

# Applicant's Responses to Examining Authority's Second Written Questions and Requests for Information (ExQ2)

The West Midlands Rail Freight Interchange Order 201X

Deadline 5 - 05 July 2019

Four Ashes Limited

**THE WEST MIDLANDS RAIL FREIGHT INTERCHANGE ORDER 201X  
APPLICANT'S RESPONSES TO EXAMINING AUTHORITY SECOND WRITTEN QUESTIONS AND  
REQUESTS FOR INFORMATION (ExQ2) - DOCUMENT 15.1**

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Abbreviations used

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

**Applicant's Responses to Examining Authority Second Written Questions**

ExQ2	Question to:	Question:	Applicant's Response
2.0	General and Cross-topic Questions		
2.0.1	The applicant	<p>The Deadline 2 representation by Paul Windmill [REP2-181] raises concerns that the proposals do not make adequate provision for electrical vehicle charging points for cars, LGVs or HGVs and include no provision for on-site electricity generation and that the sustainability of the proposals is in question.</p> <p>Can the applicant provide a written response to these concerns?</p>	<p>Amendments have been made to the Requirements within the dDCO to account for the provision of electric vehicle charging points - see R3(2)(f) of the dDCO.</p> <p>"Solar energy provision" is also facilitated by Works No. 3 (g), with R28 requiring that warehouses be constructed to BREEAM 2011 "Very Good".</p>
2.0.2	The applicant	<p>Christopher Walton [REP3-017] argues that the absence from the application submission of a fixed guarantee for achieving carbon reduction and air quality targets is "<i>negligent</i>" and that any DCO for the proposal should incorporate a comprehensive suite of SMART performance indicators in respect of these matters.</p>	<p>A summary of the Applicant's position on air quality and carbon reduction can be found at Chapters 11 and 12 of the Planning Statement (APP-252). As set out in the conclusions to Chapter 11, Government policy, at a national level, is to encourage the transfer of freight from road to rail to reduce carbon and greenhouse gas emissions. The provision of SRFIs within areas of need and close to the markets they will serve, will help to increase the efficiency of the rail freight</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>Can the applicant please provide its response to this criticism of the application and identify what evidence is relied upon to support the applicant's assertions as to the sustainability of the proposal?</p>	<p>network, as a whole, delivering carbon and greenhouse saving effects.</p> <p>Government studies confirm the important role rail freight, and in particular SRFIs have, in meeting the Government's UK greenhouse emissions targets and reducing the impact of freight on carbon emissions. Not only is reducing carbon important to the Government, it is also becoming increasingly important to many businesses, who are seeking to improve their sustainability credentials through more sustainable solutions, generally through their own sustainability agendas.</p> <p>WMI would make a direct and significant contribution towards national efforts to reduce greenhouse emissions from transport, both through reducing the carbon impact of freight movements and providing congestion benefits on the national road network.</p> <p>The air quality policy requirements are set out in NPS paragraphs 5.11-5.13 and there are no requirements for any SMART targets</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>to be employed for the Proposed Development. As discussed in the response to ExQ1.8.9 (REP2-009), the requirements of the NPS are met by the development, and no significant air quality effects have been identified in the Air Quality ES chapter (Document 6.2, Chapter 7, APP-027) and therefore the development can be considered sustainable in this regard.</p>
2.0.3	The applicant	<p>In what the ExA takes to be a reference to the proposed colour palette for external cladding of walls and roofs to the proposed warehouses, Margaret Powell [REP2-144] states that “disguising buildings against the skyline is not good for pilots using the private Otherton airfield just over a mile away”. She also refers to frequent military, police and air ambulance services flights over the area.</p> <p>Can the applicant please comment on these matters and indicate whether any concerns have been raised by the Air Traffic Control agencies or any of the emergency services in relation to the proposed siting, heights and design of the buildings and structures proposed as part of WMI?</p>	<p>Air Traffic Control agencies, including National Air Traffic Services (NATS), the UK Civil Aviation Authority (CAA) and the Ministry of Defence, Defence Infrastructure Organisation (Safeguarding Department) were contacted as part of the Stage 2 Consultation, with their replies set out in Section 10.2 of the Consultation Report (APP-259). No concerns raised by any of the relevant parties.</p> <p>NATS reconfirmed during the pre-examination period that “NATS anticipates no impact from the proposal and has no comments to make on the Application. Accordingly, it does not intend to be</p>

ExQ2	Question to:	Question:	Applicant's Response
			represented at any of the hearings." (AS-018).
2.1.	<b>Planning Policy</b>		
2.1.1.	The applicant SCC	<p><b>The Minerals Local Plan for Staffordshire 2015-2030 (MLP)</b> In its response to Q1.1.3 [REP2-063], SCC contends that the proposal is contrary to Policy 3 of the MLP and that further evidence is needed to assess whether the material benefits of the proposed non-mineral development would outweigh the material benefit of the underlying resource. Concerns are also raised by other IPs that the proposal does not comply with the MLP.</p> <p>(i) Can SCC please provide an extract from the adopted MLP which sets out both the wording of Policy 3 and its supporting explanatory text/reasoned justification?</p> <p>(ii) Can the applicant please provide a Mineral Resource Statement to address the concerns identified by SCC in relation to compliance with the policy?</p>	<p>(i) See <b>Appendix 1</b> "Extract from Minerals Local Plan for Staffordshire 2015-1030 – Policy 3".</p> <p>(ii) Submitted at Deadline 4 (REP4-011).</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>(iii) What information can be provided in relation to the likely effect of the loss of the existing quarry and allocated reserved in terms of future supply of sand and gravel to meet needs in the Quarry's market area and the likelihood that the reduced supply can be made up from other existing or proposed quarries?</p>	<p>(iii) The Mineral Safeguarding Area covers the majority of Staffordshire, and it is considered that adequate resource exists to cover any anticipated shortfall from the sustainable use of the allocated mineral within the Proposed Development.</p> <p>As set out in paragraph 4.8 of the Minerals Resource Statement (MRS) (REP4-011) – <i>“In volume terms, this one of the smallest mineral allocation in the Minerals Plan and represents 15% of a single year of SCC's sand and gravel production capacity.”</i> As noted in MRS paragraph 5.28, <i>“If the resource is considered to be of the higher extent estimated by the Applicant, the allocated area still only represents 2.7% of the sand and gravel allocated in the Plan period to 2030.”</i></p>
2.1.2.	SSDC Other Local Authorities	<p><b>Green Belt (GB) Review</b> The SoCG between SSDC and the applicant [REP2-050] notes that Paragraph 6.15 of the SSDC Site Allocations Document states that the review of the SSDC Local Plan would be accompanied by a Strategic GB Review. Appendix 3 to the</p>	-



ExQ2	Question to:	Question:	Applicant's Response
		<p>applicant's response to FWQs [REP-010] states (paragraph 3.200) that the West Midlands Land Commission final report of February 2017 also called for a strategic review of the GB.</p> <p>Given that the work has commenced on the review of both the SSDC Core Strategy/Local Plan and the Black Country Core Strategy (BCCS), what steps have been taken by the LAs towards undertaking a strategic review of the GB within the BC and southern Staffordshire and what is the likely programme for the completion of any such review?</p>	
2.2.	<b>Need for the Proposed SRFI and Alternative Options</b>		
2.2.1.	SSDC Other Local Authorities	<p><b>Regional/ Sub-regional Policy Context</b></p> <p>Paragraph 9.10 of South Staffordshire Core Strategy (SSCS) says that the WMRSS Phase 2 Revision Panel Report concluded that there were differences of opinion as to whether the provision of a Regional Logistics Site (RLS) was the best way of meeting the aspiration for urban regeneration in the BC.</p>	<p>For ease of reference, Appendix 1 (Applicant Response to SSDC Deadline 2) of the Applicant's Response to Other Parties Deadline 2 Submissions (REP3-007) sets out the paragraph references relevant to the bullet points, at paragraph 5.3 as follows:</p> <p><i>“However, closer inspection of the Panel Report into WMRSS Phase 2 Revision reveals the following from the Panel's conclusions:</i></p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>With reference to the applicant's Responses to Other Parties' Deadline 2 Submissions [REP3-003] paragraph 5.3, do SSDC and the other LAs agree that the Panel also concluded that:</p> <ul style="list-style-type: none"> <li>• New RLS should be rail connected;</li> <li>• The closer that any warehousing or industry is to the rail terminal the better;</li> <li>• Priority attention should be given to securing provision in the north of the conurbation to serve the BC and Southern Staffordshire as it is that area that is identified as in most urgent need;</li> <li>• A facility in Telford would be remote from the BC; and</li> </ul>	<ul style="list-style-type: none"> <li>• <i>New Regional Logistics Sites (RLS) should be rail served (paragraph 5.25);</i></li> <li>• <i>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);</i></li> <li>• <i>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);</i></li> <li>• <i>A facility in Telford would be remote from the Black Country (paragraph 5.29); and</i></li> </ul>

ExQ2	Question to:	Question:	Applicant's Response
		<ul style="list-style-type: none"> <li>Although other sites might be available there was no justification for amending the reference to southern Staffordshire (in the draft policy)?</li> </ul>	<ul style="list-style-type: none"> <li><i>Other sites may be available but there is no justification for amending the reference to southern Staffordshire in the policy (paragraph 5.31)."</i></li> </ul>
2.2.2.	SSDC Wolverhampton and Walsall Councils	<p>SSDC states, in its Deadline 2 written representation [REP2-046], that the SSCS acknowledges that the rail freight in the region remains an outstanding issue. In their joint response to FWQs [REP2-032], Wolverhampton and Walsall Councils state that the adopted BCCS recognises the need for an RLS in southern Staffordshire. From the written submissions it appears that the LAs and other parties agree that a RLS as envisaged in the WMRSS is broadly synonymous with a SRFI and that the need identified in the BC and Southern Staffordshire can now be interpreted as a need for a SRFI.</p> <p>(i) If that is the case, does the NPS paragraph 2.56 requirement that SRFIs "<i>should be located close to the business markets that they are intended to serve</i>" serve to indicate that the need identified in</p>	-

ExQ2	Question to:	Question:	Applicant's Response
		<p>WMRSS and its evidence base could not reasonably be met on a site outside of the BC and southern Staffordshire? The SoCG between the applicant and SSDC [REP2-050] indicates that this is agreed between those parties but the ExA would like all of the LAs to indicate their position on this matter.</p> <p>(ii) Does that same requirement also affect the weight that should be given to the finding, in the BC and South Staffordshire Regional Logistics Study 2013, that the RLS/SRFI for which a need had been identified in WMRSS did not need to be located in southern Staffordshire?</p>	
2.2.3.	Local Authorities	<p>The joint statement from Wolverhampton and Walsall Councils refers to the West Midlands Strategic Employment Sites Study of 2015 which identifies southern Staffordshire and the BC as being one of 3 areas of highest demand for employment land and an area where the long-term supply of such land is small and risky (paragraph 6.6).</p>	-

ExQ2	Question to:	Question:	Applicant's Response
		<p>(i) Do the LAs agree that this Study provides the most up-to-date regional wide assessment of the demand for land to meet employment development requirements?</p> <p>(ii) Is the report of Stage 2 of that Study likely to have been received by the relevant authorities and approved for wider release prior to the end of the Examination on 27 August 2019?</p>	
2.2.4.	Local Authorities	<p>Q1.2.5 of the FWQs concerned the requirement for "at least 200-250ha" of land to be used for RLS in the region which was confirmed in the URS Study of 2013. In its response to that question [REP2-009] (pages 23-29) the applicant contends that this figure is now an underestimate of the land required and concludes that:</p> <ul style="list-style-type: none"> <li>• Of the 200-250ha requirement of RLS provision to 2026, only 54.2 ha has been delivered;</li> <li>• The West Midlands Regional Logistics Study on which the RLS forecasts were based identified a gross warehouse new-build requirement of around 3.24 million</li> </ul>	-

ExQ2	Question to:	Question:	Applicant's Response
		<p>sq. m, equating to an annual average requirement of 180,000 sq. m;</p> <ul style="list-style-type: none"> <li>• The take up of warehousing space since 2009 has exceeded the predicted annual average requirement of 180,000 sq. m;</li> <li>• Only 54.2ha of RLS provision has been delivered, leaving a deficit of 145-195ha based on the requirement endorsed in the URS Study;</li> <li>• In combination, these factors have resulted in a significant deficit in the supply of land for warehousing development; and</li> <li>• As only about 12.5% of the new warehousing developed since 2009 has been rail-linked or rail-served the Study's intention that all new large-scale warehousing should be rail-served has been "dramatically undermined".</li> </ul> <p>The LAs are requested to comment as to whether they accept and agree with these conclusions and to set out their reasons for any material differences of view.</p>	
2.2.5.	SSDC	The joint response from Wolverhampton and Walsall Councils [REP2-032] advises	-

ExQ2	Question to:	Question:	Applicant's Response
		<p>that paragraph 9.33 of SSDC's Site Allocations Document states that the outstanding issue of RLS/SRFI provision will be considered in the review of the Local Plan. The first stage of that has commenced with the publication of an Issues and Options Paper in October 2018.</p> <p>(i) Does that paper or any other document produced as part of the LP review acknowledge an unmet need for a SRFI to serve the BC and southern Staffordshire?</p> <p>(ii) What possible strategies/ policies (if any) are outlined in that Paper to address such a need?</p> <p>(iii) What level or range of need for new employment land allocations does the Paper envisage as being required in the new LP?</p> <p>(iv) When is a Preferred Options paper or first draft of the new LP expected to be published and what is the likely earliest date for its adoption by the Council?</p> <p>(v) Please provide any relevant extracts from the Issues and Options Paper and any other relevant document with your response.</p>	

ExQ2	Question to:	Question:	Applicant's Response
2.2.6.	Wolverhampton and Walsall Councils	<p>The applicant's response to the FWQs [REP2-009] advises that a review of the BCCS is underway with an Issues and Options Paper having been published in June 2017. Paragraph 3.39 of that Paper is said to state that there remains a specific need for large scale, rail-based logistics provision to serve the BC and that, in the absence of any suitable sites in the BC administrative area, the proposed WMI has the potential to satisfy some or most of this need. It also alludes to proposed Policy TRAN3 as referring to both WMI and the Bescot sidings site as having potential to assist in the transfer of freight from road to rail.</p> <p>(i) Does this fairly reflect what is said in the Paper and does the Paper go any further in providing any support for the WMI proposal?</p> <p>(ii) Does the Paper make any distinction between the roles that WMI and the Bescot site might potentially fill in relation to providing rail freight facilities?</p> <p>(iii) What, if any, further progress has been made with the CS review and are any other documents forming part of that review</p>	-



ExQ2	Question to:	Question:	Applicant's Response
		<p>available or are likely to be published prior to the close of the Examination on 27 August 2009?</p> <p>(iv) What is the earliest likely date for the adoption of the revised BCCS?</p> <p>(v) Please provide any relevant extracts from the Issue and Options Paper and any other relevant document with your response.</p>	
2.2.7.	SSDC Wolverhampton & Walsall Councils	<p>Both the applicant's Green Belt Update [REP2-010] and Wolverhampton and Walsall Councils' joint response to FWQs [REP2-032] refer to the BC Economic Development Needs Assessment (EDNA) of May 2017. This identifies a need for around 800ha of industrial land to accommodate employment development needs to 2036. Some 70% of this provision will be required to accommodate the needs of logistics/distribution related activities (paragraph 3.12 of GB Update). The EDNA also notes that the BC does not have sufficient land to meet its housing and employment needs and will be dependent on neighbouring local authorities to help meet those needs (see paragraphs 3.10-3.29 of GB Update).</p>	-

ExQ2	Question to:	Question:	Applicant's Response
		<p>(i) Does SSDC accept the findings of EDNA with regard to: the overall level of need; South Staffordshire's location in the same Functioning Economic Market Area as the BC; the close travel to work relationship between South Staffordshire and the BC; and the BC authorities' likely reliance on SSDC to meet a significant part of the estimated 537ha shortfall in the identified employment land requirement?</p> <p>(ii) What joint work is taking place between the authorities to seek to agree what proportion of that shortfall might reasonably be met in South Staffordshire?</p>	
2.2.8.	The applicant	<p>In its Planning Report [REP2-158], Stop WMI Community Group contends that the West Midlands Freight Strategy 2016 does not demonstrate a need for a new SRFI in South Staffordshire.</p> <p>Can the applicant please provide a written response to this assertion?</p>	See <b>Appendix 2</b> "Applicant's Assessment of the West Midlands Freight Strategy 2016".
2.2.9.	The applicant Wolverhampton and Walsall Councils	Stop WMI's Planning Report acknowledges that the BC Urban Capacity Review identifies an unmet need for a SRFI to serve the sub-region but asserts that the Review is not supported by any evidence either to	The Urban Capacity Review (May 2018), prepared by the Black Country Authorities (Dudley, Sandwell, Walsall and Wolverhampton) sets out the most up-to-date position available, using best available

ExQ2	Question to:	Question:	Applicant's Response
		<p>substantiate that need or to demonstrate the absence of a suitable site.</p> <p>Can the applicant and the local authorities please provide a written response to that argument, detailing what is said in the Urban Capacity Review and its evidence base and providing relevant extracts from the document/evidence base as appropriate?</p>	<p>evidence and information, regarding the need for and supply of land for housing and employment in the Black Country authorities up to 2036. A summary of the evidence is provided at Section 2 of the Urban Capacity Review, including the Economic Development Needs Assessment (EDNA), - the West Midlands Strategic Employment Sites Study, the Black Country and South Staffordshire sub-regional High Quality Employment Land Study and the Black Country and Southern Staffordshire Regional Logistics Sites Study.</p> <p>The Urban Capacity Review analyses previous assumptions, for example in relation to densities, with a view to optimising opportunities to identify any further additional potential development capacity across the urban area, as part of the work being done to support the BC Local Plan Review.</p> <p>The Applicant provided a high-level summary of the BC Urban Capacity Review at Appendix 3 of the Applicant's Responses to Examining Authority's Q1 (REP2-010) from paragraph 3.25 onwards.</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>The Applicant considers the BC Urban Capacity Review to be the most up-to-date position on the need for employment land to serve the BC. It builds on the evidence base set out in the Black Country Economic Development Needs Assessment, May 2017 (the BC EDNA) (see paragraph 3.8 onwards of Appendix 3 of the Applicant's Responses to Examining Authority's Q1 REP2-010), concluding there is a significant shortfall of land, placing reliance on the Proposed Development to help meet this shortfall.</p> <p>The Urban Capacity Review, along with existing and further work being undertaken to support the BC Local Plan Review, demonstrates the robust approach the BC authorities are taking to their Local Plan Review and underlines their position – which has consistently been to seek to address a significant shortfall in employment land to serve the BC.</p>
2.2.10.	The applicant NR	In its Wrong Location Report [REP2-167], Stop WMI Community Group refers to the National Infrastructure Commission's Future	See <b>Appendix 3</b> "Applicant's Response to NIC Future of Freight Report" for (i) and (ii).

ExQ2	Question to:	Question:	Applicant's Response
		<p>of Freight Report, December 2018. Section 15 of the Group's Deadline 3 submission also refers to this report and to other newly published documents that it suggests call into question the need for the proposed SRFI.</p> <p>(i) Can the applicant and NR please set out their comments as to relevance of the NIC report to the consideration of either the need for a SRFI to serve the BC and South Staffordshire or the suitability of the Four Ashes location for such a facility?</p> <p>(ii) Can the applicant comment on the relevance of the other recent publications mentioned by the Group to the consideration of either the need for a SRFI to serve the BC and South Staffordshire or the suitability of the Four Ashes location for such a facility?</p>	
2.2.11.	HE	<p>In its Wrong Location Report [REP2-167], Stop WMI Community Group states that, in the WM Regional Logistics Study, HE advises against locating a SRFI within the busiest parts of the SRN and asserts that</p>	-

ExQ2	Question to:	Question:	Applicant's Response
		<p>the M6 at Gailey is an unsuitable location for this reason. Can HE please provide a written response to those comments?</p>	
2.2.12.	<p>Stop WMI Group The applicant NR</p>	<p>In its Wrong Location Report [REP2-167], Stop WMI Community Group states that <i>"nowhere in the Ten-T Regulations is an intermodal hub mentioned or recommended for our area."</i></p> <p>(i) Can Stop WMI Group provide any examples of existing or proposed road/rail intermodal SRFI that are mentioned in those Regulations?</p> <p>(ii) Can the applicant and NR comment on that suggested omission and what significance this might have for consideration of the need for a SRFI to serve the BC and South Staffordshire or the suitability of the Four Ashes location for such a facility?</p>	<p>(i) -</p> <p>(ii) The purpose of the Ten-T programme is to identify transport corridors across the EU. The purpose is not to identify or promote new rail freight terminal sites.</p> <p>WMI is located on the Ten-T corridor. Rail terminals, as a general principal, are not identified on the Ten-T routes – for example DIRFT is not shown.</p> <p>However, Network Rail noted in its 2017 Freight Network Study (Figure 2.1) that one</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>of the Ten-T core passenger and freight rail network corridors is the West Coast Main Line passing between Stafford and Wolverhampton, via Four Ashes.</p> <p>Currently the only SRFI shown on the Ten-T map<sup>1</sup> in the UK is at BIFT / Birch Coppice, which is not situated on a Ten-T core rail route.</p>
2.2.13.	NR	<p><b>Need for WMI/ suitability of Four Ashes Site</b> In its response to Qs 1.2.1 &amp; 1.2.2 of the FWQs [REP2-132], NR states that the inclusion of WMI in the DfT Freight Strategy is "<i>indicative of the market opportunity for a SRFI in this location and the feasibility of the location for a SRFI</i>".</p> <p>To what extent does "market opportunity" equate to an identified need for a SRFI at Four Ashes or other nearby location?</p>	-
2.2.14.	Local Authorities NR	In its response to Q1.2.1 of the FWQs [REP2-009], the applicant states that the inclusion of Four Ashes/ Featherstone in the	-

<sup>1</sup> <http://ec.europa.eu/transport/infrastructure/tentec/tentec-portal/map/maps.html>

ExQ2	Question to:	Question:	Applicant's Response
		<p>Forecasts Report that underpins the NR Long Term Planning Process-Freight Market Study 2013 is a clear recognition of the need for a SRFI in this location. Do the LAs accept that conclusion?</p>	
2.2.15.	The applicant NR	<p>Andrew Linney [REP1-013] puts forward a number of technical arguments about the need for a SRFI, the role that such a facility might be expected to fulfil, the need for quantum of warehousing proposed in the WMI scheme and the approach to be taken in an Alternative Sites Assessment.</p> <p>Can the applicant and NR please provide a written response to the points raised in Mr Linney's submission?</p>	<p>Mr Linney suggests that the proposal includes warehousing that is irrelevant to the functioning of the SRFI. Yet the NPS notes in para 4.83 that <i>"Rail freight interchanges are not only locations for freight access to the railway but also locations for businesses, capable now or in the future, of supporting their commercial activities by rail. Therefore, from the outset, a rail freight interchange (RFI) should be developed in a form that can accommodate both rail <u>and non-rail</u> activities."</i></p> <p>Mr Linney suggests that goods may be containerised on their journey from the manufacturer to a national distribution centre (NDC) but will not be containerised on their onward distribution within the UK. This is incorrect, as companies such as Eddie Stobart, Malcolm Group, Russell Group and their customers use containers for</p>



ExQ2	Question to:	Question:	Applicant's Response
			<p>distributing goods out of DIRFT to London, Cardiff and Glasgow. Tesco's network of daily rail services from DIRFT to Cardiff, London and Scotland carry store deliveries in containers with the distinctive "LESS CO2" branding. Some of the containers go direct to stores, others go to Regional Distribution Centres for final delivery of goods to store by road. These containers are then reloaded with goods from suppliers in Scotland and (via ferry from London) mainland Europe. In this way both inbound and outbound goods are moved in containers. Other retailers, including ASDA, Co-Op, Morrisons and Waitrose have used rail services from DIRFT in a similar manner (see Rail Report Doc 7.3 section 2.2).</p> <p>Mr Linney suggests that if the distribution companies who occupy the new warehouses subsequently distribute those goods widely, even nationally, then this defeats the object of the SFRI. This is not correct, as companies that make use of rail via SRFI will as a consequence reduce the amount of HGV mileage that would otherwise have been involved, whether for receiving imports</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>in containers from the ports, or distributing goods out by rail in containers to other parts of the country over distances sometimes of 100 miles or more.</p> <p>The role of SRFI as outlined in the NPS is to create opportunities to make greater use of rail for the longer-distance "primary" leg of the freight movement, with road haulage then undertaking the shorter "secondary" leg. This is achieved even in the case of national distribution as the NDC would receive goods from across the country and often from abroad before consolidating and dispatching them locally and further afield. In this respect greatest efficiency is achieved by locating NDCs in the centre of the country and by providing rail access.</p> <p>Even with some NDCs, however, an SRFI is likely to have a predominantly local service area. The evidence as presented by ProLogis on the operation of the intermodal terminal at DIRFTI demonstrates that, for containers arriving at site by rail on the primary leg, (having travelled between 100 and 700 miles) the onward secondary leg by</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>road is concentrated within 15km of the terminal. (DIRFT III DCO Document - 7.4, Need Report, Nathaniel Lichfield &amp; Partners, October 2012 para 5.76 – 5.79). As noted above, DIRFT has also demonstrated how a SRFI can also help with use of rail on secondary legs as well.</p> <p>WMI has been designed to build on this established and successful model by providing additional rail-served floorspace for occupiers wishing to locate in this part of the Midlands.</p> <p>Mr Linney suggests consideration should be given to considering the Proposal separately with a 'SRFI only' development of 40 Ha. The WMI application has been submitted in line with the NPS and the Planning Act 2008, which clearly states that the threshold for such developments is at least 60 Ha (section 26(3)(b)), whilst the NPS identifies at paragraph 2.55 that the national need is not going to be met by a series of smaller scale facilities.</p>

ExQ2	Question to:	Question:	Applicant's Response
2.2.16.	The applicant NR Local Authorities	<p>Christopher Walton [REP2-177] has attached two studies to his Deadline 2 submission which he says advocate the adoption of the Bescot site to meet the identified need for rail freight facilities in serve the WM. The studies are: WM Rail Freight Strategy, December 2016 and BC Gateway and Walsall-Stourbridge Freight Line Study Stage, December 2012.</p> <p>Can the parties provide a written response, setting out their views as to what these documents say as to the need for a SRFI to serve the BC and southern Staffordshire and the relative suitability of the WMI/ Bescot or any other site to meet that need?</p>	<p>The NPS is clear in stating that the compelling need for SRFI could not be met by existing facilities, nor by a larger number of smaller interchanges.</p> <p>The Bescot site is not large enough to accommodate an SRFI and no suggestion has been made in the documents referred to that it could.</p> <p>See earlier for responses on the WM Rail Freight Strategy (<b>Appendix 2</b> "Applicant's Assessment of the West Midlands Freight Strategy 2016"), which acknowledges the respective roles of, and need for, both SRFI and Intermodal RFI (IRFI), in and around the West Midlands.</p> <p>The BC Gateway and Walsall-Stourbridge Freight Line Study Stage (December 2012) looked at a number of alternative sites for rail freight terminals in the Centro area (which historically used to cover the Coventry, Birmingham and Black Country conurbations) rather than SRFIs.</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>In section E2, the report identifies “a case for investment within the Black Country”, but the three sites identified are not capable of being SRFIs with Bescot highlighted as the most suitable by the report.</p> <p>This site is also reviewed in the Applicant's ASA and discounted as it is not of sufficient scale and due to poor potential access to the motorway network. Please see Pages 39 and 40 of the ASA. The Bescot site was the largest considered in the report.</p> <p>The Bescot site is also now being promoted as a rail sleeper manufacturing site and nodal yard by Network Rail (see also the Applicant's response to ExQ2.2.24).</p> <p>The conclusions support the Applicant's ASA in that there are no potential SRFI sites identified in the report that could be taken forward. The Study Stage report did not include South Staffordshire in the site area.</p>
2.2.17.	The applicant NR	J S Goodwin [REP2-109] contends:	

ExQ2	Question to:	Question:	Applicant's Response
		<p>(a) that there is no logic to locating a SRFI in the north of the region in order to supply Birmingham when most of the imports of goods from Europe and the Far East come through the southern ports;</p>	<p>(a) There is already extensive material before the Examination identifying the accepted need for a SRFI development in northern / western part of the West Midlands (see for example, Appendix 3 of the Applicant's Post Hearing Submissions (CAH, ISH 2 and ISH3) (REP4-004)).</p> <p>The Applicant has also identified the expectation that the proposed SRFI would principally serve a market or study area which is more local than the entirety of the West Midlands region (as noted in ExQ2.2.15, the onward secondary leg by road is concentrated within 15km of the terminal (DIRFT III DCO Document - 7.4, Need Report, Nathaniel Lichfield &amp; Partners, October 2012 para 5.76 – 5.79)).</p> <p>With significant volumes of goods being imported through south and east coast England ports, the provision of a SRFI to the immediate north west of the Black Country conurbation is particularly helpful as it allows goods to be delivered to the area by rail, rather than requiring the use of the M6 motorway and adding to the known</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>(b) that the spare capacity of existing terminals in the region and closure of others indicates a lack of demand for a SRFI; and</p> <p>(c) that planning permission has been granted for a rail freight terminal in Tunstall, Stoke-on-Trent which could meet some or all of the identified need.</p> <p>Can the applicant and NR please provide a written response to these arguments?</p>	<p>congestion issues. Rail freight is recognised by the NPS as a way in which to reduce congestion on the national motorway network.</p> <p>(b) The NPS is clear that the compelling need for SRFI could not be addressed by existing facilities (NPS Table 4);</p> <p>(c) The site at Tunstall would not be of sufficient size to operate as a SRFI and the length of rail sidings are constrained to 200m each. Finally, Tunstall is located beyond the northern limits of the ASA search area and, as set out at paragraph 4.1.9 of the ASA, sites which are located beyond the search area are not considered to be suitable alternatives as they would serve a different catchment area and would not meet the demands of the Wolverhampton/Birmingham conurbation or needs of the distribution industry in the Black Country and southern Staffordshire.</p>
2.2.18.	The applicant NR	The Deadline 2 submission from Sue Worrall [REP2-183] includes a link to an article in	First, the NPS establishes that there is a "compelling need" for "an expanded network

ExQ2	Question to:	Question:	Applicant's Response
		<p>Railway Magazine which she suggests casts doubt over the need for any additional SRFI facilities in the Midlands.</p> <p>Can the applicant and NR please provide a written response to the matters raised in that article?</p>	<p>of SRFIs” throughout the country and that “SRFI capacity needs to be provided at a wide range of locations, to provide the flexibility needed to match the changing demands of the market” (paragraph 2.58).</p> <p>The Applicant has demonstrated in the Planning Statement (APP-252) and in the Updated Market Assessment (APP-255), that there has been a long outstanding need and demand for a SRFI the West Midlands and that the urgency of this need is likely to continue to grow in the future. National rail freight forecasting, which underpins the NPS, will not be satisfied unless the need is met. Meeting this need and securing the multiple benefits of a SRFI development is long overdue and directly consistent with national policy.</p> <p>The Applicant does not consider the promotion of a site through the national infrastructure planning process as a faster or easier route to any planning decision. The Applicant is obligated to apply for a DCO application as a result of the definitions of</p>



ExQ2	Question to:	Question:	Applicant's Response
			<p>Nationally Significant Infrastructure Projects in the Planning Act 2008.</p> <p>Rail terminals developed as part of SRFIs to date have all been successful in their use of rail freight, such as at DIRFT and iPort.</p> <p>Rail terminals at Telford and Coventry were not developed as part of SRFIs and have fundamental constraints that prevent them from being successful SRFIs – such as gauge restrictions at Telford, and a lack of a common user rail terminal capable of handling intermodal containers at Coventry.</p> <p>The NPS is clear as a matter of national policy that there is a compelling need for the establishment of a network of SRFIs. The Examination has substantial evidence of the accepted need for a SRFI in this part of the region.</p> <p>A reply to the Railway Magazine article was submitted by the Rail Freight Group (and published by Railway Magazine), dealing with the points raised in the article, see</p>

ExQ2	Question to:	Question:	Applicant's Response
			<b>Appendix 4</b> "Letter from Rail Freight Group to Railway Magazine".
2.2.19.	The applicant SSDC	<p>In its Planning Report [REP2-158], Stop WMI Community Group states that 3 of the 5 shortlisted sites in the applicant's Alternative Sites Assessment (ASA) are in non-GB locations and these should be considered more favourably than the application site. The Report also makes a number of detailed comments about the potential suitability of sites at ROF Featherstone (Site 1) and Dunston (Site 3). Another IP [REP2-088] has argued that the landscape reasons for which the Dunston site was rejected in the ASA apply equally to the application site except that more villages would be affected by siting the SRFI at Four Ashes.</p> <p>(i) Can the applicant please provide a written response to these arguments and to the comments about the Dunston site?</p>	<p>The importance of Green Belt designation is considered throughout the Alternative Sites Assessment (ASA) (APP-255). At paragraph 2.1.11, the ASA recognises that SRFIs are inappropriate development in the Green Belt and that very special circumstances for their development needs to be demonstrated. However, it is also recognised that the NPS acknowledges that the Green Belt land located close to conurbations may provide the only viable sites if the compelling need for a national network of appropriately located SRFIs is to be achieved.</p> <p>At Section 8 of the ASA, the long-list sites are assessed against the fundamental criteria for a SRFI. Based on the specific text of the NPS, Green Belt allocation is considered to be a constraint that must be evaluated more closely, however, it is not classified as a 'fundamental criteria' which prohibitively constrains a site to the extent that it must be considered to be unsuitable as a SRFI development site.</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>Of the five short-listed sites, 2 are within the Green Belt and 3 are not (Green Belt: WMI and ROF Featherstone / Non-Green Belt: Rugeley Power Station, Dunston and Creswell).</p> <p>Section 8 of the ASA evaluates each of the sites against a set of principal planning policy criteria, of which Green Belt allocation is an important part.</p> <p>Following the thorough evaluation, the non-Green Belt sites were discounted and a detailed analysis of each is provided at Section 8. WMI is considered to perform significantly better than the identified alternative sites and, in fact, none of the other sites identified can be regarded as genuine alternatives.</p> <p>With specific regard to Dunston, the work which has been undertaken to evaluate the site is set out at the Applicant's Response to ExQ1.2.11 (REP2-009).</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>This work demonstrates that, whilst not within the Green Belt, Dunston is protected as Open Countryside and is an existing open rural landscape that is visually cohesive and well connected with its broader landscape context. Given the topography and prevailing landscape, a SRFI could not be successfully assimilated or mitigated in visual terms. The visual impacts of a SRFI at Dunston would be much greater than at WMI due to the site's existing openness and rural character and the absence of existing industry, urban influences, clear boundaries or woodland.</p> <p>The creation of development platforms at the Dunston site would require substantial re-profiling, further disrupting the rural character. In addition, the existing water courses that lie to the west of the WCML would need to be realigned or culverted to allow the development of the site and an efficient layout could not be achieved which avoids the existing floodplain in the western section of the site.</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>REP2-088 asserts that only 'one village would have been directly and adversely affected at Dunston', however, the villages neighbouring the alternative site comprise Dunston, Coppenhall and Hyde Lea. In fact, there are approximately 4,500 people living within 2km of the Dunston site, as opposed to approximately 3,000 who live within 2km of the WMI Site.</p> <p>The Applicant understands that SSDC would not support a SRFI or any large-scale development at Dunston and do not regard Dunston as a suitable, better or preferable site to WMI.</p> <p>With regards to ROF Featherstone, Stop WMI Community Group's Planning Report implies that the main constraint to the delivery of this site is the existing road access and that the current proposals to improve the existing road access would resolve this issue. However, paragraph 8.6.11 of the ASA confirms that, whilst the funding constraints for these improvements remain uncertain, it has still been assumed that the highway infrastructure proposed as</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>part of the site allocation could be forthcoming at some point.</p> <p>Nevertheless, the site is still discounted due to its small size and inefficient shape, proximity to a large number of residential uses and current site allocation. Please refer to pages 48 -58 of the ASA.</p> <p>Given these conclusions, and in the context of the scale and character of the unmet need demonstrated in the Planning Statement (APP-252) and Updated Market Assessment (REP2-004), it is considered that there are compelling reasons to conclude that the WMI proposal represents the only SRFI development option that can meet the identified need.</p> <p>It should be noted that the ASA was developed in close consultation with the Local Authorities and, as set out in the respective Statements of Common Ground (SSDC REP2-006, Section 9 and SCC RP2-007, Section 7), it is agreed that:</p>

ExQ2	Question to:	Question:	Applicant's Response
			<ul style="list-style-type: none"> <li>• The approach taken by the Applicant Team to the ASA, reviewing and taking direction from previous assessment that have been through the planning process, is appropriate.</li> <li>• The ASA Refined Site Search Area (ASA Appendix 2) represents the area within which a need exists for a new SRFI facility and within which it is appropriate to search for sites that could potentially meet that need.</li> <li>• The ASA provides an accurate and fair assessment of the availability and suitability of sites within a search area, using appropriate assessment criteria.</li> <li>• Finally, SSDC has agreed that the ASA demonstrates that there are no alternative sites for a SRFI, within the identified search area, that offer a viable alternative that better meets the locational criteria for a SRFI.</li> </ul>

ExQ2	Question to:	Question:	Applicant's Response
2.2.20.	The applicant	<p>In his Deadline 2 representation, Paul Windmill [REP2-181] asserts that the ASA submitted by the applicants for the Northampton Gateway DCO put forward a larger number of sites (compared with the WMI ASA) within the WMI area of search and that WMI is the only one of those sites which is in the GB.</p>	<p>Mr Windmill refers to Northampton Gateway in his Deadline 2 representation, however, the Northampton Gateway DCO application did not include an Alternative Site Assessment. The Northampton Gateway DCO application included a brief summary of possible alternative locations for the SRFI in Chapter 2 (Description of Development and Alternatives) of the ES and a Market Analysis Report, which provided support for the case for development of a strategic rail freight interchange at Northampton Gateway.</p> <p>The number of sites considered in the Northampton Gateway Planning Statement were more limited in number than those reviewed at in the WMI ASA (APP-255).</p> <p>In his submission Mr Windmill provides a link to the draft Alternative Site Assessment that appears to have been published for the Rail Central Stage 2 Consultation (March 2018).</p> <p>For the purpose of this response, we have considered the final ASA which accompanied the Rail Central DCO</p>



ExQ2	Question to:	Question:	Applicant's Response
		<p>(i) Can the applicant confirm whether the Northampton Gateway ASA identifies any potential sites in the WMI area of search which have not been considered and assessed in the applicant's ASA?</p>	<p>application (September 2018) [Rail Central Document Ref 7.3].</p> <p>(i) The Rail Central and WMI ASAs used different methodologies to identify and evaluate alternative sites. This has resulted in Rail Central identifying some sites which weren't considered by WMI, and vice versa. The final Rail Central ASA identified two sites within the WMI ASA search area which were not considered in the WMI ASA:</p> <ul style="list-style-type: none"> <li>• A site referred to as 'Land North of Penkridge' which is located along the WCML, between Penkridge and Dunston. The Rail Central ASA discounted this site due to its proximity to residential uses (Penkridge), including on the main route to the motorway (traveling north on A449 to J13 and south to J12). This site was also investigated previously by the Applicant but not included as a potential alternative in the WMI ASA as it did not meet the criteria for alternatives sites set out in Section 7 of the WMI ASA. Also, the</li> </ul>

ExQ2	Question to:	Question:	Applicant's Response
			<p>site was not suggested during the WMI consultation process or by the Local Authorities during detailed pre-application discussions.</p> <ul style="list-style-type: none"> <li>• A site referred to as 'Land at Baldwin's Gate' was also identified in the Rail Central ASA, but not the WMI ASA. The site is located at the north west edge of the WMI ASA search area and was never considered to be a meaningful alternative site for the purpose of the WMI ASA. The site is 11km (by road) from the closest motorway junction and its scale is also a limitation in the context of securing a SRFI. At that size, the site is far too small to meet the scale of identified need. The site is located at the furthest extremity of the WMI search area and is therefore, considered to be less preferable and much less likely to meet the identified need. The site was also discounted in the Rail Central ASA on similar grounds.</li> </ul>

ExQ2	Question to:	Question:	Applicant's Response
		(ii) Do any of the other sites identified (within the WMI area of search) in either of the two ASAs have a GB location?	<p>In addition, the Dunston Site (referred to as Land to the South of Stafford) was also identified in the Rail Central ASA. The Dunston site was discounted as a suitable SRFI site by Rail Central for having poor vehicle access, the potential need to divert and re-level the brook and the proximity to and potential effects on residential or other sensitive land uses.</p> <p>(ii) The Rail Central ASA assessed some sites which were within the Green Belt, however, the sites identified which were also within the WMI ASA were all non-Green Belt sites.</p> <p>As part of the long list of sites, WMI ASA assessed four sites within the Green Belt and, as stated above, two of the sites (WMI and ROF Featherstone) were included in the short-list of potential sites.</p>
2.2.21.	The applicant NR	<p><b>Capacity of Rail Network/ Availability of Rail Paths</b>  In its Wrong Location Report [REP2-167], Stop WMI Community Group asserts that no (planning) approval should be given for a</p>	No SRFI projects have ever reached GRIP 5 at the time of submission through either the Town & Country Planning Act or the Development Consent Order route.

ExQ2	Question to:	Question:	Applicant's Response
		<p>SRFI project of this scale unless and until it has reached GRIP 5 stage in the NR approval process.</p> <p>Can the applicant/ NR provide a written response to this assertion?</p>	<p>In order to reach GRIP5 (Detailed Design), Network Rail would need to be assured of relevant consents being in place beforehand, which could not be confirmed until after the DCO application has been determined.</p> <p>A planning consent, or DCO, is a prerequisite to the process of obtaining GRIP 5.</p>
2.2.22.	NR	<p>A number of IPs express concern that the information provided by NR with regard to the capacity of the network does not provide certainty that the necessary train paths to accommodate either 4 or 10 trains per day can be made available.</p> <p>Is there anything that NR wishes to say by way of response to these concerns, over and above the information provided in its SoCG with the applicant and its Deadline 2,3 and 4 submissions?</p>	-
2.2.23.	The applicant NR	<p>In its response to Stop WMI Community Group's Rail Report [REP2-159] the applicant appears not to deal with the points raised in paragraphs 2.9 and 2.10 about capacity constraints on the WCML and the forecast, within the Rail Use Strategy document, that the WCML will be at</p>	<p>In response to paragraph 2.9:</p> <p>Nodal Yards are promoted by Network Rail as part of its own regulated asset base, not by third parties.</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>capacity by 2024 and the only option to improve capacity is through the construction of HS2.</p> <p>Can the applicant and NR please provide a written response to these comments?</p>	<p>Nodal yards perform the task of providing capacity off the national network to house freight trains waiting for the next path times, carry out maintenance on wagons, allow train loads to be formed and reformed and act as the equivalent of a rail lay-by or recess.</p> <p>Network Rail's 2018 Freight &amp; National Passenger Operators Route Strategic Plan shows (page 29) that Network Rail propose Nodal Yards on existing sites at Bescot and Crewe.</p> <p>Network Rail has not required any SRFI scheme to include a discrete Nodal Yard as part of the proposals, but WMI proposes to provide the infrastructure equivalent to a nodal yard in order to provide maximum flexibility of operations.</p> <p>WMI provides 6 x 775m length sidings within the main terminal area, accessible from both directions of travel on the WCML, together with additional sidings to the north of the terminal. The terminal has been designed to enable the operator to undertake some or all</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>of the ancillary services associated with Nodal Yards (para 2.8), including wagon maintenance, locomotive fuelling and crew relief facilities.</p> <p>In response to Para 2.10:</p> <p>Paragraph 2.10 makes the statement that the Birmingham loop of the WCML has a lack of capacity due to outdated track and signalling. The Applicant's Pathing Study (Appendix 8 Applicant's Responses to ExQ1, REP2-011) that was released at Deadline 2 demonstrates there are sufficient paths for the proposed WMI traffic as confirmed by the Applicant and Network Rail at the ISH hearing on Transport.</p> <p>At ISH2 "Accessibility and Transport" Network Rail stated, in response to a question as to whether HS2 would reduce capacity at Crewe, that they <i>"are not aware of any proposals to compromise the ability of freight trains to recess in Crewe. Crucially, any change has to go through regulatory procedures and consultation. Any proposal</i></p>

ExQ2	Question to:	Question:	Applicant's Response
			<p><i>to reduce capacity would not survive this process."</i></p> <p>The position of "laybys" is addressed in the response to ExQ2.2.24 below.</p>
2.2.24.	The applicant NR	<p>In his Deadline 2 representation [REP2-141], Alan Powell sets out a number of detailed concerns about the suitability of the Site's location in relation to WCML and the wider rail network and the potential effects of rail movements generated by the WMI on other rail services.</p> <p>Can the applicant and NR please provide a written response to these concerns?</p>	<p>The West Coast Main Line encapsulates the route from London to Birmingham, Liverpool, Manchester and Glasgow. This includes the branches between Milton Keynes and Rugby (via Weedon and Northampton), and the branches between Rugby and Stafford (via Rugeley and Wolverhampton). The Virgin West Coast passenger franchise covers all of these routes. The Network Rail SoCG (AS-025) refers to the line passing through WMI as the West Coast Main Line (section 3.4).</p> <p>As noted by NR and the Applicant at the previous ISH on Transport, WMI itself will be able to stable multiple trains across the 6 x 775m length sidings within the main terminal area.</p> <p>Beyond WMI, the next "laybys" for recessing freight trains between passenger services</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>can be found at Bushbury (4 miles to the south for trains travelling north to WMI) and at Rickerscote (7 miles to the north for trains travelling south to WMI).</p> <p>Beyond these loops, there are then the sidings at Bescot Yard (11 miles to the south for trains to and from WMI) and Crewe Basford Hall Yard (31 miles to the north for trains to and from WMI).</p> <p>The timetable studies undertaken by FAL have been subject to independent scrutiny and validation by NR and take account of the issues raised by Mr Powell. The results are referred to in the SoCG with Network Rail.</p> <p>Furthermore, Network Rail's long-range planning process to 2043 takes into account the anticipated increase in both passenger and freight demand across the network, including the section passing WMI. This accords with the NPS as it relates to the development of the rail network. Regardless of the development of WMI, Network Rail is expecting more passenger trains and more freight trains to use this route and is</p>



ExQ2	Question to:	Question:	Applicant's Response
			developing a programme of enhancement options accordingly.
2.2.25.	NR The applicant	<p>A number of IPs assert that there are regular and frequent delays to passenger services using the Stafford to Wolverhampton section of the WCML and that these delays are likely to be made worse as a result of the proposed development.</p> <p>(i) Is NR able to provide any historic data as to frequency and length of delays to passenger services on this line and to comment on the severity of any such delays?</p> <p>(ii) What is the anticipated effect of the proposal on the punctuality of existing passenger services and what is the evidence to support that assessment?</p>	<p>(i) n/a</p> <p>(ii) The pathing study (Appendix 8 Applicant's Responses to ExQ1, REP2-011) released by the Applicant identifies paths in the timetable that are suitable for the proposed freight traffic. The timing of the paths are designed to enable appropriate spacing between all types of trains, based on the industry guidelines set out in the "Timetable Planning Rules" that are</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>designed to minimise the problems identified in the question. There are no unacceptable impacts on passenger trains and the pathing study has been reviewed and supported by Network Rail.</p>
2.2.26.	The applicant	<p>A number of IPs make the point that DIRFT has been developed over a number of stages, each with its own planning permission, rather than as one single development and contend that this is a more appropriate approach than seeking the release of GB for single large development as proposed by the applicant. Paul Windmill [REP2-181] argues that, by comparison to DIRFT, the WMI proposal, both currently and in the future, shows a major deficiency in the number of rail services envisaged in relation to the floorspace proposed.</p> <p>Can the applicant provide a written response to these arguments, setting out its views as to what relationship exists between the level of building floorspace in a SRFI and the number of train services per day?</p>	<p>The Daventry International Rail Freight Terminal, now comprising DIRFT I, II and III, was not conceived as a single proposal and then brought forward in phases. Each element was brought forward as a freestanding proposal without any reference to, or even suggestion of, additional development to come.</p> <p>DIRFT III which is the subject of a DCO approved in 2016, is, of itself, approximately the same size as the WMI proposals, comprising a total of 730,665 sq m. and a rail terminal</p> <p>An overview of the Applicant's case for the development, including the need for this quantum of floorspace, in this location, is set out at Appendix 3 of the Applicant's Post Hearing Submissions (REP4-004).</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>The rail services proposed at WMI are directly comparable to those provided at DIRFT. Phases I &amp; II have led to 10 trains per day based on approximately 581,500 sq m of floorspace. As noted earlier, FAL are proposing to establish 10 trains per day based on a similar amount of floorspace. DIRFT III is in its very early stages of construction and no new services are yet established.</p> <p>The 10 services per day proposed at WMI would match the total trains per day provided at the largest SRFI in the UK (DIRFT).</p> <p>The link between the number of train services and the floorspace at DIRFT is outlined at Deadline 4 in Doc 14.1 Appendix 3 (REP4-003). As also set out in the conclusions to that document, iPort has achieved its first services with 156,000 sq m of warehousing and is now at 4 trains per day. EMG is due have a rail terminal in place at the end of this year with approximately 232,000 sq m of warehousing.</p>

ExQ2	Question to:	Question:	Applicant's Response
2.2.27.	The applicant	<p>In his Deadline 2 submission [REP2-178], Daniel Williams raises a number of questions about: the cost of the railway infrastructure as a percentage of the value of the completed development; the extent to which the DIRFT operations and activity are 'rail dependent'; what level of rail usage would WMI need to reach for it to be considered a successful SRFI in a GB location; and the applicant's ability or willingness to reveal the identities of potential future occupiers of the proposed warehousing units?</p> <p>Could the applicant please provide a written response to these queries?</p>	<p>The cost of the rail infrastructure as a percentage of the value of the completed development would not provide an impression of the importance of the rail as part of the site's development. The full cost of installing the rail infrastructure is borne earlier and incurred over a shorter period of time than the revenue generated from the delivery of the full development is received.</p> <p>The Applicant can confirm that the site wide infrastructure costs are, at the time of assessment, approximately £117m, of which the rail infrastructure is in excess of £40m. The rail infrastructure is therefore a key component of the site's infrastructure and significant in its size.</p> <p>At least 15 occupiers of the 20 DIRFT 1&amp;2 warehouse units have used rail services representing a major proportion of the occupiers.</p> <p>The level of rail usage at which the WMI would be considered a successful SRFI is subjective once the minimum requirement for an SRFI of 4 trains per day has been</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>achieved, but the WMI has set out clearly its aim of achieving 10 trains per day, which would mean it had achieved as many trains per day as any other SRFI in the UK.</p> <p>It is premature to be marketing the scheme in advance of a DCO decision; not only would it be presumptuous but occupiers require details of the consent, and a level of certainty about delivery and timescales to enable proper business planning – it is generally not for occupiers to take planning and property risk.</p> <p>Nonetheless the Applicant has been in receipt of interest from a number of major companies interested in the proposals because of the scale, location, and transport links. Interest is commercially confidential but is drawn from all main sectors of B8 logistics.</p>
2.2.28.	The applicant	Gareth Minton [REP2-127] contends that the development has been promoted as a site for regional distribution centres (RDCs) whereas many of the warehouses envisaged are of a scale of national	

ExQ2	Question to:	Question:	Applicant's Response
		<p>distribution centres (NDCs). Paragraph 7.3 of Appendix 9 to the applicant's response to FWQs [REP2-011] appears to confirm an intention that some companies will establish NDCs capable of serving the whole country.</p> <p>(i) Can the applicant clarify what role or roles the proposed warehousing is envisaged as fulfilling with regard to these different categories of distribution centre and set out the rationale for the size of units proposed having regard to that role?</p>	<p>(i) SRFIs will often have a mixture of RDC and NDC warehousing, depending on the location of the SRFI. A SRFI in the Northwest might be expected to have more RDCs than NDCs, but as WMI is ideally located in the middle of the country it is expected to attract a split of end users. However, the primary market is for RDCs, but allowances have been made for WMI's role as an NDC as outlined in the highways modelling and distribution of trips, as provided within Table 25 of the Transport Assessment (<b>APP-114</b>). As is set out in the Updated Market Assessment (REP2-004) much of the demand for both RDCs and NDCs is for "big sheds" (see paragraph 5.1.1.). As such, regardless of the intended regional or national use of the warehouse, "big sheds" are what the market is principally demanding.</p>

ExQ2	Question to:	Question:	Applicant's Response
		(ii) Has the prospect of a proportion of NDCs serving the whole country from WMI been fully considered in the applicant's calculation of 'saved' HGV road miles and the related carbon emissions?	(ii) The trip distribution assumptions, which have been agreed with both HE and SCC, indicate that approximately 60% of HGV traffic will remain in the West Midlands region. This re-enforces the role of the site as an RDC. However, it is assumed approximately 40% of HGV trips will travel further afield. This might be the receipt of goods from an NDC elsewhere delivering to an RDC on the WMI site or it may be as a result of an NDC locating at WMI and sending goods outside the region. This proportional split in distribution has been used in the calculation for HGV mile savings therefore an allowance for trips heading out nationally has been made.
2.2.29.	The applicant	In Appendix 9 to its response to FWQs [REP2-011], the applicant refers to the site and area and floorspace envisaged at the other 3 SRFI proposals which are currently the subject of DCO applications. Can the applicant please provide a detailed breakdown of each of these schemes in respect of the following measures? <ul style="list-style-type: none"> <li>• Total site area;</li> </ul>	See <b>Appendix 5</b> "Current SRFI Proposals".

ExQ2	Question to:	Question:	Applicant's Response
		<ul style="list-style-type: none"> <li>• Area of site proposed for built development and infrastructure;</li> <li>• Area of site proposed for GI and other open uses;</li> <li>• Maximum area of warehouse floorspace for which consent is sought;</li> <li>• Proportion of warehouse floorspace that would be rail-connected (i.e. by sidings immediately adjacent to buildings)</li> <li>• Proportion of warehouse floorspace that would be rail- served?</li> <li>• Number of trains per day assumed on opening and in the longer term.</li> </ul>	
2.2.30.	The applicant	<p>In Appendix 2 to its Deadline 3 response to other parties' comments [REP-007] the applicant states that no SRFI with a commitment to provide the rail terminal before occupation of any of the warehousing has actually been delivered to date.</p> <p>What evidence can the applicant provide to substantiate this assertion?</p>	<p>See <b>Appendix 6</b> "SRFI and Rail Terminal Commitments" and <b>Appendix 7</b> "SRFI Consents in the Green Belt".</p> <p>Appendix 6 demonstrates there are no recent examples of rail terminals being delivered before the occupation of warehousing.</p>



ExQ2	Question to:	Question:	Applicant's Response
2.3.	Green Belt		
2.3.1.	The applicant	<p><b>SRFI Precedents</b> In its Planning Statement [APP-252], the applicant refers to 3 SRFIs which have been granted planning permission in the GB under the TCPA. These are:</p> <ul style="list-style-type: none"> <li>(a) Radlett- permission granted by SoS in July 2014;</li> <li>(b) Howbury Park- permission granted by SoS in September 2007;</li> <li>(c) lport, Doncaster- permission granted by Doncaster Council in August 2011.</li> </ul> <p>(i) Can the applicant please provide to the examination copies of the relevant Decision Letters and Inspectors' Reports in respect of sites (a) and (b) and of the relevant Committee Report and Decision Notice in respect of site (c) such that, in each case, the ExA is able to understand the following matters:</p> <ul style="list-style-type: none"> <li>• The overall size of the application site and the split between hard development (rail and road</li> </ul>	<p>(i) Please see <b>Appendix 7</b> "SRFI Consents in the Green Belt".</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>infrastructure and buildings) and GI/other open uses.</p> <ul style="list-style-type: none"> <li>• What planning conditions or other controls (for example through a S106 agreement or undertaking) were imposed in those decisions as to the volume of warehousing or other floorspace that might be completed and occupied prior to the associated rail connection and intermodal terminal being completed and available for use?</li> <li>• What conditions/controls were imposed by the decision maker as to any obligation to maintain and keep the rail facilities available for use following their completion?</li> </ul> <p>(ii) In relation to Howbury Park the applicant is also asked to submit to the examination the Decision Letter and Inspector's Report in respect of the recent SoS decision to dismiss an appeal for what the ExA understands to have been a revised SRFI proposal at that site.</p>	<p>(ii) The Decision Letter and Inspector's Report for the Howbury Park (2019) decision are attached at <b>Appendix 8</b>.</p> <p>The Applicant understands that the latest Howbury Park proposals were not materially different to the scheme which received consent in 2007 (paragraph 8.2.12 of the Inspector's report in the 2019 decision</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>refers). However, circumstances were considered to be materially different as set out in the Inspector's Report at 7.2 onwards.</p> <p>The test for very special circumstances is clear in that the benefits must outweigh the presumption against inappropriate development in the Green Belt, as well as any harm. It is also clear that each application must be assessed on its own merits. As such, one application being considered to achieve very special circumstances does not set a precedent for another, in the same way that one application being refused on these grounds does not set a precedent for refusal.</p> <p>In the case of Howbury Park (Roxhill), the SoS considered that the proposals would cause significant harm to the character and appearance of the local area, attaching significant weight to this harm. Circumstances relating to rail connection, the availability of alternative provision and other matters mean that he considered the benefits of the scheme did not outweigh the harm to the Green Belt (paragraph 27).</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>The proposals failed to demonstrate that the benefits which should flow from an SRFI would be delivered and that there were no other facilities able to meet the need. Factors weighing against the Howbury Park proposals included:</p> <ol style="list-style-type: none"> <li>1. There was "significant uncertainty" that four trains per day could be accommodated and that "the likelihood of passenger service numbers having to be reduced in order to accommodate the appeals site freight traffic appears significant" (paragraph 13);</li> <li>2. Severe residual impact on the local road network (paragraph 14);</li> <li>3. While it was agreed there was a need in this part of London and the South East, the SoS considered that London Gateway has the potential to act as an alternative site (paragraph 18).</li> </ol> <p>In contrast the WMI application is able to demonstrate that:</p>

ExQ2	Question to:	Question:	Applicant's Response
			<ol style="list-style-type: none"> <li>1. there is an unmet need for a SRFI in the area (see Sections 4 and 5 of the Planning Statement (APP-252));</li> <li>2. paths will be available for at least four trains a day from the outset (Appendix 8 Applicant's Responses to ExQ1, REP2-011) and confirmed by NR;</li> <li>3. the application is compliant in highways terms (paragraph 10.3.34 of the Planning Statement, APP-252); and</li> <li>4. that there is no alternative site for a SRFI within the identified area of need (paragraph 9.10, SSDC SoCG, REP2-006).</li> </ol> <p>The Applicant's case for very special circumstances has been set out in the Planning Statement (APP-252) and is supplemented at Appendix 3 of the Applicant's Post Hearing Submissions (CAH, ISH 2 and ISH3) (REP4-004). While the benefits of Howbury Park in 2019 were not considered to outweigh the harm to the Green Belt, the Applicant considers that</p>

ExQ2	Question to:	Question:	Applicant's Response
		(iii) If the ExA's understanding that the 2007 planning permission at Howbury Park was not implemented is correct, the applicant is requested to set out its understanding of the reasons for this.	<p>none of the issues relating to the Howbury Park refusal referred to above are applicable here and in the case of the Proposed Development, the benefits far outweigh the impact to the Green Belt.</p> <p>(iii) The Howbury Park decision was issued on 20 December 2007. It is the Applicant's understanding that the reason why the permission was not implemented was due to the global financial crisis which followed shortly thereafter.</p>
2.3.2.	The applicant	Is the applicant able to point to any other (non SRFI) project for which a DCO has been granted on the grounds that very special circumstances have been established to justify a development that is acknowledged in the SoS's decision to constitute inappropriate development in the GB?	<p>A number of DCO applications have involved proposed development within the Green Belt (or within London within land designated Metropolitan Open Land and subject to a very similar policy test).</p> <p>In each case, as far as the Applicant is aware, the SoS and the ExA's have identified the importance of national Green Belt policy, and also recognised harm generated by the application proposals – including both harm in principle from inappropriate development but also harm to the openness of the Green Belt from the proposed infrastructure. In</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>each case, however, the ExA and the SoS have concluded that the need for nationally important infrastructure is sufficient to represent very special circumstances and to outweigh that harm and any other harm and to allow development consent to be granted.</p> <p>Specific examples include:</p> <ul style="list-style-type: none"> <li>• A14 Cambridge to Huntingdon (reference TWA 8/1/17) paragraphs 45 and 46 of the decision letter.</li> <li>• Junctions 3-12 Smart Motorway Scheme of M4 (reference TWA 8/1/19) paragraphs 42-44 of the decision letter.</li> <li>• Hinkley Point C connection project (reference ENO20001) paragraph 63 of the decision letter.</li> <li>• Knottingley Power Station (reference EN010050) paragraphs 23-28 of the decision letter.</li> <li>• Thames Tideway Tunnel (reference WW 01 0001) paragraph 143 of the decision letter.</li> </ul>

ExQ2	Question to:	Question:	Applicant's Response
			<ul style="list-style-type: none"> <li>• Knutsford A556 (reference TWA 8/1/9) paragraph 28 of the decision letter.</li> <li>• Redditch Branch Enhancement Order (reference TWA 8/1/6) paragraph 10 of the decision letter.</li> </ul> <p>In none of those cases did the relevant NPS recognise that applicants may find that suitable sites may not be available except within the Green Belt. The NN NPS is unique in that respect, in its acknowledgement that SRFIs may need to be located in the Green Belt.</p>
2.3.3.	SSDC	Sections 6.1 and 6.2 of SSDC's Local Impact Report [REP2-051] deal with the 5 purposes of the GB and draw the conclusion, at paragraph 6.3.7, that only one of those purposes (safeguarding the countryside from encroachment) is engaged. However, in its response to Q1.3.3 [REP2-049] SSDC suggests that some of the other purposes listed in paragraph 134 of the NPPF are also engaged.	-



ExQ2	Question to:	Question:	Applicant's Response
		The Council is asked to confirm its position on this matter.	
2.3.4.	The applicant Local Authorities	<p>In his Deadline 2 submission [REP2-181], Paul Windmill contends (pages 2 &amp; 3) that, if the WMI scheme is granted a DCO, it would be difficult to justify the retention of the site as GB and points to a previous Strategic Employment Site allocation at Blythe Bridge in Stoke-on-Trent as an example of the planning risks that this might give rise to.</p> <p>Can the applicant and the LAs set out their comments on and response to these concerns, including the suggestion that, if a DCO is granted, any release of the land from the GB should be on a phased basis following completion of parts of the WMI development?</p>	<p>If the WMI scheme is granted a DCO, it is the Applicant's position that the land is likely, in time, to be excluded from the Green Belt through a Local Plan or Site Allocations document which would be produced in the future by SSDC. The Applicant understands that this is also the view of SSDC.</p> <p>It would be a matter for SSDC to consider how to address the issue in a future Local Plan.</p>
<b>2.4.</b>	<b>Socio-Economic Effects</b>		
2.4.1.	The applicant	In its response to FWQs [REP2-009], the applicant states that the limitations and assumptions underpinning the Quod Research are set out at paragraphs 3.5 to 3.8 of the draft ESTP at Appendix 2 to	Within the Applicant's Post Hearing Submission (REP1-002) is the Employment, Skills and Training Plan (ESTP).

ExQ2	Question to:	Question:	Applicant's Response
		<p>applicant's Deadline 1 submission [Rep1-002]. However, that document does not appear to include these paragraphs. Can the applicant please provide clarification as to where this explanation is set out in the documentation?</p>	<p>Appendix 2 of that ESTP (not Appendix 2 of the document when taken as a whole) includes the relevant information at Section 3, page 5 (appearing on page 81 of the document, when taken as a whole). The relevant sub-headings are "Methodology" and "Acknowledging Uncertainty".</p>
2.4.2.	The applicant	<p>In his Deadline 2 representation [REP2-141], Alan Powell sets out a detailed critique of the applicant's assessment of: the likely numbers and types of jobs that might be created by the WMI; the prospects, on an annual basis over the projected 15-year development programme, of recruiting sufficient employees to meet the needs of newly opening business and the likely annual turnover of employees in businesses already established on the Site; the potential effects of the increased deployment of Artificial Intelligence and robotics in the logistics industry on employment numbers and job density; likely competition for staff from other major employment sites; and the potential effect of the Site's 'remote location' on the ability of</p>	<p>See <b>Appendix 9</b> "Applicant's Response to REP-141 (ExQ2.4.2)".</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>future occupiers to recruit and train the employees that they are likely to require. Can the applicant please provide a detailed written response to the points raised by Mr Powell?</p>	
2.4.3.	The applicant	<p>In its response to Q1.4.3 [REP2-009], the applicant states that the proposed development is predicted to result in the extinguishment of 3 agricultural tenancies. However, the response does not set out any assessment of the effect of the ongoing viability of the agricultural businesses concerned or on the number of people employed in those businesses.</p> <p>Can the applicant provide further information on what it considers to be the likely worst-case effect of these predicted extinguishments on the numbers employed by those businesses?</p>	<p>As per paragraph 6.66 of the Agriculture and Soils ES chapter (Document 6.2, APP-026), it is predicted that one full-time agricultural job would be lost at Heath Farm.</p> <p>The Somerford Home Partnership holding of c. 682.11 ha is farmed with the use of contractors. As such, while there would be a slight reduction in the amount of land currently farmed on Somerford Home Farm by the contractors, it is in the nature of contractual work to expect some turnover in contracts over time and it would be expected that they would seek new contracts to replace any shortfall caused by the proposed development as part of the normal course of business.</p> <p>The other affected tenants on Monkton land are small-holdings or grazing licenses. Loss of employment activity associated with these</p>

ExQ2	Question to:	Question:	Applicant's Response
			tenancies is expected to be very limited, potentially to a single job. It is considered that the loss of this job, if lost, would be compensated for by the number of jobs to be created directed and indirectly at the Site.
2.4.4.	The applicant	<p>In its response to Q1.4.17, the applicant refers to various paragraphs of ES Chapter 14 [APP-052]. ES Paragraph 14.251 states that noise effects are expected to be significant and have the potential to affect some businesses that rely on leisure use of the canal, as listed in the Baseline section. Table 14.17 identifies a number of business activities at Gailey Wharf and Calf Heath and Hatherton Marinas that might be subject to indirect effects from any recreation and amenity effects on the canal.</p> <p>Given that the viability of these businesses is likely to be dependent upon the number and frequency of leisure trips to and along the canal being maintained what evidence is there that the predicted noise impacts would not be likely to lead to significant, long term adverse effects on such businesses?</p>	<p>The identified significant adverse effects were all based on the BS4142: 2014 assessment method, which is appropriate for residential receptors, but is likely to overstate the impacts for commercial or leisure receptors, which are not considered to be as sensitive to noise as permanent residential receptors. The approach has been applied to all receptors in the absence of an assessment method for determining the effect of noise on such receptors, and is considered to provide a robust, worst-case assessment of the potential impact.</p> <p>The absolute noise levels at and around the Gailey Wharf are below WHO's 55dB threshold for external amenity at all locations except one, where it is predicted to be only 1dB above the 55dB threshold at 56dB, even including the acoustic character corrections. The only location where it is predicted to be</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>exceeded is the Canal Towpath (Gravelly Way), which is south of Gailey Wharf.</p> <p>There are environmental impacts which could affect leisure, recreation and tourism. For example, the effects of noise on the ability to undertake a leisure or recreation activity, or environmental effects that act as a deterrent on tourist visits.</p> <p>When considering these effects, it is important to distinguish between change and harm. Changes in the environment do not necessarily result in harm with respect to leisure, recreation or tourism.</p> <p>The Socio-Economic and Human Health Chapter assessed the extent to which any significant changes identified in across the ES (e.g. air quality or noise) were likely to lead to a significant impact in terms of tourism/leisure or recreation.</p> <p>The chapter did not identify any significant effects with respect to recreation or leisure (or related businesses) during either construction or operation. There were</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>multiple factors which influenced this conclusion, and these are set out in the Chapter.</p> <p>With respect to noise in particular, there are no likely significant adverse effects on tourism and recreation, or associated businesses projected because:</p> <ol style="list-style-type: none"> <li>1. The upper end of the ranges of predicted noise levels will only occur where the works are at the closest possible distance to each receptor. This assessment presented in Chapter 13: Noise and Vibration considers a worst-case construction scenario which is likely to materialise, if at all, only for very short periods of time (e.g. days) and at isolated locations.</li> <li>2. The identified significant adverse noise effects were all based on the BS4142: 2014 assessment method, which is appropriate for residential receptors but is not specifically designed to be applicable to</li> </ol>

ExQ2	Question to:	Question:	Applicant's Response
			<p>commercial or leisure receptors. As a result, this methodology may <i>overstate</i> the impacts for commercial or leisure receptors as the nature, timing and duration of their exposure would differ compared to residential receptor. This methodology has been applied to all receptors, as a robust method of assessing the worst case potential impact.</p> <p>3. The absolute noise levels at and around the Gailey Wharf are below WHO's 55dB threshold for external amenity at all locations except one, where it is predicted to be only 1dB above the 55dB threshold at 56dB, even including the acoustic character corrections. The only location where it is predicted to be exceeded is the Canal Towpath (Gravelly Way), which is south of Gailey Wharf.</p> <p>4. Many users of the canal are transient and have the ability and desire to pass through (walking or boating)</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>rather than dwell, so their exposure will further be limited to the short term. Given the isolated nature of expected "worst case" noise scenario any deterrence to dwelling is likely to be similarly isolated and localised – with no effect on deterring people from using the canal as a whole, passing through this part of it and stopping at local businesses when not experiencing the localised and short term noise effects at that exact time.</p> <p>It is acknowledged that some canal users do intend to dwell for a number of hours or days, including people fishing from the towpath and some canal users who moor locally. The Proposed Development's acoustic consultants have worked closely with the landscape and masterplan team to optimise the scheme layout to reduce noise effects (via setbacks, location of certain activities, building materials, landscaping etc). The scheme has evolved over the consultation process. Wharf House (Gailey Marina) is 250m from the nearest proposed building.</p>



ExQ2	Question to:	Question:	Applicant's Response
			<p>The canal towpath receptors are between 210m and 220m from the nearest proposed building.</p> <p>A significant impact in noise terms calculated for an EIA does not mean that this level of noise will deter visitors. There are lots of other existing noises which one can experience while walking or boating along the canal arising from the roads, trains and number of other existing industrial uses. An increase in this noise of the magnitude assessed, whilst it might cause momentary annoyance is not likely to act as a deterrent for users of the canal, especially those experiencing this noise either as part of a transient experience of the canal (walking, running, or moving in a boat).</p> <p>There is a risk of some deterrence of mooring in certain locations that would be very close to some of the construction activity relating to the provision of bunding for that duration – but this is very unlikely to have any impact on the likelihood of someone using the canal as a whole for leisure, renting a boat from one of the marinas or making use of some of the</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>small businesses that operate on this part of the canal – such as the boat repair, the shop or services at Gailey or the garden centres/pottery shop, or the canoe club.</p> <p>Some businesses may experience positive effects due to increased footfall from new employees in the area – such as the pubs and the garden centre. Some clubs may benefit from the Community Parks and the Site's landscaping, as will recreational users of site such as dog walkers and ramblers.</p> <p>Relevant paragraphs are Chapter 14 of the ES. Document 6.2. (APP-052)  Para 14.241-14.254  Para 14.324-14.332</p> <p>The above paragraphs conclude that the likely recreation effects are minor adverse and the likely effects on businesses are neutral (could be positive or negative, but not significant).</p>
2.4.5.	The applicant	In his Deadline 2 representation [REP2-142], Anthony Powell indicates his concern about the possible extinguishment of the	

ExQ2	Question to:	Question:	Applicant's Response
		<p>MMS Gas Power business as a consequence of the applicant's proposal for CA of the land occupied by that business.</p> <p>(i) If this a possible outcome where are the potential adverse socio-economic effects of such an outcome considered in the Chapter 14 assessment of effects?</p> <p>(ii) Are any other existing businesses likely to be displaced or otherwise adversely affected by the CA proposals?</p>	<p>(i) The loss of this business is not assessed in the Chapter 14 of the ES.</p> <p>Since February 2018 discussions over the terms of an acquisition have been ongoing between the Applicant and the business owners and it is the Applicant's intention to support MMS Gas to find an alternative site to facilitate the continued operation of their business.</p> <p>This business is not expected to be extinguished as a result of the proposals.</p> <p>See also Appendix 2 "FAL response to D4 CA Individual Responses" to Document 15.2, submitted at Deadline 5.</p> <p>(ii) No other businesses are expected to be displaced or adversely affected by the CA proposals.</p>

ExQ2	Question to:	Question:	Applicant's Response
2.5.	<b>Agriculture and Soils</b>		
2.5.1.	The applicant	<p>The applicant's response to Stop WMI Community Group's Agriculture and Farming Impact Report [REP2-165] is set on pages 83 &amp; 84 of REP3-007. However, this does not respond to the Group's assertion that there is no evidence that agricultural land quality was taken into account in the ASA in appraising alternative sites.</p> <p>(i) Can the applicant provide a written response to this criticism of the ASA?</p>	<p>(i) The WMI ASA (APP-255) evaluated potential alternative sites against the following principal planning policy and operational criteria:</p> <ul style="list-style-type: none"> <li>• Size/capacity;</li> <li>• Topography;</li> <li>• Rail Connectivity;</li> <li>• Road Connectivity;</li> <li>• Land use policy;</li> <li>• Landscape;</li> <li>• Heritage;</li> <li>• Air quality and noise;</li> <li>• Ecology; and</li> </ul>

ExQ2	Question to:	Question:	Applicant's Response
		<p>(ii) If agricultural land quality was not considered in the ASA, can the applicant please provide an updated assessment to indicate what effect the inclusion of this</p>	<ul style="list-style-type: none"> <li>Hydrology / Flood Risk</li> </ul> <p>The ASA adopted a comprehensive and robust methodology and the findings demonstrate that, even when utilising a search methodology which goes beyond what an operator would normally consider reasonable, there are still no suitable alternative locations to WMI.</p> <p>Existing agricultural uses were considered in the summary of each site and, whilst the assessment criteria did not include agricultural land quality, the criteria is consistent with previous ASAs (as set out at Appendix 1 of the ASA) and has been agreed with the Local Authorities.</p> <p>Finally, the inclusion of agricultural land quality would not change the outcome of the ASA (see (ii) below).</p> <p>(ii) Of the eight sites which made up the ASA's long-list of alternative sites, Meaford Power Station, Mid Cannock Colliery/Poplars Landfill Site and Stafford West were all discounted for failing to meet one or more of</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>factor would have on the conclusions regarding potential alternative sites?</p>	<p>the fundamental criteria for an SRFI (paragraphs 8.2.1 – 8.3.3). It was determined that these sites could not adequately connect to the strategic road and/or rail network and, therefore, they were ruled out as suitable sites for a SRFI. The presence or absence of agricultural land at these three sites would not change the outcome of this phase of the assessment.</p> <p>Five sites made it to the ASA's short-list and were assessed in greater detail using the principal planning policy and operational criteria set out in the above response.</p> <p>As stated in the response to (i), the ASA short-list assessment criteria did not include agricultural land quality, therefore, information has been gathered from the <a href="http://MAGIC.defra.gov.uk">MAGIC.defra.gov.uk</a> website and Natural England to help establish the agricultural land quality of the alternative sites identified in the ASA.</p> <p><a href="http://MAGIC.defra.gov.uk">MAGIC.defra.gov.uk</a> and Natural England's 'Likelihood of Encountering Best and Most Versatile Agricultural Land Maps', indicate</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>that agricultural land at Featherstone and Dunston are likely to contain a mixture of Grade 2 and Grade 3, and have a high (&gt;60%) to medium (20%-60%) likelihood of having Best and Most Versatile Agricultural Land (BMV). Creswell comprises a mixture of Grade 2 in the north near Great Bridgford and Grade 3 and Grade 4 in the floodplain of the River Sow to the west. Creswell is located in an area with a medium (20%-60%) likelihood of having BMV. Finally, Rugeley Power Station is non-agricultural land.</p> <p>As set out in the Planning Statement (para 7.3.4) and Chapter 6 of the ES, the WMI site has been the subject of an Agricultural Land Classification Investigation (a more accurate and detailed level of agricultural land assessment) which shows that the site is made up of Grade 2 (17%), Grade 3 (54%) and other, non-agricultural land (29%).</p> <p>On this basis it is demonstrated that WMI, Featherstone and Dunston have a similar profile of agricultural land quality and that the development of any of these sites would likely result of the loss of BMV. Whereby,</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>development at Creswell or Rugeley would result in a loss of less or no agricultural land.</p> <p>Nevertheless, taken as a whole, the ASA assessment demonstrates that Creswell and Rugeley Power Station are simply not considered to represent suitable alternatives in the context of a SRFI's fundamental requirement to facilitate efficient modal shift from road to rail. Therefore, when considered alongside the rest of the ASA assessment, the inclusion of agricultural land quality does not affect the conclusions regarding the potential alternative sites.</p>
<b>2.6.</b>	<b>Transport and Traffic</b>		
2.6.1.	HE The applicant SCC	In its Written Representation [REP2-034] HE states that a stand-alone assessment of the traffic implications of the Phase 1 development of 147,000 sq. m of building floorspace has been conducted and accepted by HE. However, beyond the development quantum set for Phase 1, the rail terminal forms an integral element of the transport equation for the assessment of traffic impacts.	

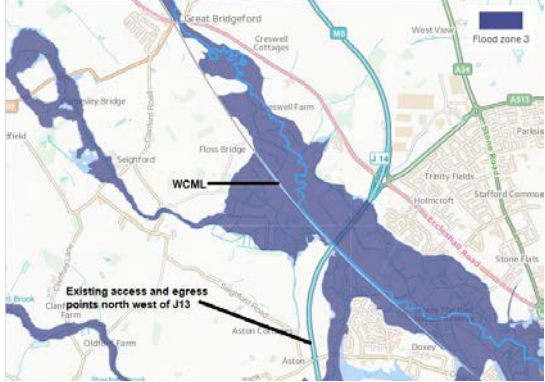


ExQ2	Question to:	Question:	Applicant's Response
		<p>(i) Can HE confirm whether this this reference should be to a figure of <u>187,000 sq. m</u> comprising 47,000 sq. m to be accessed from Vicarage Road and 140,000 sq. m to be accessed via the new roundabout on the A5 (see draft Requirement 24)?</p> <p>(ii) Do the applicant and SCC agree with HE's view that the stand-alone implications of a further phase of non-rail connected development have not been assessed in the transport assessment?</p>	<p>(i) -</p> <p>(ii) A further phase of non-rail connected development is not intention of the Applicant. The Transport Assessment did not assess the implications of a deferred rail terminal, with the highway's authorities not previously having required or requested such an assessment be undertaken.</p> <p>However, provided at <b>Appendix 10</b> is further Technical Note (TN) 41 titled "Development Trip Generation and Distribution with a deferred Rail Terminal" that assesses LGV and HGV trip numbers, with the rail terminal deferred and which has been submitted to HE for their consideration.</p> <p>TN 41 concludes that that with the deferral or even removal of the rail terminal there would</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>be a reduction in HGV trips locally however, the benefit of a national reduction in HGV miles driven on the highway network will be lost as all goods that would have been brought to WMI by rail will now return to being transported by HGV.</p> <p>Notwithstanding that, the Applicant has amended paragraph 4 of part 2 of schedule 2 of the dDCO to provide that SSDC consult with HE (and SCC) in connection with any relaxation of the requirement to provide the rail terminal by the times stated.</p>
2.6.2.	HE The applicant	<p>Sue Worrall [REP2-183] includes a plan that identifies the location, between Junctions 13 &amp; 14 of the M6, of what she states are existing access and egress points to a "works site". She suggests that this could be used to provide direct motorway access to land to the north west of J13 which would provide a suitable alternative site for a SRFI.</p> <p>(i) Can HE comment as to the presence and use of the access and egress points referred to in that submission?</p>	<p>(i) The Applicant understands that this is a maintenance compound, located 1.3km to the south of M6 Junction 14.</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>(ii) If these do exist, can HE comment as to their suitability to serve a SRFI of the minimum size of 60ha and the practicability of undertaking any upgrading that might be required to meet the necessary highway standards?</p> <p>(iii) Can the applicant please comment on the suitability or otherwise of land to the north west of J13 for SRFI use and indicate whether this location was considered as part of the ASA?</p>	<p>(ii) From discussions with HE, the Applicant understands that the use of these access and egress points to the SRN to serve an intensification of use would not be supported from an engineering perspective. There would be insufficient separation between the merge / diverge lanes of M6 junction 14 to allow additional vehicles to use a junction with increased vehicle activity to the south. The Applicant understands HE consider there are significant constraints which would prevent the introduction of an improved junction for SRFI use.</p> <p>(iii) The existing access and egress point north west of J13 is located very near to the alternative site referred to as Creswell in the WMI ASA. Creswell was evaluated at pages 74 – 82 of the ASA and confidently discounted as a result of environmental constraints (such as the combined effects on the River Sow from hydrology and ecology) and the impacts on the highways network.</p> <p>Setting aside the suitability of the existing access and egress points north west of J13,</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>it is still not considered possible for a suitable alternative site to be formed which would have road access to the M6 (via the access and egress points north west of J13) and rail access to the WCML.</p> <p>As shown below, a large portion of the land between the WCML and the access and egress points north west of J13 is classified as Flood Zone 3, within the catchment of the River Sow. The floodplain isolates the railway from the access point and this area could not be developed without a major engineering solution and significant impacts on the local environment.</p>

ExQ2	Question to:	Question:	Applicant's Response
			 <p>Alternative site and access arrangements would still have many of the same constraints as Creswell. Including the close proximity to SSSI, international and national designated sites - Doxey Marsh and Kingston Pool Covert and the impact on surrounding landscape and topology. On this basis, a suitable alternative site cannot be identified and consideration of the area in the vicinity of the access and egress points north west of J13 does not change the findings of ASA.</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>This conclusion is supported by Stafford Borough Council Relevant Representations (RR-0993) which consider that “there are no suitable sites within the Borough for a Strategic Rail Freight Interchange development of this scale”.</p>
2.6.3.	The applicant SCC	<p>A number of IPs, including Stop WMI Community Group in its Road Infrastructure Report [REP2-160] and Supporting Information [REP2-166], have expressed concerns about the potential increase in traffic, particularly HGV traffic, using the A5 to the west of Gailey roundabout towards Telford. They argue that this route is ill suited to increased use by HGVs and that such use would conflict with the published Strategy for the A5 2011-2026 (section 6 of the Road Infrastructure Report). Although this road link is included in Table 32 of ES Appendix 15.1 [APP-114] which shows a predicted increase in 2-way flows in both the AM and PM peak the ensuing paragraphs do not provide any commentary on the significance or effect of those increases.</p>	<p>As shown within the Transport Assessment (TA) (APP-114), it has been concluded that there is no adverse impact on the A5 west of Gailey. As set out in Table 28 of the TA, it has been demonstrated that peak hour increases in journey times along this link would be no more than 30 seconds per vehicle. As set out in Table 29 of the TA, average peak hour queue lengths are not forecast to increase with the proposed development.</p> <p>With regard to the assessment of environmental effects these are set out in the Transport Chapter of the ES (APP-053) which concludes that, following mitigation, there will be a minor effect on Driver Stress and Delay, Fear and Intimidation and Accidents and Safety. All other effects are negligible to minor. These impacts are not</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>Can the applicant and SCC provide a written response to these concerns and clarify the predicted traffic impact of the proposals on this route?</p>	<p>considered significant and do not warrant any further mitigation over and above that already proposed by the development. As set out within the SoCG with SCC (REP2-008) at paragraph 9.5 that 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 should be noted, that as set out in the Applicant's response to the Examining Authority's First Written Questions (REP2-009), in response to Question 1.7.6, specific measures are proposed in order to deal with the management of HGV's during unforeseen circumstances. These measures are set out in the updated Site Wide HGV Management Plan (AS-040) and have been agreed with both HE and SCC and are considered to be sufficient.</p> <p>It is therefore the Applicants position that mitigation is not required to the A5 west of Gailey Roundabout.</p>

ExQ2	Question to:	Question:	Applicant's Response
2.6.4.	The applicant HE SCC	<p>A number of IPs have expressed concern about the potential delays to emergency vehicles answering emergency calls because of increased traffic congestion on the local highway network, with a resultant risk to life and limb. Particular mention has been made of the time taken for such vehicles to get to the nearby villages.</p> <p>(i) Has this potential effect been considered in the TA?</p>	<p>(i) Traffic modelling work undertaken assessing the implications of WMI has been agreed with both Highways England (HE) and Staffordshire County Council (SCC) as the highway authorities. Please refer to 9.5 of the SoCG with SCC (REP2-007) and paragraphs 5.1.1 and 5.1.2 of the SoCG with HE (REP2-008).</p> <p>The traffic modelling demonstrates that the impact of increased vehicular demand on the strategic and local highway network, generated by WMI can be accommodated with the introduction of specific and tailored highway improvements. As set out in paragraph 3.2.9 of the SoCG with HE</p>



ExQ2	Question to:	Question:	Applicant's Response
			<p>(REP2-008), it is agreed there is no policy requirement to assess the impact of any closures on the M6. This equally applies to the M54 and other parts of the highway network.</p> <p>Whilst this specific effect has not been considered within the TA, it has been demonstrated to the satisfaction of the highway authorities that there would be no material or adverse impact upon traffic conditions on the highway network which would cause delay for vehicular traffic, including those operated by the emergency services.</p> <p>As with any situation, to ensure the efficiency of emergency vehicle operations, drivers should abide by Rule 219 of the Highway Code and take appropriate action to let emergency vehicles pass.</p> <p>(ii) -</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>(ii) Do SCC or HE have any concerns that there could be a significant adverse impact of this nature?</p> <p>(iii) If there are concerns what, if any additional mitigation could be provided?</p>	<p>(iii) On completion, the site is expected to be extremely permeable, being served by three separate accesses, all of which could accommodate emergency vehicular access for any incidents that may take place in the area. These accesses are located on the A5, A449 and Vicarage Road (which accesses to both the A449 and A5).</p> <p>The embedded road infrastructure provided by the Proposed Development adds additional resilience to the highway network. Both HE and SCC have agreed the proposed mitigation strategy. As such, the Applicant considers that it is not necessary to provide any further mitigation measures.</p>
2.6.5.	The applicant	A number of IPs refer to the statement, in paragraph 16.2.10 of the Planning Statement [APP-252], that the Site is within a 4.5 hours HGV drive time of about 88% of the UK population and suggest that this claim undermines the argument that the proposal would result in a significant	The figure provided is a simple calculation based on established and standard practice methodology and indicates the credentials of the site to act as both and RDC and NDC. Using drive time rather than distance or other indicators makes the locational advantages

ExQ2	Question to:	Question:	Applicant's Response
		<p>reduction in HGV miles on the motorway network.</p> <p>Can the applicant please provide a written response to this criticism of the proposal?</p>	<p>of the site simpler to understand for all interested parties.</p> <p>As set out in the Planning Statement (APP-252), it is anticipated that the Proposed Development would save in the region of 50 million HGV kilometres each year, at maturity (paragraph 11.5.2).</p> <p>The HGV kilometre savings take account of operational HGV traffic anticipated to be associated with the Proposed Development and comprise the estimated kilometres saved as a result of that part of the freight distribution comprising rail, instead of road-based HGV journeys.</p> <p>It should be noted the HGV kilometres saved is a conservative estimate, based on prudent estimates, calculated without knowledge of the potential occupiers at the Proposed Development and the exact freight routes / distribution patterns these occupiers would utilise. It is therefore entirely likely that, once occupiers are known, the actual carbon savings of the Proposed Development could be much greater, when considering the</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>Proposed Development against operational examples of similar developments.</p> <p>With regard to the benefits of being within 4.5 hours drive time of 88% the UK population, and the HGV kilometres saved as a result – this relates principally to the way in which logistics companies operate – and their desire to be within the catchment of as large a proportion of the UK population as possible, so as to not restrict their potential operations. Logistics operators will seek sites that are within 4.5 hours' drive time of significant proportions of the UK population. The 4.5-hour drive time is relevant as EU rules on drivers' hours and working time guidance require a daily limit on driving of 9 hours, with 4.5 hours therefore allowing for a return journey from WMI in one working day.</p> <p>This 4.5-hour journey is, however, the absolute extremity of such deliveries. As is noted in ExQ2.2.15, the onward secondary leg by road is concentrated within 15km of the terminal (DIRFT III DCO Document - 7.4, Need Report, Nathaniel Lichfield &amp; Partners, October 2012 para 5.76 – 5.79)).</p>

ExQ2	Question to:	Question:	Applicant's Response
2.6.6.	The applicant HE	<p>In its response to Q1.7.15 [REP2-036], HE observes that the Road Safety Audit data shows that not all personal injury accidents had been recorded and this could result in an underestimation of the potential for issues to occur in the 'with development' scenario.</p> <p>Has any further work been done to correct this apparent omission and have HE's concerns now been addressed?</p>	<p>The Applicant has been provided with the further personal injury accidents and has considered these in greater detail, in consultation with HE. A further Note has been prepared assessing the implications of these incidents and accident rates at specific junctions, as requested by HE. This Note is provided at <b>Appendix 11</b> "TN 40 – Note on Accident Statistics" and is currently being considered by HE.</p> <p>It is the conclusion of the Applicant that no further mitigation is required in order to deal with Road Safety matters.</p>
2.6.7.	The applicant HE SCC	<p>The submissions from Anita Anderson [AS-041] set out various information and concerns about recent closures of the M54 and resultant congestion on A5 and other roads.</p> <p>(i) Can HE, SCC comment as to the accuracy of this information and advise as to frequency of recent planned closures of the M54 and of the likely duration of any</p>	(i) -

ExQ2	Question to:	Question:	Applicant's Response
		<p>ongoing works that might required future planned closures of that motorway?</p> <p>(ii) Can the applicant comment as to what implications, if any, this reported congestion on the local network has for the TA and its conclusions?</p>	<p>(ii) The Applicant understands that these planned closures are not a regular occurrence. They are scheduled to take place away from peak times, generally at weekends. Given the infrequent nature of such events, it is not necessary for the TA (APP-114) to consider these instances and the conclusions of this document are unchanged, which has been agreed with HE and SCC. As set out in the Applicant's response to Question 2.6.4, the Applicant has proposed specific measures in order to deal with the management of HGV's during unforeseen circumstances.</p>
2.6.8.	Stop WMI Community Group	<p>The Planning Policy section of the Technical Note prepared by Milestone Transport Planning on behalf of the Group [REP2-161] refers only to the NPPF and not to the NPS which is the primary policy document for the consideration of DCO applications for SRFI proposals.</p> <p>Can the Group review the NPS and specifically consider those sections</p>	-

ExQ2	Question to:	Question:	Applicant's Response
		<p>concerned with the need for and locational requirements of SRFI (paragraphs 2.42-2.58) and the impacts on transport networks (5.201-5.218) and advise on:</p> <p>(i) whether it considers that the guidance under the 'Decision making' heading at paragraphs 5.213 &amp; 5.214 of the NPS 2.114 is satisfied in respect of the WMI transport assessment and proposed mitigation; and</p> <p>(ii) what the principal reasons are for the view that the Group takes on this question?</p>	
2.6.9.	The applicant SCC HE	<p><b>Phasing of Highway Infrastructure</b> Appendix 14 to the applicant's response to FWQs [REP2-012] comprises a plan of the proposed phasing of the main highway infrastructure works.</p> <p>(i) the numbering on the plan and key is not sequential; is this intended?</p> <p>(ii) Has the phasing been agreed with SCC and HE?</p>	<p>(i) The numbering on the plan and key refers to the specific item of highway works provided within Requirement 24 of the draft DCO. It is therefore not intended to be sequential.</p> <p>(ii) The phasing of the delivery of these highway works has been agreed with both HE and SCC.</p>

ExQ2	Question to:	Question:	Applicant's Response
		The subsequent questions in Section 2.6 also relate to specific aspects of the phasing proposals.	
2.6.10.	The applicant	<p><b>Vicarage Road Access</b> It is agreed that up to 47,000 sq. m of warehousing could be served from Vicarage Road, i.e. without any alterations to the A5 or any part of the new link road being in place.</p> <p>(i) Would the applicant expect to secure a pre-let for the 47,000 sq. m before commencing construction of the Vicarage Road access or would this floorspace be built out on a speculative basis?</p>	(i) The development of the floorspace would be taken forward after DCO consent either on the basis of speculative development or on a build to let basis with occupier interest secured. The choice of which development route is chosen will be down to the occupier preferences and the commercial conditions at the time.
2.6.11.	The applicant SCC	<p><b>A5 Roundabout and Link Road</b> Draft requirement 24 stipulates that the new access and roundabout are to be completed prior to occupation of the first warehouse served from the A5 and that the link road must be completed prior to occupation of more than 140,000 sq. m served via the A5.</p>	



ExQ2	Question to:	Question:	Applicant's Response
		<p>The phasing plan at Appendix 14 shows the link road and the A449 roundabout as two distinct elements of the proposed infrastructure.</p> <p>(i) Does the highway authority require that the A449 roundabout is fully completed before the link road can be opened or is an interim situation in which the link road would have a priority junction with the A449 contemplated?</p> <p>(ii) Do the agreed floorspace thresholds assume that there would be no internal estate road providing a connection between the Vicarage Road and the A5 accesses prior to the link road being completed? If so, does this need to be stipulated in the requirements?</p>	<p>(i) The Applicant is of the view that the A449 roundabout should be fully completed before the link road is open to traffic. The Applicant has agreed this with both HE and SCC and would not contemplate an interim situation in which the link road would connect to the A449 by either a priority junction or through the current traffic signal junction with Gravelly Way.</p> <p>(ii) The agreed floor space threshold considered by the pre link road assessment does not assume a connection between the Vicarage Road and the A5 access is present. The Applicant does not consider it is necessary to stipulate when the link to Vicarage Road from the A5 will be required. As set out in paragraphs 5.4.6 – 5.4.9 of the TA (APP-114), its purpose is to act as an access to the SRFI. As set out in Requirement 24, item (iii), the Vicarage Road roundabout will be completed prior to the</p>

ExQ2	Question to:	Question:	Applicant's Response
			occupation of any warehouse served via this new junction.
2.6.12.	The applicant SCC	<p><b>Crateford Lane One Way flow</b> What is the rationale for the proposed phasing of these works?</p>	<p>The Crateford Lane one-way section would be constructed at the same time as the proposed A449 roundabout. Discussions with HE have indicated that they would require the Crateford Lane works to be carried out as part of the construction of the A449 roundabout in order to minimise the length of time that highway works to the SRN will take place. The provision of this facility was put forward following comments made by residents during Stage 1 Consultation (see page 53 of the Consultation Report, APP-259) and formed part of the Stage 2 Consultation material.</p> <p>As set out within Requirement 24, item (v) and (xiv), it is proposed that both the Crateford Lane one way section and the A449 roundabout are <i>"To be completed prior to occupation of more than 140,000 square metres (gross internal area) of warehouse floorspace or within five years of the occupation of more than 47,000 square metres (gross internal area) of warehouse</i></p>

ExQ2	Question to:	Question:	Applicant's Response
			<p><i>floorspace, whichever is sooner</i>". This is to ensure that these highway modifications are completed prior to the opening of the link road and to mitigate the traffic impact arising from the delivery of the quantum of floor area beyond the 187,000sqm threshold.</p>
2.7.	<b>Air Quality and AQMA</b>		
2.7.1.	Wolverhampton and Walsall Councils	<p>In their joint response to FWQs [REP2-032], Wolverhampton and Walsall Councils indicate that they have been unable to provide a comprehensive response to the questions on AQ due to a staff absence. This is unfortunate, particularly since the ExA understands that the Councils are amongst those LAs required to bring forward Action Plans to tackle NO<sup>2</sup> under the terms of the Supplement to the UK Plan for tackling Nitrogen Dioxide Roadside Concentrations which was published in October 2018.</p> <p>(i) Are the LAs likely to be able to provide a more detailed response for Deadlines 5 or 6 of the Examination timetable?</p> <p>(ii) If a full response cannot be provided, are the Councils able to provide a response to</p>	-

ExQ2	Question to:	Question:	Applicant's Response
		<p>FWQs 1.8.1 and 1.8.8 with regard to current policy and whether the requirements of NPS paragraphs 5.11-5.13 are satisfied? (iii) Can Walsall Council advise whether it accepts the ES findings of a moderate and major impact in respect of the 24-hour PM10 objective at Receptor 7a adjacent to the M6 and that no additional mitigation is required in relation to this impact (see applicant's response to HE comments on page 63 of [REP3-007])?</p>	
2.7.2.	The applicant	<p>In response to Q1.8.2 in relation to the 11 Local Wildlife Sites (LWS), the applicant states that the approach taken to the spatial scope of the operational assessment was agreed with NE.</p> <p>(i) Why was this agreed with NE when LWS do not fall within their remit?</p>	<p>(i) As outlined in ExQ1.8.2 (Document 10.1, REP2-009) the assessment of dust effects on ecological receptors follows the Institute of Air Quality Management (IAQM) screening criteria. The spatial scope of the operational impact assessment is described in 7.91 of Document 6.2 (ES Chapter 7, APP-027), and only ecological receptors within 200m of roads that meet the criteria and where EU Limit Values and National Air Quality</p>

ExQ2	Question to:	Question:	Applicant's Response
		(ii) Has the approach been discussed and agreed with SCC?	<p>Strategy Objectives apply have been assessed. NE previously asked about air quality effects on ecological receptors in general and so this approach was agreed with NE.</p> <p>(ii) Dialogue has been undertaken with SCC regarding LWS. SCC has not raised any concerns about the spatial scope of the air quality assessment with respect to ecology and LWS when reviewing the Environmental Statement chapter(s) or in any other discussions.</p>
2.7.3.	SCC	Does SCC accept and agree with the applicant's response in [REP2-009] to Q1.8.2 concerning why the Gailey Reservoir LWS is not considered to be a sensitive receptor in relation to dust and why no dust impacts that would affect the integrity and function of the Calf Heath Bridge LWS are predicted?	
2.7.4.	The applicant	In response to Q1.8.10 the applicant contends that monitoring of the operational AQ effects of the development would be impractical.	As requested at the Environmental Matters hearing (6 June 2019), consideration has been given to the need for monitoring of operational air quality impacts in the vicinity

ExQ2	Question to:	Question:	Applicant's Response
		Can the applicant provide further justification for this response?	<p>of the proposed development. This response was provided at Deadline 4 – Applicant's Post Hearing Submissions (paragraphs 2.1 – 2.4, Appendix 9, REP4-007).</p> <p>In terms of the practicality of monitoring, whilst it is feasible to undertake monitoring there are significant difficulties in identifying the specific impact of the proposed development within the monitoring data. Therefore, it would be difficult to separate the effects of existing traffic from the proposed development. In this respect the proposed development is different to a new 'standalone' road scheme (i.e. introducing a new road in close proximity of receptors) where operational monitoring could be used for comparison against the modelled effects.</p>
2.7.5.	The applicant	<p>In its response to Stop WMI Community Group's Health Impact Report [REP2-162], the applicant does not deal with Sections 7-13 of that report.</p> <p>Is there anything in those sections that the applicant does not accept or agree with and,</p>	<p>Sections 7-13 of Stop WMI Community Group's Health Impact Report (REP2-162) provides a number of references to documentation linking air pollution with effects on public health. The Applicant has not reviewed every referenced document and extract in detail to verify the veracity of</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>if so, what are the reasons for taking a different view?</p>	<p>the extracts in the context in which the points are being made, but it is accepted that poor air quality can impact human health. The fact that poor air quality can impact upon human health is one of the principal reasons for undertaking the air quality assessment.</p> <p>In order to protect human health, the government has set National Air Quality Strategy Objectives. These Objectives are set on the basis of protecting the health of vulnerable individuals such as the young and old. The impact of the proposed development has been judged against these objectives, as required by the NPS paragraphs 5.11-5.13.</p> <p>In this regard, the ES Air Quality Chapter (Document 6.2, Chapter 7, APP-027) has determined that there are no significant air quality effects in relation to compliance with these objectives, and therefore the development will not have a significant effect on human health. The referenced information and extracts contained in the Stop WMI document do not therefore alter the conclusions of the assessment</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>undertaken in the ES (Document 6.2, Chapter 7, APP-027).</p> <p>In particular, and as acknowledged in Section 7.7 of the Stop WMI Community Group's Health Impact Report (REP2-162), compliance is maintained with the EU Limit Value for PM<sub>2.5</sub> of 25µg/m<sup>3</sup>, with all predicted PM<sub>2.5</sub> concentrations (Document 6.2, ES Technical Appendix 7.6, APP-072) being well below this value. For these reasons the Applicant would disagree with the assertion in Section 13 of the WMI Community Group's Health Impact Report (REP2-162) that the health of the public is at risk from air pollution associated with the proposed development.</p>
2.7.6.	The applicant	<p>In her Deadline 2 submission [REP2-144], Margaret Powell suggests that the siting of the 2 wind turbines at Rodbaston campus reflects the generally flat nature of the surrounding topography and favourable wind conditions. She argues that the area's suitability for wind turbines shows that is also vulnerable to wind-borne pollution and that the communities in Penkridge and Brewood would be likely to suffer air</p>	<p>In general terms increased wind speeds or a particularly windy environment would improve the dispersion of emissions, thereby reducing pollutant concentrations from a given source of pollution.</p> <p>In terms of the specifics of the application, the assessment of the impact of the proposed development has used dispersion modelling to ascertain how pollutants</p>



ExQ2	Question to:	Question:	Applicant's Response
		<p>pollution from the increased traffic generated by WMI in the same way that they used to suffer air pollution from past operations on the Four Ashes Chemical Works site.  Can the applicant please provide a written response to this assertion?</p>	<p>released from road traffic will disperse in the atmosphere (paragraph 7.71 of the ES, Document 6.2, APP-027). The dispersion modelling undertaken for the ES used hourly sequential meteorological data from Cosford Airport (ES Technical Appendix 7.2, Document 6.2, APP-068). Amongst other parameters, the meteorological data includes measured wind speed and direction data taken. The process of model verification (ES Technical Appendix 7.2, Document 6.2, APP-068) accounts for differences between the modelled and measured pollutant concentrations and this takes into account variations between the measured meteorological conditions at the meteorological data site, and the meteorological conditions within the assessment area. Whilst the Applicant cannot comment on the cause of the reported historical pollution from the 'Four Ashes Chemical Works site', through the modelling procedure undertaken, the assessment has taken into account the effect of meteorology on the dispersion of emissions from road traffic.</p>

ExQ2	Question to:	Question:	Applicant's Response
2.8.	<b>Noise, Vibration and Lighting</b>		
2.8.1.	The applicant	<p>Sue Worrall [REP2-183] states that, on behalf of the applicant, Quod have previously confirmed that no noise monitoring was carried out in Stable Lane. She asserts that, in the absence of any background measurements, the applicant cannot properly assess the potential noise effects on residential receptors on Stable Lane.</p> <p>Can the applicant please provide a written response to this criticism of the assessment?</p>	<p>The Applicant agreed the exact location of Position N8 with Mrs Worrall prior to the January 2017 survey, as she considered the position used in August 2016 to be insufficiently representative of the acoustic climate at the properties on Stable Lane. Figure 13.1 (Document 6.2, APP-047) shows the two locations for Position N8 that were adopted in August 2016 prior to Mrs Worrall's request, and subsequently after her request.</p> <p>The British Standard that is used to assess noise from sites of an industrial or commercial nature (BS4142: 2014) allows for background sound level measurements at a location which is different from the assessment location, providing that the acoustic climate is considered to be similar to that at the assessment location.</p> <p>Monitoring location N8 (see Noise ES Addendum Figure 13A.1, Doc 6.2. REP2-014) was considered to be representative of the properties on Stable Lane; if anything, it was considered likely to result in a lower</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>background sound level as the monitoring location was further from the M6 motorway. A lower background sound level would result in a more robust assessment.</p> <p>The monitoring locations were all agreed with SSDC prior to undertaking the surveys (as per paragraph 14.6 of the Statement of Common Ground agreed with SSDC (REP2-050)).</p>
2.8.2.	The applicant	<p>In its response to Q1.9.1 the applicant says that the survey data in the Addendum to ES Chapter 13 is the most robust data on which to base the assessment of effects. At paragraph 13A.97, the Addendum lists a number of residential locations which would be eligible for noise insulation under the terms of the bespoke Noise Insulation Scheme (NIS) but some of these locations include multiple residential addresses.</p> <p>(i) Taking both these and the properties referred to in paragraphs 13A.98 and 100, what is the total number of homes at which the threshold criteria of rating level exceeding background level by 8dB or more</p>	<p>(i) If one were to take all of the worst-case assumptions (hence effectively applying a worse than worst-case) up to 104 properties are potentially eligible for sound insulation.</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>or the internal level exceeding the internal criteria?</p> <p>(ii) Would these effects represent unacceptable impacts in the absence of the mitigation proposed via the NIS?</p>	<p>(ii) Even though major adverse noise effects have been identified as a result of the construction and operation of WMI prior to considering the bespoke noise insulation scheme, the noise effects remain below the 'unacceptable adverse effect level', which are required to be prevented by national planning policy. The 'unacceptable adverse effect level' is discussed in paragraphs 13.42 to 13.47 and 13.51 in Chapter 13 of the ES (Document 6.2, APP-046) and identified in paragraph 13.98 Chapter 13 of the ES (Document 6.2, APP-046).</p>
2.8.3.	The applicant SSDC	In its response to Q1.98 [REP2-049], SSDC states that the Council is working with FAL to consider whether any other noise mitigation measures are required. What is the outcome of those further discussions?	<p>The heights of the bunding to the east of the canal have been increased as a result of the further discussions with SSDC and CRT (refer to updated Green Infrastructure Key Plan, AS-062). The changes to the bunding to the east of the canal have been agreed with SSDC.</p> <p>DCO Requirements have been amended to include a complaints protocol, and the</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>bespoke noise insulation scheme has been amended. The new complaints protocol requirement is included in the dDCO issued at Deadline 5 (see requirements 20(3) and 21(4)).</p>
2.8.4.	The applicant	<p>In its response to Stop WMI Community Group's Health Impact Report [REP2-162], the applicant does not appear to respond to the Group's concerns about the health impact of adverse noise conditions which are result for many local residents. Can the applicant provide a written response to those concerns?</p>	<p>In Section 12.0 of the Health Impact Report (REP2-162), the group refer to three papers, which are considered by the Applicant to be of limited relevance to noise from the proposed development.</p> <p>The paper by Kerns, Masterson et al relates to occupational noise exposure, not environmental noise, and is not relevant to the potential effect on local residents.</p> <p>The Munzel, Schmidt et al paper indicates that there may be an increase in risk of cardio-vascular disease for every 10dB(A) increase in noise, starting at a level as low as 50dB(A). The highest predicted sound level from the operational development is 47dB(A) at the Canal Towpath (Gravelly Way), when the acoustic character corrections are removed (since they are not relevant outside of a BS4142 context).</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>Furthermore, the Muzel, Schmidt et al paper notes that mitigation strategies are highly important, and that the noise insulation of buildings <i>"is effective in reducing exposure to all outdoor noise sources, but is associated with low cost-effectiveness because of high costs of implementation."</i> The bespoke noise insulation scheme directly addresses the potential high cost of implementing noise insulation, making it a more effective strategy than would otherwise be the case.</p> <p>The final paper, the Passchier-Vermeer paper, quotes a number of other studies that cite health effects at various sound levels that are generally greater than those likely to be generated by the proposed development. The only threshold that occurs at a level likely to be reached by the proposed development has been taken from a 1994 Health Council paper that was reviewed during the publication of the WHO's <i>Guidelines for Community Noise</i> (published in 1999), and was not adopted by the WHO, suggesting that it is not an appropriate indicator of effect.</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>The Stop WMI Group go on to refer to the Freight and National Passenger Operators Route Strategic Plan (FNPORSP, February 2018), quoting an extract from Section 5.16. The Group claim that the alleged health effects, that they state, are highlighted in the three reference papers, leads to the statement in the FNPORSP that <i>“the imposition of environmental restrictions (noise, hours of activity) can fundamentally undermine the utility of sites.”</i></p> <p>There is no evidence in the FNPORSP that the suggested environmental restrictions follow from any potential health effects, rather than from, for example, general noise or planning policy, which seeks to achieve a range of outcomes that may include health effects, but also have broader goals.</p> <p>The FNPORSP goes on to note that Network Rail has a critical leadership role to highlight the importance of rail freight, and that Freight and National Passenger Operators, and Network Rail, will continue to articulate the economic and environmental benefits of rail freight.</p>

ExQ2	Question to:	Question:	Applicant's Response
			There is no suggestion in the FNPORSP that noise-related health effects are a material constraint to rail-based development.
2.8.5.	The applicant SSDC	In its Deadline 3 submission [REP3-013], Stop WMI Community Group proposes that 300m is an insufficient distance to be used as the 'cut off' point for determining whether or not properties are eligible for the Bespoke Noise Insulation Scheme and that this distance should be increased. Can the applicant and SSDC comment as to the need for or desirability of adopting a greater distance in order to provide adequate mitigation for significant adverse noise impacts on residential receptors?	There is no longer a geographical limit to the properties that can be considered under the bespoke noise insulation scheme.  As part of a number of modifications to the bespoke noise insulation scheme agreed with SSDC, the 300 metre cut-off distance has been removed from the bespoke noise insulation scheme.
<b>2.9.</b>	<b>Ecology and Nature Conservation</b>		
2.9.1.	NE SCC Other IPs	A revised version of the Framework Ecological Mitigation and Management Plan (FEMMP) has been submitted [AS-036].  Do NE/SCC and other IPs who have made representations on ecological mitigation and management issues have any comments	-



ExQ2	Question to:	Question:	Applicant's Response
		that they wish to make on the amendments/ additions made in the revised FEMMP?	
2.9.2.	The applicant	<p>It is noted that the Noise Environmental Statement Addendum (ES) [REP2-014], identifies revised predicted noise levels at Calf Heath West &amp; East during phases of construction (see table 13.A16 superseding ES Table 13.24 [APP-046]). Predicted levels may be above the 70dB behavioural threshold for a period of years (Zone A4 is to be constructed during Phase 1 of the Proposed Development).</p> <p>Would the applicant be prepared to add a commitment to construction timing in the Outline Demolition and Construction Environmental Management Plan (ODCEMP) [APP-060] to limit construction timing for certain operations (i.e. site preparation and landscaping) during breeding bird season?</p>	<p>The predicted noise levels stated in Table 13A16 of the ES Noise Chapter Addendum (Document 6.2, REP2-014) represent an 'average' case where the construction plant are assumed to be at the approximate centre of the Site and a 'worst case' where the construction plant are assumed to be at the part of the Site in operation closest to the receptor under consideration. The predicted construction noise levels are the same as set out in Chapter 13 of the ES (Document 6.2, APP-046); the only difference between the addendum and the original chapter is the assessment criterion is changed at one receptor as a result of the updated baseline noise survey information.</p> <p>All predictions are in the absence of mitigation providing acoustic screening, for example bunds and application of measures defined within Section 8 of the ODCEMP (Document 6.2, ES Technical Appendix 2.3, APP-060).</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>The upper end of the ranges of predicted noise levels will only occur where the works are at the closest possible distance to each receptor. These works would be expected to be limited in frequency and duration e.g. nearby earthworks (less than a week) and not for a period of years, although the exact timing is not known at this stage. Where the construction works are away from the receptors (lower dB ranges), towards the centre of the Site this is considered to be more representative of the majority of the construction works which would be longer in duration.</p> <p>The previously submitted FEMMP (Document 6.2, ES Technical Appendix 10.4, AS-036 Paragraph 3.2.2) states "<i>Appropriate measures will include noise barriers (for instance where development plots adjoin sensitive habitats such as the canal or woodland areas)</i>". This would be applicable to the Gailey Reservoirs LWS, with this added as a named sensitive receptor in the updated FEMMP, submitted at Deadline 5.</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>The bird assemblage present is considered likely to use the three reservoirs in the LWS as well as other waterbodies in the vicinity over the course of a season dependent on local prevailing conditions and disturbance events. This network of local nesting/foraging/roosting/loafing sites would all be available throughout the construction phase – when considering the presence of significant wider habitat than that affected in the short-term during construction on the nearest areas of Calf Heath Reservoir it is considered that the conservation status of water birds in the LWS would be maintained.</p> <p>The EMMPs to be submitted and approved for each phase of development would, when the design and detailed construction methods are known, establish any ecological sensitivities with respect to timing of the works and define any necessary mitigation.</p> <p>On the basis of the short duration of the upper ranges of noise, the predicted noise levels being in the absence of mitigation, the existing mechanism for control via the FEMMP (Document 6.2, ES Technical</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>Appendix 10.4, AS-036), subsequent EMMPs and the significant availability of contiguous habitat elsewhere in the LWS, it is not considered that a specific commitment to construction timing is required within the Outline Demolition and Construction Environmental Management Plan (ODCEMP) (Document 6.2, ES Technical Appendix 2.3, APP-060).</p>
2.9.3.	The applicant	<p>The applicant has stated [REP2-009] that specific EMMPs will specify measures to prevent pollution to Gailey Reservoir LWS in line with the FEEMP.</p> <p>(i) Would the applicant provide an additional commitment to mitigate potential pollution to the Reservoir during construction in Section 3 of the FEEMP?</p> <p>(ii) It is noted that paragraph 3.2.4 of the revised FEEMP [AS-036] includes different construction working hours than para 2.2 of the ODCEMP [APP-060]. Please clarify what hours are proposed.</p>	<p>(i) The FEMMP (Document 6.2, ES Technical Appendix 10.4, AS-036) has been updated accordingly (latest version submitted at Deadline 5).</p> <p>(ii) The construction hours proposed are as per the FEMMP (Document 6.2, ES Technical Appendix 10.4, AS-036) and Requirement 6 of the dDCO (Document 3.1B, REP3-003). The ODCEMP has been updated accordingly (latest version</p>

ExQ2	Question to:	Question:	Applicant's Response
		(iii) Can the applicant please provide an update version of the ODCEMP including a revision to paragraph 10.3 concerning the updated version of the Bat Conservation Trust guidance	submitted with the Applicant's Deadline 5 documentation).  (iii) The ODCEMP has been updated to reference the updated version of the Bat Conservation Trust guidance (latest version submitted with the Applicant's Deadline 5 documentation).
2.9.4.	The applicant	Would the applicant respond to the concerns raised by the Canal & River Trust (CRT) with regard to possible pollution of the canal [REP2-023] and provide an additional commitment that no flushing through the drainage system in case of a pollution event will occur?	As previously stated by the Applicant (in response to comments by CRT, ExQ1.15.7, Applicant's Responses to Other Parties Deadline 2 Submissions, Document 11.1, REP3-007) flushing through the drainage is not proposed. This hypothetical, pre-mitigation scenario, was considered in order to determine the duration of a potential effect; however, no 'flushing' measures were proposed.  For the purposes of clarity, the Applicant has updated the FEMMP (Document 6.2, ES Technical Appendix 10.4, AS-036) with respect to potential drainage effects (latest version submitted with the Applicant's Deadline 5 documentation).

ExQ2	Question to:	Question:	Applicant's Response
2.9.5.	The applicant SCC	<p>In its Written Representation [REP2-060], SCC expresses concern that, if the proposed wildlife corridors are only completed towards the end of the 5-year period after commencement, there could be a significant depression in populations of species that currently use the Site and that subsequent recovery of those populations could take many years. SCC also indicates concerns about the phasing of the proposed Bat Hop Over facilities and the adverse effect on bats if these are not installed sufficiently early in the construction programme.</p> <p>Do the phasing plans and the revised FEMMP along with the requirements included in the revised dDCO [REP3-004] provide sufficient certainty as to the phasing of these mitigation measures to avoid these potential outcomes and adverse impacts?</p>	<p>The phasing and timing of the proposed ecological mitigation (as controlled by draft Requirements 11 and 17) has been agreed with SCC. Please refer to paragraph 3.4 of the Addendum Statement of Common Ground submitted by the Applicant at Deadline 5 (Document 8.5A).</p>
2.9.6.	The applicant SCC	<p>The applicant's response to FWQs [REP2-009] acknowledges that, with the proposed mitigation in place, the residual effect in terms of farmland birds habitat is significantly adverse?</p>	<p>The Applicant believes that this has been mitigated as far as reasonably possible and these measures have been agreed with NE in a Statement of Common Ground (paragraph 5.1.10) (REP1-003) which states: "<i>FAL and NE agree that all issues</i></p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>Is there any additional mitigation that could reasonably be put forward to further reduce this impact?</p>	<p><i>relating to the following protected species / habitats have been satisfactorily addressed and appropriate mitigation measures are set out in the final ES (to be secured through a Requirement of the DCO): 4. Nesting Birds</i>".</p> <p>This has also been agreed with the SCC Ecologist and is included at paragraph 3.5 within the Addendum Statement of Common Ground submitted by the Applicant at Deadline 5 (Document 8.5A).</p> <p>Extensive work has been undertaken to secure mitigation for farmland birds and this has been achieved to the satisfaction of NE and SCC, but as stated in paragraph 3.4 of the National Policy Statement for National Networks (2014) (NPS): "<i>some adverse local effects of development may remain</i>".</p>
2.9.7.	The applicant SCC	<p>It is noted that an additional commitment is included in the Section 3 of the revised FEMMP [AS-036] regarding early habitat creation.</p> <p>(i) Would the applicant confirm what is the definition of "completed" with regards to the</p>	<p>(i) Reference to completion relates to completion of landscaping and planting</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>Community Parks and wildlife corridor proposed? Would "completed" include enough time for the new habitats proposed to establish themselves?</p> <p>(ii) Is SCC in agreement with the revised Section 3 of the FEMMP?</p> <p>(iii) Is there, within the Requirements and/or FEMMP any effective control as to when the</p>	<p>works. As detailed in Requirement 17 of the dDCO (Document 3.1A, AS-014) Croft Lane Community Park will be completed within 5 years of the commencement of the authorised development and likewise the ecological corridor linking Calf Heath Wood and Calf Heath Reservoir (or prior to commencement of development at Development Zones A4a or A4b as shown on the Green Infrastructure Parameters Plan (Document 2.7, AS-062), whichever is sooner). This Requirement is intended to allow this key mitigation to be 'front loaded' and be established/establishing when subsequent later phases of development come forward. The vegetation will still be establishing in the earlier phases of the Proposed Development.</p> <p>(ii) This has been agreed with SCC and is included at paragraph 3.2 within the Addendum Statement of Common Ground submitted by the Applicant at Deadline 5 (Document 8.5A).</p> <p>(iii) Yes, controls are in place via the FEMMP secured via Requirement 11 (Document</p>



ExQ2	Question to:	Question:	Applicant's Response
		felling of part of Calf Heath Wood could take place?	3.1A, AS-014). The controls relate to species specific measures and associated timings of work for species which have been confirmed as present or have potential to be supported by the woodland, for example (but not limited to) birds, bats and badgers. The timing and approach to felling will be defined within the appropriate EMMP taking into consideration the baseline and the results of updated surveys (where applicable). This was considered an appropriate control for effective mitigation to be defined/refined when all pertinent information is known at the time the works are required.
2.9.8.	The applicant SCC	SCC [REP2-060] has noted the commitment to net gain. SCC acknowledges that the ES for the application predates the now widespread use of the metrics such as the one developed by Defra, but states that such tools do enable comparison between existing habitat loss and proposed habitat creation. SCC states that calculation using a metric would be likely to indicate that there is an overall net loss.	

ExQ2	Question to:	Question:	Applicant's Response
		(i) Does the applicant agree with this statement?	<p>(i) At the project inception, a meeting and site visit was undertaken with key ecological consultees (SCC, NE, EA and Staffordshire Wildlife Trust) with a general consensus that a key factor for the biodiversity proposals was the ecological connectivity on-site and connectivity with off-site habitats.</p> <p>Consequently, the focus on the development of the Green Infrastructure has been to provide species rich, connected and ecologically functional habitats and considerable effort has been made to ensure this is delivered.</p> <p>The Statement of Common Ground agreed with NE (paragraph 5.1.11) (REP1-003) states: <i>"FAL and NE agree that ecological enhancement measures are outlined in the final ES, which will have a positive effect on biodiversity and accord with relevant guidance"</i>.</p> <p>In consultation with SCC and NE, a commitment secured via the FEMMP (Document 6.2, ES Technical Appendix 10.4, AS-036) to deliver net-gain for habitats</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>(ii) Does the applicant agree with SCC's suggestion (paragraph 3.1.1) that consideration should be given to additional contributions to wider mitigation such as enhancing Local Wildlife Sites?</p>	<p>identified as 'Important Ecological Features' in the assessment has been made.</p> <p>The habitats will subject to positive conservation management for the benefit of biodiversity in the long-term. Off-site mitigation is also provided for farmland birds and, as detailed in (ii) below, a financial contribution has been agreed for off-site local wildlife sites – SCC have agreed that <i>“Based on this contribution, and taking account of the ecological mitigation measures proposed in the FEMMP (which comprise proposed on-site ecological enhancement and off-site farmland bird mitigation), the package of ecological mitigation measures are acceptable”</i>. Please refer to paragraph 3.5 of the Addendum Statement of Common Ground with SSC submitted at Deadline 5 (Document 8.5A).</p> <p>(ii) Yes. The Applicant has included an additional obligation within the main site S106 agreement to provide a contribution towards Local Wildlife Sites. This can be seen in the revised main site S106 agreement to be submitted at Deadline 5.</p>

ExQ2	Question to:	Question:	Applicant's Response
2.9.9.	The applicant	<p>In its response to FWQs [REP2-009], the applicant states that appropriate measures to successfully mitigate the loss of Native Black poplar will be detailed in the revised FEMMP. However, revised FEMMP [AS-036] does not include additional measures. What are the measures referred to by the Applicant in response to FWQ 1.10.18?</p>	<p>The appropriate measures proposed to successfully mitigate the loss of the native Black Poplar are detailed at 3.7.2 of the updated FEMMP [AS-036]. This comprises harvesting and propagating material from the existing specimen growing on-site; growing of the material in a small nursery area and when ready, planting out in various suitable locations around the Site. The provision will be managed appropriately to ensure success in the long term.</p> <p>Cuttings from the existing tree and seed will be taken and grown on before removal of the existing tree. A suitable number of cuttings and/or seeds will be grown on to provide a high likelihood of success when these new plants are planted back at agreed positions around the Site.</p> <p>Subject to the phasing of the development proposals, it may be possible to plant some of the new native Black Poplars back on Site prior to removal of the existing tree. However, this is not considered to be essential, providing the cuttings and/or seed</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>stock are successfully being grown on and maintained in a suitable 'nursery' area.</p> <p>The FEMMP (Document 6.2, ES Technical Appendix 10.4, AS-036) has been further updated to include additional detail about native black poplar mitigation (latest version submitted with the Applicant's Deadline 5 documentation).</p>
2.9.10.	SCC	Is SCC satisfied with the amendments to the FEMMP [AS-036] included at para 3.3.2 and 3.3.4?	These amendments are agreed and have been confirmed by the SCC Ecologist.
2.9.11.	SCC	Is SCC satisfied with amendments to Requirement 19 of the revised dDCO [REP3-004]?	This is agreed with SCC.
2.9.12.	The applicant SCC NE	Some IPs have referred to the recent report from the Joint Nature Conservation Committee that indicates that the UK is likely to miss almost all of the 2020 Nature Targets that it signed up to at the 2010 Global Convention on Biological Diversity. Can the parties comment on this report and what implications, if any, its conclusions may have with regard to the potential effects	<p>This is a national strategic document, with national goals, and as such it is not intended to be utilised to assess the relative merits of individual development (or other) proposals.</p> <p>Aichi Target 2, as referenced in the JNCC report, requires that biodiversity values are integrated into planning processes at the national and local level. The JNCC report</p>

ExQ2	Question to:	Question:	Applicant's Response
		of the proposed development on ecology and nature conservation?	states that the UK is on track to achieve this target. The proposed development has had due regard for the planning framework incorporating these biodiversity values. This is supported in the Statement of Common Ground agreed with NE (REP1-003) which states at paragraph 5.1.11: <i>"FAL and NE agree that ecological enhancement measures are outlined in the final ES, which will have a positive effect on biodiversity and accord with relevant guidance"</i> .
<b>2.10.</b>	<b>Cultural Heritage and Archaeology</b>		
2.10.1.	SCC The applicant	Paragraph 10.17 of SCC's Local Impact Report [REP2-062] refers to an Historic Environment SoCG having been agreed. Is this a reference to the SoCG between Historic England and the applicant or is there an additional document to be submitted to the examination?	This is a reference to the SoCG with Historic England (AS-024).
2.10.2.	SSDC The applicant	In its response to Q1.11.1 SCC [REP2-063] indicates a view that a case can be made for a conservation area to be considered as being of greater than "low value" in the assessment of effects, particularly if it contains significant buildings or views.	

ExQ2	Question to:	Question:	Applicant's Response
		<p>(i) What value does SSDC consider should be ascribed to the Canal Conservation Area given the presence of the group of buildings and structures located at Gailey Wharf and the views available from the stretch of canal within the Order Limits?</p> <p>(ii) Is there anything that the applicant wishes to add to the justification that it has previously set out for its assessment of the conservation area as having low value?</p>	<p>(i) -</p> <p>(ii) The Applicant maintains the justification which was provided on this point in the responses to the Examining Authority's Q1 (REP2-009) at ExQ1.11.1.</p> <p>The following additional comments are made for clarification:</p> <p>The judgement of low value which is made for the canal conservation area is not a reflection of its status in law or national importance as a designated heritage asset. Neither in any way does it change or reduce the weight that should be given to sustaining or enhancing the significance of the conservation area in line with the NPS (paragraph 5.130). The judgement is made in accordance with the methodology of the ES.</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>The attribution of value to heritage assets (of any type, and whether they are designated or non-designated) is necessary for the purposes of the ES assessment. The criteria which is applied for determining value is set out in the methodology in the Cultural Heritage chapter of the ES – ES Chapter 9 (Document 6.2, APP-029).</p> <p>The methodology – and criteria for low value of a conservation area – is based on the nature of the designation of conservation areas relative to listed buildings, Scheduled Monuments and World Heritage Sites (which are in the higher value categories). This is explained in the response to ExQ1.11.1 and not repeated here.</p> <p>For this reason, a conservation area is always likely to be identified as having low value <u>for the purposes of ES assessment using this relative methodology</u>, irrespective of significant buildings or views within the conservation area.</p>
2.11.	Landscape and Visual Effects		



ExQ2	Question to:	Question:	Applicant's Response
2.11.1.	The applicant	<p>In its Deadline 2 Written Representation [REP2-060] SCC set out its view that the Landscape Sensitivity Assessment for Employment Allocations 2015, which has been used by the applicant to inform the assessment of landscape character, did not envisage any development on the scale of that now proposed in the WMI scheme. The 2015 Assessment treated employment development to be medium scale business or commercial development with a maximum depth of 35m and a maximum height of 12m to ridge. For those reasons, SCC expresses concerns about the incorporation into the LVIA of conclusions from the 2015 Assessment report because they are not directly applicable to the current proposal.</p> <p>Can the applicant please provide a written response to these concerns about the robustness of the LVIA?</p>	<p>The <i>Landscape Sensitivity Assessment for Employment Allocations 2015</i> is referred to in the LVIA (Doc 6.2; ES Chapter 12) as one of a number of relevant background studies. All of the relevant background studies have been drawn upon in undertaking the LVIA (see para 12.38 (Doc 6.2; ES Chapter 12)). This is the approach advocated by the <i>Guidelines for Landscape and Visual Impact Assessment (3rd Edition)</i> (GLVIA3).</p> <p>The LVIA includes reference to relevant landscape character assessment studies at national and county scales and advises that there is no district wide landscape character assessment study (para 12.78). The <i>Landscape Sensitivity Assessment for Employment Allocations 2015</i> report is however a relevant landscape based study covering parts of the district (including the majority of the Site) and it does provide background and details relevant to undertaking the LVIA of the proposed development.</p> <p>It is recognised that this 2015 study is focussed upon medium scale employment/</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>commercial development. In relation to the judgements contained within the 2015 study the LVIA advises as follows:</p> <p><i>“...the Landscape Sensitivity judgements for the Land Cover Parcels (LCP`s) are relative to the other LCP`s within the study and are not landscape sensitivity assessments based upon either a comprehensive district wide landscape study or factors of Landscape Value and Susceptibility as advocated in GLVIA3.”</i>  (Doc 6.2; ES Chapter 12; para 12.83).</p> <p><i>“...An assessment of the factors influencing the sensitivity of these LCP`s in relation to the proposed development has been undertaken in accordance with GLVIA3....”</i>  (Doc 6.2; ES Chapter 12; para 12.84).</p> <p>The LVIA makes it clear that the assessment of the factors influencing the landscape sensitivity of the Land Cover Parcels (LCPs) defined within the 2015 study and of relevance to the Application Site, has been undertaken in accordance with GLVIA3 and</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>is not reliant upon the results of the 2015 study.</p> <p>Thus, the 2015 study has been appropriately used as one of a number of background reference documents. The LVIA has robustly and appropriately assessed the proposed WMI development (including its proposed scale and building heights as detailed on the ES Parameter Plans) and has not assessed a medium or relatively smaller scale employment proposal. The use of the 2015 study in undertaking the LVIA has been proportionate and in accordance with the recognised guidelines (GLVIA3).</p>
2.11.2.	The applicant	<p>In paragraph 2.7 of REP2-006 SCC seeks a commitment from the applicant with regard to any future design guidance that might be produced for the Cannock Chase AONB.</p> <p>Is the applicant able to provide such a commitment and, if so, how would this best be incorporated within the DCO?</p>	<p><b>Note:</b> We believe that this question is referring to paragraph <b><u>2.6</u></b> and REP2-<b><u>060</u></b>.</p> <p>Please see the amendment to R3(1) of the dDCO submitted for Deadline 5 (Document 3.1C) in providing for a review of the design principles in the Design &amp; Access Statement which will allow for consideration of the need to reflect any future design guidance for the AONB. This has been agreed with SCC.</p>

ExQ2	Question to:	Question:	Applicant's Response
2.12.	<b>Drainage and Flood Risk</b>		
2.12.1.	The applicant SCC	In its Deadline 2 representation [REP2-060], SCC suggested the need for an additional Requirement relating to the future maintenance of the SuDS. Have these concerns adequately been addressed in the changes made to Requirement 27 in the revised draft DCO [REP3-003]?	Please see further amendment to R26(2) of the dDCO submitted for Deadline 5 (Document 3.1C).
2.12.2.	The applicant CRT	Can the parties provide an update with regard to the application that has been made to CRT to discharge surface water from the proposed development into the canal?	The Applicant has made an application to CRT to discharge surface water from the Proposed Development into the Canal. This has been done following the normal guidance and process, and as is usual at this stage of such a development, discussions are ongoing with CRT.
2.12.3.	The applicant CRT	CRT [REP2-023] says that, even if the canal is lined, it is unreasonable to assume that the lining is watertight and that the issue of hydraulic conductivity has not properly been considered in the applicant's drainage assessment.	The site wide drainage strategy for the WMI proposes that the drainage networks are lined to mitigate the potential risk of water borne contaminants reaching the underlying aquifer and to avoid any potential effects on the contaminated groundwater plume and ongoing scheme of remediation, in so doing

ExQ2	Question to:	Question:	Applicant's Response
		<p>Are these concerns adequately addressed by the requirement that all works that might affect the canal should be subject to the CRT Code of Practice?</p>	<p>the existing groundwater regime would not be significantly affected. By maintaining the existing groundwater regime, it is considered that the risk of the canal being affected due to its possible hydraulic conductivity is very low.</p> <p>The Applicant's commitment to follow the Code of Practice for any works associated with the Staffordshire &amp; Worcestershire Canal provides the CRT, and its asset, with the appropriate protection.</p>
<b>2.13.</b>	<b>Recreation and Leisure Activity</b>		
2.13.1.	The applicant	<p>In its response to Q1.4.16, the applicant refers to various paragraphs of ES Chapter 14 [APP-052]. ES Paragraph 14.251 states that noise effects are expected to be significant, especially for users of the canal moorings. However, the ExA understands that these 'significant effects' are residual effects, allowing for embedded mitigation and that the revised assessment in the Addendum to ES Chapter 13 [REP2-014] indicates a revised rating level of 56dB (paragraph 13A.101) at the receptor on the</p>	<p>In the Applicant's response to ExQ1.4.16 there is no reference to paragraphs in ES Chapter 14. It is assumed that this question actually relates to the Applicant's response to ExQ1.4.17.</p> <p>The identified significant adverse effects were all based on the BS4142: 2014 assessment method, which is appropriate for residential receptors, but is likely to overstate the impacts for commercial or leisure receptors, which are not considered to be as</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>canal towpath at Gravelly Way (i.e. a level which exceeds that 55dB threshold set out in WHO and BS8233:2014 guidance).  In light of this revised assessment can the applicant provide further evidence that the proposed development would not significantly affect the use of the canal and towpath for leisure use?</p>	<p>sensitive to noise as permanent residential receptors. It has been applied to all receptors in the absence of an assessment method for the determining the effect of noise on such receptors, and is considered to provide a robust, worst-case assessment of the potential impact.</p> <p>The absolute noise levels at and around the canal are predicted to be below WHO's 55dB threshold for external amenity at all locations except one, even including the acoustic character corrections.</p> <p>The only location where it is predicted to be exceeded is the Canal Towpath (Gravelly Way), which is south of Gailey Wharf, where a value of 56dB is predicted; a noise level of 56dB would be indistinguishable from a noise level of 55dB.</p> <p>Section 2 of the Applicant's noise submission at Deadline 4 (Document 14.1, Appendix 12, REP4-008) set out further context on this point.</p>

ExQ2	Question to:	Question:	Applicant's Response
2.13.2.	The applicant	<p>The ES Addendum [REP2-014] also concludes that there would be "high adverse" noise impacts at Calf Heath reservoir.</p> <p>Can the applicant provide specific justification for assessing the impact on recreational users of the reservoir (particularly anglers and sailors) as "moderate adverse" having regard to the "high adverse" noise impacts identified in REP2-014?</p>	<p>The identified significant adverse effects were all based on the BS4142: 2014 assessment method, which is appropriate for residential receptors, but is likely to overstate the impacts for commercial or leisure receptors, which are not considered to be as sensitive to noise as permanent residential receptors. It has been applied to all receptors in the absence of an assessment method for the determining the effect of noise on such receptors, and is considered to provide a robust, worst-case assessment of the potential impact.</p> <p>The moderate adverse effect is a result of the lower sensitivity that has been applied to users of the reservoir as they are not permanent receptors.</p>
2.13.3.	The applicant CRT SSDC	The ES Addendum also confirms the adverse noise effects on use of users of the canal-side moorings at Gailey but assesses the significance of these on the understanding that those users are transient users.	

ExQ2	Question to:	Question:	Applicant's Response
		<p>(i) Is this an appropriate classification of those users if they are able to occupy the moorings on the basis of an annual licence and to spend as much time as they wish on their boats?</p> <p>(ii) Would the applicant still consider these to be transient users if an individual user is able to renew the licence for a further 12-month term at the expiry of their current licence to occupy a mooring?</p>	<p>(i) Section 7 of the Applicant's noise submission at Deadline 4 (Document 14.1, Appendix 12, REP4-008) addresses this point.</p> <p>(ii) As it is understood by the Applicant, even if an individual renews the licence for multiple 12 month periods, the use is still equivalent to a holiday home, and not to a permanent residential dwelling. It is understood that CRT requires any licence holder to have a permanent address elsewhere, and the local planning authority's administrative requirements, such as registration for, and payment of, Council Tax are not applicable.</p> <p>On this basis, even if the moorings are subject to multiple renewals of the 12 month licence, by an individual or by others, the moorings are not considered to be equivalent to permanent residential dwellings.</p> <p>As was noted in Section 7 of the Applicant's noise submission at Deadline 4 (Document 14.1, Appendix 12, REP4-008), even if the moorings were ascribed a high level of</p>



ExQ2	Question to:	Question:	Applicant's Response
			<p>sensitivity, rather than the medium sensitivity currently ascribed, the assessment outcome would not be materially altered. The identified impacts would be in EIA terms, as they currently are, the mitigation options embedded in the Proposed Development remain the same, and the limitations of the bespoke noise insulation scheme, which CRT acknowledge in their Deadline 4 submission [REP4-015], also remain the same.</p>
2.13.4.	CRT	<p>Sheet 1 of the amended GI Parameters Plans [AS-063] now incorporates spot heights on the proposed new Link Road to provide a benchmark from which the height of the landscape mounds adjacent to canal would be measured.</p> <p>Does this additional information provide the clarity that CRT was seeking on this matter?</p>	-
2.13.5.	The applicant Greensforge Sailing Club	Can the applicant and the Sailing Club please provide a position statement on the further assessment work that has been carried out re the effect on the proposed development on wind conditions on the	See <b>Appendix 12</b> "Note on Greensforge Sailing Club".

ExQ2	Question to:	Question:	Applicant's Response
		reservoir and the ongoing negotiations between the two parties?	
2.13.6.	Stop WMI Community Group	<p>In its Tourism and Leisure Report [REP2-164], Stop WMI Group refers to a “<i>popular tourer caravan site</i>” at Wharf Lane which it says is within the development area.</p> <p>As the ExA has not seen any other reference to this can the Group provide a location plan and further information as to nature of the use and the terms of the site licence for this use (number of caravans, length of operating season, etc)?</p>	-
2.13.7.	The applicant SCC	<p>In its Tourism and Leisure Report [REP2-164], Stop WMI Group refers to the existence of a 4-mile circular walk to Gailey via the A449 and Public Footpath No. 29. This route is also referred in some of the individual RRs.</p> <p>(i) Does the applicant/SCC have any data as to the level and frequency of use of FP No. 29?</p>	<p>(i) During the visits by the Applicants team to the Site, in the course of the preparation of the application, there was little (if any) evidence on site of footpath 29 to the east of the railway being used. In addition it is noted that, on the definitive map, there is no</p>

ExQ2	Question to:	Question:	Applicant's Response
		<p>(ii) What alternatives would be available for pursuing a similar medium distance circular walk if FP No. 29 is not replaced within the development scheme?</p>	<p>connection between footpath 29 at its eastern limit and Croft Lane. A copy of the relevant extract of Definitive Map is provided at <b>Appendix 13</b>. This map illustrates the distinct gap that exists in the gap between footpath 29 and the adopted highway, which is located to the east of MMS Gas.</p> <p>(ii) Provided at <b>Appendix 14</b> is a drawing ("Circular Routes") which shows two alternative medium distance walks. The route shown with a blue line provides a circular walk of 8 km (5 miles) via the canal tow path, permissive paths within Calf Heath Community Park, the new link road, Croft Lane, the permissive paths of the Croft Lane Community Park before heading to the west via the new link road and back onto the A449. This would be similar in distance to the route quoted by Stop WMI in the Tourism and Leisure Report (REP2-164).</p> <p>A further alternative route shown with a light blue line is also shown at <b>Appendix 14</b>. This is a "figure of 8" route, taking place largely on the canal tow path, the permissive paths provided by Calf Heath Community Park and</p>

ExQ2	Question to:	Question:	Applicant's Response
			<p>the Croft Lane Community Park and the on site Permissive Paths. This route would extend to 6 km (3.7 miles) so would be similar in distance to the route quoted by Stop WMI in REP2-164 and would largely avoid using footways adjacent to either existing or future roads. This may be more attractive for some people than the circular option discussed above.</p> <p>What is shown is that the Applicant has provided a choice of routes available, given that "out and back" routes will also be available by way of the permissive paths and the access to the canal towpath.</p>
2.14.	<b>The Staffordshire and Worcestershire Canal</b>		
2.14.1.	The applicant CRT	CRT [REP2-021] has argued that the development would be likely to result in significantly increased use of the canal towpath to the north and south of the Site for pedestrian and cycle journeys to and from the development and CRT's request that the scope of the Canal Enhancement Scheme be extended to cover these parts of the towpath?	

ExQ2	Question to:	Question:	Applicant's Response
		<p>(i) Have there been further discussions between the parties about that request?</p> <p>(ii) What is the applicant's current position on this matter?</p>	<p>(i) Further discussions have been undertaken between the parties, with agreements reached on aspects of the Canal Enhancement Scheme (CES).</p> <p>The CES will be agreed with CRT and secured through a DCO Requirement. The improvements and mitigation measures included in the CES will relate to the section of the Canal which is located within the WMI Order Limits.</p> <p>An agreed, but not yet signed SoCG with CRT is submitted at Deadline 5 (Document 8.8).</p> <p>(ii) The Applicant does not consider there would be any increased impact to the canal corridor / towpath from additional pedestrian / cycle movements arising as a result of the proposed development outside of the WMI Order Limits. As such, no works are proposed to the towpath outside of the Order Limits.</p>

ExQ2	Question to:	Question:	Applicant's Response
2.15.	<b>Draft Development Consent Order</b>		
2.15.1.	SSDC SCC HE NE All IPs	<p>The revised draft DCO [REP3-003] includes additional detailed provisions in respect of the draft Requirement 5 which are set out in Part 2 of Schedule 2 to the DCO. These seek to provide an increased level of commitment to the provision and use of the rail infrastructure.</p> <p>(i) Do of the statutory bodies and IPs have any detailed comments that they wish to make in respect of the wording of these provisions? (ii) Should any additional provisions be added?</p>	-

**Requests for Information**

<b>Agenda Item</b>	<b>Action</b>	<b>Applicant's Response</b>
<p>4 – Inglewood Investment Company Limited's Interests</p>	<p>Applicant and Inglewood to provide a joint note confirming what is and is not agreed in respect of the inputs into and assumptions underpinning the Inglewood viability calculations and why. Similar to a Scott Schedule.</p>	<p>In the time since the last ISH on compulsory acquisition both parties have concentrated on agreeing the terms of a voluntary agreement as a result of which the parties are not in a position to supply the ExA with a joint note on the appraisal submitted by Inglewood.</p> <p>The Applicant and Inglewood have reached agreement on the heads of terms for a voluntary agreement. The agreement is being documented as quickly as possible and is expected to be concluded in July 2019.</p> <p>In the circumstances it is in the interests of the parties to concentrate on that agreement and the parties will keep the ExA appraised of the situation.</p>