a significant amount of scrutiny by SSDC there has been no change to the conclusions of the impact assessment work; i.e. that the proposed development will not have a significant impact on air quality. The Applicant does not believe that, should such scrutiny be applied to other local authority areas, the conclusions of the air quality assessment would change for those local authority areas either. In particular, as the proposed development is located within SSDC, traffic changes as a result of the development will be largest within SSDC, with the traffic dissipating as one moves further away from the Site.</p> <p>(ExQ1.8.3(iii)) A list of committed schemes considered in the application documentation is provided within Table 17.3 of the Environmental Statement Chapter 17 Cumulative Effects (Document 6.2 APP-056).</p> <p>The methodology of the Cumulative Effects Assessment and the list of committed schemes are matters of agreement between the Applicant and SSDC (Section 13, Document 8.7 - Statement of Common Ground with SSDC).</p> <p>(ExQ1.8.5) The Applicant agrees in principle to the removal of defence of statutory authority provided by section 158 of the Planning Act 2008. This is confirmed in paragraph 14.23 of the Statement of Common Ground between SSDC and FAL (REP2-</p>

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SSDC	<p><i>dust control include water bowsers, soil management (i.e. locating soil in one place only without the need to frequently move it thus forming a crust on the surface) and stopping operations if wind speed and direction coupled with site activity mean that dust will cause a potential nuisance. Within the Requirements the applicant has agreed not to designate the site as having the defence of Statutory Undertaker under the Environmental protection Act 1990 (The applicant needs to confirm that they have agreed to this). Therefore SSDC can take appropriate action to require mitigation in the event of a statutory nuisance arising. Dust mitigation measures will be agreed for each phase through the Design and Construction Environmental Management Plan."</i></p> <p>(ExQ1.8.7(ii)) "No comment. These sites do not fall within the SSDC District. Please see our comments in relation to the modelled outputs and our experience with the results detailed elsewhere in this response."</p> <p>(ExQ1.8.9) "Based upon its experience on reviewing the air quality information provided in the ES and its</p>	<p>050) and is reflected in the revised dDCO (Document 3.1B) submitted for Deadline 3.</p> <p>(ExQ1.8.7(ii)) As per the response to 1.8.3(i) above, the Applicant does not believe that there will be any change in the impact significance of the modelled outputs for the two stated receptors. The significance of effects has been evaluated in accordance with the Institute of Air Quality Management guidance, as outlined in paragraphs 7.109 and 7.110 of document 6.2 (ES Chapter 7, APP-027). In accordance with the guidance, negligible or slight adverse effects are not significant.</p> <p>(ExQ1.8.9) The Applicant's response to this question (ExQ1.8.9) is set out in the Applicant's Responses (Document 10.1, REP2-009)</p>

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SSDC	<p><i>subsequent consideration of responses by the applicant, in so far as SSDC is part of the Defra 'UK0035 West Midlands Non-agglomeration' zone then it believes that paragraphs 5.11-5.13 of the NPS can be met. SSDC cannot make this claim in relation to the wider impact of the scheme and its impact in other local authority areas and how this meets the aims of the NPS in relation to the Defra 'UK0002 West Midlands Urban Authorities agglomeration' zone."</i></p> <p>(ExQ1.9.1) <i>"The post submission survey was completed and is contained within the applicants submission '13A Noise and Vibration' dated 24 October 2018."</i></p> <p>(ExQ1.9.9) <i>"SSDC Environmental Health Service has been provided with a number of documents including drawing 4049-100 Rev05 which it assumes forms part of the application and specifies the heights etc of both bunds and barriers."</i></p> <p>(ExQ1.12.7) SSDC state that it has concerns about the likely effect on views from Shoal Hill and the AONB as a whole. The evidence supplied to date by the applicant, in terms of landscape montages etc, does not appear to be an accurate representation of the</p>	<p>and is considered to address compliance in the 'UK0002 West Midlands Urban Authorities agglomeration' zone.</p> <p>(ExQ1.9.1) SSDC was issued with an earlier draft of the addendum to Chapter 13 which was dated October 2018. The final submitted version is dated April 2019 (REP2-014).</p> <p>(ExQ1.9.9) dDCO Requirement 3 (AS-014) addresses this point.</p> <p>(ExQ1.12.7) The effect of the Proposed Development upon views from Shoal Hill and the AONB as a whole has been assessed in accordance with the Guidelines for Landscape and Visual Impact Assessment and is detailed in Chapter 12 of the ES (Document 6.2, APP-032).</p>

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SSDC	<p>impact (taking into account the way it depicts existing landmarks). The impact of lighting at night would have also have a concerning effect on the area.</p> <p>(ExQ1.17.2(v)) <i>"The applicant is addressing this matter (see 1.9.9)".</i></p>	<p>As part of the design and assessment process the applicant visited Shoal Hill and the AONB with relevant representatives of SSDC, SCC and Natural England (NE) and consulted with the AONB Unit. The photomontages, included at Figure 12.13 of Document 6.2 (APP-045) were prepared in accordance with recognised technical guidelines as detailed at ES Technical Appendix 12.4 (APP-102) and from locations agreed with SSDC, SCC and NE. This includes a photomontage from the Shoal Hill toposcope.</p> <p>Whilst it is acknowledged that photomontages cannot replicate an actual view, they are prepared following accepted guidelines and do provide an appropriate means for understanding the likely visual extents and effects of a proposed development.</p> <p>The SoCG between the Applicant and NE (REP1-003) confirms at paragraph 4.1.2 that all assessments including Landscape and Visual Impact are based on an appropriate methodology.</p> <p>NE have confirmed their opinion in terms of the likely landscape and visual effects of the proposed development upon the AONB, (including from Shoal Hill) in a Statement of Common Ground (paragraphs 5.1.20 – 5.1.23, REP1-003).</p> <p>(ExQ1.17.2(v)) The Applicant considers that this reference should be to 1.9.10.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
SSDC	(ExQ1.17.2(vi)) <i>"The applicant is addressing this matter (see 1.9.10)"</i> .	(ExQ1.17.2(vi)) The Applicant considers that this reference should be to 1.9.9.
Staffordshire County Council ("SCC")	<p>Written Representation (REP2-060)</p> <p>Highways</p> <p>(1.3) ...FAL has agreed to provide parking for HGV's over three categories, being Early Arrival bays, Extended stay bays and Operational Parking. The Extended Parking provision should allow drivers to take their designated 'sleep' break. In order to be effective, the spaces should therefore be available to drivers for up to 12 hours before and/or after their allocated docking/arrival time at WMI.</p> <p>(1.4) Drafting of Requirement 23, in relation to "early arrival bays"</p>	<p>Following receipt of the SCC Written Representations the Applicant met SCC and had the opportunity to discuss the contents of its Written Representations with officers of SCC. This response is informed by that discussion.</p> <p>(1.3) Having previously understood that the arrangements for the HGV bays were agreed, the Applicant has discussed this comment with SCC. The Applicant understands that SCC agrees the provision of an extended bay for up to 24 hours (i.e. 12 hours before allocated time and 12 hours after) is unreasonable and that the objective is to ensure the driver is able to take whatever breaks are required to satisfy the drive time directives. The Applicant understands this is now agreed with SCC.</p> <p>As explained in the DCO Changes Tracker (Document 3.4A), these provisions have been moved from the requirements in the dDCO (Document 3.1B) into the draft DCO a further draft of which it is hoped to submit for Deadline 4.</p> <p>(1.4) The Applicant agrees that this is agreed. As explained in the DCO Changes Tracker (Document 3.4A), these provisions have</p>

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SCC	<p>(1.5) Ban on HGV movements on the A449 through Penkridge.</p> <p>(1.6) There has not yet been a full discussion on the engineering details for the county highway works. Details of the bridges in particular are of concern.</p> <p>(1.7) Phasing of Highways</p>	<p>been moved from the requirements in the dDCO (Document 3.1B) into the draft DCOb.</p> <p>(1.5) The provisions in relation to the HGV ban through Penkridge are set out in section 7.5 of the SWHGVMP (Document 6.2, APP-138) which has been the subject of discussion with SCC for some time and, in the form of the latest draft submitted to SCC on 18 April 2019, is now thought to be agreed. The compliance with the SWHGVMP and application of the ban is secured in the DCOb.</p> <p>(1.6) The Applicant has confirmed that the concern of SCC relates to the design of the bridge over the rail and additional wording has been provided by SCC and included in the Protective Provisions to address SCC's concerns. The wording has been included in the dDCO (Document 3.1B) submitted for Deadline 3.</p> <p>Separate approval to the design of the bridge structure will also be required from Network Rail and the Canal & River Trust under their protective provisions.</p> <p>(1.7) The Applicant has clarified with SCC that the phasing plan is indicative and that it cannot be known at this stage which phase will come first.</p> <p>Requirement 25 is a product of discussions with SCC and Highways England and sets out the triggers by which the various highway works must be completed in accordance with the</p>

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SCC	<p>Landscape</p> <p>(2.4 – 2.6, 2.14) references to the Design and access Statement and need for a Design Code or Design Brief or enhanced DAS</p> <p>(2.7 – 2.8) SCC seeking clarity on FFL and wishing to ensure they are kept as low as practicable</p> <p>(2.9 – 2.14, 7.1) refer to a concern that there elements of the infrastructure (including green infrastructure) come forward at the appropriate time.</p>	<p>occupation of floor space. The Applicant understands that SCC are content with this requirement.</p> <p>(2.4 – 2.6, 2.14) Although not previously aware of the concern the Applicant notes SCC's desire for some additional design detail to be covered by the Design & Access Statement to provide for more variation across the development and has discussed this with SCC. The approach of agreeing a short addendum to the DAS has been discussed and the Applicant awaits suggested wording from SCC for such an addendum.</p> <p>(2.7 – 2.8) Following the meeting with SCC the Applicant has requested confirmation from SCC on what is required over and above what is secured by the Design & Access Statement and the phasing requirements. Following receipt of that response the Applicant believes the redrafted phasing requirement, which is more specific, addresses the concern. It is included in the dDCO (Document 3.1B) submitted at Deadline 3.</p> <p>(2.9 – 2.14, 7.1) As noted above, the Applicant has advised SCC that the phasing plan is indicative at this stage. It is not known which part of the development would come forward in which order. The timing for the delivery of various elements of the highway or landscaping works are included in the dDCO (Document 3.1B) requirements because those works are triggered by certain other</p>

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SCC	<p>(2.15) SCC refer to the height of lighting columns</p> <p>Ecology</p> <p>(3.1) <i>“Uncertainties remain regarding the delivery and timing of the proposed bat hop-overs. The key mitigation measures of the bat hop-overs and the 100m</i></p>	<p>works taking place or occupation of a certain level of warehousing. For example, in relation to the Calf Heath Community Park, much of the landscaping and bunding will be created through the earthworks to create the development plateau for Zone A7. In addition the framework ecological mitigation and management plan referred to in R11 contains stipulations as to phasing of some elements. R2 requires the submission of an overall Phasing Plan, which will be refreshed from time to time, through which phasing of the different elements set out therein are controlled.</p> <p>(2.15) The Applicant disagrees with the assertion that simply because lighting columns would exceed the height of screen bunds the resultant light will necessarily cause visual intrusion. There are constraints in relation to the height of lighting, nevertheless, the Applicant can confirm that recent improvements in lighting technology means that there is now scope in some instances for using lower mounting heights than stated in Section 5 of Doc 6.2 ES LVIA App 12.8. A requirement to minimise mounting heights at detailed design consistent with meeting lighting design standards would be acceptable. The details of the lighting are controlled under R19.</p> <p>(3.1) The Applicant has agreed with SCC that the bat hop-over structures will be put in place before the new roads to which they</p>

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SCC	<p><i>wide wildlife corridor linking the retained portion of Calf Heath Wood to Calf Heath Reservoir will need to be in place and providing effective mitigation in advance of occupation of any plots. This is not secured by the suggestion in the FEMMP and/or Requirement 17 that the wildlife corridor will be completed within 5 years of the commencement of the authorised development, or prior to commencement of development at Development Zones A4a or A4b. In the case of bat hop-overs over lit roads planting must be established prior to roads coming in to use in order to be effective. The example provided is for Calf Heath Wood / wildlife corridor appears to offer a solution in principle. However, the relationship of the bat hop-overs to the design of the site landscape, how these would work in other proposed locations, and relate to other earthworks remains to be resolved."</i></p> <p>(3.2) <i>"The DCO refers to changes to width of carriageway 'increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;' this implies that GI could be decreased in order to widen carriageways, GI should be specifically excluded from the definition of verge etc. as at present GI is not defined in the DCO."</i></p>	<p>relate are open for use. Please see revised R15(3) of the dDCO (Document 3.1B), submitted at Deadline 3.</p> <p>(3.2) The Applicant has explained to SCC that the ability to increase the width of the carriageways under article 9 of the dDCO (Document 3.1B) is still limited by the restriction in article 4 to comply with the Parameter Plans – this includes the Green Infrastructure Parameter Plans and therefore the GI could not be reduced. The Applicant understands that SCC accept this position.</p>

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SCC	<p>(3.3 – 3.5) Queries regarding Zone A7 plot accesses.</p> <p>(3.6) <i>“The ES refers to protection of GI with fencing during the operational phase. Does this mean ‘all GI not intended for public access’? The concern is about encroachment into narrow GI strips between zones and along roads. These belts all need substantial protection during operation or they will quickly become damaged.”</i></p> <p>(3.7) <i>“A further concern is the effect of potential impacts on GI of shade/shadow from the units – this needs to be assessed and will very much depend on the design of buildings within Zones. It is accepted that it is difficult to consider shade at this stage. It may be that operational space around units negates any impact however there is no guarantee. It is therefore suggested that consideration of shade/shadow paths from development forms part of the detailed design consideration, which should seek to avoid impacts</i></p>	<p>(3.3 – 3.5) The Applicant has discussed these points with SCC and explained that, as noted on the Green Infrastructure Parameter Plans the precise location and extent of the plot accesses is to be agreed at design stage. The Applicant has inserted a new R3(4) to ensure that the location of the accesses must have regard to the desirability of minimising the impact on, and loss of, the existing hedgerows and understands this addresses the concern. This is included in the dDCO (Document 3.1B) submitted at Deadline 3.</p> <p>(3.6) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) includes commitments that all plots will have a security fence installed around their boundary prior to operation starting to prevent operational activities extending beyond the plots i.e. into the GI. This provision is outlined in paragraph 3.2.6 of the FEMMP.</p> <p>(3.7) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) is being updated to take account of a variety of comments provided by SCC. The updated FEMMP will outline principles for habitat creation which includes provision for the selection of appropriate seed mixes / species appropriate to local conditions, including shade.</p>

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SCC	<p><i>unless it can be demonstrated that it is not possible. Where 'new' GI is intended, rather than protected or translocated existing features, it should be possible to design in shade tolerance."</i></p> <p>(3.8) <i>"At Daventry, lorry parking along the A5 has caused damage to hedge's and verge's. In places where verges are narrow this quite often occupies most of the root protection zone of that side of the hedge, making the hedge vulnerable to further damage / disease. Adequate parking with welfare needs to be provided at WMI, as we have raised elsewhere, to ensure indiscriminate parking does not lead to damage to the natural environment."</i></p> <p>(3.9) <i>"The Environmental Statement table 10.11 shows net gains to most habitats following planting etc. However, this approach does not consider greater importance of established habitat, possibility of failure of created habitats, or timescale to establish new habitat. While it is appreciated that the development of</i></p>	<p>(3.8) Early Arrival, Operational and Extended Stay HGV parking provision will be provided. As explained in the DCO Changes Tracker (Document 3.4A), these provisions have been moved from the requirements in the dDCO (Document 3.1B) into the draft DCOb a further draft of which it is hoped to submit for Deadline 4. This is also discussed within the Site Wide HGV Management Plan (SWHGVMP) (Document 6.2, ES Technical Appendix 15.1 Appendix I, APP-138) which is currently being amended. As set out at paragraph 9.15 of the Statement of Common Ground with Staffordshire County Council, (Document 8.5, REP-007) the measures contained within the SWHGVMP are appropriate. Also as set out at paragraph 9.16 of the Statement of Common Ground (Document 8.5, REP-007), it is agreed that the provision of Early Arrival, Operational and Extended Stay HGV parking and driver welfare facilities are essential.</p> <p>(3.9) The proposed development includes significant enhancement within the Community Parks and off-site measures for farmland birds. In discussions with SCC the proposed approach to ecological enhancement was as the Applicant understood agreed in principle – delivering net gain for habitats identified as 'important ecological</p>

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SCC	<p><i>this project considerably predates the now widespread use of metrics such as the one developed by DEFRA they do provide the means to make a reasoned comparison.</i></p> <p>(3.10) <i>“Assessment of hedges to the north of vicarage road is by Hedgerow Regulations, concluding that 11 out of 97 qualified as important. South of Vicarage Road was assessed first using Hedgerow Regulations (none of hedges important) and then using HEGS method, when 15 of the 31 hedgerows assessed were evaluated as Moderately high to High value. This implies that hedges to the north, if assessed using HEGS could also have a relatively high proportion of high biodiversity value hedges. In Staffordshire situations HEGS methodology is considered to provide a better assessment of biodiversity merit of hedges and has been adapted for use in Local Wildlife Site criteria. The metric enables value of hedges needs to be assessed, rather than just overall length of hedge to be lost / retained.”</i></p> <p>(3.11) <i>“Calculation using a metric would be likely to indicate that there is an overall net loss. Additional off-site mitigation has been negotiated for farmland birds, which is welcomed. In the Secretary of State Scoping Opinion (ES table 10.2) it was stated the ‘Applicant</i></p>	<p>features’ within the ES including semi-improved grassland, woodland, individual trees, standing water, and hedgerows.</p> <p>(3.10) Following comments received from SCC during consultation, the hedgerows surveyed in 2017 were assessed using the Hedgerow Evaluation and Grading System (HEGS) as well as under the Wildlife and Landscape criteria of the Hedgerow Regulations 1997 which had been used to assess the hedgerows to the north of Vicarage Road the previous year. The assessment acknowledges that hedgerows are a habitat of principal importance and form an extensive network across the Site. Hedgerows were assessed to be of value in a local context and to be ‘Important Ecological Features’. The weight associated with this has formed the basis of the commitments (Secured via the FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) to retain ‘Important hedgerows’ wherever possible and translocate those that cannot be retained and to provide a net gain for hedgerows in linear metres.</p> <p>(3.11) See response to (3.9) above. Furthermore, the Applicant was previously unaware of this request. Information is awaited from SCC in respect of what specifically is being requested and the justification for it.</p>

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SCC	<p><i>should also consider the potential to deliver mitigation through improvement of existing but degraded sites within the local area.' Consideration of contributions to wider mitigation such as enhancing Local Wildlife Sites would still be considered a desirable outcome. In this area could meet the priority would be connecting marshy grassland along the Saredon Brook / canal corridor"</i></p> <p>(3.12) <i>"However, the FEMMP is primarily concerned with protected species and ecological mitigation and does not provide any detail of the habitats proposed within areas of Green Infrastructure."</i></p> <p>(3.13) <i>"The Council seeks certainty that the proposed habitats would be appropriate and deliverable, and therefore seeks an Addendum to the FEMMP that sets out the principles for habitat creation and management. This should include details of soil management to ensure suitable soil conditions for creation of different habitat types; principles of preparation for planting / habitat creation; species mixes (accepting that there may be a variety of species mixes to suit differing</i></p>	<p>(3.12) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) is being updated to take account of a variety of comments provided by SCC. The updated FEMMP will outline principles for habitat creation which includes a list of habitats to be created. Further detail is provided to be adhered to in detailed design and will be presented in the respective EMMPs in terms of ensuring the specified habitats are appropriate to locally prevailing conditions e.g. soils / shade etc.</p> <p>(3.13) See response to (3.12) above.</p>

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SCC	<p><i>conditions), potential effects of shade from buildings, and principles for how the habitats will be managed into the future. This would need to include dealing with issues relating to SUDS management, and the planting and management of reinforced earth slopes. The Addendum would then be expanded in the LEMPs"</i></p> <p>(3.14) <i>"The ES refers to existing soils, and despite soil sampling and testing, no data appears to have been obtained on pH, P, N and K which would have been helpful for habitat creation purposes. Assurance is required that soil management will achieve a phosphate index of less than 1 (P index < 1 or extractable P (Olsen Bicarbonate method < 10mg / l) for areas of meadow and wetland. Assurance is also required that soils will be tested prior to seeding etc., using sampling as per BS 3882(2015) Specification for topsoil prior to habitat creation and remediated if not acceptable. This is vital to the success of meadow creation and therefore the mitigation".</i></p> <p>(3.15) <i>"The ES 6.83 refers to production of a soil resource plan for future approval. ES vol 6 generally refers to maintaining the soil resource; this may contradict the need to achieve low Phosphate status by removal or inversion of topsoil. It is suggested that the Framework Ecological Mitigation and Management</i></p>	<p>(3.14) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) will be updated to take account of a variety of comments provided by SCC.</p> <p>(3.15) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) is being updated to take account of a variety of comments provided by SCC. The updated FEMMP will include further details on habitat creation.</p>

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SCC	<p><i>Plan should include a specification for soils to be provided in the meadow and wetland area.</i></p> <p>(3.16) <i>"A 'Design Brief' that sets out expectations for on-plot landscaping, in order that this builds on and complements the Green Infrastructure proposals would also be desirable. This should include at least 25% nectar, seed or berry producing species and should avoid hybrid or double-flowered cultivars to maximise the biodiversity benefit of formal planting"</i></p> <p>(3.17) <i>"2.14 above refers to the need for advance planting to help mitigate landscape effects, and 3.1 refers to timing of bat hopovers. This is also applicable to the timing of wider ecological mitigation. If wildlife corridors are only completed towards the end of the five-year period after commencement (as suggested by the FEMPP) then there is likely to be a large depression in populations of species that currently use the area, which will take many years to overcome. The phasing plans and FEMPP need to ensure a substantial proportion of habitat is available at all times to ensure continuity."</i></p> <p>(3.18) <i>"The FEMMP (Section 4) Contains details of hedge and species monitoring, which are welcomed. It makes no mention of habitat monitoring which will be</i></p>	<p>(3.16) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) is being updated to take account of a variety of comments provided by SCC. The updated FEMMP will include this commitment in the 'Key Principles for Habitat Creation' section.</p> <p>(3.17) The Applicant considers that the triggers provided by R17 of the dDCO (Document 3.1B) are appropriate</p> <p>(3.18) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) is being updated to take account of a variety of</p>

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SCC	<p><i>needed to check that habitat creation is proceeding satisfactorily during the establishment phase and that management is adequate. It is expected that this detail will be provided in phase specific EMMPs, but an overview would be welcome in the FEMMP. It is also unclear how long any of the monitoring is intended to continue after construction ends; monitoring should cover an aftercare period of at least ten years for each phase of habitat / GI creation."</i></p> <p>(3.19) <i>"It is expected that grassland and wetland habitat creation monitoring will include details of target species composition"</i></p> <p>(4.2 and 4.3) – Amendment sought to R 27</p> <p>(5) Desire for inclusion of B2</p>	<p>comments provided by SCC. The updated FEMMP will include prescriptions for habitat monitoring.</p> <p>(3.19) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) is being updated to take account of a variety of comments provided by SCC. The updated FEMMP include prescriptions for habitat monitoring, examples as provided in response (3.19) have been referenced but the objectives will be fully defined within the respective EMMP(s).</p> <p>(4.2 and 4.3) The Applicant has agreed with SCC to insert wording to requirement 26 (was 27) and this is included in the version of the dDCO (Document 3.1B) submitted for Deadline 3. As a result, it is understood that the matters noted at paragraph 15.6 of the Statement of Common Ground (Document 8.5, REP2-007) are now agreed.</p> <p>(5) As SCC are aware, the Applicant has previously explored the ability to include an element of B2 within the scheme and is advised that B2 would not be considered legitimately part of the NSIP (not</p>

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SCC	<p>(6) Minerals</p> <p>(7.2) Rail terminal timing</p>	<p>complying with the criteria in s.26 of the Planning Act 2008) nor would it comply with the guidance as to what could properly be considered to be "associated development".</p> <p>(6) The proposed development is designed in accordance with the principles of Policy 3 of the Minerals Local Plan. It is proposed to provide to include a new Requirement in the next dDCO to use the mineral resource on the site where practicable.</p> <p>The Applicant is also working with SCC to address these comments in greater detail and will provide a Mineral Resource Statement in order to provide further information on this matter.</p> <p>(7.2) Please refer to the document entitled "Timing of the Provision of the Rail Freight Terminal", appended to this document (Appendix 2).</p>
	<p><u>Local Impact Report</u> (REP2-062)</p> <p>(8.14) "The [warehouse façade design] principles appear sound, however further detail is sought to understand how impacts on multiple receptors at different elevations might be addressed. There may also be elevations where there is a difference in preferred solutions, resulting in a visual conflict at the junction between differing treatments that could be counter effective."</p>	<p>(8.14) The detailed design of the warehouse façade would be in general accordance with the design principles set out in Section 7 of the Design and Access Statement (APP-258) and controlled by Requirement 3 of the dDCO (Document 3.1B), submitted at Deadline 3. If Development Consent is granted, the applicant will work closely with the Local Planning Authorities on the detailed design of the warehouse façade, in due course.</p>

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SCC	<p>(8.15) <i>"The Application provides details of Finished Floor Levels (FFL) and bund heights relative to FFL. However, to fully understand the scale of development (including aspects such as building height, height of screen bunds), and asses effects on the landscape and receptors outside the site, clarity is needed as to how proposed levels relate to levels at the site boundary and surrounding landscape."</i></p> <p>(8.19) <i>"The impact of lighting on the landscape has not been fully assessed in the documents. The submitted Lighting Strategy and Lighting Impact Assessment (LSLIA) (Appendix 12.8) describes that the potential lighting impacts have been assessed based on the following embedded mitigation having been implemented: the Lighting Strategy (section 5); the Green Infrastructure Plan (mounding and planting); the principles given in the illustrative Landscape and Green Infrastructure Strategy (planting). It would have been appropriate to assess lighting from the same receptor locations as assessed in the LVIA and following the same methodology for assessment i.e. at Year 0 and Year 15. Selecting only 7 locations in the assessment excludes key locations in the area of Vicarage Road / Straight Mile, where roads are currently unlit. It also fails to consider effects when planting has not matured. It is</i></p>	<p>(8.15) The Applicant is awaiting a response form SCC as to whether they require any amendments to the requirements in relation to the FFL.</p> <p>(8.19) External lighting would comply with all national and local policy requirements, as well as relevant guidance. See the Lighting Strategy and Lighting Impact Assessment (ES Appendix 12.8, APP-106) (Sections 2 and 7).</p> <p>The Applicant has assessed a representative selection of receptor locations that are believed to be sufficient to enable a full understanding of the likely effects of lighting on the night-time environment. Regarding the mitigation of new planting, the assessment is based on the effects when planting has been established for a few years, after which further benefits tend to be minimal.</p> <p>It is important to note that the main elements of lighting are the lit surfaces rather than individual light sources. Lit surfaces are screened from view by bunds and topography, without reliance on planting. Planting serves to filter views of individual light sources</p>

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SCC	<p><i>considered that the assessment in the LVIA, which at section 12.465 states 'The resultant night time effects will vary for the surrounding visual receptors yet are likely to be predominantly Negligible to Moderate Adverse upon completion' is not grounded in sufficiently detailed information to offer a reliable conclusion on this point."</i></p> <p>(8.20) A reduction to the height of lighting columns in areas visible outside the site boundary could reduce visual impact.</p> <p>(8.21/22) A 'Minor Adverse' Significance of Impact for Shoal Hill Common in the AONB, is questioned. During winter months there would potentially be users on site around dusk.</p> <p>Figure 2 illustrates and describes the night time landscape viewed from Shoal Hill. It demonstrates that the landscape to the right of Veolia is currently mainly un-lit but would be lit as a result of the proposals, though</p>	<p>and building facades. In relation to light sources, these will not appear bright to off-site receptors since the lighting proposed for Proposed Development is very efficiently designed to target as much light as possible at the trafficked surfaces, any stray light consequently being of low brightness.</p> <p>The likely lighting effects for retained properties on Vicarage Road and Straight Mile will be as for Avenue Cottages and Old Pool House.</p> <p>(8.20) Recent improvements in lighting technology means that there is now scope in some instances for using lower mounting heights than stated in Section 5 of the Lighting Strategy and Impact Assessment (Document 6.2, ES Technical Appendix 12.8, APP-106). A requirement to minimise mounting heights at detailed design consistent with meeting lighting design standards would be acceptable.</p> <p>(8.21/22) Careful examination of the high-resolution version of Figure 2 of the Lighting Strategy and Impact Assessment (Document 6.2, ES Technical Appendix 12.8, APP-106) reveals that the landscape seen from the elevated position of Shoal Hill contains lighting in all directions and at all distances. Furthermore, since this photograph was taken, the Bericote scheme has been constructed and its lighting will appear in the centre of the view. Of particular note is the glare from the floodlighting in the middle distance towards the centre of Figure 2, probably from premises in</p>

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SCC	<p>the actual predicted horizontal spread of light is not clarified.</p> <p>(9.4) There are also planned improvements to the towpath alongside the Staffordshire and Worcester Canal “to enhance accessibility and improve access to and the experience of the canal and wider community”. The construction and operation of the proposed WMI is likely to significantly impact on the appeal of walking or cycling in this area. Currently the canal towpath allows users to pass through a predominantly rural landscape which will become much more industrial if these plans are approved. In view of this it is hard to see how the experience of users will be enhanced by improvements to the towpath.</p>	<p>Hatherton. Just to the right are other poorly controlled light sources associated with industrial premises at Four Ashes. Lighting for the Proposed Development will be designed to a much higher standard than these and therefore will be subdued in comparison. Using the methodology set out in Section 6 of the Lighting Strategy and Impact Assessment (Document 6.2, ES Technical Appendix 12.8, APP-106), the magnitude of change (Table 7) was judged to be Slight, leading to the conclusion that the effect would be Minor Adverse</p> <p>(9.4) The planned improvements to the towpath and canalside will be agreed as part of the Canal Enhancement Strategy (CES) as outlined in the Design and Access Statement (DAS) (APP-258). These works will be agreed with the Canal and River Trust and other relevant parties and will improve the surfacing and accessibility of the towpath. The proposals will include new public access links to the proposed Community Parks.</p> <p>Currently, the canal towpath passes through an area that is varied in landscape character and land uses terms and includes rural, urban and industrial characteristics and features. It is acknowledged that the proposed development will result in some adverse visual effects for users of short stretches of the towpath as detailed in ES Chapter 12 (Document 6.2, APP-032); Technical Appendix 12.6 (APP-104); Receptor P1. Nevertheless, the canalside enhancement works will still enhance other aspects</p>

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SCC	<p>(9.5) None of the application documents recognise the application submitted under Section 53 of the Wildlife and Countryside Act 1981 to add a Byway Open to All Traffic (BOAT) to the Definitive Map of Public Rights of Way (legal reference LH626G).</p> <p>(10.3) <i>“Cropmarks within the site, which have been identified from aerial photographs, indicate the presence of a Neolithic ring ditch and linear feature and a possible Bronze Age ring ditch, whilst a geophysical survey undertaken as part of the pre-DCO application investigations have highlighted the potential presence of pit and ditch-like features and a possible ring ditch.”</i></p>	<p>of the user experience through the increased accessibility and other measures e.g. information and interpretation.</p> <p>(9.5) As discussed at ISH1, the Applicant was made aware of the application, which dates back to 1998, The application was approved by SCC's Countryside Rights of Way Panel on 5th April 2019 and, if the necessary Modification Order is made (anticipated within the next few weeks) the dDCO and related plans and schedules will be amended. When these amendments are proposed a full explanation will be provided as to how it is intended to deal with the footpath in the dDCO (Document 3.1B).</p> <p>(10.3) As identified in the Historic Environment Desk-Based Assessment (Document 6.2, ES Technical Appendix 8.1, APP-075), WA88 is a possible ring ditch of potentially prehistoric date in the western part of the Site. This is recorded on the Staffordshire Historic Environment Record as a cropmark from aerial photography. Geophysical survey (Document 6.2, ES Technical Appendix 8.4, APP-078) in Area I did not identify any signals confirming the presence of such a feature, potentially suggesting it has been ploughed out since first identification from the photographs. WA89 is a possible ring ditch in the eastern part of the Site. This was recorded in the Staffordshire Historic Environment Record and identified as a crop mark in aerial photographs. However, geophysical survey in Area D indicated that, whilst there was an anomaly at the location, the response</p>

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SCC	<p>(10.4) <i>"In addition to the above forts, settlements, and roads, a number of finds dating to the Romano-British period have been found in the area, including a silver Roman denarius (minted 82 BC), which was found in the proposal site."</i></p> <p>(10.5) <i>"Further evidence of activity in the area during the Anglo-Saxon period is in the form of finds including a copper alloy strap end and stirrup strap mount with an animal's head which were discovered within the proposal site."</i></p>	<p>suggested a pit or possible natural feature, this interpretation (and signal type) being inconsistent with the identification of a ring ditch.</p> <p>(10.4) As identified in the Historic Environment Desk-Based Assessment (Document 6.2, ES Technical Appendix 8.1, APP-075), the Silver Denarius is WA 12 and formed the assessment of potential for remains from these periods within the Site to be present. This is, however, a findspot rather than defined features meaning it has been removed from the Site and while it relates to a defined period, one can come across such finds completely out of context where they have been brought in from another area in topsoil etc. and as a result they add to, rather than define, the assessment for potential contemporary remains.</p> <p>(10.5) As identified in the Historic Environment Desk-Based Assessment (Document 6.2, ES Technical Appendix 8.1, APP-075), the Strap Fitting is WA 24 and formed the assessment of potential for remains from these periods within the Site to be present. As noted in (10.4) above, this is, however, a findspot rather than a defined feature meaning it has been removed from the Site and while it relates to a defined period, one can come across such finds completely out of context where they have been brought in from another area in topsoil etc. and as a result they add to, rather than define, the assessment for potential contemporary remains.</p>

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SCC	<p>(10.12) "two historic farmhouses are due to be demolished as part of the scheme. Of these, the locally listed (Grade B) Heath Farm, an early 19th century farmhouse, which forms part of a farmstead laid out around a regular courtyard, is located within the site on the south side of Vicarage Road. The other is Woodside Farm, an early 19th century farmhouse which is not recorded on the local list.</p> <p>(10.14) <i>"It is important to note here that areas revealed as 'blank' by the geophysical survey should be tested as part of the evaluation trenching and that the potential for preservation in situ where significant (and potentially nationally important) archaeological remains are identified as being present must be considered as an option."</i></p> <p>(12.2) It is recommended that a [minerals] audit is provided by the applicant whereby the estimated requirements for construction aggregates over the phased development of the site can be assessed.</p>	<p>(10.12) Permission to demolish Heath Farm has been granted at appeal (APP/C3430/W/17/3169548).</p> <p>(10.14) The Applicant's response to question ExQ1.11.19(ii) (Document 10.1, REP2-009) addresses this comment.</p> <p>(12.2) The Applicant and SCC have discussed this matter further and the Applicant will provide a statement as requested.</p>
	<p><u>Responses to FwQs</u> (REP2-063)</p>	

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SCC	<p>(ExQ1.1.3) SCC state that <i>“the proposals are contrary to policy 3 of the MLP in that insufficient evidence has been submitted to demonstrate the existence; the quantity; the quality; and the value of the underlying or adjacent mineral resource (refer to policy 3.2 of the MLP). This evidence (in the form of a minerals safeguarding statement) is necessary to make an assessment as to whether the material planning benefits of the non-mineral development would outweigh the material planning benefits of the underlying or adjacent mineral (refer to policy 3.3 b) of the MLP). A mineral safeguarding statement would also assist in identifying whether there are opportunities for prior extraction of mineral as part of the development.”</i></p> <p><i>“Another issue relates to the impact of the proposal on the progress of restoration of Calf Heath Quarry. The relevant mineral permission requires that excavations are progressively backfilled with waste to reclaim land for mainly agricultural use. This method of restoring the quarry has not progressed and the quarry operator has sought to amend the restoration requirements with a section 73 application to facilitate a low-level restoration not requiring any backfill with imported waste materials. This application was withdrawn on 27 February 2019 although a revised application is</i></p>	<p>(ExQ1.1.3) As above, the Applicant and SCC have discussed this matter further and the Applicant will provide the additional information as requested.</p> <p>The responsibility to restore Calf Heath Quarry remains with the operator of the Quarry, not the Applicant.</p> <p>Should the Proposed Development come forward, the Quarry will not require restoration, as the base of the existing Quarry would be used as the development platform for part of the Scheme (see paragraph 7.2.3 of the Planning Statement (APP-252)).</p>

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SCC	<p><i>anticipated. Any restoration proposals for the quarry should accord with policy 6 of the MLP and demonstrate that the proposals are sufficiently comprehensive, detailed, practicable and achievable within the proposed timescales. National policy requires that mineral sites should be restored at the earliest opportunity to high standards. It is recommended that proposals for the WMI confirm an appropriate programme for reinstating land disturbed by quarrying."</i></p> <p>(ExQ1.2.27) SCC state that "<i>FAL have stated that it is their intention to deliver the terminal as soon as possible within the scheme but have noted that there are matters outside of their control within the Network Rail consenting processes and other permitting legislation that could affect the timeframes. Effectively, the commitment is a backstop or break on warehouse occupations until the terminal is operational. The Local Authorities wish to ensure that the Terminal is provided as swiftly as possible and seek to commit FAL to undertaking the preparatory works (e.g. surveys, design etc) within their control from the point of consent and all further matters within their control thereafter are dealt with promptly. If the commitment is little more than a limit on floor space occupation, then there is a danger that delivery of warehousing could take priority</i></p>	<p>(ExQ1.2.27) Please refer to the document entitled "Timing of the Provision of the Rail Freight Terminal", appended to this document (Appendix 2).</p>

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SCC	<p><i>and the terminal be delivered at the end of the backstop."</i></p> <p>(ExQ1.5.4) <i>"In dealing with this point we would be grateful if cross-reference could be made to comments in our written representation 3.14 and 3.15 with respect to soils and establishment of habitat. There is likely to be a need to invert soils or strip topsoil in areas where meadow and wetland habitat are to be established."</i></p> <p>(ExQ1.8.5) <i>"ES table 11.10 raises another issue regarding use of topsoil to avoid contamination:</i></p> <p><i>Points raised in 3.14 and 3.15 of our WR refer to the need to use subsoils instead of topsoil on habitat creation areas. Can the applicant confirm that this will not be compromised because of possible contamination issues?"</i></p> <p>(ExQ1.10.6) <i>"Early discussions with FAL agreed measures to mitigate semi-natural habitats and off-site mitigation for farmland birds. However, more recent</i></p>	<p>(ExQ1.5.4) Refer to the Applicant's responses to SCC Written Representation (REP2-046) 3.14 and 3.15 above.</p> <p>(ExQ1.8.5) ES Table 11.10 (Document 6.2, ES Chapter 11, APP-031) outlines mitigation measures whereby soil contamination (if present) in the upper 1m should be 'capped' either by an overlying building, hardstanding or if within a proposed landscaped area by a clean layer of topsoil. From testing undertaken only one location (WS313) exceeded soil guideline values and mitigation measures outlined in paragraph 11.127; 2nd bullet (Document 6.2, ES Chapter 11, APP-031) confirm that further testing is required in the location of WS313 (secured as per Requirement 12. Other than WS313 no other soil samples exceeded soil guideline values indicating that from a contamination point of view underlying subsoils are not compromised because of widespread contamination issues.</p> <p>(ExQ1.10.6) The Applicant would refer the ExA to their response to ExQ1.10.6 (REP2-009) for this specific question detailing on-site</p>

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SCC	<p><i>practice includes consideration of all habitat when determining whether adverse effects will occur. This includes arable land (most of the application site). Use of a biodiversity metric (such as the one produced by DEFRA) would enable a comparison to be made between on and off-site mitigation and compensation"</i></p> <p>(ExQ1.10.19) <i>"We share these concerns regarding veteran and future veteran trees. This should also include continuity of deadwood habitat, by retention of stumps and large pieces of timber. Para 3.7.15 states: In addition to nest boxes, deadwood (stumps) will be provided to create standing deadwood or a proportion of existing mature retained trees will ring barked to provide nesting habitat for species such as woodpeckers, marsh tit and willow tit.</i></p> <p><i>We would wish to ensure that retaining deadwood is a priority over ring-barking good mature trees as these are the veterans of the future and there will be relatively few trees on site."</i></p> <p>(ExQ1.10.20) <i>"This can be covered by R11 with a suitable update to the FEMMP."</i></p>	<p>measures proposed in addition to the off-site mitigation referenced for farmland birds.</p> <p>(ExQ1.10.19) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) is being updated to take account of a variety of comments provided by SCC. The updated FEMMP will include further details regarding veteran trees, future veteran trees and cross referencing to the Arboriculture Assessment (Document 6.2, ES Technical Appendix 12.7, APP-105).</p> <p>(ExQ1.10.20) The Applicant would refer the ExA to their response to ExQ1.10.20 (REP2-009) for this specific comment.</p>

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SCC	<p>(ExQ1.10.24) There is a requirement for lighting design to be agreed in the DCO Schedule 2 but the mitigation scheme cuts across landscape design and highway design as well as lighting design. It should be noted therefore that highway design, including road lighting, are governed by the Protective Provisions. While landscape proposals are covered by a separate requirement. There may therefore need to be further cross referencing to ensure clarity for discharging Requirements.</p> <p>(ExQ1.10.25) <i>“Yes, however this will depend on use of the best modern designed LED units. Footnote 11 on page 30 of Lighting Strategy quotes the Bat Conservation Trust/ILE (May 2009) Bats and Lighting in the UK, which should be replaced by the 2018 publication with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK</i></p> <p>(ExQ1.11.17(i)) <i>“The use of the word ‘traces’ reflects the terminology utilised in the LiDAR data assessment. Perhaps substituting this for ‘remains of ridge and furrow’ (perhaps with an approximate figure for the area covered by the ridge and furrow) would be more appropriate in paragraph 8.73?”</i></p>	<p>(ExQ1.10.24) The Applicant has amended the Requirements in the version of the dDCO (Document 3.1B) submitted for Deadline 3 to address the concern.</p> <p>(ExQ1.10.25) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) is being updated to include and reference the 2018 publication, reference to which will be adhered to as part of the detailed lighting design.</p> <p>(ExQ1.11.17(i)) There are defined areas of historic ridge and furrow recorded in the Staffordshire Historic Environment Record, but these are all outside of the Site: these are identified by WA prefix 31, 35 – 37 in para 4.5.23 and shown on Figure 2 of the Historic Environment Desk-Based Assessment (Document 6.2, ES Technical Appendix 8.1, APP-075).</p>

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SCC		<p>Interpretation of a LiDAR plot (Document 6.2, ES Technical Appendix 8.3, APP-077) suggested the potential presence of (medieval) ridge and furrow within the Site boundary. A subsequent geophysical (magnetometer) survey was undertaken across areas of the Site (Document 6.2, ES Technical Appendix 8.4, APP-078), including areas where the survival of ridge and furrow had potentially been indicated. The geophysical survey did suggest that traces of medieval or historic ridge and furrow potentially existed within Area D of the geophysical survey, but not across the remaining areas of the Site. Where traces of ploughing were indicated in the geophysical survey elsewhere on the site (other than Area D), these were considered to be later (post-medieval/modern) in date (rather than medieval/early post-medieval). This later ploughing (including modern deep ploughing) is likely to have slighted any earlier evidence of medieval ridge and furrow.</p> <p>In any case, the fields within the Site, including Area D, do not appear to retain any significant physical or surface expression of medieval ridge and furrow, which seems to have been essentially ploughed out as a result of centuries of later ploughing, particularly in the modern period. Whilst archaeological (buried) traces of former agricultural practices have some interest in what they can tell us about former human interactions within the landscape, these ephemeral traces are of local interest only and relate to a relatively common archaeological feature type, which is well understood. As they are buried (and ploughed out/slighted)</p>

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SCC	<p>(ExQ1.11.17(ii)) <i>“To be confirmed by the applicant- a map combining the extents of the known/potential ridge and furrow as identified in the LIDAR assessment and the Gradiometer survey would be helpful.”</i></p> <p>(ExQ1.11.18(i)) <i>“As outlined in paragraph 13.3 of the Statement of Common Ground with SCC and paragraph 8.95 of the ES preservation in situ is to be considered as an option where remains of particularly high importance and sensitivity are identified and/ or where the development affords the opportunity in provision of areas of green infrastructure. Perhaps this should be more explicit with regards to WA 88, 89, 21 and 29.”</i></p>	<p>they no longer have any visual presence in the landscape and do not add to its historic character (in visually appreciable terms). These ephemeral traces can be recorded in accordance with the Outline Written Scheme of Investigation (Document 6.2, ES Technical Appendix 8.5, APP-079) agreed with SCC.</p> <p>(ExQ1.11.17(ii)) The Applicant will liaise with SCC regarding this point.</p> <p>(ExQ1.11.18(i)) The Applicant would refer the ExA to their response to ExQ1.11.18(i) (REP2-009) for this specific comment. Furthermore, in terms of the mentioned WA88, 89, 21 and 29:</p> <ul style="list-style-type: none"> • WA21 is a generic reference to Watling Street, the Roman Road passing immediately along the northern boundary of the Site (under the modern A5). It is acknowledged that roadside features may exist along either side of the road, including within the Site, albeit no definite presence of archaeological features of this date has been established in the geophysical survey (Document 6.2, ES Technical Appendix 8.4, APP-078). • WA29 is shown as outside the Site (see Figure 2 of the Historic Environment Desk-Based Assessment, Document 6.2, ES Technical Appendix 8.1, APP-075), it refers to a

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SCC	<p>(ExQ1.11.18(ii)) <i>“As noted above, preservation in situ for remains deemed to be of high importance and significance will be considered based on the outcome evaluation trenching and any subsequent mitigation that may be required to characterise the nature, scale, and significance of encountered heritage assets.</i></p>	<p>find spot of a piece of horse harness of medieval date and is illustrative of the general medieval exploitation of the area (largely for agricultural use).</p> <ul style="list-style-type: none"> • WA88 is a possible ring ditch of potentially prehistoric date in the western part of the Site. This is recorded on the Staffordshire Historic Environment Record as a cropmark from aerial photography. Geophysical survey (Document 6.2, ES Technical Appendix 8.4, APP-078) in Area I did not identify any signals confirming the presence of such a feature, suggesting it has been ploughed out since first identification from the photographs. • WA89 is a possible ring ditch in the eastern part of the Site. This was recorded in the Staffordshire Historic Environment Record and identified as a crop mark in aerial photographs. However, geophysical survey Document 6.2, ES Technical Appendix 8.4, APP-078) in Area D indicated that whilst there was an anomaly at the location, the response suggested a pit or possible natural feature, this interpretation (and signal type) being inconsistent with the identification of a ring ditch. <p>(ExQ1.11.18(ii)) The Applicant would refer the ExA to their response to ExQ1.11.18(ii) (REP2-009) for this specific comment.</p>

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SCC	<p><i>Decisions on significance and subsequent requirements for preservation in situ will be made in consultation with the Staffordshire County Archaeologist and Historic England'</i></p> <p>(ExQ1.11.19(ii)) <i>"The evaluation trenching, which will include geoenvironmental sampling, and will sample an appropriate percentage of the site (including previously identified sites and 'blank areas') in order to characterise and better understand the archaeological potential of the site (in addition to any further mitigation required arising out of this work) will provide an evidence base to enable the confirmation of the presence or absence of an archaeological asset of major significance that should be left disturbed."</i></p> <p>(ExQ1.11.19(iii)) <i>"This is one for the applicant to answer, however, as noted above, the SOCG with SCC require that preservation in situ is to be considered as an option where remains of particularly high importance and sensitivity are identified and/ or where the development affords the opportunity in provision of areas of green infrastructure."</i></p>	<p>ExQ1.11.19(ii) This evaluation is covered in the Outline Written Scheme of Investigation (Document 6.2, ES Technical Appendix 8.5, APP-079).</p> <p>(ExQ1.11.19(iii)) The Applicant would refer the ExA to their response to ExQ1.11.19(iii) (REP2-009) for this specific comment.</p>

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Environment Agency (EA)	<p>Responses to FwQs (REP2-033)</p> <p>(ExQ1.5.5) <i>"The Environment Agency has no comments to make on this matter as it lies outside our remit. We understand from discussions with the applicant that they are working with Natural England to undertake a soil resource plan, and that this will be clarified within their Statement of Common Ground".</i></p> <p>(ExQ1.6.9(i)) <i>"It is not included in these plans."</i></p> <p>(ExQ1.13.5) <i>"The Flood Map for Planning shows Brewood to be affected by high and medium risk Flood Zones 2 and 3 from the Chilling Brook, classified an ordinary watercourse."</i></p>	<p>(ExQ1.5.5) The Environment Agency are correct that the Applicant has been liaising with Natural England about soil resources. A soil resource plan will be prepared as part of phase specific Demolition and Construction Environmental Management Plans (DCEMP) as secured by the Outline Demolition and Construction Environmental Management Plan (ODCEMP) (Document 6.2, ES Technical Appendix 2.3, APP-060). Paragraph 5.1.26 of the Ecology, Landscape & Visual Impact and Agriculture & Soils - Statement of Common Ground – Natural England (February 2019) (Document 8.4, REP1-003) states that <i>"FAL and NE agree that a Soils Resource Plan (SRP) will be prepared for each phase of the proposed development (as per section 6.0 of the Outline Demolition and Construction Environmental Plan (ES Technical Appendix 2.3) as secured by a DCO requirement).</i></p> <p>(ExQ1.6.9(i)) As stated in the Applicant's response to ExQ1 (REP2-009) <i>"This issue is adequately dealt with in the private agreement between SI Group and the Applicant"</i>.</p> <p>(ExQ1.13.5) The Applicant would refer the ExA to their response to ExQ1.13.5 (REP2-009) for this specific comment.</p>

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Canal & River Trust (the Trust)	<p>Written Representation (REP2-020)</p> <p>(1.2) <i>"...it is considered that canal along this section retains a tranquil and predominantly landscaped / rural character."</i></p>	<p>(1.2) The Applicant does not agree with the Trust's assessment of this section of the Canal.</p> <p>As is noted in the ES (Document 6.2, Chapter 9, APP-029) at paragraph 9.143, the 'Staffordshire and Worcestershire Canal Conservation Area' document, published by Staffordshire County Council in April 1978 states at page 12:</p> <p><i>"the stretch of canal between Gailey and Wolverhampton is the most deeply scarred by modern industry. Nevertheless, it possesses reaches of tranquil beauty which are perhaps thrown into prominence by the contrasting industrial squalor, the most prominent of which is the refinery complex of the Midlands-Yorkshire Tar Distillery [now the SI works]."</i></p> <p>The Applicant has provided their own detailed consideration of the character and setting of the Canal Conservation Area (see paragraph 9.140 onwards of the ES (Document 6.2, APP-029)), ultimately concluding at paragraph 9.147 that:</p> <p><i>"The section is not an intact or especially attractive component of the CA as a whole, and therefore makes a minor contribution to the heritage value of the CA in its entirety."</i></p>



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the Trust	<p>(1.5) <i>"the Trust therefore do not agree that industrial developments, such as the SI works, currently dominate the canal corridor."</i></p> <p>(1.9) <i>"...highlighting the importance of [the strategic landscaping] being put in place at the earliest opportunity."</i></p> <p>(1.17) <i>"The submission is clear that the provision of the landscape bunds is to minimise the impacts to the canal corridor and reservoir. However as detailed above these will impact on the visual outlook from the canal corridor and Calf Heath reservoir and the Trust</i></p>	<p>(1.5) See the Applicant's response to CRT Written Representations (1.2) above, which notes the County's appraisal of the canal, stating <i>"the most prominent of which [industry] is the refinery complex of the Midlands-Yorkshire Tar Distillery [now the SI works]."</i></p> <p>(1.9) The Applicant has discussed and outlined the position regarding the timing of strategic landscape planting to the Trust.</p> <p>Much of the strategic landscape planting is tied in with the proposed earthworks and bunds and these works will largely be undertaken at the commencement of construction works for a particular Development Zone or Plot. This will allow some strategic landscape planting to be put in place early in relation to an adjoining Development Zone. It is not however, feasible to put in place the strategic landscape planting across the site as a whole at the outset of the development. This is not practicable as the proposed bunds and changes to the earthworks need to have been undertaken prior to the proposed planting and other habitat creation.</p> <p>(1.17) The Applicant has met with the Trust on a number of occasions, specifically to discuss the design approach to the landscape and Green Infrastructure (GI) areas and how these proposals can assist in mitigating the effects of the proposed development. We understand from the Trust's earlier responses</p>

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the Trust	<p><i>remain concerned with the impact of these and their effectiveness in screening the development."</i></p> <p>(1.18) <i>"It is essential that the strategic landscaping is put in place across the site within the first phase of development."</i></p> <p>(1.22) <i>"Document 2.6: Parameters Plan – Floor Levels and Heights Plan does not indicate any levels for the proposed Spine Road. It is therefore not clear from the submission how the heights of the bunds are to be set</i></p>	<p>that they consider the use of proposed bunds and associated planting and habitats to be a sensible design strategy to adopt.</p> <p>Inevitably the proposed bunds will alter the outlook of views from the Canal corridor. However, the combination of bunds and planting is considered an effective and appropriate way of visually screening and filtering views towards the built development. Careful consideration has been given to the heights and positioning of the proposed bunds in relation to the canal corridor and reservoir. Whilst there will be views beyond the bunds and planting (particularly in the early years) towards the development, much of the lower and more active parts of the proposed development will be effectively screened from view.</p> <p>This represents a suitably site specific and respectful design approach and the effects of the bunds and associated new planting have been taken into account in the effects assessed and detailed in Document 6.2 (ES Chapter 12, APP-032).</p> <p>(1.18) See the Applicant's response to CRT Written Representation (1.9) above.</p> <p>(1.22) The design of the Spine Road is controlled by the Protective Provisions with SCC, however, must be in accordance with the General Arrangement drawings (APP-210) which are part of the application and are referred to in the dDCO. That approval will</p>

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the Trust	<p><i>out or how this will be controlled through the DCO to ensure it is put in place at the same time as the Spine Road. The Trust would welcome some clarity from the Applicants on this issue."</i></p> <p>(1.24) <i>"... if the conclusions of the ES are to be followed it seems appropriate to assume that the Applicant's do not consider the maximum heights proposed for the bunds will have a negative impact on the setting? Otherwise the bunds and the heights of the proposed buildings would need to be reduced to lessen the visual impacts to an acceptable level. On this basis there would seem to be no issue with setting the height of the strategic landscaping as part of the DCO and ensuring it is put in place across the site as part of the first phase of development."</i></p> <p>(1.26) <i>"The strategic landscaping bunds will take time to establish and, as currently proposed, there does not appear to be any requirement to implement these at</i></p>	<p>include the levels, which is also linked to the bridge design which will be agreed with Network Rail and the Trust before SCC (paragraph 3(1) of the SCC Protective Provisions).</p> <p>The heights of the bunds are secured by the Green Infrastructure Parameter Plan (APP-200), the Requirements and article 4 of the DCO which ensures that the parameters are complied with.</p> <p>The Applicant will discuss this matter further with CRT and consider if changes or further clarity is required to the Parameter Plans.</p> <p>(1.24) The heights of the bunds have been carefully considered and determined in relation to the maximum heights of the proposed buildings and infrastructure and in the context of the plot level parameters as also detailed on the Green Infrastructure Parameters Plan (Document 2.7, APP-200).</p> <p>See also the Applicant's response to CRT Written Representation (1.9) above.</p> <p>It is not feasible or practicable to implement all of the strategic landscape proposals as part of the first phase of development. The phasing will be agreed under the phasing requirement, R2.</p> <p>(1.26) The strategic landscaping is secured by the Parameter Plans and updated Requirement 2 of the dDCO (Document 3.1B).</p>

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the Trust	<p><i>the start of development within any phase. Therefore, the buildings could be constructed and operational before the landscaping is commenced.</i></p> <p>(1.28) <i>“As part of the Protective Provisions the Trust have advised the Applicants that a 150m consultation buffer for works on land to the east of railway should be included.”</i></p> <p>(2.3) <i>“The bridge layout and design, as currently shown ... is not acceptable to the Trust...”</i></p>	<p>Requirement 2 secures a phasing scheme to be approved by the LPA, which must include phasing details of (emphasis added):</p> <ul style="list-style-type: none"> (a) earthworks; (b) ecological mitigation; (c) rail infrastructure; (d) roads and bridges; (e) surface water and foul drainage; (f) <u>development plots</u>; (g) <u>landscaping, including mounding and acoustic fencing</u>; and (h) mains services. <p>Phasing and implementation is secured by Requirements 2, 3 and 15 – 17.</p> <p>(1.28) The Applicant has agreed to this request from the Trust and it is included in the revised protective provisions included in Part 7 of the dDCO (Document 3.1B) submitted at Deadline 3.</p> <p>(2.3) The design of the new bridge is illustrative at this stage. The detailed design will be subject to detailed design approval under Requirement 3 and under the CRT and SCC protective provisions at the relevant time.</p>

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the Trust	<p>(2.7) <i>"The applicant has stated that removal of the bridge [no.78a] would need to be undertaken later on in the development once the new road bridge is operational and this would result in unnecessary disruption to the canal corridor. These removal works though would be temporary in nature, any impacts/ disruption could be managed through the Trust's Code of Practice and would be outweighed by the long-term benefits to the canal conservation area."</i></p>	<p>The Applicant has involved the Trust in the illustrative design of the bridge crossing from an early stage in the project.</p> <p>The bridge crossing was initially designed with consideration given to the advice received from the Trust at a meeting in August 2016, where it was recommended that the "<i>HS2 - Design Principles for Waterway Crossings</i>" published by the Trust was followed. As the bridge is to be adopted by the County Council, the materials chosen for the structure also need to be consistent with the loading and design life requirements of the "<i>Design Manual for Roads and Bridge</i>".</p> <p>The Applicant will continue to engage with the Trust regarding bridge design.</p> <p>(2.7) Images of Bridges no.78a and 78, from Appendix 3 of CRT's Written Representations are provided below for information only.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
the Trust		 <p>Bridge no.78a "Four Ashes Bridge"</p>  <p>Bridge No.78 "Gravelly Way Bridge"</p> <p>The Applicant acknowledged that they have previously stated that the removal of Bridge no.78a would result in additional disruption to the Canal corridor. However, as the Applicant has also explained to the Trust, the principal reason for the retention of the Bridge in</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
the Trust		<p>this location relates to the health and safety of pedestrians and cyclists crossing the Canal in this location.</p> <p>Bridge no.78 would not be suitable to act as the main pedestrian / cycle bridge across the Canal for users of WMI (and other members of the public).</p> <p>Guidance in respect of the design principles of bridges providing for pedestrians and cyclists is contained within the '<i>Sustrans Design Manual Chapter 8: Bridges and other Structures</i>'.</p> <p>A key consideration is the height of bridge parapets, which ideally, where new pedestrian and cycle bridges are provided, should be 1.4 metres. Recognising that, where existing features and structures are utilised in order to form a route, reductions in this height are permitted, however further mitigating measures are needed in order to increase the effectiveness of the parapets.</p> <p>In the case of Bridge no.78, the existing bridge parapets are low, being between 0.60m and 0.80m in height. The width of Bridge 78 is also narrow being 3.40m, which would reduce the effectiveness of the parapets, particularly when it is considered that there would be an increase in pedestrian and cycle movement as a result of the proposals. If Bridge no.78 were to provide the principal pedestrian and cycle access over the canal, it may lead to an unsafe environment for future users, with users forced to pass in proximity to the parapets.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
the Trust	<p>(2.13) <i>"The Trust do not agree that Gravelly Way Bridge (no.78) has 'very low' heritage value. The bridge was considered for listing by English Heritage (now Historic England) in 1995."</i></p>	<p>In order to provide for a suitable pedestrian and cycle access to the canal, it is considered that the safer solution is to retain Bridge no.78a.</p> <p>While the parapets of this bridge are also below a height of 1.4 metres (being a height of 0.98 – 1.00 m), their effectiveness can be increased by providing the pedestrian / cycle path within the middle of the structure, with other features also provided to discourage users from straying near the path edges. As Bridge 78a is an existing structure, this is an approach advocated by the Sustrans Design Manual (at paragraph 4.11). Given the existing width of the road passing over Bridge no.78a of 6.20m (7.53m including kerbs), this can be achieved and supplemented by utilising pedestrian unfriendly material on the edges of the path so that users are less likely to stray towards the parapets.</p> <p>Given that bridge no.78a can provide the safest pedestrian and cycle route in order to serve visitors to the Proposed Development and the travelling public wishing to reach the Canal, it is considered that this route needs to be retained as a principal pedestrian / cycle path across the Canal.</p> <p>(2.13) The Applicant notes that after consideration of the heritage value of bridge No.78, English Heritage (now Historic England), did not consider the bridge to merit any grade of listed status.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
the Trust	<p>(2.15) <i>"Whilst it is acknowledged that Bridge 78 is unlikely to meet modern day design standards there has been no detailed assessment undertaken to determine whether the bridge could support additional pedestrian or cycle traffic, as an alternative to Bridge 78a."</i></p> <p>(3.5) <i>"The submission however does not appear to acknowledge the fact that the towpath provides a wholly traffic free pedestrian and cycle route that many will consider to be a more attractive commuting route to any of the on-road options."</i></p>	<p>(2.15) See the Applicant's response to CRT Written Representation (paragraph 2.7), which includes details of the assessment undertaken.</p> <p>(3.5) The Canal Enhancement Strategy/Scheme (CES) is anticipated to provide (inter alia) <i>"works to improve the Canal towpath"</i>, <i>"these works are expected to comprise resurfacing the towpath with a suitable surface (e.g. bound / compacted gravel)"</i> (see the Design and Access Statement, Section 7.9, Document 7.5, APP-258).</p> <p>The Canal towpaths to the north and south of the Site are unsurfaced, and so not as easily accessible to cyclists as the surrounding cycle routes that are surfaced.</p> <p>As noted in the ES (paragraph 15.144, Document 6.2, APP-053) the surrounding area benefits from a relatively flat topography that should encourage cyclists to travel to the Site. Figure 15.9 (Document 6.2, APP-053) provides the cycle catchment of the Site, which extends to a distance of 8km. It is possible to cycle to and from Penkrudge Railway Station using this cycle route as shown on Figure 15.7 (Document 6.2, APP-053). The route also facilitates an interchange with public transport. Of particular relevance are the</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
the Trust	<p>(3.7) <i>"Improvements to other cycle/pedestrian networks outside of the site though are proposed."</i></p> <p>(3.9) <i>"The Trust therefore remain concerned that the submission has not fully acknowledged the increased pressure the development will place on the wider canal network as a walking / cycling route."</i></p>	<p>proposed improvements to the existing A449 pedestrian / cycleway.</p> <p>As can be seen from Figure 15.7 (Document 6.2, APP-053), there are significant existing advisory cycle routes within the area to the east, south and west of the Site. These cycle routes do not provide designated cycle facilities but are classified by SCC as routes that are suitable for cycling due to lower traffic volumes. For day-to-day cycle travel to the Proposed Development, these routes are likely to be more attractive than the Canal towpath given that they would provide quicker journey times to the Site. This is an important factor when considering that journeys for workers are of a time dependant nature.</p> <p>As such, the impact of cycling on the towpath outside of the Order Limits is expected to be limited, and no improvements measures are considered to be necessary.</p> <p>(3.7) All proposed cycle/pedestrian improvements are within the Order Limits of the Proposed Development. See the Highway General Arrangement Drawings (Document 2.9, APP-210) for all of the highway works proposed, including cycle/pedestrian works.</p> <p>(3.9) As noted in the Applicant's response to CRT Written Representation (3.5) above, the impact of cycling on the towpath outside of the Order Limits is expected to be limited and no improvements measures are considered to be necessary.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
the Trust	<p>(3.13) <i>"We have previously advised FAL that an assessment of the towpath corridor along this [Penkridge to Wolverhampton (J2, M54)] length of canal should be undertaken. This should include a towpath width survey."</i></p> <p>(4.3) <i>"As highlighted previously the ditch course does also extend around the length of the reservoir though from the submitted plans it is not clear that this has been fully considered. The submitted plans also show the proposed landscaping bund encroaching into the ditch. This needs to be amended as the ditch course needs to remain free from obstruction and maintained appropriately as part of the development as it is within the Applicant's site."</i></p> <p>(5.4) <i>"Whilst there are no permanent residential mooring sites within the WMI Order Limits there are permanent leisure moorings (max 10no.) at Gailey Wharf which are let on a 12 month basis. There are no set restrictions imposed by the Trust on the length of time people can stay on the boats at these moorings for leisure purposes."</i></p>	<p>(3.13) As noted in the Applicant's response to CRT Written Representation (3.5) above, the impact of cycling on the towpath outside of the Order Limits is expected to be limited and no improvements measures are considered to be necessary.</p> <p>(4.3) The latest mounding proposals have been designed to ensure that the ditch course at the foot of the Reservoir is retained. Drawing 1516-0425-WDK-SI-C-301-012 'Works Associated with Canal and Rivers Trust Ditch Network' (Document 6.2, APP-152) will be updated to reflect the latest scheme, which includes an unobstructed maintenance easement of 5m along the toe ditch to the full extent of the reservoir within the development boundary.</p> <p>The proposals also include a 2m unobstructed maintenance easement along the feeder course within the development boundary to the west of the reservoir.</p> <p>(5.4) The information provided in the Deadline 2 responses by the Trust regarding permanent leisure moorings at Gailey Wharf is contrary to information previously provided by the Trust to the Applicant.</p> <p>Following receipt of these comments, the Applicant is clarifying the status of these moorings with the Trust. However, it is understood that the leisure moorings at Gailey Wharf do not benefit from formal</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
the Trust	<p>(5.6) <i>“The development has the potential to ‘sterilise’ this stretch of the canal and reduce its attractiveness as a leisure facility and affect the business operations at the marina / reservoir / moorings and along the canal corridor. The Trust have previously highlighted that this appears to be contrary to the NPS which requires development to minimise impacts on health and quality of life. It is not clear from the current submission that this has been fully considered or addressed.”</i></p> <p>(5.7) <i>“As highlighted previously the Trust consider further work in relation to the noise impacts on the canal is required. This work needs to look at the potential for further mitigation measures, such as the installation of all strategic landscaping as the first phase of the development and assessment of the practicalities of applying the bespoke noise insulation scheme to the permanent leisure moorings.”</i></p>	<p>planning consent for residential use and therefore are typically offered to private leisure customers only.</p> <p>(5.6) The Applicant does not consider that the Proposed Development has the potential to sterilise this stretch of the Canal.</p> <p>The Planning Statement (Document 7.1A, APP-252) sets out at Sections 6 to 14, how the Proposed Development would minimise and mitigate its potential impacts and effects on the local area adopting the assessment topics listed in the NPS.</p> <p>The Applicant has sought to address and minimise any potential impacts through appropriate mitigation measures, in accordance with NPS paragraph 4.86. The Applicant's compliance with the NPS is set out at Section 17.2 of the Planning Statement.</p> <p>(5.7) The information provided in the Deadline 2 responses by the Trust regarding permanent leisure moorings at Gailey Wharf is contrary to information previously provided by the Trust to the Applicant. This clarification is required before the Applicant can comment on how the bespoke noise insulation scheme may be relevant to these locations.</p> <p>The timing of the installation of the strategic landscaping is a detailed matter to be agreed under Requirement 2.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
the Trust	<p>Responses to FwQs (REP2-023)</p> <p>(ExQ1.14.2) <i>"...there are permanent leisure moorings at Gailey Wharf (L1) that can accommodate up to 10no. boats and these are let individually on a 12month basis ... they should be considered as similar to holiday homes."</i></p> <p>(ExQ1.14.2) <i>"Users of the canal are considered 'transient' or 'quasi-residential' and it is considered that the function of the canal corridor and reservoir as not simply places that people pass through but treasured, valued recreational / leisure resources in their own right has not been fully appreciated or considered."</i></p> <p>(ExQ1.15.1) <i>"...water may be present on the site and though it may not currently be having an impact ... excavating close to the canal may disrupt this balance and reveal these water sources. The applicant would be responsible for addressing this and undertaking any remediation works required."</i></p> <p>(ExQ1.15.4) <i>"The bridge layout and design, as currently shown within submitted documents ref: 2.17, 2.18A & 21.8D, is not acceptable to the Trust ... The Trust acknowledged that the bridge design submitted is only illustrative at this stage."</i></p>	<p>(ExQ1.14.2) As noted in the Applicant's response to CRT Written Representation (5.4) above, the Applicant is clarifying the status of these moorings with the Trust.</p> <p>(ExQ1.14.2) The sensitivities of each receptor type are set out in Table 13.5 of the ES (Document 6.2, Chapter 13, APP-046). The sensitivities are determined according to a range of factors, including permanency and potential length of exposure. This approach is considered appropriate.</p> <p>(ExQ1.15.1) Prior to earthworks being undertaken in close proximity of the canal further investigation will be undertaken (as secured by Requirement 12) in order to determine groundwater conditions and implement mitigation works (where applicable).</p> <p>(ExQ1.15.4) See the Applicant's response to CRT Written Representations (2.3) above.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
	<p>(ExQ1.15.5) <i>"We therefore consider that it is reasonable and justified for the CES to cover increased maintenance costs, upgrading of the towpath surface and access points, beyond the WMI Order Limits, to a standard which is more durable / accessible and thus able to accommodate the increased usage resulting from the proposed development."</i></p> <p>(ExQ1.15.6) <i>"...the drawing 'Associated with Canal and Rivers Trust Ditch Network' (1516-0425-WDK-SI-C-301-012) (Doc 6.2 – Appendix 16.3) though this will need to be updated to clearly show the ditch and maintenance strip along the length of the reservoir."</i></p> <p>(ExQ1.15.7) <i>"The Trust would also query where these 'pollution events' would be flushed to."</i></p>	<p>(ExQ1.15.5) As noted in the Applicant's response to CRT Written Representations (3.5) above, the impact of cycling on the towpath outside of the Order Limits is expected to be limited and no improvements measures are considered to be necessary.</p> <p>(ExQ1.15.6) See the Applicant's response to CRT Written Representations (4.3) above.</p> <p>(ExQ1.15.7) Flushing of pollutants will not occur based on mitigation measures stated within the ODCEMP (Document 6.2, ES Technical Appendix 2.3, APP-060). The assessment was considering potential effects prior to mitigation.</p>
Highways England (HE)	<p>Responses to FwQs (REP2-036)</p> <p>(ExQ1.0.2) CRT Feeder Channel</p>	<p>(ExQ1.0.2) A diversion scheme for the feeder channel has been designed to avoid land that is proposed to be dedicated to Highways England. This arrangement has been verbally agreed by CRT, written agreement is awaited.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
HE	<p>(ExQ1.1.4) Rail connectivity</p> <p>(ExQ1.1.5) Use of Tugs on SRN</p> <p>(ExQ1.3.1 & 1.3.2) <i>"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. We have reviewed the AQ assessments. 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."</i></p> <p>(ExQ1.3.3) Assessment of noise not in accordance with DMRB</p>	<p>(ExQ1.1.4) Whilst HE have confused rail connectivity with rail access please see the response to HE Written Representations below in relation to "<i>Development Phasing</i>".</p> <p>(ExQ1.1.5) There is no suggestion from the Applicant that Tugs would be used on the SRN.</p> <p>(ExQ1.3.1 & 1.3.2) The Applicant's response to this question (EXQ1.8.8(ii)) is set out in the Applicant's Responses (Document 10.1, REP2-009) and is considered to address this comment. The predicted future concentrations with the proposed development in operation are less than the baseline concentrations in 2021 without the development in place and approximately 99% of the predicted concentration stems from the existing traffic flows. The proposed mitigation of the road traffic impacts is described in paragraphs 15.274 -15.282 of Document 6.2 (ES Chapter 15, APP-053).</p> <p>(ExQ1.3.3) The issue of noise was first referred to by HE just prior to Deadline 2. The Applicant's noise consultant has since had an opportunity to discuss the position with HE and the Applicant understands that HE no longer states that the noise assessment fails to comply with the guidance in DMRB.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
HE		<p>The wording agreed between the Applicant and HE at paragraphs 5.5.2 and 5.5.3 in the Statement of Common Ground (REP2-008) are as follows:</p> <p><i>“Chapter 13 of the Environmental Statement (Environmental Statement 6.2/App-046) in regard to Noise and Vibration Impacts has also recently been reviewed by Highways England to which it can be concluded that the assessment illustrates there is significant residual impact on properties adjacent to the A5 as a result of development traffic on Highways England’s network. With reference to DfT Circular 02/2013 para. 45, as explained in Highways England’s document entitled “Planning for the Future – A Guide to Working with Highways England on Planning Matters” para. 48 and 49, Highways England expects to see measures implemented that fully mitigate any and all environmental impacts arising from and relating to the interaction between developments and the Strategic Road Network (SRN). Consequently, Highways England raises a policy compliance objection at this time and these matters are not agreed.”</i></p> <p><i>“These matters will be subject to further discussions between the applicant and Highways England.”</i></p> <p>It is therefore the Applicant’s understanding that HE’s only concern on noise matters relates to the moderate adverse impact anticipated at properties along the A5 between the Site access and the M6 motorway and not with the compliance of the assessment</p>

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HE		with DMRB. The Applicant doesn't agree with HE's comments in paragraph 5.5.2 in the Statement of Common Ground ((REP2-008) and is continuing to engage with HE regarding noise issues.
	<p>Written Representation (REP2-034)</p> <p>Deemed consent</p> <p>Development Phasing</p> <p>Road Safety Audit</p>	<p>Deemed consent – The principle of deemed consent has long been accepted in DCO and expanded in recent DCO. The Applicant does not agree that Highways England is a special case. Please see the note attached at Appendix 3.</p> <p>Development Phasing – The Applicant is not entirely clear as to the point being made. The transport assessment has been carried out on the basis that 186,000sq.m. of warehousing could be occupied prior to the Rail Terminal being provided (see paragraph 9.13.3 of the Transport Assessment (Document 6.2 Appendix 15.1, APP-114)) and it is understood this is acceptable to HE. This is confirmed by the reference in the SoCG at paragraph 5.1.7 (Document 8.5, REP2-008). Development beyond that amount is constrained until the terminal is available.</p> <p>Road Safety Audit – The Applicant has responded to the outstanding point of the RSA stage 1 in order to confirm that there is no basis for works to be carried out at the M6 J12. A response is awaited from HE.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
	<p>Drainage Strategy</p> <p>HGV Management Plan</p> <p>Bond and Surety Matters</p>	<p>Drainage Strategy - There is an existing culvert under the A449 which currently forms part of the land drainage network for the site. It is proposed that the flow of surface water through this culvert following development will be equivalent to or lower than the existing flow and that it is therefore not unduly affected. O</p> <p>Surface water runoff at the new junctions is to be kept separate from all other surface water drainage systems to accord with DfT circular 02/2013.</p> <p>HGV Management Plan – A revised Site Wide HGV Management Plan was issued to SCC and HE on 18 April 2019, which the Applicant believes, addresses all outstanding points. Responses are awaited.</p> <p>Bond and Surety Matters – The Applicant is seeking to agree the definitions of Bond Sum and Cash Surety included in the HE PP (Part 2 Schedule 13) with the HE. The Applicant believes the definitions included in the dDCO (Document 3.1B) are appropriate.</p>
Natural England (NE)	<p>Responses to FwQs (REP2-040)</p> <p>(ExQ1.10.5(i)) <i>“This is within the applicant’s remit”.</i></p>	<p>(ExQ1.10.5(i)) The Applicant would refer the ExA to their response to ExQ1 (REP2-009) for this specific comment.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
NE	<p>(ExQ1.10.6(i)) <i>"This is within the applicant's remit".</i></p> <p>(ExQ1.10.19) <i>"Natural England notes that this question is posed directly to applicant. We would advise that provision for the long term management of irreplaceable habitats including veteran trees should be referenced in the FEMMP such that phase specific arrangements (EMMP) are secured."</i></p> <p>(ExQ1.10.20) <i>"We would anticipate that R11 will serve as intended provided that the FEMMP is amended to make such issues clearer."</i></p> <p>(ExQ1.10.21) <i>"With regard to content, in order to address some of the detailed aspects emerging from this first batch of questions (veteran trees, deadwood habitats and clearance of woody vegetation) the FEMMP is likely to need suitable revision."</i></p> <p>(ExQ1.10.24(ii)) <i>"In terms of relevant guidelines for the bats and lighting subject area we would draw attention to the recently published BCT Guidelines on Bats and Artificial Lighting"</i></p>	<p>(ExQ1.10.6(i)) The Applicant would refer the ExA to their response to ExQ1 (REP2-009) for this specific comment.</p> <p>(ExQ1.10.19) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) is being updated to take account of a variety of comments provided by SCC. The updated FEMMP will include further details regarding veteran trees and cross referencing to the Arboriculture Assessment (Document 6.2, ES Technical Appendix 12.7, APP-105).</p> <p>(ExQ1.10.20) As noted in 1.10.19 above, the FEMMP is being updated to include further details regarding cross referencing of measures included in the Arboriculture Assessment (Document 6.2, ES Technical Appendix 12.7, APP-105).</p> <p>(ExQ1.10.21) As noted in 1.10.19 above, the FEMMP is being updated to include further details regarding veteran trees, deadwood habitats and clearance of woody vegetation.</p> <p>(ExQ1.10.24(ii)) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) is being updated to include and reference the 2018 BCT publication, reference to which will be adhered to as part of the detailed lighting design.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
NE	<p>(ExQ1.10.24(iii)) <i>“Our relevant representations have highlighted the need for several of the requirements to work together to deliver effective biodiversity mitigation and long term management (Section 5 – DCO and 5.1.3 ‘Protected species and wider biodiversity’ refer). We note the FEMMP reference to a benchmark of ‘light levels below 1 lux at ground level’. We would seek the applicant’s feedback regarding the updated BCT guidelines detailed above in order to ensure the chosen approach is effective.”</i></p> <p>(ExQ1.10.26(iii)) <i>“In order to optimise the proposed mitigation consideration should be given to:</i></p> <ul style="list-style-type: none"> • <i>Low level scrub planting should be considered over the artificial sett to screen it from members of the public and other disturbances.</i> • <i>Any under-passes and crossing points need to be designed to make them suitable for badgers, e.g. badgers won’t cross if there is standing water in an underpass. Well considered fencing and planting should lead badgers to the crossing points.”</i> 	<p>(ExQ1.10.24(iii)) Refer to response to 1.10.24(ii) above.</p> <p>(ExQ1.10.26(iii)) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) includes the details stated with the exception of badger fencing. Badger fencing is not proposed as it was decided this would be against the aim of enabling permeability through the Site. Planting could and will be used to help ensure badgers use the crossing points. The Applicant’s concern with fencing was if animals become trapped ‘on the wrong side of the fence’.</p>
	<p><u>Written Representation</u> (REP2-038)</p>	

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
NE	<p>(4.2.2(c)) <i>"The proposal lies 10km due south of this SSSI"</i></p> <p>(4.3.2) <i>"Pre-construction surveys have identified that badgers will be impacted by the project and a licence may be required. This will depend upon whether sett/s are in active use prior to the relevant construction phase. Updated surveys will be needed to establish this."</i></p>	<p>(4.2.2(c)) As per paragraph 10.98 of ES Chapter 10 (Document 6.2, APP-030) <i>"Doxey and Tillington Marshes is approximately 13 km to the north of the Site..."</i></p> <p>(4.3.2) The previous FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) included requirements for further badger surveys. This provision is outlined in paragraph 3.7.31 of the FEMMP.</p>
Network Rail	<p><u>Written Representation</u> (REP2-130)</p>	<p>Network Rail are supportive of the proposal with which they have been engaged for many years. The Applicant is in discussion with Network Rail regarding the various agreements required in order to deliver the proposal.</p> <p>The protective provisions included within the dDCO (Document 3.1B) are based on the Network Rail standard provisions and fully protect Network Rails assets.</p> <p>Discussions are taking place with Network Rail to put in place the commercial and other legal agreements needed.</p>
	<p><u>Responses to FwQs</u> (REP2-132)</p>	

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
Network Rail	<p>(ExQ1.13.3) <i>"We do not think this is in the DCO works. In any event the proposals would need to be taken through Network Rail's full asset protection processes. No Asset Protection Agreement is currently in place. Further, Network Rail requires that the appropriate property agreements are entered into by the Applicant in respect of any rights required as part of the construction of new drainage beneath the WCML."</i></p>	<p>(ExQ1.13.3) The dDCO Works Plans have been updated for submission at Deadline 3 to ensure that the works are now expressly part of the DCO approved works.</p> <p>Discussions are taking place with Network Rail to put in place the commercial and other legal agreements needed.</p>
Other Bodies		
Brewood and Coven Parish Council	<p><u>Written Representation</u> (REP2-019)</p> <p>The following text was extracted from the Brewood and Coven Parish Council's Written Representations:</p> <p><i>"With regard to the National Policy Framework, very special circumstances have not been demonstrated in our opinion. We are concerned about the impact on our residents and on our Green Belt."</i></p> <p><i>"With regard to the suitability of the Four Ashes site for a strategic rail freight interchange, this Parish Council does not believe that an alternative site assessment has been comprehensively investigated."</i></p>	<p>The Applicant's position regarding VSC, as is set out in paragraph 5.178 of the NPS, is set out in paragraph 6.5.3 of the Planning Statement (Document 7.1A, APP-252).</p> <p>In addition, an update and source note for the Green Belt issues was provided by the Applicant at Deadline 2 (Document 10.1, Appendix 3; REP2-010). Since the submission of the DCO application there are a number of fresh matters which are relevant and material to consider.</p> <p>The Applicant considers that the potential alternative sites have been comprehensively investigated and set out in the Alternative Site Assessment (ASA) (Document 7.2, APP-255). The ASA was developed in close consultation with the Local Authorities and</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
Brewood and Coven Parish Council	<p><i>"Bescott Yard, Walsall, has been identified as a suitable site by the West Midlands Combined Authority."</i></p> <p><i>"Donnington, Telford there has been less than one freight train per week (50 in the first year of operation)"</i></p>	<p>agreement has been reached with SSDC and SCC that the approach taken by the Applicant to the ASA is appropriate and that the ASA provides an accurate and fair assessment of the availability and suitability of sites within a search area, using appropriate assessment criteria (see SSDC SoCG paragraph 9.10 (REP2-006) and SCC SoCG paragraph 7.4 (REP-007).</p> <p>Bescot Rail Sidings was identified and discounted at Page 39/40 of the ASA (Document 7.2, APP-255). It is considered that the site's limited size, below the 60ha fundamental criteria, rules it out as an appropriate alternative site. Also, whilst this site is within 5km from a motorway junction, access to Junction 9 of the M6 requires traveling approximately 3.5km along the A4031 and A4148. This would require travelling through built up and residential areas that would not be suitable for HGV traffic. Finally, a significant portion of the site is allocated by the Sandwell Local Plan for residential development and community open space.</p> <p>On this basis, Bescot Rail Sidings is not considered to be a suitable or appropriate alternative site.</p> <p>The Applicant is not aware of the reference to Bescot Rail Sidings being 'identified as a suitable SRFI site by the West Midlands Combined Authority'</p> <p>As set out in the ASA, the lack of success of the rail interchange in Telford demonstrates why it is fundamental that SRFIs are located</p>

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Brewood and Coven Parish Council	<p><i>visiting the site and as a result, there has been a call to turn the land over for lorry parking in an attempt to generate income. There has been little commitment from local businesses to use the rail terminal. This demonstrated that there is no need for an additional freight interchange at Gailey and no need for the magnitude of warehousing which has been proposed."</i></p> <p>Brewood and Coven Parish Council raise further concerns that Transport, Air Quality, Noise, Socio-Economic, Landscape and Visual, Cultural Heritage and Ecological impacts have not been fully investigated and the Parish Council remain concerned about the impact on the residents.</p>	<p>near the conurbation they are meant to serve and with access to suitable rail and road infrastructure, as confirmed in the NPS. This is also acknowledged in the West Midlands Regional Logistics Study Stage One (2004) which stated that Telford is considered to be in a "too peripheral location to attract any significant large-scale distribution development in the future".</p> <p>Strong market demand for the development is demonstrated in the Market Assessment (Document 7.4, APP-257) and Updated Market Assessment (Document 7.4A, REP2-004) submitted at Deadline 2.</p> <p>The Applicant considers that the further concerns raised by the Parish Council have been sufficiently addressed in the DCO submission documents.</p>
Brewood Civic Society	<p><u>Written Representation</u> (REP2-082)</p> <p>Brewood Civic Society objects to the West Midlands Interchange proposed by Four Ashes Ltd on two grounds.</p> <ol style="list-style-type: none"> <i>"it would destroy 297 hectares of the greenbelt"</i> 	<p>The Applicant's response to the proposed use of Green Belt land and the potential of Bescot Rail Siding as an appropriate alternative site are provided in the Applicant's response to Brewood and Coven Parish Council above.</p>

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Brewood Civic Society	2. <i>"the Society believes that other locations might be more favourable (Bescot Yard)".</i>	
Collective of Parish Councils	<p><u>Written Representation</u> (REP2-089)</p> <p><i>"The need for 300 hectares of rail served warehousing at Four Ashes is questionable when capacity exists at the Bescot (Walsall) Sidings Freight Yard.</i></p> <p><i>Clearly, the size of the Bescot site would preclude it from being considered as a direct alternative, however, its use for rail served warehousing would have the capability to reduce the need for 300 hectares of Green Belt at Four Ashes."</i></p>	<p>The Applicant's response to the potential of Bescot Rail Siding to be an appropriate alternative site is provided in the Applicant's response to Brewood and Coven Parish Council above.</p> <p>The NPS also makes it clear that a larger number of smaller rail freight interchange terminals would not be a viable nor desirable option for addressing the identified need for SRFIs (Table 4, page 23). The NPS recognises that there is a place for local terminals, however, it is determined that <i>"these cannot provide the scale economies, operating efficiencies and benefits of the related business facilities and linkages offered by SRFIs"</i>.</p>
CPRE Staffordshire	<p><u>Written Representation</u> (REP2-092 – REP2-097)</p> <p>CPRE do not consider that 'very special circumstances' nor 'exceptional circumstances' have been demonstrated in this case to overcome the presumption against inappropriate development in the Green Belt.</p>	<p>The Applicant's position regarding VSC, as is set out in paragraph 5.178 of the NPS, is set out in paragraph 6.5.3 of the Planning Statement (Document 7.1A, APP-252).</p> <p>In addition, an update and source note for the Green Belt issues was provided by the Applicant at Deadline 2 (Document 10.1, Appendix 3; REP2-010). Since the submission of the DCO</p>

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CPRE Staffordshire	<p>CPRE object to the lack of an Impact Assessment agreed with surrounding Councils of the likelihood of attraction of existing firms to leave existing premises to re-locate to Gailey or to the closure of existing SRFI.</p> <p>CPPE object to the lack of a written assurance from the County Highway Authority that it is satisfied that the scheme will not adversely affect residents and other highway users on the A449 through Penkridge, the A5 to the West of Gailey, the A5 to the east of J12 (particularly in the Bridgetown area of Cannock) - each of which will carry additional traffic.</p> <p>CPRE object to the absence of assured sustainable public transport provision as the preferred mode for the long term for all employees – not just those unable to afford, or unwilling/unable to use, private vehicles.</p>	<p>application there are a number of fresh matters which are relevant and material to consider.</p> <p>Chapter 14 of the ES (Document 6.2, APP-052) sets out the Proposed Developments effects on existing businesses.</p> <p>It is agreed with SCC the transport documents define an appropriate package of highway mitigation measures that are acceptable to fully mitigate the impacts of the Proposed Development. This is set out at paragraph 9.5 of the SCC Statement of Common Ground (Document 8.5, REP2-007).</p> <p>The Sustainable Transport Strategy (Document 6.2, ES Technical Appendix 15.1, Appendix G, APP-136) is included as an appendix to the Transport Assessment (Document 6.2, ES Technical Appendix 15.1, APP-114). This sets out the strategy to improve the bus, walking and cycling infrastructure. Contributions towards key elements of the Sustainable Transport Strategy, including shuttle buses, will be secured through the DCOB. Improvements to walking and cycling infrastructure are included on the General Arrangement drawings (APP-210), secured by the Requirements and the Protective Provisions with Highways England and Staffordshire County Council.</p>

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CPRE Staffordshire	<p>CPRE have queried a clear and tested written commitment, in advance of the Examination, from Network Rail that the route can, and will continue to be able to, accommodate, 10 additional freight trains serving the site (20 train movements) per day.</p> <p>CPRE object to the apparent absence of a binding guarantee is given that the SRFI element will be constructed at the commencement of the scheme and brought into use within a specified time from commencement of the development.</p> <p>CPRE object to the lack of a binding assurance is given that only rail-using Companies, with a specified requirement to use the SRFI, will be accommodated on the site.</p>	<p>Please refer to Section 3.6 (“Capacity of the National Network”) of the SoCG between the Applicant and Network Rail (AS-025), which states that “<i>Two timetable studies have been undertaken by the Applicant to assess [Network Rail’s ability to accommodate the anticipated rail traffic from the SRFI]. The first was undertaken by Arup in 2007. The second was undertaken more recently by PRA Rail Associates in 2017. Both studies indicate that paths are available on the network at regular intervals through the day. As the proposals are progressed through the GRIP process, greater design and definition will be undertaken on the underpinning Timetable Planning Rules, alongside the proposed Method of Working and associated track layout and signalling functions. This will achieve the most effective means of pathing trains on and off the WCML.</i>”</p> <p>Please refer to the document entitled “Timing of the Provision of the Rail Freight Terminal”, appended to this document (Appendix 2).</p> <p>The objection is noted.</p>

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Greensforge Sailing Club	<u>Responses to FwQs</u> (REP2-110)	<p>The Applicant acknowledges the further information provided by Greensforge Sailing Club (REP2-110). As outlined in the Applicant's response to ExQ1 (1.14.6) (Document 10.1, REP2-009) the Applicant is undertaking further assessment in relation to potential sailing effects.</p> <p>This information will be provided as soon as possible. During this period the Applicant will continue to engage with Greensforge Sailing Club.</p>
NewRiver Retail (Simply Planning Ltd)	<p><u>Written Representation</u> (REP2-134)</p> <p>NewRiver Retail question the proposed right turn ban at A449 / Station Drive, particularly in terms of local access to Station Drive and the Four Ashes Public House. Loss of passing trade is also quoted as the basis for their objection. Suggestion that consideration should be given to banning right turn from A449 southbound to Four Ashes Road or closing Station Drive to the west of the existing Railway bridge.</p>	<p>The background to the proposal to provide the right turn ban is set out within paragraphs 5.2.12 – 5.2.15 of the Transport Assessment (Document 6.2, Technical Appendix 15.1, APP-114).</p> <p>The right turn ban was identified through discussions with SCC as the preferred option and tested using VISSIM. The operation of the A449 / Station Drive junction with the banned right turn and the resultant traffic diversions was found to be acceptable to HE/SCC. It is important to consider that these highway works are not solely about introducing highway capacity benefits, it is also to reassign existing rat running traffic onto the proposed A449/A5 link road and direct WMI employee traffic onto appropriate infrastructure.</p> <p>The matter of local access to Station Drive is discussed in paragraph 5.2.12 of the Transport Assessment (Document 6.2, ES</p>

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NewRiver Retail (Simply Planning Ltd)		<p>Technical Appendix 15.1, APP-114). The traffic signage regime for the proposed highway works will be dealt with at the detailed design stage, however it will be necessary to advise drivers wishing to reach Station Drive from the A449 (south) that U turn movements at the proposed A449 roundabout will accommodate this local access.</p> <p>WMI will accommodate some 8,550 employees, which will, it is considered, provide a sizeable new catchment for the Four Ashes Public House. Whilst it is acknowledged that traffic using Station Drive will reduce with the proposed development, traffic flows using the A449 southbound are shown to increase during the PM peak hour with the scheme in place which will add to the passing trade opportunities for the Public House, this is shown on Figure L6 of the Transport Assessment (Document 6.2, Technical Appendix 15.1, APP-146).</p> <p>It is agreed with SCC the transport documents define an appropriate package of highway mitigation measures that are acceptable to fully mitigate the impacts of the Proposed Development. This is set out at paragraph 9.5 of the SCC Statement of Common Ground (Document 8.5, REP2-007). As set out within Section 5 of the HE SoCG (Document 8.6, REP2-008) the highway impact of the Proposed Development is agreed at the future year of 2021.</p>

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Penkrudge Parish Council	<p><u>Written Representation</u> (REP2-044)</p> <p>(1.) Transport and Traffic – ExQ1.7.5 to 1.7.16 can the Inspector and the Applicant say if the Effect, Mitigation, and Monitoring will extend to Penkrudge and the surrounding Areas.</p> <p>(2.) Air quality – ExQ1.8.1 to 1.8.6 – can the Inspector and the Applicant say if the Effect, Mitigation and Monitoring will extend to Penkrudge and the surrounding areas.</p>	<p>(1.) Please refer to the Applicant's response to the ExA FWQ 1.7.5 and 1.7.16 (Document REP2-009).</p> <p>Mitigation, through the provision of the A449 WMI HGV ban will extend to Penkrudge, as set out in the SCC SoCG, (Document REP2, 008) at paragraph 9.11. A Contingent Traffic Management Fund, and pre construction traffic surveys, provides an appropriate means to monitor the likelihood of development traffic using minor roads rather than the primary road network, as confirmed at paragraph 9.21 the SCC SoCG, (Document REP2, 008). See also SCC answers to ExA FWQ 1.7.13 (Document REP2-063).</p> <p>(2.) The Air Quality Assessment (Document 6.2, ES Chapter 7, APP-027) includes consideration of receptors in Penkrudge (Table 7.2.1 and Figure A7.3.3.1, ES Technical Appendix 7.3, Document 6.2, APP-069). The Applicant's assessment in relation to AQ impacts have been tested by the SSDC EHO and by consultants on their behalf. Section 15 of the SoCG (REP2-006) between the Applicant and SSDC confirms this, and in particular, paragraph 15.17 of the SoCG states "<i>The predicted changes in air quality, in combination with concentrations below the air quality objectives, indicate that the overall effects of the proposed development will be 'not significant'</i>".</p>

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Penkridge Parish Council	<p>(3.) Cultural Heritage and Archaeology – ExQ1.11.1 to 1.11.18 can the Inspector and Applicant say that the Effect and Mitigation of the Views will extend to Penkridge and the surrounding areas.</p> <p>(4.) Noise, Vibration, and Lighting – ExA1.91 to 1.9.12 - can the Inspector and the Applicant say if the Effect, Mitigation and Monitoring will extend to Penkridge and the surrounding areas.</p> <p>(5.) DDCO and DDCO Obs – ExA1.17.2 – in particular:</p> <p>a) The Community Liaison Group where PPC are mentioned – but to date there has been no ongoing contact with the Applicant or any other parties - to discuss any matters relating to this item.</p>	<p>(3.) The spatial scope of the Archaeology (Below Ground Heritage) ES chapter (Document 6.2, ES Chapter 8, APP-028) is 1km from the Site boundary which is considered appropriate. This means assessment is not required to extend to Penkridge. The spatial scope of the Cultural Heritage ES chapter (Document 6.2, ES Chapter 9, APP-029) is 3km from the Site boundary (ES paragraph 9.79) which is considered appropriate. The scope of the assessment (as per ES paragraphs 9.82 to 9.86) would have included consideration of applicable cultural heritage receptors in Penkridge if any had been present.</p> <p>(4.) The study area for the noise and vibration assessment (ES paragraph 13.55, Document 6.2, ES Chapter 13, APP-046) extends to Penkridge in terms of consideration of off-road road and rail traffic. Table 4 of the Lighting Strategy and Impact Assessment (Document 6.2, ES Technical Appendix 12.8, APP-106) identifies potential receptors which could be affected by lighting from the Proposed Development. The assessment has not identified any significant lighting effects to receptors in Penkridge.</p> <p>a) The DCOB, including the structure and scope of the Community Liaison Group, has been developed through discussions between the Applicant, SSSC and SCC.</p>

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Penkrudge Parish Council	<p>b) Site Wide Travel Plan – cycle ways to and from Penkrudge - no additional or improvements are shown anywhere on the plans. (additional cycle ways are shown on the A5 and A449 although some exist already on the A449 south of Gailey roundabout.)</p> <p>c) Site wide HGV Management Plan – there are questions which have been raised in relation to traffic through Penkrudge - the PPC would be most interested in the responses from all the IP's – see paragraph 1. above.</p> <p>d) Community Fund – relating to the Community Parks and POS – of which parts fall within the PPC ward – where there has been no discussion between PPC and the Applicant or other parties.</p> <p>(6.) Rail Terminal - the Parish Council is concerned about the regulation to control the delivery of the Rail terminal - before any warehouses are occupied.</p>	<p>b) The cycle route through Penkrudge is an existing route and available for use. The transport strategy for WMI connects to this route. HE is in the process of introducing improvements for pedestrians and cycle crossing facilities at Gailey Roundabout. It is agreed with SCC the transport documents define an appropriate package of highway mitigation measures that are acceptable to fully mitigate the impacts of the Proposed Development. This is set out at paragraph 9.5 of the SCC Statement of Common Ground (Document 8.5, REP2-007).</p> <p>c) See answer (1) above.</p> <p>d) The DCOB, including the Community Fund, has been developed through discussions between the Applicant, SSDC and SCC.</p> <p>(6.) Please refer to the document entitled “Timing of the Provision of the Rail Freight Terminal”, appended to this document (Appendix 2).</p>

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Shareshill Parish Council	<p><u>Written Representation</u> (REP2-148)</p> <p>The Parish Council raise concerns regarding the Proposed Development's potential impact on the views from the a located to the rear of the Parish Church of St. Mary and St. Luke in Church Road, Shareshill and from the Toposcope in Shoal Hill Common.</p> <p>The Parish Council is very concerned that no assessment has been made regarding employees rat running through the side roads/lanes which run from Church Road, Shareshill and Saredon Road, Saredon off the busy A460 in order to get to the WMI site.</p>	<p>The potential visual effects of the proposed development on views from Shareshill, including from the Parish Church have been appraised as part of the landscape and visual impact assessment. These are detailed at ES Chapter 12 (Document 6.2, APP-032) (including paragraphs 12.258 – 12.260; 12.288 – 12.290; 12.369; 12.399 – 12.400; and 12.441 – 12.443). The visual effects of the proposed development from the Public Right of Way close to the rear of the church has been assessed as Moderate Adverse (See ES Technical Appendix 12.6 (APP-104); Receptor P5).</p> <p>The visual effect of the proposed development upon users of Shoal Hill Common is detailed at ES Technical Appendix 12.6; Receptor P7. This visual effect has been assessed as Moderate Adverse, during construction, upon completion and at 15 years post completion. Natural England have agreed with this judgement as detailed in the Statement of Common Ground (REP1-003) (paragraph 5.2.21).</p> <p>Please refer to the applicants and SCC answer to ExA question 1.7.13 (Document REP2-009) and (Document REP2-063).</p>

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Shareshill Parish Council	<p>The need for 300 hectares of rail served warehousing at Four Ashes is questionable when capacity exists at the Bescot (Walsall) Sidings Freight Yard.</p> <p>Clearly, the size of the Bescot site would preclude it from being considered as a direct alternative, however, its use for rail served warehousing would have the capability to reduce the need for 300 hectares of Green Belt at Four Ashes.</p>	<p>The Applicant's response to the proposed use of Green Belt land and the potential of Bescot Rail Siding as an appropriate alternative site are provided in the Applicant's response to Brewood and Coven Parish Council above.</p>
Shoal Hill Joint Committee	<p><u>Written Representation</u> (REP2-149)</p> <p>The Joint Committee considers that the proposed development will have a significant impact on views from Shoal Hill Common and ultimately its setting, particularly as a result of the fact that Shoal Hill is on an elevated location.</p>	<p>The assessment of the effects of the Proposed Development upon the landscape and the Area of Outstanding Natural Beauty (including Shoal Hill) have been undertaken in accordance with best practice. Paragraph 4.1.2 of the SoCG with Natural England (REP1-003) confirms agreement with the Applicant's methodology.</p> <p>Potential views towards the Proposed Development from the AONB will be limited to a very small part of the designated landscape at its south western extent. This will include Shoal Hill. The effects of the Proposed Development upon the AONB and the special qualities of this landscape and upon users of the AONB (including Shoal Hill) are detailed in Environmental Statement (Document 6.2, Chapter 12, APP-032). A</p>

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Shoal Hill Joint Committee	<p>The Joint Committee notes again that the land is Green Belt and argues that the harm to the Green Belt (including harm to the landscape and setting) and any other harm is not clearly outweighed by the stated very special circumstances, in line with para 5.178 of NPSNN.</p>	<p>photomontage depicting the view of the Proposed Development from Shoal Hill is included at Figure 12.13 (APP-045) (Viewpoint 32). Careful attention has been paid to the effects of the Proposed Development upon this landscape.</p> <p>As set out at paragraph 12.449 of the Landscape and Visual Chapter of the ES (Document 6.2, Chapter 12, APP-032), the significance of the visual effects for users of the PROW and publicly access areas at Shoal Hill will be Moderate Adverse upon completion of the Proposed Development.</p> <p>The Applicant's position regarding VSC, as is set out in paragraph 5.178 of the NPS, is set out in paragraph 6.5.3 of the Planning Statement (Document 7.1A, APP-252).</p> <p>In addition, an update and source note for the Green Belt issues was provided by the Applicant at Deadline 2 (Document 10.1, Appendix 3; REP2-010). Since the submission of the DCO application there are a number of fresh matters which are relevant and material to consider.</p>
Stop the West Midlands Interchange (Ansons Solicitors Limited)	<p><u>Agriculture & Farming Impact Report</u> (REP2-165) Summary Page: Reference to Agriculture Bill (2017-19).</p>	<p>The Agriculture Bill does not include anything relevant to Agricultural Land Classification (ALC) or Best and Most Versatile (BMV) agricultural land.</p>

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<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p>(4.1) <i>"The applicant has failed to identify any effects, and does not seek to minimise impacts, on soil quality, taking into account any mitigation measures proposed"</i></p>	<p>(4.1) ES Chapter 6 (Document 6.2, APP-026) has identified effects on soil quality. The DEFRA Code of Construction Practice for the Sustainable Use of Soil on Construction Sites (2009) is referenced at ES paragraphs 6.13, 6.14 (best practice guidance) and 6.64 (mitigation).</p>
	<p><u>Ecology & Environment Report</u> (REP2-163)</p> <p>General comments relating to species including; bats, amphibians, birds, badgers, otters, polecats, brown hare, water vole and reptiles.</p> <p>(Section 5.3) <i>"The mosaic of farmland and woodland is home to a number of species of farmland birds, which are nationally in decline. This includes, notably, lapwings (Vanellus vanellus), bullfinches (Pyrrhula pyrrhula), chaffinches (Fringill coelebs), goldfinches (Carduelis carduelis) and yellowhammers (Emberiza citrinella). The loss of this habitat would result in the loss of these farmland bird species from the immediate area of</i></p>	<p>The Applicant has agreed Statements of Common Ground with SCC (REP2-007) and Natural England (REP1-003), where agreement has been reached that all issues relating to the stated protected species / habitats have been satisfactorily addressed and appropriate mitigation measures are set out in the final ES. With respect to bats a Letter of No Impediment from Natural England has been issued (Document 6.2, ES Technical Appendix 10.5, APP-091).</p> <p>(Section 5.3) The following mitigation measures are included within the FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090), secured by dDCO Obligation to mitigate against the adverse effect of loss of the farmland on the species this habitat supports, namely farmland birds:</p> <ul style="list-style-type: none"> • Enhancement and management of 12 hectares of existing intensively managed arable farmland off-site (within 1 km

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<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p><i>development, due to their need for open farmland and woodland in order to feed, roost and breed."</i></p> <p>(Section 5.3) <i>"The proposed development will lead to the loss of a significant amount of nearby farmland, scrub and marshland, which is used by herons for feeding. Furthermore, due to their lack of tolerance towards disturbance by humans, increased activity around the site is likely to adversely affect the numbers of herons in and around the area."</i></p>	<p>of the Site) dedicated for the benefit of farmland birds – (Draft Obligation, Document 7.7B, APP-157).</p> <ul style="list-style-type: none"> • Two parcels of land on-site provided for farmland bird mitigation to be sown with a seed bearing crop and managed in the operational phase by periodic harrowing or ploughing and an area of grassland subject to restricted access. • Elements of the Community Parks will include habitats that can be tilled to emulate arable habitats lost in construction. <p>However, the Ecology ES Chapter (Document 6.2, APP-030) assessment acknowledges in Table 10.13 that a significant residual effect at the local scale is anticipated for farmland birds due to the loss of supporting habitats.</p> <p>(Section 5.3) ES paragraph 10.314 (Document 6.2, ES Chapter 10, APP-030) predicts a maximum daytime increase of up to 1 dB LAeq,T across the Gailey Lower and Upper Reservoirs. A maximum night time increase of up to 1 dB LAeq,T is predicted in the same locations. Baseline day-time noise levels at Gailey Lower and Upper Reservoirs are 52 dB LAeq,T in the baseline situation. It was concluded that, given the distance away of the heronry and existing proximity to the noisy and busy M6, disturbance effects from noise in the operational phase are considered unlikely.</p>

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<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p>(Section 5.4) <i>“Brown Hares (Lepus europaeus) are present in the area. They are locally scarce and nationally in decline. They need open farmland to thrive, feed and breed. Very susceptible to traffic and the proposed development would restrict their movements, resulting in habitat fragmentation and separation and isolation of populations.”</i></p> <p>(Section 5.4) <i>“Water Voles are nationally in decline, their numbers have been vastly reduced in recent years throughout Staffordshire although they are found where canal banks hold suitable habitat. Development of canal towpaths effectively removes such suitable habitat”.</i></p>	<p>(Section 5.4) As stated in Paragraph 4.10.4 of Appendix 10.1 Ecology Baseline Report (APP-087), no brown hares were observed on site during the course of the regular ecological monitoring surveys that were undertaken in 2016 and 2017. It was concluded likely that brown hares are absent from the Site.</p> <p>(Section 5.4) As stated in paragraph 4.8.15 of ES Technical Appendix 10.1 Ecology Baseline Report (Document 6.2, APP-087), water vole are considered absent from the Site (including the 3.5 km stretch of canal surveyed based on 2016 and 2017 survey findings).</p>
	<p><u>Health Impact Report</u> (REP2-162)</p> <p><u>Summary of Our Objections</u></p> <ul style="list-style-type: none"> • South Staffordshire District Council describe air quality in most of Staffs is “good”. However, there are four Air Quality Management Areas in Staffs which are close to the Air Quality Limits. Three of these are within 5 miles of the proposed development. 	<ul style="list-style-type: none"> • The air quality impacts in relation to the Air Quality Management Areas was raised by the ExA in the First Written Questions. The Applicant's response to the question on this topic (ExQ1.8.9) is set out in the Applicant's Responses (Document 10.1, REP2-009) and is considered to address this point.

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<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<ul style="list-style-type: none"> It will go against the proposals of the Staffordshire Health & Well Being board which include: to maintain compliance with the 2020 EU limit value of 25µg/m². <p><u>2.0 Air Pollution</u> NPSNN - 5.10 - The Secretary of State should consider air quality impacts over the wider area likely to be affected, as well as in the near vicinity of the scheme. In all cases the Secretary of State must take account of relevant statutory air quality thresholds set out in domestic and European legislation.</p> <p>The daily emissions to air data for the current incinerator facility at Four Ashes is as follows: Dust (Particulates) 10mg/m³, Total Organic Carbon 10mg/m³, Hydrogen Chloride 10mg/m³, Carbon Monoxide 50mg/m³, Sulphur Dioxide 50mg/m³ and Oxides of Nitrogen 200mg/m³. (Veolia website)</p> <p><u>3.0 Ref: Air Quality: Draft Clean Air Strategy 2018</u> <u>4.0 Ref: Governments Proposed Actions: Draft Clean Air Strategy 2018</u></p>	<ul style="list-style-type: none"> The results of the modelling of the impact of the proposed development on air quality (Table 7.6.4 of ES Technical Appendix 7.6, Document 6.2, APP-072) shows that all predicted PM_{2.5} concentrations are well below 25µg/m³. <p><u>2.0 Air Pollution</u> The air quality impacts in relation to the NPS was raised by the ExA in the First Written Questions. The Applicant's response to the question on this topic (ExQ1.8.9) is set out in the Applicant's Responses (Document 10.1, REP2-009) and is considered to address the comment.</p> <p>The Veolia emissions data are the permit emission concentrations with a subsequent graph showing that the Energy Recovery Facility operates with emissions below the permitted concentrations. The facility is subject to an Environmental Permit (HP3431HK) granted by the Environment Agency and the permit would not have been granted had significant impacts on the environment been predicted.</p> <p><u>3.0 and 4.0</u> The draft Clean Air Strategy 2018 has now been superseded by the Clean Air Strategy 2019 which was published on 14 January 2019. The commitment to reducing exposure to PM_{2.5} concentrations is outlined as follows:</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<ul style="list-style-type: none"> We will progressively cut public exposure to particulate matter pollution as suggested by the World Health Organisation. We will halve the population living in areas with concentrations of fine particulate matter above WHO guideline levels (10 µg/m³) by 2025. 	<ul style="list-style-type: none"> We will progressively cut public exposure to particulate matter pollution as suggested by the World Health Organization. We will set a new, ambitious, long-term target to reduce people's exposure to PM_{2.5} and will publish evidence early in 2019 to examine what action would be needed to meet the WHO annual mean guideline limit of 10 µg/m³. By implementing the policies in this Strategy, we will reduce PM_{2.5} concentrations across the UK, so that the number of people living in locations above the WHO guideline level of 10 µg/m³ is reduced by 50% by 2025. <p>The results of the modelling of the impact of the proposed development on air quality (Table 7.6.4 of ES Technical Appendix 7.6, Document 6.2, APP-072) shows that all of the increases in PM_{2.5} concentrations are negligible and therefore the proposed development will not delay achievement of the Clean Air Strategy 2019 target.</p>
	<p><u>Planning Report</u> (REP2-158)</p> <p>Stop the West Midlands Interchange object to the proposed development on the following grounds:</p> <ul style="list-style-type: none"> The Proposed Development is considered to be inappropriate and is by definition harmful to the Green Belt. In line with policy guidance, 	<p>The Applicant's position regarding VSC, as is set out in paragraph 5.178 of the NPS, is set out in paragraph 6.5.3 of the Planning Statement (Document 7.1A, APP-252).</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p>substantial weight must be given to such harm. The proposal also conflicts with one of the five purposes of Green Belt, as stated in the NPPF; namely 'to assist in safeguarding the countryside from encroachment';</p> <ul style="list-style-type: none"> • Very Special Circumstances (VSC) have not been demonstrated. The applicant has not demonstrated that there is a lack of alternative sites or there is need for this development at the proposed site or within South Staffordshire. • Contrary to Local and National Planning Policy. The development is contrary to adopted Local Plan, NPPF and the National Policy Statement for National Networks (NPS NN 2014). • Environmental Conditions. These are required if consent is granted to protect amenity • Draft Development Consent Obligation. If consent is granted no stand-alone warehouse development should be permitted in advance of a satisfactory solutions to pollution and network capacity issues. 	<p>In addition, an update and source note for the Green Belt issues was provided by the Applicant at Deadline 2 (Document 10.1, Appendix 3; REP2-010). In this context, it is helpful that paragraph 6 of the SSDC's Written Representations (REP2-046) recognises that the presence of a rail connection can provide the Very Special Circumstances (VSC) necessary to justify the development in this Green Belt location.</p> <p>A detailed assessment of the Proposed Development's compliance with the requirements of the National Networks National Policy Statement is set out in the Planning Statement (Document 7.1A, APP-252) and at Section 5 of the SSDC SoCG (REP2-006).</p> <p>The Mitigation Route Map (APP-155) sets out the mitigation controls and other best practice measures identified in the Environmental Statement (Document 6.2) and identifies the means by which those controls and measures will be secured.</p> <p>With regards to the timing of the rail infrastructure, please refer to the document entitled "Timing of the Provision of the Rail Freight Terminal", appended to this document (Appendix 2).</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p><u>Rail Report</u> (REP2-159)</p> <p>(2.1) <i>“The railway infrastructure in this proposed location is not suitable for additional freight use due to it being located on the Birmingham Loop of the West Coast Mainline, which only has two tracks (up and down).”</i></p> <p>(2.2) <i>“There is a large difference in level between the road (A5) as the track runs through a cutting for much of the proposal site – restricting the use of sidings and adjacent buildings. There is no connection possible to</i></p>	<p>(2.1) None of the 7 operational SRFI are on 4-track railways, and those in the Midlands (DIRFT, Hams Hall, Birch Coppice) connect into 2-track railways.</p> <p>The Alternative Sites Assessment (Document 7.2, APP-255) has considered other sites in the area on 4-track sections of the WCML and did not consider any of these sites to be suitable as SRFI.</p> <p>As the operator of the national rail network, Network Rail is supporting the WMI DCO and has no such concerns about location or main line access, noting in the Statement of Common Ground with FAL (Document 8.1, AS0-025) that:</p> <p><i>“The development site is located on the Strategic Freight Network, the electrified W10 gauge route capable of accommodating 775m length trains. The location to the North West of Birmingham, 30 km north of Hams Hall and 80 km south of 3MG Widnes, provides a geographically optimal location for a SRFI in accommodating future intermodal traffic growth.”</i></p> <p>(2.2) The amount of warehousing on SRFI with direct siding access varies considerably between sites, with Hams Hall, Wakefield Europort and the latest developments at iPort Doncaster and East Midlands Gateway having no warehouses on site capable of being directly rail-linked.</p>

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<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p><i>the remaining dozen warehouses due to levels and a historic canal."</i></p> <p>(2.7) <i>"The creation of nodal yards can create the capability for freight to operate in paths that are more appropriate and deliver benefits such as improved timetable capacity and network performance. Developed at strategic geographic locations, nodal yards act as freight traffic staging and regulation points at the confluence of adjacent route sections, enabling effective management of freight traffic flows."</i></p> <p>(3.0) <i>"To facilitate additional freight capacity on the WCML, Four Ashes Ltd are reliant on HS2 encouraging existing services moving over to the new line. There are no guarantees that this will happen."</i></p> <p>(3.7) <i>"The most exasperating situation is that just five miles away from Four Ashes is the Freightliner (Pentalver) intermodal depot in Cannock. This yard was developed on the site of the former opencast coal loader for filling railway wagons for power stations. The</i></p>	<p>As noted by the Applicant in their response to ExQ1.2.20 (Document 10.1, REF), this point was considered by Secretary of State for the recent East Midlands Gateway SRFI application. The Secretary of State was satisfied with the proposals being capable of operation as a SRFI (including the access to the main line being via a 2-track freight-only branch line).</p> <p>(2.7) WMI is located between the major nodal yard at Crewe Basford Hall and Bescot Yard, obviating the need to create another such facility on site. Network Rail, the operator of the national rail network, is supporting the WMI DCO and has no such concerns about nodal yard provision.</p> <p>(3.0) No such claim is made in the Applicant's documentation. The Statement of Common Ground between FAL and Network Rail (Document 8.1, AS0-025) sets out Network Rail's position on network capacity on section 3.6.</p> <p>(3.7) Pentalver is on a 2-track branch line off the WCML, is not operational, and has no nodal yard facilities on site (or any proposals to create a nodal yard). This view is therefore entirely inconsistent with other points made in the Stop The West Midlands Interchange Rail Report.</p>

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<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p><i>site was demolished and Pentalver developed a container base on the site. Pentalver have now been taken over by US giant, Freightliner. The company have applied for and been granted planning consent to operate as a rail freight facility. There is an adjacent industrial park development. Within the last two years Network Rail have renewed the point-work off the mainline into the facility and re-signalled it as part of the modernisation. In addition the Cannock line has been electrified and the first electric trains ran trials in 2018."</i></p> <p>(4.0) <i>"This proposal will go against the recommendations put forward by the Freight Network Study 2017 which places significant emphasis on improving average speeds on lines, which it states is a "crucial factor in enabling rail freight to offer a viable alternative to road haulage and in encouraging modal shift to rail. At present, end-to-end journey time of freight flows on some key corridors can be very long and average speed very low, restricting rail freight's ability to offer a competitive service and price to its customers. The key drivers of reduced end-to-end journey time are the line speed capability of the infrastructure and the quality of the train path in terms of minimising the number and duration of stops made in passing loops. In terms of maximum line speed and</i></p>	<p>Network Rail has raised no such concerns.</p> <p>(4.0) The Proposed Development is supported by Network Rail (see Statement of Common Ground (Document 8.1, AS0-025)) and is referenced in Network Rail's latest freight strategy document (Freight & National Passenger Operators Route Strategic Plan 2018, page 145), reiterating Network Rail's support.</p> <p>Network Rail has raised no such concerns.</p>

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<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p><i>the number of sections of low line speed e.g. permanent speed restrictions; improvements to line speed capability can include both increasing the maximum line speed (to 125 mph) on a route and reducing the number of sections of low line speed. The latter is particularly critical, since if a heavy freight train is required to slow to a low line speed, accelerating back up to full speed takes considerable time.</i></p> <p>(4.3) <i>"The applicant has recently submitted to PINS, a Statement of Common Ground between FAL and Network Rail. It reveals that they worked on the WMI project with Network rail since 2008 until it was shelved in 2011 due to global downturn. During that decade the proposal has only reached GRIP2 (Feasibility). The GRIP process is Network Rails method of processing infrastructure.</i></p> <p><i>That level indicates that progress is years away from meaningful agreement (whereas global downturn is with us again)".</i></p> <p>(4.5) <i>"It is noted that FAL have mentioned the China UK rail connection as part of freight growth. However that is a high priced service for urgent items, too heavy</i></p>	<p>(4.3) No other SRFI submitted through DCO or the Town & Country Planning Act has developed further than GRIP2 at the time of submission.</p> <p>Network Rail has raised no such concerns.</p> <p>(4.5) No evidence is submitted to substantiate this.</p> <p>The industry association for the companies operating the majority of intermodal road-rail services in Europe (the UIRR) state in their latest report that <i>"Traffic is dynamically developing on Western-</i></p>

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<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p><i>for air and produced inland, that mainly assists Chinas Belt & Road political strategy. To replace a single container ship would require up to 100 rail journeys."</i></p>	<p><i>Eastern relations, and even more within the Eastern countries and along the intercontinental routes towards China, Russia and Turkey," with 40% growth in traffic between Germany and China between 2017 and 2018 (UIRR Report 2017-18 page 35).</i></p>
	<p>Highway and Transportation (REP2-161)</p> <p>Questions raised in respect of the approach to modal share,</p> <p>More detail should be provided regarding the operation of the proposed shuttle bus,</p>	<p>Matters in respect of the modal share assumptions used to inform the trip generation approach have been agreed. See paragraph 2.2.2 of The HE SoCG (Document 8.6, REP2-008) and paragraph 9.7 of the SCC SocG (Document 8.5, REP2-007). It is important to stress that the assessments undertaken of the Strategic Route Network are considered by HE to present a worst case assessment, please see HE's response to ExA FWQ 1.7.6 (Document REP2-036). See SCC answer to ExA FWQ 1.7.6 (Document REP2-063).</p> <p>With regard to the proposed shuttle bus, paragraph 5.4.8 pf the Transport Assessment (Document 6.2, Technical Appendix 15.1, APP-114) is clear that the introduction and final routes of the shuttle buses will be determined by the Transport Steering Group in order to respond to circumstances when the origins of future employees are known. A specific fund for the delivery of the shuttle buses is set out within the draft Obligation. In addition, operators may seek to operate their own, bespoke shuttle bus services in addition to the developer funded services.</p>

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<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p>Provision for extended cycle facilities towards Penkridge,</p> <p>Should not base modal shift targets on i54</p> <p>Request for details of proposed end users.</p> <p>Lack of shift change assessment at 2036</p>	<p>Existing cycle links are provided along A449 towards Penkridge, to the north of the Gailey Roundabout, as shown in Document 6.2, Technical Appendix 15.1 Figure 2 (APP-116). It has been agreed with SCC, as referenced at paragraph 9.5 of the SoCG (Document REP2-007) that an appropriate package of mitigation measures has been identified.</p> <p>Modal shift targets are not based upon outcomes identified at i54. The Sustainable Transport Strategy (Document 6.2, Technical Appendix 15.1, Appendix G, APP-137)) provides details of the success of the Travel Plan at i54 in order to show what positive outcomes can be achieved through the measures provided by Travel Planning.</p> <p>The Proposed Development is a speculative one and it is normal that at this planning stage, the end users are not known.</p> <p>No requirement has been made by HE to test the shift changes junction operation at 2036. However, review of Technical Note 31 Shift Change Assessment (Document 6.2, Technical Appendix 15.1, Appendix S, APP-148) demonstrates that the proposed new junctions with the SRN operate with significant reserve capacity during these times.</p>

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<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p><u>Road Infrastructure Report</u> (REP2-160)</p> <p>According to National Policy for SRFI's they should be placed in appropriate locations. WMI is not connected to an extensive trunk road network or near to a major conurbation. The A5 heading west from Gailey to Priorslee was detrunked in 1995 and narrows in places and is highly unsuitable for HGV's and this has not been considered in the traffic impact assessments.</p> <p>Statement T9 in the Strategy for the A5 2011 -2026 states that where possible, major developments sites should be located close to existing public transport services and interchange facilities.</p> <p>We believe that WMI will not function as a SRFI and consequently will generate greatly increased traffic on the highways and village road network in the area and not as the applicant proposes, reduce it, whilst bringing no, or only marginal benefits in the form of modal shift. The proposed weight limits on a number of country lanes are not enforceable and are likely to be ignored.</p> <p>There is a significantly increased risk to the safety and wellbeing of local residents from increased carbon</p>	<p>The site is surrounded by and close to the Strategic Road Network (SRN) namely the A5, A449, M6 and M54. It is also close to the major conurbations of Wolverhampton and Birmingham. The A5 west of Gailey roundabout is not part of the SRN, however it is still a county level distributor road and suitable for local and regional traffic, including HGVs. Impact on the local roads will be monitored and a monetary fund will be made available to implement mitigation if it is recorded that WMI HGVs are using inappropriate routes. This is set out in the HGV Management Plan (Document 6.2, Technical Appendix APP-138) and agreement to this with SCC, the local highway authority, is set out in the Statement of Common Ground (Document REP2-007)</p> <p>ES traffic data quoted by Stop the West Midlands Interchange within the Road Infrastructure Report does not match the submitted information. The correct, and submitted, data is included in Table 15.1 of the Transport ES Chapter (Document 6.2, Chapter 13, APP-053).</p> <p>The Transport Assessment does not include an assessment of the impact of night time traffic. The Transport Assessment considers highway capacity and looks at the peak times of the day when</p>

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<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p>emissions, light, noise and heavy traffic on unsuitable roads and the consequential rat-running.</p> <p>An additional 20,000 approximate vehicle movements per day would be generated with the majority predicted to use J12 of the M6. All traffic will have to use the A5 (de-trunked in parts) & A449. The applicant has failed to demonstrate the effects that perturbation of these very critical arteries will have on the surrounding village roads. The volume of night time traffic that will arise as set out in Table 13.25 of the ES (with knock on consequences for noise) is not immediately clear from the transport data presented and should be explicitly set out within the TA, with appropriate cross-referencing to the ES. Table 13.30 of the ES summarises 18 hour traffic flow increases. i.e. 6am to midnight. Since Table 13.25 sets out the traffic increase for the night time period there is currently no clear assessment of the night time traffic impact (between 12-6). The Applicant should consider providing an assessment comparing traffic increases for different periods of the day, evening and night rather than time averaging the increases across the 18 hour period.</p>	<p>overall traffic flows are highest and these are during the daytime between 0800-0900 and 1700-1800. Highway mitigation, if required, is developed for these flows. At night-time, background traffic is much less so any mitigation developed for the higher daytime flows will also be suitable to mitigate any perceived highway capacity impact at night. The greatest impact from night time traffic is noise generation and this is assessed within the Noise and Vibration chapter of the ES, (Document 6.2, APP-046).</p>

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<p>Stop the West Midlands Interchange (Ansons Solicitors Limited)</p>	<p><u>Supporting Information</u> (REP2-166)</p> <p>Stop the West Midlands Interchange have provided a summary of local accidents or incidents (from 2016 to 2019) compiled by local residents. Also, a list of local warehouse buildings which are believed to be vacant. Finally, the group provides a summary of a university professor's thoughts on the history and purpose of the Green Belt.</p>	<p>The Group's information is noted. The Transport Assessment (APP-114) has forecasts and assesses journey times, traffic flows and queue lengths in order to review the performance of the highway network with the Proposed Development. This data has demonstrated that, with the addition of the proposed highway mitigation measures, there would be no material impact upon traffic conditions on the highway network surrounding the Site. The Transport Assessment also includes Personal Injury Accident (PIA) data for the period from 01/07/2011 to 30/06/2016. The location of the recorded accidents is shown in Figure 6 of the Transport Assessment (Document 6.2, ES Technical Appendix 15.1, APP-120).</p> <p>The Market Assessment (Document 7.4, APP-257) and Updated Market Assessment (Document 7.4A, REP2-005) submitted at Deadline 2 provide a detailed assessment of the demand for, and supply of, competing floorspace, and the supply of land and warehouses within the WMI market area.</p>
	<p><u>Tourism & Leisure Report</u> (REP2-164)</p> <p>The Tourism and Leisure Report outlines an objection to the proposed development based on its potential impact on local tourism and leisure facilities. The</p>	<p>The Report is noted. Chapter 14 of the ES (Document 6.2, APP-052) sets out the Proposed Developments effects on existing businesses, organisations, clubs and tourism.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
	<p>Report provides a summary of the tourism and leisure facilities in the local area.</p> <p><u>Wrong Location Report</u> (REP2-167)</p> <p>This Report explains the reasons why the Stop the West Midlands Interchange Group believe the Site is not an appropriate location for an SRFI. The Report explains the physical and environmental constraints that the Group believe make the projects location both unsuitable and damaging.</p>	<p>The Report is noted. The Planning Statement (Document 7.1A, APP-252) presents the information necessary to review the Proposed Development within the context of planning policy. The Planning Statement explains the rationale for the development and includes a detailed explanation of how the development complies with relevant policy, including, in particular, the National Networks National Policy Statement. The Alternative Sites Assessment (Document 7.2, APP-254) assesses the alternative sites that have been considered in selecting the site of the Proposed Development and demonstrates that the WMI Site is the only realistic option to develop a SRFI within the area of need whilst meeting the locational requirements of the NPS.</p> <p>Appendix 6 (REP2-011) to Document 10.1 submitted at Deadline 2, responding to ExQ1.2.10 also considers alternative sites raised in Relevant Representations.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
PILs Anthony Powell Antonia Murphy Donna Gilmartin James Powell Jean Ann Lea-Jones	<u>Written Representation</u> (REP2-142) <u>Written Representation</u> (REP2-129) <u>Written Representation</u> (REP2-108) <u>Written Representation</u> (REP2-143) <u>Written Representation</u> (REP2-122)	<p>The interests held by these parties relate to parcels 52, 53, 54 and 55 shown on the Land Plans (Document series 2.1, APP-159 – APP-171).</p> <p>The CA Status Report explains the position with regard to the extent of agreement reached with the parties. (Please see the CA Status Report submitted for Deadline 3 (Document 11.2)).</p> <p>The exclusion of these plots from the scheme would necessitate the reconfiguration of Development Zone A3 and reduce the available warehousing floorspace, limiting the ability of the site to maximise the benefit of the rail terminal and associated infrastructure investment.</p> <p>The exclusion of these parcels would also result in the severing of the proposed Croft Lane Community Park which provides a significant green infrastructure corridor through the site. The parcels lie at a narrower part of the Community Park and would constrain the design and layout of the Park and also restrict the space available for mitigation bunding.</p>
Bericote (Mills & Reeve)	<u>Written Representation</u> (REP2-075)	<p>It is noted that Bericote does not object to the principle of the scheme. The Written Representation implies, at paragraph 5, that there has been little progress made to resolve concerns on the part of Bericote. The Applicant does not accept that it is responsible for</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		<p>the lack of progress and, given the extent of agreement reached, is confident that full agreement will be achieved during the course of the Examination.</p> <p>The Applicant is awaiting comments on the draft protective provisions, first supplied to Bericote on 13 July 2018.</p> <p>Please also see the CA Status Report submitted for Deadline 3 (Document 11.2).</p>
Gestamp (Wedlake Bell LLP)	<u>Written Representation</u> (REP2-105)	<p>It is noted that Gestamp does not object to the principle of the scheme. The Applicant is confident that full agreement will be achieved during the course of the Examination.</p> <p>The Applicant is awaiting comments on the draft protective provisions, first supplied to Gestamp on 13 July 2018.</p> <p>Please also see the CA Status Report submitted for Deadline 3 (Document 11.2).</p>
SI Group – UK Ltd (Bryan Cave Leighton Paisner LLP)	<u>Written Representation</u> (REP2-151)	<p>Please refer to R12 in the dDCO submitted for Deadline 3 (Document 3.1B) which has been amended in line with the written representation made.</p> <p>Please also refer to the CA Status Report submitted for Deadline 3 (Document 11.2).</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
The Best Family	<u>Written Representation</u> (REP2-076)	<p>The Best family are tenants of one of the properties served by the private drive (parcels 96 – 98 shown on the Land Plans (see Document 2.1L, APP-171)) directly off the A5 (known as Avenue Cottages). The scheme does not propose any significant alterations to the existing private access to those properties other than minor improvements and closing the access to the quarry as a result of which, there will no longer be quarry traffic along the private access road.</p> <p>Please also refer to the CA Status Report submitted for Deadline 3 (Document 11.2).</p>
The Inglewood Investment Company (FBC Manby Bowdler LLP)	<u>Written Representation</u> (REP2-117)	Please see separate response contained in Appendix 4.
MPs		
Gavin Williamson MP	<p><u>Written Representation</u> (REP2-179)</p> <p>Gavin Williamson MP has stated his opposition to the Proposed Development and considers that it <i>“will cause irreversible damage to the greenbelt and see the destruction of mature woodland and natural habitat. It will also risk damaging the distinct identity and</i></p>	The Applicant is aware of Gavin Williamson MP's position and has sought to keep him informed as the proposals have evolved.

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
	<i>character of our villages, whilst causing traffic chaos on our roads."</i>	
Jeremy Lefroy MP	<p><u>Written Representation</u> (REP2-126)</p> <p>Jeremy Lefroy MP objects to the scale of the Proposed Development and considers that modern developments in technology are making it less necessary to have large sheds to accommodate large amounts of stock, not more.</p> <p>With regards to HGV traffic and mitigation, Jeremy Lefroy MP questions what would happen if the M6 is at a standstill or closed between J12 and J13? Would 'unauthorised' vehicles be fined for using the A449 when all other traffic would be allowed to do so freely? If the control was suspended for that period of time, who would make the decision and how would it be communicated? What additional traffic would be travelling on the section of the A5, both East and West bound, between the A449 and the A41?</p>	<p>As set out at paragraph 1.3.4 – 1.3.8 of the Market Assessment (Document 7.4, APP-257), trends in the retail industry, and particularly e-commerce in more recent years, have driven the changing nature of logistics and led to a significant increase in demand for floorspace, which is often bespoke and large scale. Implications for the property market include a significant proportion of demand is now for larger units and correspondingly larger plot sizes.</p> <p>The A449 through Penkrudge is a standard diversion route set by the DfT. As specified at paragraph 7.5.6 of the Site Wide HGV Management Plan (Document 6.2, Technical Appendix 15.1 APP-138), if the M6 between Junction 12 and 13 is the subject of a full closure in either a southbound or northbound direction, then the ban of WMI HGV's passing through Penkrudge will be waived. Under all other circumstances, the ban will remain. A report of any breaches of the ban will be provided to the local highway authority annually. Please also refer to the applicants, Highways England's and SCC answer to ExA FWQ 1.7.6, provided within documents REP2-009, REP2-036 and REP2-063 respectively.</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Air Quality	<p>(AQ.1) General comments raising concern on potential reductions in air quality levels and potential increases in pollution in the local area as a result of the Proposed Development.</p> <p>(AQ.2) Comment the Environmental Statement does not assess Air Quality in the "southern settlements". It is considered in the comment that this is due to the area being "missed" the EIA scoping.</p>	<p>(AQ.1) The Environmental Statement (Document 6.2, Chapter 7, APP-027) includes the results of a detailed air quality assessment which considers car and HGV movements associated with the Proposed Development as derived from the Transport Assessment (Document 6.2, Technical Appendix 15.01, APP-114).</p> <p>In addition, an assessment of the Proposed Development on human health can be found in the Environmental Statement Socio-Economic and Human Health (Document 6.2, Chapter 14, APP-052).</p> <p>The assessment has demonstrated there would be no increase in the number of receptor locations which exceed relevant human health air quality objectives as a result of the Proposed Development, and the Proposed Development does not introduce new receptors into a location of poor air quality.</p> <p>The impact of the scheme is not therefore considered to be significant in terms of human health, including on air quality.</p> <p>(AQ.2) Air quality impacts have been assessed at selected receptor locations close to the road network in the 'southern settlements' (Standeford, Coven and Coven Heath). The receptor locations can be seen adjacent to the A449 to the south of the Site</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Air Quality		in Figures 7.3d, 7.4d and 7.5d of ES Chapter 7 (Document 6.2, APP-027).
	<p>(AQ.3) Suggestion that if the Proposed Development is consented, it should not be able to come forward until there is proof that the Air Quality position in the local is acceptable.</p>	<p>(AQ.3) The air quality impacts in relation to the Air Quality Management Areas was raised by the ExA in the First Written Questions. The Applicant's response to the question on this topic (ExQ1.8.9) is set out in the Applicant's Responses (Document 10.1, REP2-009) and is considered to address the policy issue in relation to allowing development in areas of poor air quality.</p>
	<p>(AQ.4) Suggestion that the AQMA nearest the Site is at M6 J12 (Hatherton AQMA).</p>	<p>(AQ.4) As stated in Paragraphs 7.34 and 7.35 of the ES (Document 6.2 (APP-027), at the time of preparation of the ES there were 3 AQMAs in South Staffordshire (AQMA 1, 4 and 5) with the intention to revoke AQMAs 1 and 4. SSDC have subsequently resolved to revoke AQMAs 1 and 4 (Minutes of the meeting of the Licensing and Regulatory Committee South Staffordshire Council, 29 March 2019).</p>
Alternative Sites	<p>(ASA.1) Comments that there has been no analysis of sites within the Black County area.</p>	<p>(ASA.1) The Applicant undertook a detailed search of the Black County. This included discussions with local Planning Officers, review of existing and emerging planning documents and close examination of the Black Country's existing brownfield sites and land in proximity to the strategic rail and road networks. No sites were identified within the Black Country which could reasonably be</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Alternative Sites	<p>(ASA.2) Suggestion of alternative Green Belt sites for the Proposed Development that are considered to satisfy similar locational criteria.</p>	<p>considered potential SRFI sites. As set out at paragraph 7.5.2 of the Alternative Sites Assessment (ASA) (Document 7.2, APP-255):</p> <p><i>“The established built-up nature of the Black Country (particularly along the existing rail lines) means that there are no unbuilt or unallocated sites of over 60ha. Furthermore, whilst 5 km from an existing rail line is an initial threshold for refining the search area, it is clear from the map search that a search area 5 km from any existing rail line in the Black Country generally involves crossing numerous different roads and developed areas. The cost and impracticality of such a rail connection would render any development undeliverable.”</i></p> <p>Section 7.4 of the Updated Market Assessment (Document 7.4A, REP2-002) confirms that there are no sites of sufficient size in the Black Country.</p> <p>(ASA.2) The Applicant has considered all reasonable alternative sites as part of the Alternative Sites Assessment (ASA) (Document 7.2, APP-257) and it is agreed with SSDC and SCC that the ASA provides an accurate and fair assessment of the availability and suitability of sites within a search area, using appropriate assessment criteria.</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Ecology	<p>(ECOL.1) General comments raising concerns regarding potential impacts to local wildlife, fauna and flora as a result of the Proposed Development.</p>	<p>(ECOL.1) Extensive consideration of the effects on wildlife receptors including habitats, flora, fauna, protected species and designated sites for nature conservation is included in the Environmental Statement (Document 6.2, Chapter 10, APP-030) including an account of comprehensive habitat and species surveys.</p> <p>The methodology, assessed effects and mitigation measures have been agreed through consultation with the relevant stakeholders and regulatory bodies including Natural England (NE) (see paragraph 4.1.2 of the NE SoCG (Document 8.4, REP1-003)) and Staffordshire County Council (SCC) (see paragraph 10.1 of the SCC SoCG (Document 8.7, REP2-006)).</p>
	<p>(ECOL.2) Comment that there has been a lack of consideration of the ecological degradation within and around the Site, noting that these impacts are considered to be incremental and cumulative.</p>	<p>(ECOL.2) A thorough assessment of effects relating to the Site has been made within Document 6.2, ES Chapter 10, APP-030. The assessment was made on basis of Parameter Plans. Cumulative effects have been considered in the above document in Paragraphs 10.425 to 10.438.</p>
	<p>(ECOL.3) Comment that measures to mitigate impact on existing wildlife are ineffective and that plans do not demonstrate how the required ecological balance will be achieved and maintained.</p>	<p>(ECOL.3) The FEMMP (Document 6.2, ES Technical Appendix 10.4, APP-090) provides the details of, and mechanism for the delivery and maintenance of ecological mitigation. The Applicant has agreed Statements of Common Ground with SCC (REP2-007)</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Ecology		and Natural England (REP1-003) where agreement has been reached that all issues relating to the following protected species / habitats have been satisfactorily addressed and appropriate mitigation measures are set out in the final ES (Amphibians including great crested newt, bats, otters, nesting birds, reptiles, badger, water vole, polecat, invertebrates, white clawed crayfish, brown hare and hedgerows). With respect to bats a Letter of No Impediment from Natural England has been issued (Document 6.2, ES Technical Appendix 10.5, APP-091).
Green Belt / Very Special Circumstances	(GB.1) General comments raising concern regarding the loss of Green Belt / countryside.	(GB.1) The Site lies within Green Belt land and there is, therefore, a requirement to demonstrate that very special circumstances exist to justify inappropriate development. The Applicant's position regarding very special circumstances, as is set out in paragraph 5.178 of the NPS, is set out in paragraph 6.5.3 of the Planning Statement (Document 7.1A, APP-252). An update and source note for the Green Belt issues was provided by the Applicant at Deadline 2 (Document 10.1, Appendix 3; REP2-010).
	(GB.2) Comments raising concern that the approval of the Proposed Development may impact on the existing rural character of the local area and result in the area	(GB.2) The Applicant has set out an assessment of the impact on the Green Belt in the submission documents. Section 6.3 of the Planning Statement (Document 7.1A, APP-252).

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Green Belt / Very Special Circumstances	surrounding the site becoming part of a major conurbation.	At 6.3.3 of the SSDC LIR (REP2-051) it is accepted that the development will not result in coalescence.
Heritage	(HTG.1) Comments raising concerns regarding the potential impact on local historical sites, including on roman ruins.	<p>(HTG.1) The approach to Archaeology has been agreed with Staffordshire County Council (SCC).</p> <p>Archaeological evaluation has been undertaken, resulting in the provision of an Outline Written Scheme of Investigation (Document 6.2, APP-079) agreed between SCC and the Applicant, as set out in Section 13.3 of the SoCG with SCC (Document 8.7, REP2-006).</p> <p>Roman ruins in proximity to the Site are considered in the Environmental Statement (Document 6.2, APP-029), as they are subject to statutory heritage designation as Scheduled Ancient Monuments, see paragraph 9.200 onwards. The evaluation finds that the change to the character of the land contained within the Application Site will not affect any appreciation of the Roman remains which are, in any event, below ground.</p> <p>Because of distance, interposing development and screening, there will be no shared visibility.</p>
Jobs / Employment	(JOB.1) Comments raising concern that jobs may not be delivered as estimated by the Applicant, as warehouses will be 'robotic' in the future.	(JOB.1) The Applicant has calculated the potential job estimate based on a range of assumptions. The different assumptions reflected the fact that different types of warehousing would

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Jobs / Employment		<p>generate different employment densities; floorspace could be used differently (office use increases density, storage reduces density) and with different degrees of efficiency (larger floorplates tend to be more efficient). Data sources used included:</p> <ul style="list-style-type: none"> • The Homes and Communities Agency's Employment Density Guide 3rd edition, November 2015; • Research by Prologis (Prologis, 2011, Technical Notes from Prologis UK, Do Distribution Warehouses Deliver Jobs?; Prologis, 2015, Technical Insights from Prologis, Distribution Warehouses Deliver More Jobs), a leading provider and manager of warehousing in the UK; and, • The Applicant's own research into patterns and types of employment in modern warehouse and Strategic Rail Freight Interchange (SRFI) facilities. <p>Initial results indicated that the job density could be between 70sqm and 90sqm per job.</p> <p>These results were reviewed against other publicly available sources such as relevant planning applications and industry studies. This testing produced a likely job density of 87 sqm per job. This is broadly in line with the Tilbury Planning Application which has an employment density assumption of up to 84 sqm per</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Jobs / Employment	<p>(JOB.2) Comments raising concern that jobs may not be delivered as estimated by the Applicant, with reference to perceived low unemployment in SSDC/SCC.</p>	<p>job. This density has been used as the basis for the employment projection at the Proposed Development, with the appropriate caveats of uncertainty.</p> <p>When calculated against a proposed floorspace of 743,200 sq m, 87 sqm per job provides an estimated output of 8,543 jobs.</p> <p>(JOB.2) The anticipated job profile (see Figure 4.2, Document 7.1B, APP-254) at the Proposed Development is a good match for the existing local workforce within commuting distance to the Proposed Development, with roughly the same proportions of non-skilled and semi-skilled jobs and the skill levels in the local population (ONS, 2011. Census. Highest Qualification).</p> <p>The Applicant recognises the local concern that the surrounding area is perceived to have a relatively small workforce and low unemployment, meaning that new jobs would benefit people from elsewhere and not necessarily local residents. The Applicant does not consider this to be the case.</p> <p>Unemployment in South Staffordshire is relatively low at 4.8%. This is in line with the regional average and slightly higher than the average for Great Britain (4.2%). Whilst this is not as high as neighbouring areas such as Stoke on Trent (5.8%) or</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Jobs / Employment		<p>Wolverhampton (8.2%), there is still some local unemployment to consider and address.</p> <p>South Staffordshire itself, being a predominantly rural economy, has limited employment opportunities for residents: 80% commute out of South Staffordshire to work each day (Office for National Statistics, Census 2011, Origin Destination: WU01UK - Location of usual residence and place of work by sex). Due to the low job density in South Staffordshire and the high level of out-commuting from the district, it is reasonable to assume that a substantial number of new jobs created in the district could attract local residents to shift to a more local job opportunity.</p> <p>The Applicant has committed to ensuring the occupiers at the Proposed Development would monitor the number of employees who live within 10 miles of the development. Efforts will be made to support local people into employment, and funds and partnerships to promote this are in place as part of the Employment, Skills and Training Plan. The Applicant and other stakeholders will work towards a target of recruiting at least 60% of the workforce from within a 10 mile radius of the site. (see Key Target 13 of the Employment, Skills and Training Plan (Appendix 3 of Document 9.1, REP1-002)).</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Landscape / Visual	(LAN.1) General comments raising concern at visual impact of warehousing, principally the massing.	(LAN.1) The potential visual effects of the Proposed Development has been an important consideration in designing the scheme and have been assessed. There will inevitably be some significant visual effects. However, careful attention has been paid to the building surrounds to include mounding and planting to limit views particularly towards the lower active parts of the Proposed Development. Consideration of the colours and elevational treatments of the buildings will also assist in mitigating the visual effects.
Market	(MKT.1) Queries regarding the cost of the rail infrastructure, relative to the market value of the finished warehousing.	(MKT.1) The costs of implementing the development are set out in the Applicant's response to ExQ1.16.11 (Document 11.1, REP2-009).
	(MKT.2) Queries as to why the Applicant has chosen not make any interest in the Proposed Development public.	(MKT.2) No specific occupiers have been identified at this stage of the planning process. However, the Applicant is confident that there is significant demand. The Market Assessment (Document 7.4, APP-257) and updated Market Assessment (Document 7.4A, REP2-004) analyse, in detail, existing and upcoming land supply along with forecasted market demand from the scale of occupiers who would be attracted to this site. The updated Market Assessment concludes (paragraph 7.5.1) "there is a critical shortage of land and that WMI would make

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Market		a vital contribution to the supply of sites currently available and in the pipeline".
Noise / Vibration	<p>(NOI.1) Comment that the Environmental Statement has failed to take account of, and represent, the effect of signal controlled junctions along the A449, as it is considered that signal controlled junctions may amplify the frequency and intensity of the most disruptive sounds (e.g. braking, revving, radios, etc.).</p>	<p>(NOI.1) The 1988 Department of Transport/Welsh Office memorandum <i>Calculation of Road Traffic Noise</i> (CRTN) sets out the UK calculation methods for road traffic noise and has been used as the basis of the road traffic noise calculation in Chapter 13 of the ES (Document 6.2, APP-046).</p> <p>CRTN states at paragraph 33 under the heading <i>Multiple roads and junctions</i>:</p> <p><i>"The contribution from each individual length of road is calculated separately, using the appropriate mean speed (see para 14) and ignoring any speed change at the junction"</i></p> <p>This point is reinforced in Annex 5 of the Design Manual for Roads and Bridges (Design Manual for Roads and Bridges (DMRB), Volume 11 Environmental Assessment, Section 3 Environmental Assessment Techniques, Part 7 Noise and Vibration (2011), The Highways Agency, Transport Scotland, The Welsh Government, The Department for Regional Development Northern Ireland), which states at paragraph A5.23:</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Noise / Vibration	<p>(NOI.2) Comments raising concerns regarding potential impacts of noise and vibration on properties as a result of an increased number of vehicles along local roads.</p>	<p><i>"A5.23 Speed variations at junctions should generally be ignored in assessing noise nuisance as there is a trade-off between the effects of reducing speed and the additional engine noise generated by deceleration and acceleration. An appropriate average speed may be used for predicting the noise from traffic on large gyratory systems."</i></p> <p>The Applicant considers the approach to the assessment to be correct.</p> <p>(NOI.2) Noise from traffic on roads around the Site is assessed using the methods set out in the Design Manual for Roads and Bridges (DMRB).</p> <p>The potential noise impact from off-site vehicle movements, i.e. vehicles using roads around the site, has been assessed in broad accordance with DMRB. While DMRB is aimed at assessing the potential impact of new or altered roads, its assessment framework can be used to quantify the potential impact from changes in traffic flows as a result of a development.</p> <p>The assessment of off-site road traffic noise suggested that, for the majority of roads, there would be a minor adverse effect with increases in traffic noise less than 3dB, which is not significant in Environmental Impact Assessment (EIA) terms.</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Noise / Vibration	<p>(NOI.3) Comment that one plan indicates that monitoring was done on certain properties in Stable Lane, Cobweb Cottage, Elmhurst etc.</p>	<p>In a small number of cases, specifically for houses on the A5 between Junction 12 of the M6 and the proposed site access and White Farm on Vicarage Road, the increases in traffic noise are predicted to be greater, with increases of up to 4dB predicted, which would be considered a moderate adverse effect and significant in EIA terms.</p> <p>There are few mitigation measures available that can reduce these off-site impacts, since the land is not within the control of the Applicant, and low noise road surfaces are generally only effective for free-flowing traffic at speeds of at least 40 to 50mph. The assessment concludes that the identified moderate adverse effects will remain at these specific receptors.</p> <p>In addition, one property (The Villa, located on the A5, north of the site) has been identified to qualify for noise insulation under the Noise Insulation Regulations 1975.</p> <p>(NOI.3) No noise monitoring was undertaken at Stable Lane, Cobweb Cottage, Elmhurst etc. The plan which includes these points is Figure 13.2 (Document 6.2, APP-048) and its successor submitted with the addendum to the ES, Figure 13A.2 (Document 6.2, REP2-014). These plans show the locations at which noise predictions were made.</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Noise / Vibration	(NOI.4) Comment that not all properties were included and yet they are equidistant from the warehouses.	(NOI.4) As noted in paragraphs 13.247, 13.283 and 13.312 of Chapter 13 of the ES (Document 6.2, APP-046), and in paragraph 13A.118 of the addendum to the ES (Document 6.2, REP2-014), the locations assessed are a representative sample of all of the receptors close to the Site. Not every receptor is assessed.
	(NOI.5) Comment that monitoring undertaken in November (year unknown) was not disclosed.	(NOI.5) No noise monitoring has been undertaken for this project in the month of November. Measurements have been undertaken in August 2016, October 2016, and January 2017, as reported in Chapter 13 of the ES (Document 6.2, APP-046), and in June/July 2018, as reported in the addendum to the ES (Document 6.2, REP2-014).
Rail	(RAI.1) Comments seeking assurance that the Proposed Development would utilise its rail terminal to prevent it becoming a road based scheme.	(RAI.1) Please refer to the document entitled "Timing of the Provision of the Rail Freight Terminal", appended to this document (Appendix 2).
	(RAI.2) Comment that the Proposed Development is in the middle of a 15 mile stretch of the WCML branch line, resulting in freight trains needing to travel at least 7 miles before passenger trains can pass (due to there being no passing places between). It was considered that this had the potential to slow down passenger services that run at faster speeds than freight services.	(RAI.2) Network Rail has raised no such concerns. Network Rail has considered the siting and connectivity of the Proposed Development relative to recess points and the main freight yards at Crewe Basford Hall to the north and Bescot Yard to the south (see Rail Operations Report, Document 7.3, REF-256, paragraph 3.1.8).

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Rail	<p>Concern also raised that this may impact on the frequency and punctuality of services at Penkrudge in the future.</p> <p>(RAI.3) Comments raising concern that not all of the warehousing is proposed to be directly rail-linked.</p> <p>(RAI.4) Comments suggesting the rail terminal should be operational before any road activity at the Proposed Development. Suggestion that rail should come before road.</p> <p>(RAI.5) Query regarding how much "activity" at DIRFT is "rail dependent". (Daniel Williams)</p>	<p>As the operator of the national rail network, Network Rail is supporting the WMI DCO and has no such concerns about location or main line access, noting in the Statement of Common Ground with FAL (Document 8.1, AS0-025) that:</p> <p><i>"The development site is located on the Strategic Freight Network, the electrified W10 gauge route capable of accommodating 775m length trains. The location to the North West of Birmingham, 30 km north of Hams Hall and 80 km south of 3MG Widnes, provides a geographically optimal location for a SRFI in accommodating future intermodal traffic growth."</i></p> <p>(RAI.3) See the Applicant's response to ExQ1.2.20 (Document 11.1, REP2-009).</p> <p>(RAI.4) Please refer to the document entitled "Timing of the Provision of the Rail Freight Terminal", appended to this document (Appendix 2).</p> <p>(RAI.5) The Rail Operations Report (Document 7.3, APP-256) (paragraph 4.2.10) states:</p> <p><i>"traffic survey evidence produced by ProLogis for the DIRFT3 DCO application indicated that around a third of rail-borne container</i></p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Rail		<p><i>traffic through the DIRFT1 intermodal terminal is connected with occupiers on site, demonstrating the role of such common-user facilities in serving a community of separate occupiers on site. The survey information also indicated that most of the remaining traffic travels a relatively short distance by road to other end users in the surrounding area, most of these within 10 miles of site. This demonstrates that SRFI such as DIRFT are operating as the NPS envisages, using rail for the long-distance haul and road for the relatively short-distance haul to and from the SRFI itself."</i></p>
	<p>(RAI.6) Query on what percentage of warehousing utilising the rail terminal would the Applicant be content with achieving?</p>	<p>(RAI.6) The Applicant expects that the use of rail services will be of interest to all occupiers of the Proposed Development. Please refer to paragraph 3.12 the document entitled "Timing of the Provision of the Rail Freight Terminal", appended to this document (Appendix 2).</p>
	<p>(RAI.7) General comments suggesting that conditions or similar be placed on the warehousing to ensure that each unit that comes forward is made to utilise the rail links.</p>	<p>(RAI.7) Please refer to the document entitled "Timing of the Provision of the Rail Freight Terminal", appended to this document (Appendix 2).</p>
Socio-Economic	<p>(SOC.1) Comments raising concern regarding the ability of the local area to meet the need for increased housing and services (e.g. schools), principally due to all the new jobs at the Proposed Development – with</p>	<p>(SOC.1) A detailed assessment of existing Travel to Work patterns (both by sector and by regional characteristics) has been undertaken, which has confirmed that no new housing would be required to accommodate workers at the Proposed Development.</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Socio-Economic	note that the local area is already perceived to be struggling to meet such needs.	<p>This work has included reviewing skill levels and qualifications within a reasonable travelling distance against the jobs that are anticipated to be provided by WMI.</p> <p>This evidence demonstrates that the catchment of potential employees is substantial and adequate to provide a labour supply for the Proposed Development without any significant migration.</p> <p>See also the Applicant's response to paragraph 10 of SSDC's Written Representation.</p>
Tourism	(TOU.1) Comments raising general concerns regarding potential impacts on leisure and tourism as a result of the Proposed Development.	<p>(TOU.1) A list of recreation and amenity "receptors" - or local facilities and locations that provide amenity or recreational benefits to residents or visitors and may be affected by the development - have been presented in Paragraph 14.50 of the ES (Document 6.2, Chapter 14, APP-052). This includes heathland, parks and woodland, the Cannock Chase AONB and footpaths.</p> <p>The Applicant also acknowledges the existence of local angling, sailing, canoeing and cycling clubs who use the areas around the Site for recreation. These are listed in Table 14.18 (Document 6.2, Chapter 14, APP-052).</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Tourism		<p>The ES assessment reviews the potential effects of the development on these groups and places, looking at impacts such as water quality, landscape and visual effects; transport (including potential severance effects and access to public rights of way/cycle routes); heritage; noise and vibration; and air quality.</p> <p>There will be some effects on the users of these facilities, such as changes in views, loss of a footpath, temporary closures to towpaths, noise effects during both construction and operation and potentially some effects on the wind environment on Calf Heath Reservoir. The most extensive effects would be visual effects, but these are not expected to significantly affect any recreational use of the landscape or waterways.</p>
Transport	<p>(TRN.1) Suggestion that local councils be financially compensated for increased upkeep of local roads.</p> <p>(TRN.2) Comments raising concern that residents of Penkridge feel that despite the proposed mitigation, there is still likely to be a significant increase in HGV traffic through the village, principally in the event of an incident between junctions 12 and 13 on the M6.</p>	<p>(TRN.1) As set out in the SCC SoCG (REP2-007) at paragraph 8.13, a substantial amount of business rates would be payable to the district and county authorities on an annual basis. This would provide additional monies for the upkeep of local roads.</p> <p>(TRN.2) Local mitigation measures within Penkridge including the HGV ban for traffic associated with the Proposed Development are set out in Section 5 of the Transport Assessment (Document 6.2, APP-114) and the Applicant's response to ExQ1.7.17 (REP2-009).</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Transport	<p>(TRN.3) Suggestion of providing further upgrades to cycle links along the A449 between Penkrige Station and Gailey Island.</p>	<p>(TRN.3) Existing cycle links are provided along A449 towards Penkrige, to the north of the Gailey Roundabout, as shown in the Existing Pedestrian and Cycle Network (Document 6.2, Figure 2, APP-116).</p> <p>It has been agreed with SCC, as referenced at paragraph 9.5 of the SoCG (Document REP2-007) that:</p> <p>“the submitted transport documents define an appropriate package of highway mitigation measures that are acceptable to fully mitigate the impacts of the Proposed Development”.</p>
	<p>(TRN.4) Suggestion of further upgrades to the cycle / footpath existing links between Penkrige Station and the Canal, to enable enhanced access to the Proposed Development, with these links currently perceived to be dangerous.</p>	<p>(TRN.4) Appropriate access to the Canal from Penkrige Station is possible via the existing advisory cycle route (east of Penkrige Station) provided along Cannock Road, as shown in the Existing Pedestrian and Cycle Network (Document 6.2, Figure 2, APP-116). This connects to the existing path down to the towpath.</p>
	<p>(TRN.5) General comments raising concerns regarding increased traffic congestion in the local area, and the capacity and quality of local roads.</p>	<p>(TRN.5) It has been agreed with SCC, as referenced at paragraph 9.5 of the SoCG (Document REP2-007) that:</p> <p>“the submitted transport documents define an appropriate package of highway mitigation measures that are acceptable to fully mitigate the impacts of the Proposed Development”.</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Transport		<p>It has also been agreed with Highways England, as referenced at paragraph 5.1.1 of the SoCG (REP2-008) that the highway impact of the Proposed Development at the 2021 future year is acceptable.</p>
	<p>(TRN.6) Comments raising concerns about Four Ashes being poorly served by public transport at present.</p>	<p>(TRN.6) The Applicant recognises that Four Ashes is not well served by public transport at present.</p> <p>A sustainable transport strategy, including a number of measures to improve public transport has been agreed with SCC (see paragraph 9.20 of the SoCG (REP2-007)).</p>
	<p>(TRN.7) Comment raising concerns regarding HGVs using the de-trunked A5, west of the Gailey roundabout.</p>	<p>(TRN.7) The A5 to the west of the Gailey roundabout provides a legitimate route for vehicles, including HGVs. In the context of overall HGV trips anticipated as a result of the Proposed Development (during the AM and PM peak hours), trips along this stretch of road equate to between 8 – 9% of trips.</p> <p>SCC who are responsible for this section of the A5 have accepted that the package of highway mitigation measures are acceptable to fully mitigate the impacts of the Proposed Development, see SCC SoCG paragraph 9.5 (REP2-007).</p>
	<p>(TRN.8) Comment raising concerns that users of the Proposed Development will litter the surrounding area.</p>	<p>(TRN.8) It is understood by the Applicant that there are existing problems of HGV drivers leaving debris at laybys. Driver welfare</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Transport		<p>facilities and specific HGV parking areas will be provided by WMI as referenced within the amended draft Development Consent Obligation to be submitted at Deadline 3 (REF).</p> <p>This will mean it is not necessary for WMI HGV drivers to park at existing HGV parking areas.</p>
	<p>(TRN.9) Suggestion of a direct link between the Proposed Development and the M6.</p>	<p>(TRN.9) See the Applicant's response to ExQ1.7.18 (REP2-009) and paragraph 5.1.4 of the SoCG with Highways England (REP2-008).</p>
	<p>(TRN.10) Comment considering it would not be possible to prevent HGVs travelling through Penkridge.</p>	<p>(TRN.10) See the Applicants response to ExQ 1.7.16 (REP2-009).</p>
	<p>(TRN.11) Suggestions of a number of alterations to the A449 (junctions, carriageways and speed limits) to reduce traffic congestion resulting from the Proposed Development.</p>	<p>(TRN.11) It has been agreed with SCC, as referenced at paragraph 9.5 of the SoCG (Document REP2-007) that:</p> <p>"the submitted transport documents define an appropriate package of highway mitigation measures that are acceptable to fully mitigate the impacts of the Proposed Development".</p> <p>It has also been agreed with Highways England, as referenced at paragraph 5.1.1 of the SoCG (REP2-008) that the highway impact of the Proposed Development at the 2021 future year is acceptable.</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Transport	<p>(TRN.12) Comment querying the traffic monitoring methods utilised for surveys carried out at Station Drive.</p>	<p>(TRN.12) The traffic surveys at Station Drive were undertaken using industry accepted practices, as set out below:</p> <ul style="list-style-type: none"> • Automatic Traffic Count (ATC) devices (rubber strips laid across the road) • Video cameras to record traffic turning counts and to identify vehicle queue lengths • Automatic Number Plate Recognition equipment in order to identify levels of traffic with specific origin/destinations, this being to identify the Station drive rat runners. <p>The traffic flows obtained from these surveys were incorporated into the VISSIM modelling carried out.</p> <p>These have been reviewed and agreed by HE and SCC, see paragraph 2.2.2 of the HE SoCG (REP2-008) and paragraph 9.7 of the SCC SoCG (REP2-007).</p>
	<p>(TRN.13) Comments raising concerns as to whether the HGV parking to be provided would be adequate at the Proposed Development.</p>	<p>(TRN.13) The level and type of HGV parking to be provided by the Applicant has been agreed by both HE and SCC. The agreed HGV parking to be secured within the amended draft Development Consent Obligation and an amended version of the Site Wide HGV Management Plan.</p>

Topic and Issues Raised by Individuals	Summary of Response	Applicant's Response
Transport		A revised Site Wide HGV Management Plan was issued to SCC and HE on 18 April 2019, which the Applicant believes, addresses all outstanding points. Responses are awaited.

Appendix 1
Applicant Response to
SSDC Deadline 2 Submission

Four Ashes Limited



West Midlands
Interchange

Four Ashes Ltd

APPENDIX 1

APPLICANT'S RESPONSE TO SSDC DEADLINE 2 SUBMISSION

1 Introduction

- 1.1 The Applicant is very grateful to South Staffordshire District Council (SSDC) for the constructive attitude taken to engage generally on the application and, in particular, in relation to the Statement of Common Ground (REP2-006).
- 1.2 Whilst SSDC's submissions are extensive (taking into account SSDC's Written Representations, Local Impact Report and response to EXQ1), much of what is set out either mirrors or has already been addressed by the Applicant in its application documents, in the SOCG with SSDC or in the Applicant's submissions to Deadline 2 (REP2-001 – 018). The Applicant would be happy to elaborate on any issues if that would assist the Examining Authority but has sought to focus in this response on a limited number of themes, relating to issues of particular significance.
- 1.3 The response on specific detailed issues is set out in the Applicant's Response to Deadline 2 Submissions (Document 11.1). This document responds to the following specific themes arising from the District Council's submissions:
- Green Belt;
 - Rail connection;
 - Employment;
 - Location in South Staffordshire; and
 - Scale.

2 Green Belt

- 2.1 The Applicant's position in relation to Green Belt is set out in response to ExQ1.3.3, ExQ1.3.4 (see REP2-009) and in the document entitled "Green Belt - An Update" submitted at Deadline 2 (Appendix 3, REP2-010).
- 2.2 SSDC's response to ExQ1.3.3 asserts that the application site performs a significant role in Green Belt terms, relating to:
- preventing the merging of neighbouring towns;
 - adding to the sprawl of built up areas;
 - safeguarding the countryside from encroachment; and
 - assisting in urban regeneration.
- 2.3 The Applicant has set out its position in response to ExQ1.3.4, which provides an assessment by reference to the location of the site relative to other built up areas and settlements. Whilst the site undoubtedly plays a role in safeguarding the countryside from encroachment, the Applicant's analysis concludes that it does not fulfil the other Green Belt functions.

- 2.4 This is also the District Council's assessment, set out in its Written Representations at paragraph 5 (REP2-046) in which it attaches importance to the openness of the land, and where the Council recognises that the proposed scheme only engages one of the five purposes of including land in Green Belts – namely safeguarding the countryside. The analysis underpinning that assessment is supported by the Applicant and is consistent with that set out in SSDC's Local Impact Report from paragraph 6.3.2 (REP2-051). That assessment clearly recognises that the application site is contained within clear boundaries and that it would be *"difficult to assert"*, for instance, that the location of the Proposed Development would deny an opportunity to recycle derelict and urban land. With respect, the Applicant supports that more balanced analysis.
- 2.5 In relation to urban regeneration, for instance, the Applicant's document Green Belt – an Update (Appendix 3, REP2-010) draws attention to the evidence base. This concludes that there are no urban regeneration opportunities that could be meet the identified need and that even the full scale of the Proposed Development would leave a significant unmet need to be found within, or close to the Black Country.
- 2.6 The absence of an alternative location outside the Green Belt in which the need could be met is accepted by SSDC (see the District Council's response to ExQ1.2.8 (REP2-049) and paragraph 9.10 of the Statement of Common Ground (REP2-006)).
- 2.7 SSDC's submissions draw attention to NPS Green Belt policy (Local Impact Report (REP2-051) paragraph 2.3.8), but omit the recognition within the NPS that:
- "it may be that countryside locations are required for SRFIs" (paragraph 4.84)*
- "Promoters of strategic rail freight interchanges may find that the only viable sites for meeting the need for regional strategic rail freight interchanges are on Green Belt land." (paragraph 5.172)*
- 2.8 The consequence of the outcome of the Alternative Sites Assessment is that the District Council has also accepted that conclusion.
- 2.9 In this context, it is helpful that paragraph 6 of the SSDC's Written Representations (REP2-046) recognises that the presence of a rail connection can provide the Very Special Circumstances (VSC) necessary to justify the development in this Green Belt location.
- 2.10 SSDC's submissions do not set out any explicit recognition that Green Belt boundaries in South Staffordshire are required to be reviewed (see paragraph 6.3.30 of the Planning Statement, APP-252), or that the emerging Local Plan recognises the inevitability of Green Belt review (see Green Belt – an Update generally and, particularly, from paragraph 3.38 – Appendix 3, REP2-010).

3 Rail Connection

- 3.1 SSDC accepts that the rail connection of the Proposed Development amounts to the VSC necessary to justify the development in this Green Belt location (paragraph 6 of SSDC's Written Representations (REP2-046)).
- 3.2 At paragraph 7, SSDC state it is critical the rail connection is delivered, that there is a clear evidence-based rail delivery programme, and that the rail infrastructure is delivered first.

3.3 Appendix 3 to the Applicant's Response to Deadline 2 Submissions (Document 11.1) sets out the Applicant's position.

4 **Employment**

4.1 There is an inconsistency in SSDC's submissions to the examination in relation to the employment impact of the application proposals. SSDC's Local Impact Report (paragraph 6.6.2, REP2-051) asserts that the creation of 8,550 jobs through the Proposed Development will have negative consequences in terms of the need for workers to travel from longer distances – whilst paragraph 15 of the Council's Written Representations (REP2-046) asserts that there is no need for the jobs to match the employment requirements of residents.

4.2 SSDC's response to questions from the Examining Authority (REP2-049), however, contains a more detailed and balanced analysis and one which reflects the detailed discussions which have informed the Statement of Common Ground (REP2-006). In particular, the responses to ExQ1.4.18 – 21 recognise the role which the Employment, Skills and Training Plan (ESTP) will play together with the Travel Plan to meet both the employment and transport needs of those seeking employment. The Statement of Common Ground between the Applicant and SSDC (REP2-006) includes the following agreement:

“12.6 There is a large pool of potential labour supply available at appropriate skill and occupation levels, which reinforced by an effective Employment Skills and Training Plan, should support the scale of growth at WMI, including residents who are currently unemployed and those who are economically inactive but want a job.”

4.3 The benefit of the proposed employment and the effect of the ESTP are further agreed in paragraphs 12.10 – 12.15 of the Statement of Common Ground (REP2-006) and in paragraphs 7.1.4 – 7.1.5 of the Local Impact Report (REP2-051).

5 **Location in South Staffordshire**

5.1 In its written answers to ExQ1.1.4, ExQ1.2.4 and ExQ1.2.6 (REP2-049), SSDC asserts that there is not a need for a SRFI in South Staffordshire and cites the RSS panel report and the URS study in support of its assertion.

5.2 SSDC notes that paragraph 9.10 of the Core Strategy states the following:

“The Panel Report into WMRSS Phase 2 Revision noted that there were differences of opinion as to whether the provision of a large logistics site was indeed the best way of meeting the aspirations of Urban Renaissance within the Black Country. The report also noted that ‘there are a number of possibilities in other local authorities than South Staffordshire north of the conurbation.’”

5.3 However, closer inspection of the Panel Report into WMRSS Phase 2 Revision reveals the following from the Panel's conclusions:

- New Regional Logistics Sites (RLS) should be rail served (paragraph 5.25);
- The key point to recognise, in terms of location, is that any movement off site is likely to be relatively short distance so that the closer any warehousing or industry can be to the terminal, the better (paragraph 5.25);

- There is a short fall between 213 and 345 ha of rail served warehousing (and no suggestion at all that the needs should not be met) (paragraph 5.27);
- Priority attention must be directed to securing provision to the north of the conurbation to serve the Black Country and southern Staffordshire as it is that area that is identified as in most urgent need (paragraph 5.29);
- A facility in Telford would be remote from the Black Country (paragraph 5.29); and
- Other sites may be available but there is no justification for amending the reference to southern Staffordshire in the policy (paragraph 5.31).

5.4 The SSDC SoCG (REP2-006) confirms at paragraph 9.10 that it is a matter of common ground that there are no alternative sites on which the need could be met:

“The ASA evidence provided by the applicant (Four Ashes Ltd) has demonstrated that there is no alternative site for a SRFI (within the identified area of search) that offers a viable alternative that better meets the locational criteria (as set out in the National Networks NPS)) than the Proposed Development.”

5.5 It is not the Applicant’s assertion that the need is so location specific that it must and could only be met in South Staffordshire (see for example paragraph 6.3.39 of the Planning Statement, APP-252) but rather that a location is required in the Black Country or southern Staffordshire, that in reality there is no suitable alternative location and that the application site is very well placed and highly suitable to meet that need.

5.6 SSDC rely on paragraph 13.3.11 of the URS (2013) study, which recognises that there is a need for a (SRFI) that can serve the Black Country and southern Staffordshire but suggests that the need could be met by a facility outside that area.

5.7 That assertion has been addressed in the Applicant’s Planning Statement (APP-252) but has also been addressed in the preparation of the Alternative Sites Assessment (APP-255) and its definition of a search area, which has been agreed with SSDC. In addition, importantly, the Applicant and SSDC are agreed (paragraph 7.17 SSDC SoCG (REP2-006)) that:

“Any suggestion that the need could be met by a facility remote from the Black Country and southern Staffordshire is now inconsistent with the requirement in the NPS that SRFIs ‘should be located close to the business markets they are intended to serve’ (NPS paragraph 2.56)”.

6 Scale

6.1 SSDC’s Written Representations (REP2-046) at paragraph 12 question the need for the Proposed Development to be “stretched” across Vicarage Road. This issue is directly addressed in the Applicant’s response to EXQ1.2.19 (REP-009).

6.2 In addition, it is relevant to note SSDC’s agreement with the strength and scale of the market demand or need for the facility. In particular, agreement is set out in the Statement of Common Ground that (REP2-006):

- there is a **critical shortage** of unemployment land and premises (paragraph 8.1);

- there is currently only 0.8 years supply of warehouse floorspace in the market area and no rail linked or rail served sites, representing a **severe shortage** of higher quality, large scale strategic sites and larger units (paragraph 8.2 and 8.3);
- it is **vitaly important** that additional, well located and rail served sites, which are capable of accommodating larger units, are brought forward in order to help meet demand (paragraph 8.4);
- in order to maximise the economic potential of the logistic sector, it is **vital** for the property market to provide the appropriate accommodation to meet the needs of companies seeking efficiency in the scale and modal connection of their distribution requirements (paragraph 11.9); and
- the Market Assessment prepared by Savills provides a robust, fair and detailed assessment of the dynamics of the distribution market (emphasis added).

6.3 It is that Assessment, of course, which demonstrates a scale of requirement far in excess of the capacity of the Proposed Development (see the Applicant's response to ExQ1.2.5 and ExQ1.2.6 (REP2-009)) – and it is agreed that there are no alternative sites on which that need could be met. It follows that the opportunity presented by the Proposed Development must be optimised.

Appendix 2
Timing of the Provision of the
Rail Freight Terminal

Four Ashes Limited

APPENDIX 2

TIMING OF THE PROVISION OF THE RAIL FREIGHT TERMINAL

1 Purpose of note

1.1 This note has two purposes, as follows:

- it explains the general approach of the Applicant to the timing of the provision of the rail freight terminal as part of the development; and
- it explains how the commitment to the provision of the rail terminal is dealt with in the Development Consent Order.

1.2 Several of the written representations express a concern that the application, if approved, may enable the erection of a significant amount of warehousing without a rail terminal being provided.

1.3 The Applicant's vision statement¹ makes clear that Four Ashes Limited is committed to "*delivering a rail served development*". Rail is, and always has been, at the heart of the WMI proposals. The Applicant is an experienced rail developer and understands the scepticism expressed in some of the written representations. The solution to that scepticism, advocated in some of the written representations, is for the rail terminal to be provided prior to any occupation of the warehousing. The Applicant does not believe that that is an appropriate or practical approach for the reasons explained below. Before doing so, the Applicant sets out the relevant context.

2 Relevant Context

2.1 The context for the application is to be found in the Planning Act 2008 and the National Policy Statement for National Networks which identify SRFIs as nationally significant infrastructure projects and identify a compelling need for the provision of a network of SRFIs.

2.2 The component parts of the SRFI are identified in section 26 of the Planning Act 2008 as comprising:

- a rail freight interchange capable of handling consignments of goods from more than one consignor to more than one consignee and capable of handling at least four trains a day; and
- warehouses to which goods can be delivered from the railway either directly or by another means of transport.

2.3 The nationally significant infrastructure comprises a combination of the rail terminal and warehousing. Both are critical components of the NSIP. Section 26 does not address the timing of the provision of those components but requires the SRFI "*when constructed*" to comprise both components.

2.4 The National Policy Statement is clear (paragraphs 4.83 and 4.88) that SRFIs can accommodate both rail and non-rail activities from the outset and that the important objective is to locate warehousing such that more extensive use of rail infrastructure can be achieved "*in the longer term*". The integrity

¹ Planning Statement paragraph 1.2.2 (document 7.1A)

of the completed development, and the way in which it operates over its lifetime, is more important in this context, therefore, than the phased nature of its development.

- 2.5 The National Policy Statement for National Networks does address the issue of the timing of the provision of the rail terminal element of the NSIP, in paragraph 4.88, as follows:

“Applications for a proposed SRFI should provide for a number of rail connected or rail accessible buildings for initial take-up, plus rail infrastructure to allow more extensive rail connection within the site in the longer-term. The initial stages of the development must provide an operational rail network connection and areas for inter-modal handling and container storage. It is not essential for all buildings on the site to be rail-connected from the outset, but a significant element should be.” (para 4.88) (Our underlining)

- 2.6 Therefore, the NPSNN guidance is that the rail terminal should be available, not prior to the occupation of any warehousing, but in the *“initial stages of the development”*.

- 2.7 There is no elaboration in the guidance as to what *“initial stages”* means. However, there is some assistance available from the decision on the East Midlands Gateway DCO where the Secretary of State considered the interpretation of paragraph 4.88².

- 2.8 The Secretary of State, in the case of East Midlands Gateway, considered that approximately 47% of the floor space could be occupied in advance of the rail terminal necessarily being available for use, which equated to 260,000 sqm³. The Secretary of State, when doing so, stated:

“[The Secretary of State] appreciates that the construction of warehousing and the construction of a new railway will involve different timescales and he considers it entirely reasonable that a commercial undertaking should seek to generate income from the warehousing facilities before the railway becomes operational. The Secretary of State considers that the interpretation of these NPSNN requirements must allow for the realities of constructing and funding major projects such as this.” (para 16)

- 2.9 The only other approved DCO, relating to the Daventry International Rail Freight Terminal, allowed for 21% (153,290 sqm) to be occupied prior to the rail terminal.

3 The Applicant’s approach at WMI

- 3.1 The Applicant at WMI proposes that 186,000 sqm of warehousing be allowed to be occupied in advance of the completion of the rail terminal, which represents 25% of the total floorspace included within the Proposed Development.

² See paragraphs 16 and 22 to 24 of East Midlands Gateway DL (Appendix 4 of Applicant’s Post Hearing Submissions (ISH1) (REP1-002))

³ The East Midlands Gateway DCO was approved in 2-16 and the rail freight terminal is currently under construction and will be open by the end of 2019.

- 3.2 Put another way, the Applicant would be denied the opportunity to build 75% of the consented development if the rail terminal is not completed. Given the strength of documented demand, the Applicant has every incentive to complete the terminal and deliver the majority of the development.
- 3.3 In addition, and over and above the commitments at East Midlands Gateway, the Applicant has proposed a fall-back position triggered by the occupation of 47,000 sqm which places an obligation on the Applicant to provide the rail terminal with six years of the occupation of 47,000 sqm, irrespective of any further occupations.
- 3.4 The two floorspace figures referred to were derived from assessments of highway capacity. The figure of up to 47,000 sqm has been agreed with the highway authorities as the scale of development that can be delivered from Vicarage Road without further highway works, including construction of the A5 access roundabout, whilst no more than 186,000 sqm can be delivered before the opening of the A5 link road. The link road itself is necessary for the opening of the rail interchange – otherwise traffic from the east (including from the motorway) will be obliged to access the terminal via Gailey roundabout.
- 3.5 The provision of the rail terminal requires action on the part of the Applicant but also other parties, such as Network Rail. For that reason, the requirement to provide the rail terminal by a certain point is accompanied by a provision enabling the timing to be reviewed if the timing cannot be achieved due to circumstances beyond the Applicant's control.
- 3.6 There has been a particular concern expressed on the part of the local authorities that there may be a reliance by the Applicant on that review and no imperative on the Applicant in the meantime to carry out the necessary steps required to provide the rail terminal. In response, the Applicant has also incorporated into the commitments some key actions (such as progressing timely design and obtaining key consents and approvals) which it will be required to pursue expeditiously.
- 3.7 The spreadsheet appended at **Annex 1** of this note provides a deliverable indicative programme for the provision of the rail terminal, along with the initial warehousing. The timetable is based on inputs given to the Applicant by Network Rail, as confirmed in the e-mail exchange provided at **Annex 2** to this note. The timetable reflects Network Rail's estimate of the standard timescales expected under the GRIP approval process for SRFI.
- 3.8 In addition to the Network Rail processes, the timetable reflects: -
- the need to obtain a variation to the EA permit in respect of the SI land upon which the terminal is to be constructed;
 - the need to obtain detailed approval of the highway infrastructure (including bridges) required to serve the rail terminal from various parties; and
 - the need to effectively discharge relevant DCO pre-commencement requirements.
- 3.9 There are many variables and it is not possible to provide a fixed timetable – any programme will always, of necessity, be indicative and subject to change. However, the timetable demonstrates how progressing through the milestones identified by the Applicant should achieve the provision of the rail terminal as soon as practicable, whilst the commitments demonstrate the Applicant's determination to progress delivery as quickly as practical.

- 3.10** Reference has been made to another SRFI application, not yet approved, which has committed to provide the rail terminal prior to any occupations. However, no SRFI which has actually been delivered to date has been subject to such a requirement.
- 3.11** To require that the rail terminal be provided in advance of the occupation of any warehousing does not in reality meet any of the objectives of the NPSNN. In particular, it would not achieve use of rail by early occupiers. Whilst the opportunity would be provided for some warehousing to have a direct rail link should occupiers require it, the majority of the warehouses at WMI will use the rail terminal facility for inter-modal rail movements rather than their own bespoke facility. Such a terminal allows occupiers of several warehouses to benefit from more cost-effective handling charges at the rail terminal resulting from increased volumes and shared fixed costs.
- 3.12** The most effective way to encourage potential users of rail to move volume by rail rather than road is to offer the lowest possible handling charges and the best choice of destinations for the rail services. Therefore, the more occupiers there are at WMI that can utilise the services provided, the better the chance of achieving fuller train loads and lowest possible rail haulage rate per container. For this reason, the availability of a rail terminal before the first occupation of a warehouse would not provide the best chance for occupiers to utilise rail services. It requires two or three occupiers to be on site to provide the best opportunity to establish sufficient volumes and destinations for the first rail services.

4 The Rail Requirements in the DCO

- 4.1** Originally the rail provisions were included in the draft section 106 Agreement which was under discussion with the local authorities at the time of the first DCO Hearing (ISH1). At ISH1 the question arose as to whether or not the rail requirements were more appropriately to be included in the DCO, given the central nature of those requirements to the NSIP development. Following ISH1 it was agreed with the local authorities that the rail requirements should be contained within the DCO. Accordingly, the appropriate provisions have been included in the draft DCO submitted for Deadline 3 (Document 3.1B). For ease of reference those requirements are also included in **Annex 3** to this note.
- 4.2** The rail provisions are contained within the requirements in Schedule 2. The relevant requirement is requirement 5 which requires that the provisions in a separate part of Schedule 2 (a newly added Part 2) are complied with. Part 2 contains all the rail commitments.
- 4.3** Part 2 of Schedule 2 should be self-explanatory and is not repeated. However, in summary, it:
- commits the Applicant to apply for, and progress, applications for the consents and approvals required for the construction of the terminal;
 - ensures the delivery of the terminal by preventing the occupation of more than 186,000 sqm of warehousing prior to the terminal being completed;
 - requires the completion of the rail terminal within six years of the occupation of more than 47,000 sqm;
 - enables the Applicant to seek a review of the above requirements in the event of a delay due to matters outside the Applicants control;
 - provides that the terminal once completed must be kept available for use; and
 - requires the Applicant to appoint a rail freight co-ordinator to report on progress in connection with the rail terminal

- 4.4 The Applicant believes that the requirements strike the correct balance between imposing commitments on the Applicant to ensure that the rail terminal comes forward as soon as practicable and sensible, whilst at the same time not imposing unworkable obligations in relation to the timing of the provision of the terminal such as to impact on the delivery of the NSIP and a successfully functioning terminal.

ANNEX 1
RAIL DELIVERY PROGRAMME (INDICATIVE)

WMI																													
RAIL DELIVERY PROGRAMME - indicative																													
31.03.2019																													
DRAFT																													
Task	Period	Q1 Year 1	Q2 Year1	Q3 Year 1	Q4 Year 1	Q1 Year 2	Q2 Year 2	Q3 Year 2	Q4 Year 2	Q1 Year 3	Q2 Year 3	Q3 Year 3	Q4 Year 3	Q1 Year 4	Q2 Year 4	Q3 Year 4	Q4 Year 4	Q1 Year 5	Q2 Year 5	Q3 Year 5	Q4 Year 5	Q1 Year 6	Q2 Year 6	Q3 Year 6	Q4 Year 6	Q1 Year7	Q2 Year 7	Q3 Year 7	Q4 Year 7
<i>PER NETWORK RAIL PROGRAMME</i>																													
<i>Assumptions</i>																													
GRIP 2 completion prior to DCO decision																													
Implementaion start	Year 1	█																											
Discharge Requirements	1 year		█	█	█	█	█																						
Set up period for funding and procurement	6 months		█	█	█																								
GRIP 3 scope	2 months				█																								
GRIP3 contract approved and signed IP	2 months					█																							
GRIP 3 procurement	7 months					█	█	█	█																				
GRIP 3 study	13 months					█	█	█	█	█	█	█	█																
Tender rail contracts	6 months												█	█															
GRIP 4 - outline design	8 months													█	█	█	█												
Surveys and Ground investigations	8 months													█	█	█	█												
Delivery Strategy	8 months													█	█	█	█												
Book possessions	18 months																█	█	█	█	█	█	█	█	█	█	█	█	█
Archaeology	7 months																												
Ecology work	1 calendar year																												
EA permit applications and approvals	1 year																												
Land draw down																													
GRIP 5 - Detailed design	1 year																												
Highways design and contract approvals	Two phases																												
Highways construction	Phase 1 - A5-Vic Rd																												
Highways construction	Phase 2 -A449 link																												
Bridge design and contract approvals	One phase																												
Bridge construction	One phase																												
GRIP 6 to 8 - Physical works and handover	15 months																												
Open Rail Terminal Phase 1																													
Warehousing	Ph1a - 47k m2	1 year																											
	Ph1a - 140k m2	3 years																											
Note:																													
Programmes for overhead cable relocation and canal bridge designs are not shown here separately but have been taken into account.																													
<i>DCO related activity</i>																													
<i>Rail related activity</i>																													
<i>EA permitting activity</i>																													
<i>Property activity</i>																													
<i>Highways activity</i>																													

**ANNEX 2
DRAFT RAIL TERMINAL DELIVERY TIMINGS - NETWORK RAIL
AND EMAIL**

----- Original message -----

From: Dugdale Richard

Date: 17/04/2019 16:56 (GMT+00:00)

To: Peter Frost

Subject: WMI - draft timetable for delivery

Peter,

Thanks for summarising as below.

I can confirm that the durations in the programme are derived from an indicative development and delivery programme which was drawn up by a Project Planner and Project Manager.

We have amended the start time, but can state the durations are conservative and could be accelerated by such means as early contractor involvement, capitalising on any existing possession opportunities, and possibly by undertaking some development, design and implementation activities in parallel.

I can state therefore that the durations are robust and we are happy to support them.

Regards,

Richard

Richard Dugdale

Senior Sponsor, LNW

Registered in England – Kilbride Rail Limited, 50 Lothian Road, Festival Square, Edinburgh, EH3 9WJ – Number SC300665

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From: Peter Frost

Sent: 11 March 2019 16:42

To: 'Richard Dugdale

Subject: WMI - draft timetable for delivery

Morning Richard,

Attached is the draft updated timetable for the delivery of the WMI rail terminal. This is based on the time periods Network Rail required for the individual GRIP phases and the development or planning aspects of the delivery of the infrastructure and warehousing.

It can only be one interpretation of the processes at this stage and when it comes to delivery customer requirements may well try to either speed this up or alter some of the phasing. We are also not certain yet what constraints or requests will be made by the DCO consent process in terms of the project delivery.

The timetable is therefore an attempt to set out a prudent delivery process which does not cut short any of the standard rail, development or planning processes. When it comes to the delivery it may be possible to speed this process up but this is an attempt to identify when the long stop date for the opening of the initial rail terminal could be achieved by.

Could you let me know if you are supportive of the programme outlined?

Regards
Peter Frost
Managing Director



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ANNEX 2
DRAFT RAIL TERMINAL DELIVERY TIMINGS - NETWORK RAIL

Task description	Time required
<p>Refresh of GRIP 2 conclusions Authorised at LNW Route Panel meeting Prepare and Submit Paper to IP Update 3rd Party Service Agreement Authorisation at Investment Panel Investment Authority received Released Procurement GRIP 3</p>	<p>Start to 19/03/2020 Start to 30/03/2020 Start to 13/04/2020 Start to 13/04/2020 Start to 16/04/2020 14 May 20 to 09 Nov 20</p>
<p>Indicative Procurement 3 (via panel framework contractor)</p>	<p>130 days (14 May 20 to 09 Nov 20)</p>
<p>GRIP Stage 3 Client Review Approval in Principle Railway Consents</p>	<p>290 days (12 Nov 20 to 20 Dec 21) 195 days (24 Dec 20 to 20 Sep 21) 65 days (23 Sep 21 to 20 Dec 21)</p>
<p>Procurement GRIP 4 - 8 Indicative Procurement 4 - 8 (via panel framework contractor)</p>	<p>130 days (23 Dec 21 to 19 Jun 22) 130 days (23 Dec 21 to 19 Jun 22)</p>
<p>GRIP Stage 4 Surveys and Ground Investigation Delivery Strategy</p>	<p>195 days (22 Jun 22 to 19 Mar 23) 195 days (22 Jun 22 to 19 Mar 23) 195 days (22 Jun 22 to 19 Mar 23)</p>
<p>GRIP Stage 5 GRIP5 Design - Indicative</p>	<p>260 days (22 Mar 23 to 18 Mar 24) 260 days (22 Mar 23 to 18 Mar 24)</p>
<p>GRIP Stage 6 - 8 GRIP6 - Physical Works GRIP6 - Handover</p>	<p>325 days (21 Mar 24 to 16 Jun 25) 260 days (21 Mar 24 to 17 Mar 25) 65 days (20 Mar 25 to 16 Jun 25)</p>

Notes

- 1 The above programme from Network Rail does not take account of any other tasks required such as Highways England consent, discharge of DCO Requirements, EA permitting variations or CRT consents.

- 2 The periods outlined have been used in the Draft Delivery Programme and combined with all other tasks.

- 3 It is assumed by Network Rail that DCO consent would be in early 2020.

From: [Dugdale Richard](#)
To: [Peter Frost](#)
Subject: WMI draft delivery programme
Date: 24 December 2018 09:10:32
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)

Peter,

Apologies for non-response last week, I had fully intended to provide you some information on Friday but then a nasty 'lurgy' got in the way and I was laid up in bed Friday and Saturday. Better now! Some work was done by the IP teams on a draft SRFI programme and I append an extract of this below (dates revised), which keeps the durations from the original. It makes an assumption about the smooth progress of the DCO over a year, during which time GRIP 2 is closed down. GRIP 3 starts in earnest in Nov 2020, which you may see as somewhat conservative.

After development, design and approval, this programme shows works in the year from 21-Mar-24 to 16-Jun-25. The terminal connections could be operational sometime during this period. In fact I think works would be confined to enabling over a number of months followed by one or two 'big bangs' for track remodel and signalling commissioning, followed by a duration of recoveries, tidying and defects liability. Perhaps we could meet with the design and implementation teams to sharpen this?

In the New Year I'll ask for this to be revised and will see if we can improve on it, which I'm sure we can.

I also said I'd arrange a briefing from the signalling and track design organisation ('Network Rail Design Delivery') which I'll organise in the New Year if you like?

Hope this helps in the meantime.

Have a great Christmas and a successful and prosperous New Year!

Regards,

Richard

(while DCO is in progress)

G2-2000 Produce Draft Feasibility Report 0d 02-Apr-19
G2-2010 Review Draft Feasibility Report
G2-2020 Draft Feasibility Report Accepted
G2-2030 GRIP 3 Cost Estimate Prepared
G2-2040 Produce Final Feasibility Report
G2-2050 GRIP 2 Refresh Products for GRIP 2 Stage Gate review
G2-2060 Review Final Feasibility Report
G2-2070 Final Feasibility Report Accepted 07-Dec-18
G2-2080 DCO Application 08-Dec-18
G2-2100 GRIP 2 Stage Gate Review Complete
G2-2140 GRIP 3 Cost Estimate Released
G2-2160 DCO (indicative period) 15-Jan-19 11-Jan-20
G2-2170 Client provides Remit 05-Feb-20
G2-2180 NR undertake cost proposal 09-Mar-20
G2-2190 Client accepts cost proposal
G2-2210 Authorised at LNW Route Panel meeting 19-Mar-20
G2-2220 Prepare and Submit Paper to IP 30-Mar-20
G2-2230 Update 3rd Party Service Agreement 13-Apr-20
G2-2240 Authorisation at Investment Panel 13-Apr-20
G2-2250 Investment Authority received Released 16-Apr-20
Procurement GRIP 3 14-May-20 09-Nov-20
P1-1000 Indicative Procurement 3 (via panel framework contractor) 130d 14-May-20 09-Nov-20

GRIP Stage 3 290d 12-Nov-20 20-Dec-21
P1-1010 Option Selection
P1-1020 Client Review 10d
P1-1030 Approval in Principle 195d 24-Dec-20 20-Sep-21
P1-1050 Railway Consents 65d 23-Sep-21 20-Dec-21

Procurement GRIP 4 - 8 130d 23-Dec-21 19-Jun-22
A1000 Indicative Procurement 4 - 8 (via panel framework contractor) 130d 23-Dec-21 19-Jun-22
GRIP Stage 4 195d 22-Jun-22 19-Mar-23
P1-1060 Surveys and Ground Investigation 195d 22-Jun-22 19-Mar-23
P1-1070 Delivery Strategy 195d 22-Jun-22 19-Mar-23

GRIP Stage 5 260d 22-Mar-23 18-Mar-24
P1-1100 GRIP5 Design - Indicative 260d 22-Mar-23 18-Mar-24

GRIP Stage 6 - 8 325d 21-Mar-24 16-Jun-25
P1-1110 GRIP6 - Physical Works 260d 21-Mar-24 17-Mar-25
P1-1120 GRIP6 - Handover 65d 20-Mar-25 16-Jun-25

From: Peter Frost
Sent: 20 December 2018 15:44
To: Dugdale Richard
Cc: 'Nick Gallop (nick@intermodality.com)'
Subject: WMI draft delivery programme

Afternoon Richard,

I have just left a voicemail. On the assumption you are still around at the moment, I wondered how you were getting on with the high level draft delivery programme we discussed?

We will be in Examination hearings fairly early in the New Year, although we are waiting for exact dates, and one of the queries we know we will have to answer is when the terminal could be delivered.

Regards

Peter Frost

Managing Director

07768 955013



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**ANNEX 3
RAIL PROVISIONS IN THE DDCO**

Annex 3 Rail Provisions in the dDCO

Schedule 2

Part 1

Requirement 5

The undertaker must comply with provisions of Part 2 of this Schedule (rail requirements)

New Part 2

Rail Requirements

Rail Provision Milestones

1. The undertaker must comply with all the rail provision milestones unless otherwise agreed with the local planning authority
2. The undertaker must keep the local planning authority advised of progress in respect of all the rail provision milestones on a quarterly basis including providing copies to the local planning authority of any material formally submitted to all bodies in pursuance of compliance with the rail provision milestones, if requested

Rail Infrastructure

3. Subject to paragraph 4, the undertaker must complete the rail terminal works prior to the earliest of:
 - a the occupation of more than 186,000 sqm. of warehousing; or
 - b the sixth anniversary of the first occupation of more than 47,000 sqm. of warehousingunless otherwise agreed with the local planning authority.
4. If the completion of the rail terminal works is delayed and cannot be achieved by the earliest of the events referred to in sub-paragraphs 3 a and b due to matters outside the control of the undertaker then the requirements in paragraph 3 will no longer apply and instead the undertaker must complete the rail terminal works as soon as reasonably practicable following the date of the earliest of the events referred to sub-paragraphs 3 a and b.
5. The undertaker must pursue the completion of the rail terminal works as expeditiously as possible following the commencement of their construction.
6. Following completion of the rail terminal works the undertaker must retain, manage and keep the rail terminal works available for use unless otherwise agreed by the local planning authority

Rail Support

7. The undertaker must appoint a rail freight co-ordinator prior to commencement of the authorised development who must report to the local planning authority no less than once a quarter on:
 - i the progress towards meeting the rail provision milestones;

- ii the progress of the rail terminal works; and
 - iii the operation of the rail terminal when open including:
 - a the appointment of a rail operator to operate the rail terminal;
 - b the amount of rail freight usage of the rail terminal;
 - c the number of trains using the rail terminal; and
 - d the warehousing receiving or sending goods through the rail terminal;
 - e the amount of goods being received or sent through the rail terminal by freight handlers not occupying the warehousing.
9. The undertaker must maintain a person in the position of rail freight co-ordinator throughout the life of the authorised development unless otherwise agreed with the local planning authority

Rail Provision Milestones

- 10.
 - i. The undertaker must submit an application for approval of GRIP 3 (of Network Rail's Governance for Rail Investment Projects) by Network Rail prior to commencement of the authorised development and thereafter pursue such application expeditiously.
 - ii. The undertaker must submit an application for approval of GRIP 4 (of Network Rail's Governance for Rail Investment Projects) by Network Rail within three months of GRIP 3 approval and thereafter pursue such application expeditiously.
 - iii. The undertaker must identify and apply to Network Rail for the necessary track possessions required to enable the carrying out of the rail terminal works by no later than 14 days from GRIP 4 approval and thereafter pursue such application expeditiously.
 - iv. The undertaker must submit an application for approval of GRIP 5 (of Network Rail's Governance for Rail Investment Projects) by Network Rail within 12 months of GRIP 4 approval and thereafter pursue such application expeditiously.
- 11. The undertaker must progress the approvals referred to in sub-paragraphs a to d below as expeditiously as possible following the commencement of the authorised development:
 - a the approval of all of the Detailed Design Information (as defined in paragraph 2 of Part 3 of Schedule 13 (protective provisions) for Works number 4 (A5/A449 link road) pursuant to paragraph 3 of Part 3 of Schedule 13;
 - b the obtaining of a variation to the existing environmental permit issued under the Environmental Permitting (England & Wales) Regulations 2010 relating to the remediation of the SI Land;
 - c the obtaining of any approvals required from Network Rail in connection with the construction of the rail terminal works pursuant to the provisions of Part 1 of Schedule 13; and
 - d the obtaining of all other consents required to lawfully construct the rail terminal works.

Interpretation of Part 2 of Schedule 2

12. In this Part of this Schedule -

- (a) the expression 'rail terminal works' means the works required to construct and provide a rail terminal capable of handling at least four trains a day;
- (b) the expression 'rail terminal' means the rail terminal constructed as a result of and upon completion of the rail terminal works;
- (c) the expression 'rail provision milestones' means the actions, and the timing related thereto, set out in sub-paragraphs 10. i to v and sub paragraphs 11 a to d; and
- (d) the expression undertaker shall mean only Four Ashes Limited as referred to in item (a) of the definition of "undertaker" in article 2.

Appendix 3
Response to Highways England
WRs relating to Deemed Consent

Four Ashes Limited

APPENDIX 3

APPLICANT'S RESPONSE TO HIGHWAYS ENGLAND WRITTEN REPRESENTATIONS RELATING TO DEEMED CONSENT

- 1.1 Highways England (HE) set out its concerns in relation to deemed consent in a section in their written representation titled “**Deemed Consent**” [REP2-034].
- 1.2 The inclusion of deemed consent provisions is common place in DCO. They are commonly applied to a variety of consents including consents required of many statutory bodies, including highway authorities. They are included within DCO as part of a desire to minimise barriers to delivery ¹. HE assert that their position is distinct from every other statutory body and they are a special case which should exempt them from such provisions.
- 1.3 The provisions are not designed to impose upon HE a design, specification or action which is unacceptable, nor do they do so. The deemed consent provisions are designed to ensure that there is engagement by HE in the approval process within a certain period, and, only failing that engagement, does the deemed consent provision operate ².
- 1.4 No design, specification or other approval can be imposed upon HE because they can simply refuse to approve any unacceptable design, specification or approval within the relevant period, thus preventing the deemed consent applying.
- 1.5 The whole purpose of the deemed consent provision is to ensure that there is reasonably prompt action in response to a request for a consent. If it is felt a positive decision cannot be made within the days before a deemed consent is triggered, then a simple response refusing consent will prevent the deemed consent applying. The driver behind the provision is to secure engagement within a timely period.
- 1.6 Given the wide spread use of deemed consent provisions in DCO it is not credible to argue they should not be included in this dDCO. The deemed consent provisions in the West Midlands Interchange dDCO are contained in articles where they are commonly used and they provide for a significantly longer period for a response than most DCO, including DCO promoted by HE.
- 1.7 Neither is it credible to argue that only HE have safety considerations and statutory obligations that mean they should be exempt from deemed consent provisions. HE are no different from other statutory authorities, such as local highway authorities, who all have statutory duties and in some cases licence obligations (such as Network Rail) which govern the carrying out of their responsibilities.

¹ As is apparent from Article 57(2) of The Port of Tilbury Expansion Order 2019 – see paragraph 13 of this appendix

² For example, HE say in comments on Article 9(2) (4th para page 2) that it would allow the Applicant to vary works “at will” which is clearly not correct and ignores the deemed consent mechanism. All the consequences of deemed consent referred to in the response to the specific articles (pages 2 and 3) would result from HE failing to respond at all to a request for consent within six weeks.

- 1.8** In response to the concerns raised by Highways England the period of 28 days has been increased to 42 days to give ample to time for HE to engage. This is much longer than the time period commonly seen in DCO, of 28 days.
- 1.9** As indicated, deemed consent provisions are a common feature of DCO promoted by Highways England. A list at the end of this note sets out recently approved DCO and the deemed consent provisions contained within them.
- 1.10** Just looking at DCO approved in the last 2/3 years, there are four approved DCO's promoted by HE all of which include deemed consent provisions, including applying deemed consents to:
- Highway Authorities
 - Street Authorities
 - Traffic Authorities
 - Owners/guardians of watercourses and public sewers and drains including LLFA
 - Environment Authority
 - Network Rail
- 1.11** In almost all cases the period given by HE for a response is 28 days.
- 1.12** Recent DCO promoted by other parties also commonly include deemed consent provisions in relation to a whole variety of matters (consistently including consents from statutory authorities). The provisions are not only contained in articles but also widespread use of them is made in protective provisions. The period of days varies but there is a preponderance of 28 days.
- 1.13** Of particular note are two overarching deemed consent provisions in recently approved orders:
- Article 57 (2) of the Port of Tilbury (Expansion) Order 2019) which operates a deemed consent after 28 days in respect of any consent or approval sought from any relevant authority – defined in the article as an owner of a watercourse, public sewer or drain, a local authority, a traffic authority, a highway authority or a street authority; and
 - Article 69(2) of Silvertown Tunnel Order 2018 which operates a deemed consent after 28 days in respect of a variety of consents under various articles particularly in relation to highway works and traffic regulation in respect of consents sought from the planning authority, traffic authority, highway authority or a street authority.
- 1.14** The deemed consents included in this dDCO are much more targeted than the overarching provisions referred to in 13. above, and the period of time more generous, when compared with the recently approved DCO, including the HE DCO.
- 1.15** There is a real-life context for retaining the deemed consent provisions, which is the need to obtain responses from a body which are essential for timely delivery of the scheme. If deemed consent provisions were not retained in the protective provisions, then it would be necessary to amend the protective provisions to provide for the dispute resolution to apply when no response is received rather than simply to where a difference or dispute has been identified. This would be very sub-optimal and not achieve the same end i.e. it would not drive positive engagement to anything like the same extent.

- 1.16** HE refer to the North London Heat and Power Generating Station DCO where National Grid's argument against deemed consent was accepted. The Applicant would refer to the deemed consent provisions applied to the Marine Management Organisation (MMO) contained in the York Potash DCO ³. The MMO objected to the deemed approval provisions and the issue was discussed at a hearing. See paragraphs 9.7.8 and 9.7.9 of the Examining Authority's Report to the Secretary of State in respect of the deemed consent arguments. The Secretary of State retained the deemed consent provisions in the approved Order.
- 1.17** Notwithstanding the North London Heat and Power Generating Station DCO, it has since that DCO was approved remained commonplace to include deemed consent provisions within DCO. Set out below is a list of approved DCO where deemed consent provisions have been included. The provision, and the subject matter to which it relates, is identified and so is the number of days after which a consent is deemed. The list commences with DCO promoted by HE.

Highways England DCOs			
The A19/A184 Testos' Junction Alteration DCO 2018 (S.I. 2018 No. 994)			
Article/Provision	Subject Matter	Authority Affected	Period of days
Article 12(6)	Temporary stopping up/diversion of streets etc.	Street authority	28 days
Article 16(11)	Traffic regulation orders	Traffic authority	28 days
Article 17(9)	Consent to discharge water	Owner of watercourse, public sewer or drain	28 days
Article 19(6)	Authority to make trial holes	Highway authority/street authority	28 days
The M20 Junction 10a DCO 2017 (S.I. 2017 No.1202)			
Article/Provision	Subject Matter	Authority Affected	Period of days
Article 14(6)	Stopping up/diversion of streets etc.	Street authority	28 days
Article 18(7)	Consent to discharge water	Owner of watercourse, public sewer or drain	28 days

³ The York Potash Harbour Facilities Order 2016 SI No 772.

Highways England DCOs			
Article 20(6)	Authority to make trial holes	Highway authority/street authority	28 days
Article 47(11)	Traffic regulation orders	Traffic authority	28 days
The M4 Motorway (Junctions 3 to 12) (Smart Motorway) DCO 2016 (S.I. 2016 No. 863)			
Article/Provision	Subject Matter	Authority Affected	Period of days
Article 10(4)	Alteration of layout of streets etc.	Street authority	6 weeks
Article 14(6)	Stopping up/diversion of streets etc.	Street authority	6 weeks
Article 17(9)	Consent to discharge water	Owner of watercourse, public sewer or drain	6 weeks
Article 19(6)	Authority to make trial holes	Highway authority/street authority	6 weeks
Article 43(11)	Traffic regulation orders	Traffic authority	28 days
Part 3 of Schedule 9 (protective provisions) Paragraph 24(2)	Approval of design of specified work	Network Rail	28 days + 28 days
The A14 Cambridge to Huntingdon Improvement Scheme DCO 2016 (S.I. 2016 No. 547)			
Article/Provision	Subject Matter	Authority Affected	Period of days
14(6)	Stopping up/diversion of streets etc.	Street authority	28 days
17(8)	Consent to discharge water	Owner of watercourse, public sewer or drain	28 days

Highways England DCOs			
19(6)	Authority to make trial holes	Highway authority/street authority	28 days
45(11)	Traffic regulation orders	Traffic authority	28 days
Part 3 of Schedule 9 (protective provisions) Paragraph 21(4)	Approval of design of specified works	Environment Agency	8 weeks
Part 4 of Schedule 9 (protective provisions) Paragraph 33(3)	Approval of design of specified works	Highway Authority	2 months
Part 5 of Schedule 9 (protective provisions) Paragraph 59 (2)	Approval of design of specified works	Network Rail	28 days + 28 days

Other DCOs			
The Port of Tilbury (Expansion) Order 2019 (S.I. 2019 No. 359)			
Article/Provision	Subject Matter	Authority Affected	Period of days
Article 22(7)	Approval for suspension of public rights of navigation	Port of London Authority	28 business days
Article 57(2)	Any application for consent, agreement, certification or approval	“relevant authority” defined as: an owner of a watercourse, public sewer or drain, a local authority, a traffic authority, a highway authority or a street authority	28 days

Other DCOs			
Part 3 of Schedule 10 (protective provisions) Paragraph 18(5)	Approval of detailed design	Port of London Authority	40 business days or 30 business days depending on the subject matter
Part 3 of Schedule 10 (protective provisions) Paragraph 20(3)	Consent to discharge	Port of London Authority	35 days
Part 4 of Schedule 10 (protective provisions) Paragraph 41(4)	Approval of design of specified works	Environment Agency	8 weeks/4 weeks
Part 5 of Schedule 10 (protective provisions) Paragraph 51(4)	Approval of details of specified works	Lead Local Flood Authority	2 months
Part 6 of Schedule 10 (protective provisions) Paragraph 64(2)	Approval of design of specific work	Network Rail	28 days + 28 days
Part 7 of Schedule 10 (protective provisions) Paragraphs 85 and 86	Approval of highway works	Highway Authority	28 days
The Eggborough Gas Fired Generating Station Order 2018 (S.I. 2018 No. 1020)			
Article/Provision	Subject Matter	Authority Affected	Period of days
Article 40(2)	Request for any consent, agreement or approval	Relevant planning authority, highway authority, street authority or the owner	8 weeks

Other DCOs			
		of a watercourse, sewer or drain	
Part 3 of Schedule 12 (protective provisions) Paragraph 21(2)	Approval of design of specified works	Canal and River Trust	35 days
The Silvertown Tunnel Order 2018 (S.I. 2018 No. 574)			
Article/Provision	Subject Matter	Authority Affected	Period of days
Article 69(2)	Application for any consent, agreement or approval under articles 6 (street works), 8 (construction and maintenance of new, altered or diverted streets), 10 (temporary stopping up and restriction on use of streets), 11 (access to works), 16 (authority to survey and investigate land) and 61 (traffic regulation measures)	Planning authority, traffic authority, highway authority or a street authority	28 days
Part 4 of Schedule 13 (protective provisions) Paragraph 37	Authority to discharge water under article 14	Port of London Authority	35 days
Part 6 of Schedule 13 (protective provisions) Paragraphs 68 and 69	Approval of design of highway operations	The appropriate Council – being The London Borough of Newham or the Royal Borough of Greenwich	56 days
The York Potash Harbour Facilities Order 2016 (S.I. 2016 No. 772)			
Article/Provision	Subject Matter	Authority Affected	Period of days

Other DCOs			
Article 10(6)	Street works	Highway authority	28 days
Article 11(5)	Temporary stopping up of streets	Highway authority	28 days
Article 12(2)	Access to works	Highway authority	28 days
Schedule 5 (Deemed Marine Licence) Paragraph 17(1)	Approval of method statements for the operation of licenced activities	Marine Management Organisation	3 months
Schedule 7 (protective provisions) Paragraph 5(2)	Approval of design of specified works	Network Rail	28 days + 28 days
Schedule 9 (protective provisions) Paragraph 7(1)	Works details	Pipeline owners/operators	45 days/30 days
Schedule 9 (protective provisions) Paragraph 25(7)	Exercise of the identified powers (being a power conferred by articles 10 (street works), 11 (temporary stopping up of streets), 14 (discharge of water), 16 (authority to survey and investigate), 24 (compulsory and other acquisition of rights), 25 (power to override easements and other rights), 29 (rights under or over streets and 30 (temporary use of land)	Pipeline owners/operators	30 days + 10 days
Schedule 10 (protective provisions)	Construction methodology	Asset owners	45 days/30 days

Other DCOs				
Paragraph 7(3)				
Schedule 11 (protective provisions)	Detail of tidal works	Tees Port Authority	28 days	
Paragraph 4(11)				

Appendix 4
Response to WR on behalf of
Inglewood Investment Company Limited

Four Ashes Limited

APPENDIX 4

RESPONSE TO REPRESENTATIONS ON BEHALF OF THE INGLEWOOD INVESTMENT COMPANY LIMITED

1 Introduction

- 1.1 The representations submitted on behalf of Inglewood evidence unresolved issues between the Applicant and Inglewood. Significant discussions have taken place between the parties for some time but there are outstanding issues, which the Applicant is hopeful of resolving without the need for powers of Compulsory Acquisition.
- 1.2 The Applicant's Document 11.2 updates the current position in relation to negotiations. If those negotiations are not resolved in time, however, it is the Applicant's case that powers of compulsory acquisition are necessary and that there is a compelling need to acquire the Inglewood land in order to ensure a comprehensive, deliverable SRFI development.
- 1.3 Whilst the Inglewood representations are relatively extensive, it is considered that they can be addressed reasonably succinctly in view of the common interest between the parties. In particular, Inglewood's representations make clear the support for the principle of the development, and that they are not making a case that a development consent order should not be approved.
- 1.4 The issue contained in the written representations is whether the Applicant needs to acquire the Inglewood land.
- 1.5 This response is structured under the following headings:
 - Ownership and rights
 - Timing
 - Viability
 - Minerals
 - Comprehensive development

2 Ownership and rights

- 2.1 As confirmed in response to ExQ1.16.3 (Document 10.1, REP2-009), the Applicant agrees that Inglewood owns parcel 103 and understands that the ownership position is in the process of being corrected at the Land Registry.
- 2.2 As will be noted from the Applicant's response to ExQ1.16.3, when the Applicant first undertook its land referencing exercise, in preparing the Book of Reference, the ownership of the minerals was exempted from the title and the Applicant, therefore, noted the ownership of the minerals in the Book of Reference as "unknown". Since then, the Applicant notes that the title register has been updated and now refers to a Conveyance dated 10 May 1922, with an Abstract of Title filed at the Land Registry. The Applicant, therefore, accepts that Inglewood, in the absence of other evidence to the contrary, should be accepted to be the owner of the sand and gravel that lies under the surface of parcels 101 – 103 and 111, 112 and 113. As requested by Inglewood, the Book of Reference will be updated to reflect

this position. The rectification of the Book of Reference will take account of all points made in paragraph 18.1 – 18.4 of Part I of the Inglewood WR.

- 2.3** As explained in the Applicant’s response to ExQ1.16.3, Inglewood incorrectly assume that the block pink colouring on the land plans excludes minerals. The intention is that all interests in land (the definition of which includes minerals) are covered by the CA powers. It is accepted that this could be made clearer in the Book of Reference and on the Land Plans and the Applicant intends to clarify this in the next versions to be submitted of the Book of Reference and Land Plans.

3 Timing

- 3.1** Reliance is placed by Inglewood on the Applicant’s phasing plan (see figure 4.4 of the representation report by Bruce Owen). It is asserted that the Inglewood land is not proposed to be brought forward for 10-15 years post the grant of consent and that there can be no basis for compulsory acquisition if there is little prospect of the scheme being implemented for a number of years.

- 3.2** As the Applicant has made clear, however, figure 4.4 represents an Indicative Phasing Plan and the phasing of development will be subject to occupier requirements. The phasing plan represents one version of the future in which the development is progressively rolled out sequentially from the initial first phase. As FBC Manby Bowdler recognise (paragraph 10), the Applicant is not seeking an extended period for the exercise of Compulsory Acquisition powers. A 5-year period is sought, which is standard for DCO applications.

- 3.3** Whilst the phasing of the scheme is inevitably uncertain until consent is granted and occupier requirements are responded to, there are reasonable grounds for expecting that the Inglewood land may indeed come forward early in the development programme. In particular: -

- the land is less affected by the first phases of infrastructure development and could very well represent the best locations on which to respond to early occupier demand – in particular dDCO requirement 24 would enable the land to come forward in large part before the provision of the A5 link road; and
- the Inglewood land falls into ‘good size’ developable parcels, the scale of which could suit specific occupier requirements for units in the scale range 50,000 – 60,000 sqm.

- 3.4** Accordingly, the nature of the land presents an important opportunity for early scheme flexibility, the availability of which could make an important contribution to kick starting the development and funding early infrastructure.

- 3.5** Issues relating to minerals are discussed further below but, it is partly for this reason, that the Applicant would not want the Inglewood land to be tied up for an uncertain period during mineral excavation.

4 Viability

- 4.1** Inglewood’s representations may relate more to their aspirations in terms of value than the principle or otherwise of the grant of DCO powers. Nevertheless, there are issues raised which challenge the necessary scale of the application and to which it is appropriate for the Applicant to respond.

- 4.2** The Applicant’s position in relation to scale is set out in response to ExQ1 question 1.2.18 and need not be repeated here.

- 4.3** Inglewood’s case appears to rely on the viability appraisal undertaken by Bruce Owen, the detailed terms of which are addressed in the attached response prepared by Savills on behalf of the Applicant (**Annex 1**).
- 4.4** In short, the appraisal presented by Inglewood is considered be ill-conceived. It asserts that a profit level of c.12% return on costs would be sufficient for WMI to be developed and then draws a conclusion from that, that ‘super profits’ are being made by the inclusion of the Inglewood land. As Savills point out, however, the market would require significantly higher levels of profit and the real effect of the Inglewood appraisal is to reinforce the Applicant’s case that the full scale of WMI is appropriate to assist in the funding of the necessary infrastructure. This conclusion is compounded, as Savills point out, by additional fundamental errors and omissions in the appraisal.
- 4.5** Matters of this nature are not normally brought to an examination of this kind, although there is some national guidance available about appropriate levels of return. In particular, the National Planning Practice Guidance was amended in 2018 to try to establish a common basis for viability appraisals informing local plan work. The PPG advises planning authorities that 15-20 % of development value may be considered a suitable return to developers. Alternative levels can be used where there is evidence that they may be more appropriate (Inglewood’s suggested return in this case is not supported by evidence). 15-20% return on gross development value, of course, is significantly greater than 12% return on costs. The PPG does advise that lower figures may be appropriate, but the only example given relates to the delivery of affordable housing and that is explained in circumstances where there is a guaranteed end sale at a known value, which is not the case here¹.
- 4.6** The other arguments made by the Applicant, in response to ExQ1 Q1.2.18, make it clear that there are a number of other factors reinforcing the necessary scale of the development in this case but, properly understood and revised, the Inglewood representations are helpful in confirming an element of the Applicants case: namely, that (compared with SRFI in the East Midlands) the lower land and rental values in this part of the West Midlands require a larger scale of development to achieve a satisfactory return on a comparable scale of rail infrastructure investment.

5 Minerals

- 5.1** The Mineral Code is proposed in the dDCO (Document 3.1A, AS-014) and entitles an owner of minerals to compensation from the developer where the working of the minerals would be inconsistent with the development, but the owner would otherwise have wished to work the minerals. The Code means that the developer does not have to acquire the minerals but can simply compensate the owner for the loss incurred in not being able to work them.
- 5.2** The Mineral Code article was included in the DCO because there may be minerals the ownership of which we are not acquiring within the site and this provides a route to compensation for a mineral owner. Having said that, the approach has been to include the ability to acquire those minerals and so the Mineral Code may have little or no application in practice. It may therefore be clearer to exclude the application of the article which applies the Mineral Code to the Inglewood land as the applicant’s

¹ Planning Practice Guidance ID:10-018-20180724

intention is to acquire all rights over the land and for the consequences of that to be resolved through compensation for the land and rights taken.

- 5.3** The minerals on the Inglewood land are part of the eastern extension allocation in the Minerals Plan. As acknowledged in the Inglewood representations there is no current consent for commercial extraction of the sand and gravel on this part of the Site.
- 5.4** The Applicants will need to create development platforms for different phases of the development. A cut and fill balance exercise has been undertaken for the whole of the WMI site to enable a sustainable development which would not require bulk fill material to be taken off site or to be brought onto site to form the development platforms.
- 5.5** The levels strategy has been designed to balance the following requirements:
- Provide development platforms with capability of supporting ground bearing foundations and floor slabs for a typical warehousing use;
 - Provide development platforms with foundation depths above the groundwater table;
 - Provide a gravity drainage network for the land north of Vicarage Road;
 - Provide flexibility in the development platform level to suit alternative site arrangements and phasing, in accordance with the DCO parameter requirements.
- 5.6** The levels strategy for the development allows for removal of the upper strata (alluvium, clay and silt) before plateauing commences, using the more suitable underlying materials (sand and gravels) to create suitable construction platforms. Each of the development parcels has been designed with an approximate cut/fill balance as the precise phasing and configuration of the development is not finalised at this stage.
- 5.7** The development platform levels and the surface water drainage strategy are intrinsically linked as the drainage strategy for the land north of Vicarage Road is designed to achieve gravity outfall from all areas using lined, open conveyance and storage features. The network has been designed to be above the existing groundwater table, as far as possible, to prevent buoyancy and failure of the open drainage structures. The Inglewood land is at the upstream end of the network, thus any reduction in the development platform level in this area will impact the ability to achieve the above. The drainage strategy has been agreed by the Lead Local Flood Authority and the Environment Agency have agreed that the approach in respect of groundwater is appropriate.
- 5.8** The cut and fill balance is described in chapter 5 of the ES and takes account of the above requirements and also the risk of land instability.
- 5.9** Risk of instability in the existing Calf Heath Quarry has been addressed through the planned removal of the quarry bi-product and topsoil, and up-filling of between 1m and 3m with sand/gravel won from un-worked areas on the site. It is proposed to sustainably use the quarry bi-product by stabilizing and placing it in bunding.
- 5.10** The Applicants are not proposing to sterilise the minerals on the site but do not see the merit in large scale commercial extraction of sand and gravel only to have to replace the hole left behind with material which would have to be brought onto the Site to meet the drainage and land stability requirements.

5.11 For the Inglewood land it is proposed to use any sand and gravel (which are known to be at shallow depths of between 0.3 and 0.5m below surface level and to depths up to 4m) disturbed as part of the creation of the development platforms in the development to reduce reliance on importing aggregates for construction. The Applicants propose to add an additional requirement (R14) to the draft DCO submitted at Deadline 3 to make this position clear.

6 Comprehensive development

6.1 There are good reasons why Strategic Rail Freight Interchanges are consistently planned and delivered as a single entity. It is important that the development is integrated, given the need for each development parcel not only to contribute to the cost of infrastructure but to generate the value necessary to deliver the development as a whole.

6.2 It is particularly important that all parcels are subject to the same management regime and that the same controls are in place to ensure the orderly development of the plots and their interaction with the rail freight interchange and associated infrastructure. A common approach needs to be taken to Green Infrastructure, Employment and Training and wider estate management issues if the development is to operate in a coordinated and cohesive manner. In particular, there needs to be consistency in applying and enforcing estate wide rules in relation to development and operational performance on a wide range of issues, including parking and traffic. Uncoordinated development also risks missing, tripping or breaching phasing triggers set out in the DCO. The land also needs to be bound by the same DCO requirements and obligations.

6.3 Inglewood's experience as a developer of rail related buildings is unknown.

6.4 Land assembly is particularly necessary in the case of the Inglewood plots because they cannot otherwise achieve satisfactory access to the estate road and infrastructure and because those plots are important to the overall structure of WMI Green Infrastructure. In particular, the Inglewood land contributes to the Green Infrastructure network, including Calf Heath Community Park, which the draft requirements call to be delivered prior to the commencement of development on the land south of Vicarage Road.

6.5 The Inglewood representations dispute the need for the Community Park despite its important role in the wider Green Infrastructure Strategy and the need to create a buffer between the development and Calf Heath village. Inglewood's representations demonstrate an inappropriate approach to the development of the land and risk uncoordinated, poorly landscaped development.

6.6 It is unlikely that the Inglewood land could achieve its own separate access from Vicarage Road but, even if it could, such an approach to separate access would only serve to encourage an outcome in which B8 development unrelated to the rail freight interchange was brought forward contrary to planning policy and with no very special circumstances.

6.7 As Inglewood accept and advise, the planning principle of the full scale of the SRFI application should be supported and it is the Applicant's case that it should be delivered in a comprehensive, coordinated manner in order to ensure that the necessary benefits are secured.

ANNEX 1

REVIEW OF OWEN LAND AND PROPERTY REPRESENTATIONS

West Midlands Interchange

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- 1.1.1. This note responds to the representation made on behalf of Inglewood Investment Company Limited by Owen Land & Property (Owen) and reviews the viability put forward in that representation, concentrating on the value and return elements which are central to Owen's case.
- 1.1.2. The conclusions made by Owen are based on a viability appraisal (20015438 Appendix 6) using Argus software with cost inputs drawn from a cost plan prepared by Gleeds (20015438 Appendix 5) and value assumptions drawn from a short note prepared by JLL (20015438 Appendix 4).
- 1.1.3. The JLL Report provides a general market commentary which appears to support the continuing strength and growth of the B8 market. That is positive and helpful. It makes some comment on the scale of development by reference to other SRFIs but excludes proposals such as Rail Central (702,091 sq m proposed) and Hinckley National Rail Freight Interchange (850,055 sq m) and does not differentiate (in terms of viability) between high value areas in the East Midlands and lower values which would apply to WMI. JLL's view of serviced land value for WMI is £450,000 per acre. Whilst we do not necessarily agree with that figure it is significantly less than land values achieved across Birmingham, Coventry and the East Midlands M1 corridor, which are broadly £750,000 - £1m per acre. There are obvious consequence of that differential for the necessary scale of development required to pay for major rail infrastructure but they are not drawn. The "Scale of Development Proposed" was raised by the ExA in the FWQs. The Applicant's response to the two questions on this topic (EXQ1.2.18 and ExQ1.2.19) are set out at Appendix 9 and 10 of the Applicant's Responses (Document 10.1, REP2-011).
- 1.1.4. Whilst any appraisal can be subjected to detailed criticism or comment, it is only necessary in this case to identify some high level principles using Owen's own assessment in order to show the true position in relation to scheme scale and viability.
- 1.1.5. The key elements for review, which form key components of and inputs to the viability appraisal, are:
- Profit levels
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 - Lease terms
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- 1.1.6. These are dealt with in turn by assessing both JLL's position on key inputs and the assumptions made in the appraisal by Owen.
- 1.1.7. However, it is worth starting with an overview of the appraisal. Taken at face value the appraisal suggests the WMI development would generate a profit of 12.92% return on cost. That is just not viable, as articulated below. The conclusion to be drawn is that, even if the rest of the appraisal inputs and outputs were to be accepted, properly understood the appraisal demonstrates FAL's case that the full scale of development is justified to support delivery.
- 1.1.8. There is a further overall point that arises from the scale of the development. The size of the scheme is necessarily significant (with or without the Inglewood land) and the development will need to be (and remain) competitive over its lifetime to maintain interest and take-up in the market. The consequence is that it is not realistic to assume that the full scale of development can be let or sold by holding out for terms which reflect an ambitious view of the market (which might be the position taken by smaller schemes). However, that appears to be the assumption throughout the Owen appraisal, which is not realistic.

1.2. Profit

- 1.2.1. The overall summary profit on cost is shown as 12.92%. This is entirely inadequate for a scheme which is subject to significant planning cost and risk, has a highly complex infrastructure commitment, and covers such a significant scale and development period.
- 1.2.2. An overall profit of in the order of at least 20% on cost would be required, albeit for this nature of project the market would look at an Internal Rate of Return (IRR) basis and would be seeking 15-20% as an IRR.
- 1.2.3. The return on a scheme of this nature can be broken down into main components each of which have different risk profiles and, therefore, different levels of required return. There are broadly three:
- 1) the **planning phase**: the (significant) cash expended is at most risk and the consequent required return is high;
 - 2) **infrastructure works**: also carry significant risk because of the substantial up-front cost along with the tendering and construction risks of providing infrastructure, which include risks associated with unknown site conditions and abnormal costs, however much survey work is undertaken. This is compounded by the substantial element of infrastructure which is being delivered up front (i.e. before the bulk of commercial return) and hence will carry greater risk; and
 - 3) **Vertical build**: this will reflect the lowest risk because development plateaux will have been formed and risks in the ground dealt with or at least understood and costed. On a multi-phase scheme such as this, which requires significant commitment across a long development period, the development industry would generally require a profit on cost of 20% for speculative buildings and 15% for build to suit (generally pre-let) units. WMI will be a mix of pre-let and speculative development.

- 1.2.4. There is no differentiation in Owen's appraisal in the levels of profit which would be required across these components. The suggestion by Owen (para 7.33) that a "*reasonable market facing developers return...is 10% of total development costs*" is wholly inadequate and would not be acceptable in the market.
- 1.2.5. However, over and above the very basic test of misunderstanding the acceptable level of return which properly reflects risk, there are additional fundamental errors and omissions in the appraisal which serve to compound the conclusion that the full scale of the WMI development is necessary to cover its front loaded infrastructure costs.

1.3. Estimated Rental Values

- 1.3.1. The assessment of the ERV to be adopted for WMI is based on other lettings contained in a table (on JLL's page 6) and headed Comparable Evidence. These are in the main in the prime parts of the East Midlands Golden Triangle and will command significantly higher rents than a location at Four Ashes. For example, the comparables proposed include Magna Park at Lutterworth, Europe's largest distribution park and at the centre of the Golden Triangle where the most recent letting (the building is under construction) has in fact been at £5.95 per sq ft. Magna Park in Milton Keynes serves the south east region and trades at a completely different pricing level.
- 1.3.2. On the basis of these limited comparables, JLL conclude that an ERV of £6.25 per sq ft should be applied and that is taken across into the Owen appraisals. However, the Owen appraisal also then applies a different ERV to the office elements of the buildings (of £12 per sq ft). All lettings of distribution buildings are undertaken on the application of a flat rental rate; the proposition that a separate rent should be applied to the offices is incorrect.
- 1.3.3. Historically, rental levels to the west and north west of Birmingham have traded at a discount to the prime distribution areas within the Golden Triangle and around the prime parts of Birmingham and Coventry.
- 1.3.4. That discount is reflected in a directly relevant comparable, which is not quoted by JLL, of the open market letting to Gestamp Talent of 50,510 sq m (543,692 sq ft) on the site directly adjoining WMI. The building was completed in August 2017 and is let on a lease for a term of 25 years at a rent of £5.51 per sq ft.
- 1.3.5. On the basis of the direct comparables available, the scale of the development proposed and the quantum and scale effect, taking into account the range of building sizes, and the advice of Savills industrial agency team, an ERV of £5.50 per sq ft would be much more appropriate. Substituting this more realistic (and achievable) rent level would have a significant negative impact on the GDV.

1.4. Lease Terms

- 1.4.1. JLL make an assumption that lease lengths will be a minimum of 10 years but that typically 15 years will be sought. We do not disagree, albeit the largest buildings are often taken on longer leases (20 years) because they are strategic parts of a company's distribution network.
- 1.4.2. As is correctly reflected by JLL, lease terms have a direct effect on both the length of rent free periods and on investment yields.

1.5. Rent-free Periods

- 1.5.1. JLL suggest a tenant incentive package "of approximately one month rent free per year term certain". Taking the likely lease lengths suggested by JLL would suggest rent free periods (typically) of 15 months.
- 1.5.2. Our analysis, which in our view reflects the reality of the market, is that longer rent free periods will be required and that they will also vary according to the scale of the building. We would adopt a rent free of 24 months for the largest buildings on site and 18 months for others (which would be the majority).

1.5.3. The Owen appraisal simply adopts a flat 12 month rent-free irrespective of size of unit and ignores adopting a blended approach to rent free length. The impact is to inflate gross development value (GDV).

1.6. Yield

1.6.1. Yield is a particularly critical component of any valuation.¹ JLL provide a matrix approach to yield according to lease length, making fair assumptions as to covenant strength. JLL state that yields would vary from 4.75% for a 20 year lease to 5% for a 15 year lease and to 5.25% for 10 year lease. This needs to be set in context of the advice that lease lengths typically of 15 years will be sought, with a minimum of 10 years.

1.6.2. The Owen appraisal ignores the recommended yield spread and the advice on likely lease length and adopts the most optimistic yield of 4.75% across the board.

1.6.3. Yields, of course, reflect market conditions at the time. In order to run a multi-phase appraisal across a development period of 15 – 20 years a yield should be selected which reflects not necessarily the best yield obtainable at or towards the top of the market cycle (as has been used by Owen) but is fair on the basis of a long term project reflecting risks and market cycles.

1.6.4. We would adopt a slightly different approach, assuming that there will be a blend of lease lengths across the whole scheme but that there will be a difference in yield driven principally by the investment lot size of individual buildings; as the lot size increases there are fewer potential purchasers and the perceived risk (because of the capital tied up in one asset) increases.

1.6.5. Accordingly, in Savills' view, yields would be 5% for buildings of up to 37,160 sq m (400,000 sq ft), 5.25% for buildings between 37,160 – 83,610 sq m (400 – 900,000 sq ft) and 5.5% for buildings in excess of 83,160 sq m (900,000 sq ft). This would have a substantial impact on the GDV.

1.7. Non-construction Costs

1.7.1. The Owen appraisal includes limited non-construction costs and those that are included are not set at industry norms. In more detail the obvious errors and omissions are:

Letting agent fee: 1% (of the gross rental value) – at total of £437,565. The norm would be for three agents to be appointed on the largest schemes (such as WMI) with a combined fee of 15% of gross rental value. Using the Owen ERV that would equate to £6,563,470.

Marketing costs: none included in Owen appraisal. They would be significant in a scheme of this scale and duration.

Legal letting fees: none included in Owen appraisal. The market norm is 5% of gross rental value. Using the Owen ERV that would equate to £2,187,823.

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Legal sales costs: none included in Owen appraisal. The market norm is 0.5%. Using the Owen NDV that would equate to £4,399,230.

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Investment purchaser's costs: 3.5% allowed in Owen appraisal. It is not clear on what basis this is being assessed.

Debit finance rate: 4.75% is used in the Owen appraisal. The market norm would be 6 - 6.5%. Additionally, the debt rate is flat on all forms of development: the points made above relating to profit levels equally apply to debt as well. For example, debt raised to fund infrastructure (where there is not a positive return) would be more expensive, and debt at the start of the project would be riskier and more expensive. There are some technical issues within Argus relating to the application of debt which renders the equity IRR unrepresentative.

There are also no *arrangement fees* (typically 1% of the maximum debt amount) and no *lender's legal fees* (probably 0.25-0.5%). In short, the finance cost is far too low.

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