

Applicant's Responses to Other Parties Deadline 4 Submissions

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 OTHER PARTIES' DEADLINE 4 SUBMISSIONS - DOCUMENT 15.2

1. This document sets out the Applicant's responses to other parties' submissions to the Examining Authority (ExA) made at Deadline 4.
2. No attempt has been made to respond to every single submission. The responses have focused on issues thought to be of most assistance to the ExA. Where points have been raised by various parties, the Applicant has responded only to one particular party, but the responses are applicable to all parties who have made the same point.
3. The Applicant also does not seek to respond to all the points made where the Applicant's response is already clearly contained within other submissions made since the Application was accepted, and wayfinds to previous submissions where appropriate, save for where it is considered helpful to repeat or cross refer to the information contained in the above documentation.

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
Statutory Bodies		
<p>South Staffordshire District Council</p> <p>01 SSDC 001</p>	<p>Rail Connection points</p> <p>2. "The Council's position is that the scheme as it currently stands does not meet the test at paragraph 4.88 of the NPSNN for the following reasons:</p> <ul style="list-style-type: none"> • A rail connection after potentially 25% of the total warehousing on site, as the current wording of the requirements allows, is not in the initial stages – initial means "of, relating to, or occurring at the beginning; first" • The proposal is that the buildings will not be "rail connected" at the outset, whereas 4.88 specifically requires that whilst not all buildings on the site should be rail connected "from the outset" (our emphasis) a "significant element should be". However the Applicant is proposing that up to 25% of the warehousing would not be rail connected for a period of up to 6 years – those warehouses cannot in any way be said to be rail connected "from the outset" • The Northampton Gateway development is proposing a rail connection from the start, we simply do not understand why that is not the case here. 	<p>The Applicant's position was set out at the ISH2 Accessibility and Transport, as per the Rail Connectivity Note submitted at Deadline 3 as Appendix 2 to the Applicant's Responses to Other Parties Deadline 2 Submissions (REP3-007).</p> <p>At paragraph 4.88, the NPS uses the wording "initial stages" of development to describe the timing of the rail terminal and uses the wording "from the outset" in the same paragraph when describing the need to make available some rail connected warehousing.</p> <p>There is a difference in the choice of words in the NPS in these two references to the timing of the rail delivery. If the rail terminal needed to be available from the outset, the NPS could have been written in that way, but it is not.</p> <p>This is consistent with the Secretary of State's view of the wording of the NPS as set out in his decision letter on the East Midlands Gateway DCO (12th January 2016) as set out in paragraphs 15-16 and 24-26 of his letter.</p> <p>WMI therefore meets both these requirements of the NPS as the rail terminal will be available in the initial stages and the rail connected warehouses can be made available from the outset if</p>

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	<ul style="list-style-type: none"> • We fail to understand why the warehousing to be built prior to the rail connection is not in the immediate vicinity of the rail connection [in Development Zone A2] so that as soon as the connection was installed those warehouses would then be served by the connection. That does not appear to be the Applicant's intention, again we do not understand why not." 	<p>there is a customer requirement for a rail connected warehouse from the outset in, for example, Development Zone A2.</p> <p>WMI's dDCO Requirements put in place a regime by which the applicant is obliged to provide the rail terminal as soon as practically possible and obliged to report its performance against a series of milestones. WMI will be able to provide the rail terminal earlier if the delivery process allows with Requirement 5 requiring the Applicant to "pursue the completion of the rail terminal works as expeditiously as possible following the commencement of their construction". Requirement 5 is designed to provide a <u>longstop date</u>, not the intended <u>date of delivery</u>.</p> <p>With regards to the Northampton Gateway project, no decision has been made on that project and, importantly, each SRFI is different in nature in its geographical location, its intended operational phase, its position on the rail network, the interaction of the rail delivery process with other licencing and permitting processes such as remediation and the economics of the project.</p> <p>The Remediation Safeguarding Report in the Environmental Statement (Document 6.2, ES Technical Appendix 11.5, APP-096) outlines why the warehousing in Development Zone A2 is not expected to be the first phase of development.</p>

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<p>South Staffordshire District Council</p> <p>01 SSDC 002</p>	<p>Rail Connection points</p> <p>3. "If the Applicant's case is now that the scheme is not financially viable unless the warehousing goes in first then the Council needs to urgently see the evidence to support that change in position."</p>	<p>For the Applicant's position on Viability please see Appendix 1 "Note on Viability".</p>
<p>South Staffordshire District Council</p> <p>01 SSDC 003</p>	<p>Rail Connection points</p> <p>4. "If the Applicant is now arguing viability, namely that the warehousing is needed before the connection to effectively pay for it then we would see a need for a mechanism to be put in place to ensure that some of the income from those warehouses was used to fund the cost of the rail connection in much the same way as is done with enabling development schemes in relation to heritage assets."</p>	<p>As confirmed in the Rail Connectivity Note provided (Appendix 3 to the Applicant's Post Hearing Submissions (CAH, ISH2 and 3) (REP4-004) and also as explained in the Planning Statement (APP-252) and at the ISH's, the proposals for the provision of the rail terminal accord with the NPS (in particular, paragraphs 4.88 and 4.89) which apply to all proposed SRFI, irrespective of their location.</p> <p>The provisions of Requirement 5 of the dDCO ensure that a rail terminal is provided in accordance with the timing stated unless it is demonstrated to the satisfaction of the local planning authority that its provision is delayed due only to matters outside of the control of the Applicant.</p> <p>In those circumstances, the provision of a bond will not further the objective of securing the provision of the rail terminal. If the Applicant is not prevented from delivering the rail terminal at the</p>

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		<p>times stated due to matters outside of its control, then the provisions of requirement 5 can be enforced utilising the enforcement powers of Part 8 of the Planning Act 2008. If the Applicant is prevented from providing the rail terminal due to matters outside of its control, then it is not clear how the provision of a bond will overcome the barriers to the provision of the rail terminal encountered by the Applicant.</p> <p>Accordingly, there is no logical basis upon which to further explore the provision of a bond. For these reasons, the Applicant does not believe it relevant to explore the detail of the mechanism proposed by Stop WMI, which is problematic in itself.</p>
<p>Staffordshire County Council 02 SCC 001</p>	<p>"We seek two additions: 1. A formal commitment to engage in pre-application discussions prior to the development of any phase. This would be to discuss interpretation and application of the DAS principles for that particular part of the development. We feel that this could be achieved either by appropriate wording in R3 or an update to Section 7 of the DAS setting out the undertake a process of discussion prior to submission of detailed design plans etc for approval.</p>	<p>1. The Applicant has included in the dDCO submitted for Deadline 5 (Document 3.1C) an amendment to R3 (see new R(4)) which addresses this point. This amendment is as requested by SCC.</p>

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	<p>2. Provision for a periodic review of the DAS. Given the scale of the proposed scheme and the time period for build out we feel it would be prudent to build into the process a review of the DAS. This would allow for reflection on what had been built, how it had been received and any lessons learnt etc.</p> <p>Given the Phasing is yet to be fixed it is suggested that the trigger for the review be set at completion of 187,000sqm of floorspace to align with other existing trigger points. Part of the review process at that point could be to set out whether a further review is needed and agree a timeframe or development quantum for when it should fall due."</p>	<p>2. Please see addition to R3(1) in the dDCO submitted for Deadline 5 (Document 3.1C). This amendment has been agreed with SCC.</p>
<p>Canal and River Trust</p> <p>03 CRT 001</p>	<p>Noise</p> <p>"The Trust consider that it would be difficult to attach mitigation to individual boats in the way that items might be fitted to individual dwellings. However, it is likely that where mitigation is required, land-based mitigation, including the proposed bunds and planting east of the canal, could provide a similar function. If this were demonstrated to make impacts from the proposed development acceptable, it would need to be a requirement of the DCO"</p>	<p>The Applicant concurs with CRT that fitting noise insulation to canal boats presents practical difficulties that would render the bespoke noise insulation scheme difficult.</p> <p>The mitigation embedded into the scheme was designed with the canal users in mind, and the proposed landscaped bunds seek to balance noise reduction against the potential for visual impacts.</p>

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		<p>The phasing of the construction of the landscaped bunds would be controlled by DCO Requirement 2(1)(g) (Document 3.1B, REP3-003), which is required to be submitted and approved by the local planning authority, prior to the construction of each phase of development. It is anticipated that the bunds would be an early requirement in the phasing of the works.</p>
<p>Highways England 04 HE 001</p>	<p>Agenda Item 3: Rail Connectivity</p> <p>“We have previously made comment on the current situation where assessment of a ‘no rail terminal scenario’ beyond the 186,000m2 cap has not been conducted. The trip rates developed by comparative assessment of other sites included a relative quantum of rail linked and rail served warehousing which is reflected in the proposals advanced in the draft order. The applicant is considering the process by which an assessment could be conducted that addresses our concerns, the process for review by ourselves and approach by which the likelihood of implications for the SRN and potential for impact on the current ES will be assessed. Given this lack of evidence the ability of the applicant to vary or delay the timing of delivery of an active rail terminal remains of concern to us.”</p>	<p>In order to respond to this specific point, the applicant has prepared Technical Note 41: Development Trip Generation and Distribution with a deferred Rail Terminal. This has been submitted separately to HE and SCC and also accompanies the Applicant's Deadline 5 submission, provided at Appendix 9 to the ExQ (Document 15.1).</p>

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<p>Highways England</p> <p>04 HE 002a</p>	<p>Agenda item 6: Likely traffic effects on A449 south of Station Drive</p> <p>The VISSIM traffic model provides clarity as to the operation of the A449 mainline at this location. In the required 'with development' tests the traffic assessment shows no severe impacts from the development. The matter of the banned right turn at the A449 / Station Road junction has been canvassed by representors. We have reviewed the traffic modelling which indicates if the right turn at this junction into Station Road remains unmitigated it will have a severe impact on the operation of the A449 mainline with queues backing to the A449 mainline from the right turn filter lane. On this basis a developer led mitigation scheme is necessary to satisfy our concerns. The applicant proposed the right turn ban after its consideration of the options available and the traffic modelling, including the applicant's mitigation scheme, indicates that the severe impacts at this junction are mitigated. Should the applicant propose an alternative mitigation proposal after reviewing the representations made, we shall need to be satisfied that any such alternative meets our requirements for the safe and effective operation</p>	<p>As part of its Deadline 4 submission and in response to specific discussions held at ISH2, the Applicant submitted Technical Note 42: Station Drive closure. This is provided at Appendix 6 of the Applicant's Post Hearing Submissions (CAH, ISH 2 and ISH3) (REP4-007). This provides a qualitative assessment of the closure of Station Drive to through traffic. It concluded that the closure of this route would not provide satisfactory mitigation and it remains the position of the applicant that the proposed banned right turn from A449 to Station Drive is appropriate.</p> <p>Therefore, the Applicant does not propose to submit any alternative mitigation measures at the junction of A449 / Station Drive.</p>

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	of the A449.	
<p>Highways England 04 HE 002b</p>	<p>Agenda item 9: Highway mitigation measures identified in paragraph 4.1.1 of Statement of Common Ground between FAL and HE [REP2-008]</p> <p>“The case for the relocation of the A5 lay-by was made by WSP, on behalf of the applicant, during the consultation for Departure from Standard (ID 81075) associated with the design of the lay-by on the A449. This included evidence to support the size of the proposed lay-by, based on predicted usage. Further details are available in a technical note prepared on behalf of the applicant. This technical note is referred to in para. 5.1.8. of the SoCG between Highways England and the applicant (APP-744) and it is suggested that the applicant may wish to enter this document into the Examination process as evidence.”</p>	<p>The Applicant submitted Technical Note 25: Parking Laybys as part of the Applicant's Post Hearing Submissions (CAH, ISH 2 and ISH3) (REP4-007) following comments received at the Issue Specific Hearing 2: Transport and Accessibility.</p>
<p>Highways England 04 HE 003</p>	<p>Agenda item 10: <i>Measures proposed to avoid increase in off-site HGV parking as a result of the proposed development</i></p> <p>“Highways England notes that the existing SRN clearway orders do not apply a prohibition against parking on the verge, they only apply to the</p>	<p>The Applicant notes the justification submitted by Highways England for the recent changes they are seeking to the dDCO in respect of amendments to existing orders. In the absence of</p>

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	<p>carriageway. We note that parking controls in the relocated and existing A449 and A5 laybys will be reinforced, in particular in relation to management of overnight parking to control matters of amenity for our neighbours. This formed an element of our agreement to a departure from standards for the relocation of the lay-by currently located on the A5 to the A449. The wide verges of the SRN on the A449 and A5 leave open the option of uncontrolled and indiscriminate parking by HGVs and other vehicles. This leads to significant safety concerns created by uncontrolled parking – reductions in sighting distances on the main carriageways by indiscriminately parked vehicles, damage to SRN assets by vehicles accessing and egressing the verge, and potential for the depositing of mud and detritus on the live carriageway. On this basis, and the known pressures on formal roadside facilities which are a matter for market forces (as per DfT Circular 02/2013 Annex B), it is probable that indiscriminate verge parking will occur without a suitable prohibition. We would expect to see the existing orders amended to address this and Schedule 9 of the dDCO updated in this regard.”</p>	<p>confirmation from Highways England of the precise amendments sought the Applicant has included the amendments it believes appropriate in Schedule 9 of the dDCO submitted at Deadline 5.</p>

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<p>Highways England 04 HE 004</p>	<p>Agenda item 11: <i>Phasing of new access roads, associated infrastructure and highway mitigation works (with reference to Appendix 14 to Applicant's Response to FWQs [REP2-012])</i></p> <p>The draft RSA Stage 1 has identified an issue at M6 junction 12 that is under consideration. Although no capacity issues are created by the development at this junction, sighting distances on the northbound off-slip may require works to be conducted by the applicant to mitigate the issue raised in the RSA-1. We are continuing to engage with the applicant to resolve this matter.</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 (Technical Note 40) has been prepared assessing the implications of these incidents and accident rates at specific junctions, as requested by HE. This Note has been circulated separately to HE and formed part of the applicants Deadline 5 submission, being provided at Appendix 11 of ExQ2 (Document 15.1). It 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>
<p>Highways England 04 HE 005</p>	<p>Agenda item 4: <i>Noise</i></p> <p>Highways England has raised concerns over the potential for a significant residual impact on properties adjacent to the A5 as a result of development traffic on the SRN. Highways England notes receptors affected by increased volumes of traffic on the SRN, associated with the development, as being eligible for the BNIS, as set out in the ES Vol 1 Chapter 13A Addendum on</p>	<p>The Applicant is not clear what point Highways England is making in respect of Gailey Wharf, which is not located directly on the SRN, nor is it clear how Gailey Wharf relates to the significant adverse effect identified at properties on the A5 between the M6 motorway and the proposed Site access, as referenced in the first sentence of the HE response.</p>

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	<p>Noise and Vibration (APP-737). Following a question from the ExA during the hearing, regarding the potential source of noise for receptors living on canal boats, the Applicant has confirmed that reassessment of impact at Gailey Wharf will be as a result of operations within the development.</p>	<p>In terms of the moderate adverse impact identified for properties along the A5 between the M6 motorway and the proposed Site access (paragraphs 13.329 to 13.358 of Chapter 13 of the ES (Document 6.2, APP-046)), the impacts are likely to be lower than the initially-stated magnitude as a number of the properties along this stretch of road are likely to qualify for noise insulation under the bespoke noise insulation scheme and the change in road traffic noise levels at individual properties are unlikely to be as large as is shown in paragraph 13.342 (Chapter 13 of the ES, Document 6.2, APP-046).</p> <p>Tables 13.31 and 13.32 (Chapter 13 of the ES Document 6.2, APP-046) show that when individual properties are assessed with full consideration of all of the roads that may affect them, the calculated changes in traffic noise level are likely to be smaller than initially stated. Pool House is located on the A5 between the M6 motorway and the proposed Site access, and the anticipated changes in road traffic noise are calculated to be no higher than +1.2dB, rather than the initially-calculated +3.8dB.</p> <p>The reasons for the difference are set out in paragraphs 13.346 to 13.356 (Chapter 13 of the ES, Document 6.2, APP-046).</p>
<p>Highways England 04 HE 006</p>	<p>Q Ref: 1.3 (Article 2) - <i>Following the discussion at ISH1 the applicant has opted not to make any</i></p>	

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	<p><i>revision to the definition of “verge”. Do SCC and HE agree that no revision is required?</i></p> <p>“Highways England is content with the proposed definition for <i>verge</i> although suggest it may be preferable for the definition to refer to “<i>highway</i>” rather than “<i>road</i>”.”</p>	<p>Having considered Highways England’s suggestion at ISH4 (see Applicant’s Response to ISH4:1.3 (Document 14.2, REP4-010)) that the reference to “road” in the definition of “<i>verge</i>” be replaced with the term “highway”, the Applicant’s view is that it would be more appropriate to refer to “street” given the other references to “street” rather than “highway” in the dDCO (e.g. A8, A9 and Schedule 3). This is because the terms “<i>verge</i>” is used in the dDCO in the context of “streets” (which includes “highways”) and therefore HE’s desire for the reference to include a “highway” is captured.</p>
<p>Highways England 04 HE 007</p>	<p>Q Ref: 1.11 (Articles 9, 11, 13, 17, 21 and 22) – Are any changes needed to these clauses in response to HE’s concerns re deemed consent as set out in its Deadline 1 response [REP1-008]?</p> <p>“We strongly feel that changes <i>are</i> required to ensure that Highways England is not subject to deemed consent which would result in a significant risk to public safety. We have previously made representations on why deemed consent is incompatible with our statutory safety duties. Our submissions on this topic are unchanged. We refer you to Article 37(2) to the draft</p>	<p>The Applicant would refer once again to Appendix 3 of the Applicant’s Responses to Other Parties’ Deadline 2 Submissions (Document 11.1, REP3-007).</p> <p>The extensive list of Orders (including Highways England Orders) referred to in those submissions confirms that there is no basis to</p>

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	<p>Reinforcement to the North Shropshire Electricity Distribution Network DCO where, in that case, the applicant has listened to Highways England's safety concerns and agreed for Highways England to be specifically excluded from the deemed consent provisions. For the avoidance of doubt, we do not object to an obligation not to unreasonably withhold or delay consent.</p> <p>Please note, we understand that Article 9 does not apply to the SRN and if that is the case we do not request any changes in respect of that Article."</p>	<p>conclude that HE should be the sole exception, as a matter of principle, to the application of deemed consent.</p>
<p>Highways England 04 HE 008</p>	<p>Q Ref: 1.13 (Schedule 1, Part 1) – A number of amendments/ additions have been made to the description of Works Nos. 1, 4, 6, 7 and 10a...(ii) Are any further revisions to the Works descriptions required?</p> <p>"The current drainage strategy (APP-450) seeks to make use of an existing culvert beneath the A449 (see Outlet A on drawing 1516-0425-WDK-SI-D-331-004 Rev P11 in Appendix C). Highways England asserts that the culvert forms part of the highway drainage system and therefore the proposed connection would be contrary to Government policy (DfT Circular 02/2013 para. 50) and the Design Manual for Roads</p>	<p>Please see the Applicant's Post Hearing Submissions (ISH 4) (Document 14.2, REP4-010), ISH4:1.13 (Page 13).</p> <p>For the reasons set out in the response to ISH4:1.13 the Applicant does not propose to construct an additional, completely unnecessary, culvert.</p>

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	<p>and Bridges (DMRB) Volume 4, Section 2, Part 1 HD 49/16 para. 2.4 - 2.8. Whilst Highways England acknowledges there is an existing land drainage connection and that discharge flows from the development are to be attenuated, Highways England refer to common law principles of the Riparian Owner, which require the downstream owner to accept water from higher land in its 'natural state'. The definition of 'natural state' is the unaffected path of water runoff from a field, ground water or a spring. In contrast the proposed development seeks to artificially manage surface water runoff from the creation of impermeable surfaces, via gutters, drains, swales etc. By definition, the water would no longer be in its 'natural state' and as such Highways England has no responsibility to accept such water into its drainage system. The concern to Highways England is that the drainage strategy (as proposed) places a liability on Highways England to accommodate the water and ensure the maintenance of the drainage system does not lead to flooding, either on the highway or within the development. This is another safety concern and additional liability for the public purse created by the development.</p> <p>Highways England therefore requests an amendment to Works No. 7 sub-paragraph (s) to reference the provision of a new culvert in this location.”</p>	

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<p>Highways England 04 HE 009</p>	<p>Q Ref: 1.25 (Schedule 2, Part 2) – (ii) Is the flexibility provided by paragraphs (4) and (6) appropriate and acceptable given HE's submissions that there has been no transport assessment of the traffic effects of the occupation of more than 147,000 sq. m of building floorspace on the Site? (iii) is the word "expeditiously" in paragraphs 5 & 9 sufficiently clear to allow for the enforcement of these provisions? (iv) if they are to be treated as requirements do all of the provisions set out in Part 2 meet the relevant tests.</p> <p>"The flexibility offered by the current drafting could result in a delay in providing the rail terminal (or no rail terminal being provided at all). As this scenario has not been assessed within the transport assessment this could result in adverse effects on the SRN and associated environmental impacts. These unknown impacts are therefore of concern to Highways England. It is noted that Article 45(1) would not permit any agreement being granted which would give rise to any significant adverse effects on the environment not identified at the time this Order is made or in any updated environmental information supplied under the 2017 EIA Regulations and this goes some way to</p>	<p>The Applicant's Technical Note 41: Development Trip Generation and Distribution with a deferred Rail Terminal to consider the position in traffic impact terms without the Terminal, but a level of floor area beyond that considered by the Interim Assessment. This has been submitted separately to HE and SCC, and also accompanies the Applicant's Deadline 5 submission, provided at Appendix 10 of ExQ2 (Document 15.1).</p> <p>As regards the concern in relation to the expressions used in the drafting of Part 2 of Schedule 2, the Applicant believes these expressions are appropriate and compliance with them capable of being ascertained by evidence in the normal way. It is not unusual</p>

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	<p>addressing our concerns in this regard. However, it is noted that paragraph (4) of Part 2 does not require any approval or agreement and therefore Article 45(1) would not bite. This could therefore result in the development operating outside of what has been assessed in terms of transport and environment and this is not acceptable to Highways England.</p> <p>Given that Highways England were involved in agreeing the quantum of acceptable floorspace that is referenced in paragraph (3) and given any deviation from such may have implications on the SRN we feel it is important that any agreement to deviate is not solely in the hands of the local planning authority. We are strongly of the view that technical judgements on matters and impacts created as relating to a proposed delay of the rail terminal's provision is a matter that must require agreement by the local planning authority as well as other relevant bodies including Highways England.</p> <p>The section headed <i>Rail Infrastructure</i> within Part 2 is extremely important to Highways England given the potential implications for the SRN. We therefore have a significant interest in ensuring that the provisions are enforceable. There is particular concern in this regard over the use of terms such as; "<i>matters outside the control of the undertaker</i>", "<i>as soon as reasonably practicable</i>" and "<i>expeditiously</i>" which all have a high</p>	<p>for such expressions to be included in consents/agreements which are required to be enforced.</p> <p>The Applicant has made it clear that it is content to receive any alternative drafting suggestions, but none have been received from Highways England.</p> <p>The Applicant has added reference to SSDC consulting with Highways England in paragraph 4 of Schedule 2 Part 2 of the dDCO submitted for Deadline 5 (Document 3.2C).</p>

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	<p>degree of uncertainty attached to them with regards their meaning. It is not considered that the current drafting of these requirements would meet the relevant tests."</p>	
<p>South Staffordshire Water PLC 05 SSW 001</p>	<p>"SSW does not object in principle to the Scheme but reserves its position in relation to the specific impact that it will have on its operations. SSW has not been able to assess the scale of impact of the proposed works on SSW's underground and over-ground assets because they have not been provided with information and plans detailed enough to make such assessments."</p>	<p>The Applicant contacted South Staffordshire Water (SSW) when the utilities searches were undertaken initially. On 13th July 2018 a letter was sent to SSW supplying information on the WMI scheme and seeking approval of the draft Protective Provisions.</p> <p>Further attempts to contact SSW were made resulting in the additional Recorded Delivery letter on 18th February 2019. On 2nd April 2019 the first response was received from SSW asking for further information after which progress was made on technical queries and a teleconference was arranged to discuss engineering queries on 17th May 2019. It was explained that the Applicant would be content to be responsible for removing any redundant SSW assets and the costs associated as provided for in Protective</p>

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		<p>Provisions. Further information was provided by the Applicant and on 20th May 2019 the latest SSW asset plans were sent by SSW.</p> <p>The Applicant submitted an updated asset interface drawing and a preliminary water load assessment on 31st May 2019. The SSW team are undertaking a network impact assessment based on this information and discussions are ongoing.</p> <p>SSW have been asked to respond directly upon the protective provisions, but have not done so. The protective provisions are in a fairly standard form for statutory utilities and the Applicant believes these provide all the protection required to protect SSW's interest.</p>
<p>South Staffordshire Water PLC 05 SSW 002</p>	<p>"SSW's primary concerns relate to the protection of major water sources at Somerford and Slade Heath pumping stations. They are concerned that Four Ashes' due diligence has not captured all of SSW's infrastructure within their scheme boundary and this cannot be clarified without detailed plans and information. In addition, further information is required concerning how the change of use and restoration of the quarry at Calf Heath has been considered and its effect on the existing contaminated groundwater plume. Further, the current drafting of the protective provisions of the draft Development Consent Order</p>	<p>SSW provided the Applicant with detailed maps showing SSW assets on 21st May 2019 and discussions are ongoing to agree how asset interfaces are presented on plan and accommodated within the protective provisions of the dDCO.</p> <p>The proposed restoration of Calf Heath quarry forms part of the site wide earthworks and drainage strategies for the WMI. It is not anticipated that there will be any detrimental effects on the existing contaminated groundwater plume, or the ongoing scheme of remediation, as a result of the development. The Environment Agency have commented on the proposals, in respect of water quality and groundwater impact, and have recorded their</p>

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	<p>("DCO") impose a requirement on SSW to remove redundant apparatus which SSW would normally cap and abandon. To remove such apparatus would impose significant costs on SSW.</p> <p>SSW therefore objects to the proposal unless and until such time as an approved programme and methodology of works can be agreed."</p>	<p>satisfaction with the scheme in a Statement of Common Ground (paragraphs 5.1.4 to 5.1.7, AS-026).</p> <p>It has been confirmed that the Applicant would be content to be responsible for removing any redundant SSW assets and the costs associated. The programme and methodology for diversion or nullification of SSW assets and installation of new mains cannot be agreed until details of the final design and phasing are developed. Such issues are dealt with the in the Protective Provisions.</p> <p>SSW have been asked to respond directly upon the protective provisions, but have not done so. The protective provisions are in a fairly standard form for statutory utilities and the Applicant believes these provide all the protection required to protect SSW's interest.</p>
Other Bodies		
<p>Brewood and Coven Parish Council</p> <p>06 BCPC 001</p>	<p>Transport</p> <p>"No assessment has been carried out as to the impact of motorway incidents that force a greater volume of vehicles onto local roads."</p>	<p>Please refer to paragraph 3.2.9 of the SoCG with HE (REP2-008), which states that there is no policy requirement to assess the impact (if any) of any closures on the M6. This equally applies to the M54 and other parts of the highway network.</p> <p>See also ExQ2.6.4 (Document 15.1 submitted at Deadline 5) and IND15 TRA of this document.</p>

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<p>Brewood and Coven Parish Council</p> <p>06 BCPC 002</p>	<p>Transport</p> <p>“The proposed plans of additional roundabouts and one way access will lead to motorists exiting major routes and cause more ‘rat runs’ through villages.”</p>	<p>The mitigation provided as part of the Proposed Development seeks to minimise and avoid rat running. However, notwithstanding this a contingent traffic management fund will be established to monitor any use of WMI traffic on inappropriate routes, as has been agreed with SCC. Please refer to Section 9.11 of the Transport Assessment (Document 6.2, APP-114).</p> <p>Details of how the Contingent Traffic Management Fund will work are set out with Section 7.3 of the Site Wide Travel Plan (Document AS-039) and the Section 106 Agreement.</p>
<p>Brewood and Coven Parish Council</p> <p>06 BCPC 003</p>	<p>Transport</p> <p>“With regard to rail connectivity, Four Ashes Ltd requires a minimum of 25% site occupancy before considering installing a rail terminal. Our fears are that this may not materialise and we will have a large warehousing site served by an even greater number of HGVs than predicted.”</p>	<p>The dDCO requirements put in place a regime by which the applicant is obliged to provide the rail terminal as soon as practically possible and obliged to report its performance against a series of milestones. The Applicant has made clear its commitment to rail as a fundamental component of the proposed development. The draft DCO requirements prevent c.75% of the warehouse floorspace being occupied before the rail freight interchange is in place. The applicant, therefore, has a strong incentive to provide the rail freight interchange in order to be able</p>

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		<p>to undertake the majority of the development and recover the costs of its early investment in infrastructure.</p> <p>Technical Note 41 (see Appendix 9 of Document 15.1 submitted at Deadline 5) is also relevant here, however, because it explains that the rail freight interchange would not only serve the warehousing, it would also provide a wider service to the logistics industry in the north-west quadrant of the West Midlands and beyond. At a local level, therefore, the rail freight interchange increases traffic flows, rather than reduces them. The Applicant, therefore, shares the parish council's objective to see the rail freight interchange in place as soon as practical but its delay would not generate additional traffic.</p>
<p>Brewood and Coven Parish Council 06 BCPC 004</p>	<p>Air Quality and Carbon Emissions</p> <p>"We remain concerned about the impact due to additional HGVs as well as tugmaters. Emissions will be concentrated on site as well as there being an increased level on surrounding highways. There may be an additional problem with dust due to movement of vehicles and containers on site not only when operational but also dust during construction."</p>	<p>An assessment of construction dust impacts was undertaken in the Air Quality ES Chapter (Document 6.2, APP-027) and the mitigation requirements incorporated in the Outline Demolition and Construction Environmental Management Plan (ES Technical Appendix 2.3, 6.2, APP-060). Phase specific Demolition and Construction Environmental Management Plans (DCEMPs) are required to be approved by the local planning authority in accordance with draft DCO Requirement 4 of Schedule 2 (REP3-003). The issue of emissions from the operation of the proposed development on the surrounding highway network have been assessed in Chapter 7 of the ES (Document 6.2, APP-027) and no significant effects have been identified. The issue of emissions from</p>

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		<p>the operational site was addressed in the response to the Environmental Matters hearing (6 June 2019). This response has been provided at Deadline 4 – Applicant's Post Hearing Submissions (CAH, ISH 2 and ISH3) (paragraphs 2.1 – 2.4, Appendix 9, REP4-007).</p>
<p>Brewood and Coven Parish Council 06 BCPC 005</p>	<p>Noise and Light Pollution "Increased noise from traffic. More roundabouts and junctions lead to acceleration and braking. 24 hour site operation noise from tugmasters, cranes, HGVs, trains and container movement. Light pollution from a large working site."</p>	<p>All of the sources cited have been included in the assessment of noise from the proposed development. It is noted that the acceleration and braking at junctions is specifically excluded from the UK calculation method.</p> <p>The 1988 Department of Transport/Welsh Office memorandum <i>Calculation of Road Traffic Noise</i> (CRTN) sets out the UK calculation methods for road traffic noise and has been used as the basis of the road traffic noise calculations in Chapter 13 of the ES (Document 6.2, APP-046).</p> <p>CRTN states at paragraph 33 under the heading <i>Multiple roads and junctions (emphasis added)</i>:</p> <p><u>"The contribution from each individual length of road is calculated separately, using the appropriate mean speed (see para 14) and ignoring any speed change at the junction"</u></p> <p>This point is reinforced in Annex 5 of the <i>Design Manual for Roads and Bridges</i>, which states at paragraph A5.23:</p>

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		<p><i>"A5.23 Speed variations at junctions should generally be ignored in assessing noise nuisance as there is a trade-off between the effects of reducing speed and the additional engine noise generated by deceleration and acceleration. An appropriate average speed may be used for predicting the noise from traffic on large gyratory systems."</i></p> <p>The Applicant has carried out this approach in accordance with the recognised methodology.</p> <p>Effects from lighting have been fully considered in the Lighting Strategy and Lighting Impact Assessment (Document 6.2, ES Technical Appendix 12.8, APP-106). This assessment concluded that there are not anticipated to be any significant lighting effects, and this has been agreed with SSDC (refer to the addendum to the SSDC Statement of Common Ground included as part of the Applicant's Deadline 5 submission (Document 8.7A)).</p>
<p>Brewood and Coven Parish Council</p> <p>06 BCPC 006</p>	<p>Ecology and Nature</p> <p>"No outlines are forthcoming as to how conservation sites will be managed and monitored."</p>	<p>Comprehensive details regarding ecological enhancement, mitigation and management are included in the FEMMP (Document 6.2, ES Technical Appendix 10.4, AS-036) which include monitoring requirements.</p>

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<p>Brewood and Coven Parish Council</p> <p>06 BCPC 007</p>	<p>Landscape and Visual Effects</p> <p>"Rural views, wildlife and Green Belt replaced by WMI will have an impact on tourism as well as local residents."</p>	<p>For the assessment of potential effects on recreation and amenity, and associated effects on local businesses that rely on local recreation and tourism see Chapter 14 of the ES, Document 6.2, APP-052:</p> <p>Para 14.241-14.254 Para 14.324-14.332</p> <p>These paragraphs include specific reference to the landscape and visual impacts of the Development and associated potential impacts on recreation/tourism.</p> <p>This assessment concludes that there are no likely significant adverse effects with respect to recreation and amenity.</p> <p>For an assessment of the potential effects on wildlife, please see:</p> <p>APP-030 6.2 Environmental Statement - Chapter 10 Ecology and Nature Conservation.</p> <p>Table 10.13 and Paragraphs 10.389-10.421 summarise the potential residual effects. This concludes that:</p> <p><i>"There are significant residual effects in the operational phase, generally at the Site or Local scale (notably on farmland birds) or</i></p>

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		<p><i>while habitats develop. This is balanced through the provision of significant new and enhanced habitat, maintained in the long term which would provide benefits to a range of wildlife and which would be in positive habitat management for the duration of the operational phase. The habitats created would address local and national biodiversity action plan targets.”</i></p> <p>The assessment of recreation and amenity has not identified any direct and specific links between wildlife in the area and visitors for recreation purposes, although it can be reasonably be assumed that the ability to see birds, for example, may add to the enjoyment of the canal towpath or reservoirs.</p> <p>The Applicant acknowledges that fishing is associated tourism/recreation locally and is reliant on the water quality and availability of fish. The Staffordshire and Worcester Canal supports a range of coarse and game fish (see Section 4.3 of Appendix 10.1 – Ecology Baseline Report APP-087).</p> <p>For an assessment of impacts on water quality see: APP-055 6.2 Environmental Statement - Chapter 16 Water Environment and Flood Risk. Effects on the canal and reservoirs from surface water pollution have been assessed to be negligible.</p> <p>Given the fact that recreation and tourism in the area do not appear to be directly linked or specifically reliant on viewing of specific species, and given that operational effects on all species scoped</p>

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		<p>into the assessment (with the exception of bats) would not be adverse, there are no likely significant adverse effects that are relevant to tourism.</p> <p>The projected effects on bats and farmland birds are not considered, in the context, to be likely to be a significant deterrent to visitors to the area for tourism or recreation. All projected adverse effects are local to the site and do not have any significant adverse effects beyond the local scale. In the long term, the proposed mitigation measures may have beneficial effects (e.g. on water birds) because of the new water bodies created by the Proposed Development.</p> <p>For a detailed commentary on links between development effects and tourism impact please see:</p> <p>Applicant's Responses to Examining Authority's Second Written Questions and Requests for Information (ExQ2) Document 15.1, ExQ2.4.4.</p>
<p>Brewood and Coven Parish Council 06 BCPC 008</p>	<p>Cultural History "Insufficient consideration and evidence of the effects of WMI have been demonstrated."</p>	<p>A chapter on the effects of WMI on cultural heritage was included as part of the ES (Document 6.2 Chapter 9, APP-029). A separate chapter on archaeological effects was also prepared – see Document 6.2 Chapter 8, APP-028.</p>

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		<p>The cultural heritage chapter includes a description of the historical development of the area (including the canal and historic landscape character), and a Statement of Significance for each heritage asset identified within the study area. The understanding of significance formed the basis of the assessment of likely effects, undertaken for each individual heritage asset. The effect on the highly graded heritage assets in Brewood were assessed in line with the methodology.</p> <p>The archaeological chapter also provided an account of the historical development of the area and potential effects on archaeological remains.</p> <p>It is therefore considered that the cultural history of the area has been fully considered and the effects assessed.</p> <p>In the signed Statement of Common Ground between Four Ashes Limited and Historic England (AS-025), it has been agreed that the detailed assessment of the effects on the historic environment presented in Chapter 9 of the ES (Document 6.2, APP-029) is considered to be complete and undertaken in accordance with the NPS and Historic England standards and guidelines.</p>

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<p>Stop the West Midlands Interchange (response to Applicant's responses)</p> <p>07 SWMI 001</p>	<p>"Has this [Ecological management and mitigation] mitigation scheme been devised solely for the more common species present such as the common pipistrelle bat, or has it considered other less common species (but ones that are still present), such as the Natterer's bat?</p> <p>Research has shown that a significant number of mitigation measures result in increased proportions of more disturbance-tolerant species of bat and lower numbers of the less tolerant species."</p>	<p>The mitigation scheme has been devised to reflect the bat assemblage as a whole recorded on-site including 'common' and 'less common' species. Natural England have issued a Letter of No Impediment (Document 6.2, ES Technical Appendix 10.5, APP-091) which states on page 1: "<i>Based on the current level of bat activity on site, the proposals are considered to maintain the Favourable Conservation Status (FCS) of the bat assemblage and populations present on site</i>".</p> <p>The mitigation scheme detailed within the FEMMP (Document 6.2, ES Technical Appendix 10.4, AS-036) includes fewer bat boxes than originally proposed by the applicant in response to Natural England's comment within the Letter of No Impediment that overuse of bat boxes may change the species present.</p>
<p>Stop the West Midlands Interchange (response to Applicant's responses)</p> <p>07 SWMI 002</p>	<p>"If the conservation area for farmland birds is off-site, surely this will remove them along with their habitats from the area (if only a little way away).</p> <p>Furthermore, it says an "enhancement and management of existing intensively-managed arable farmland...". How will this farmland be managed for the benefit of farmland birds? Surely if it is a conservation area, it should be run as such in the absence of chemicals and similar pollutants (which have caused a national decline for so many years already). Also, the</p>	<p>Approximately 2.5 ha of mitigation land for farmland birds is provided <u>on-site</u> as shown and secured via Requirement 11 of the dDCO (Figure 3.5 of the FEMMP (Document 6.2, ES Technical Appendix 10.4, AS-036)). This land will be of value to birds such as yellowhammer, linnet and also bullfinch or reed bunting which were recorded using these habitats on-site.</p> <p>Enhancement measures across the nearby 12 ha off-site farmland bird mitigation land will include a buffer to Saredon Brook, wider headlands and margins (i.e. less intensively managed), management including rotation and use of seed mixes intended to</p>

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	<p>increased traffic in the area will add to air pollution – and with the site being less than 1km from the development, surely traffic-generated pollution will affect this area.”</p>	<p>be of benefit for farmland birds, provision of skylark plots and planting of new hedgerows in place of or in addition to existing fences. As secured via the agreed Bird Mitigation Obligations s106 agreement (submitted at Deadline 5) and the FEMMP (Document 6.2, ES Technical Appendix 10.4, AS-036), an Ecological Mitigation and Management Plan (EMMP) specific to the Bird Mitigation Land providing detail of the enhancement measures, management prescriptions and monitoring will be produced and is required to be approved by SCC.</p> <p>The Bird Mitigation Land is located more than 200m (i.e. the screening threshold from DMRB HA207/07) from any affected road (nearest is A449 Stafford Road). The farmland bird assemblage is not considered to be especially sensitive to traffic generated pollution.</p>
<p>Stop the West Midlands Interchange (response to Applicant's responses) 07 SWMI 003</p>	<p>“The plume of pollution is heading towards the vicinity of one of the community parks. Are these parcels of land big enough for the conservation of such bird species? How big are they? Also, are they interconnected in any way or are they just isolated “islands” amongst the development? The majority of bird species will be able to move between the sites easily enough, but an ecosystem doesn't just exist on birds and seeds. Invertebrates are another important part of the ecosystem, and many are less mobile and</p>	<p>The Applicant is not clear what is meant by the referenced '<i>plume of pollution</i>' which is '<i>heading towards the vicinity of one of the community parks</i>'. If this is referring to groundwater contamination as considered in the Remediation Safeguarding Report (Document 6.2, ES Technical Appendix 11.5, APP-096), then, as per paragraph 11.153 of the ES (Document 6.2, Chapter 11, APP-031), regional groundwater flow direction is predominantly east to west, as such groundwater from the remediation area would not be migrating towards either of the proposed Community Parks. Furthermore, as outlined in the Remediation Safeguarding Report,</p>

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	<p>may encounter difficulty moving between these sites, as would small mammals and amphibians. The creation of wildlife "islands" will have the unfortunate effect of reducing genetic diversity in certain species, reducing the overall health of their populations. The report details the loss of supporting habitats for birds and, if the development goes ahead, will result in the loss of farmland birds."</p>	<p>ongoing remediation works are controlling and mitigating the migration of contamination.</p> <p>The specific farmland bird mitigation land present on-site totals an area of approximately 2.5ha and will be of value to birds such as yellowhammer, linnet and also bullfinch or reed bunting which were recorded using these habitats on-site. The off-site bird mitigation land was identified to provide mitigation for farmland bird species with preference for more wide-open spaces such as lapwing, skylark and yellow wagtail.</p> <p>The on-site areas of bird mitigation land are within the Community Parks which will be of value for these species and are proximal to off-site farmland habitats. As acknowledged in the comment opposite farmland birds are a mobile species.</p> <p>In the operational phase of the proposed development the habitats (created in the construction phase) for the benefit of invertebrates would lead to an improvement in habitat interest and value for invertebrates resulting in a long term, beneficial effect significant at the Local scale (given the dominant arable and improved grassland habitats in the landscape). The habitats to be provided in the Community Parks and in ecological corridors are of value as a foraging resource for invertebrates such as extensive areas of rough grassland/wildflower meadow, standing deadwood, ponds and deadwood (standing and log piles).</p>

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		<p>Mitigation has been embedded to allow amphibians to move through the Site, namely the provision of ecological corridors linking new and retained habitats, specification of amphibian friendly gully pots, ladders and amphibian wildlife kerbs across the Site to prevent trapping amphibians and wildlife crossings at interfaces of roads and key areas of blue / green infrastructure. These measures are designed to allow the movement and dispersal of amphibians throughout the Site and promote population growth.</p> <p>Wildlife crossings and mammal tunnels are specified within the proposed development for larger mammals such as badger and otter to provide connectivity between community parks and other areas of created and retained habitat. Smaller mammals occupy a smaller home range (e.g. harvest mouse 100m²) within areas of suitable habitat and as such the community parks will provide habitat suitable for these species which will be managed positively for biodiversity.</p>
<p>Stop the West Midlands Interchange (response to Applicant's responses)</p>	<p>"It is noted that PM2.5 and PM10 are not monitored in South Staffs and the calculations for these particular emissions have been calculated using a DEFRA calculation. The Group request information as to what the current levels of those particular emissions. Our air quality is rated as "good" and we note that some of the baseline readings in the Applicant's document Table</p>	<p>A summary of the current situation with regard to PM₁₀ and PM_{2.5} monitoring in South Staffordshire is provided in SSDC's 2019 Annual Status Report provided at Deadline 4, Appendix E of the South Staffordshire response (REP4-022). The comment references 'emissions', but the applicant has assumed that the question actually relates to concentrations of these pollutants.</p>

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07 SWMI 004	7.6.4 of ES Technical Appendix 7.6, Document 6.2, APP-072) for PM2.5 &10 are above 10ug/m3.”	Pollutant concentrations in an area will differ according to the proximity of sources of the emissions and therefore a rating of 'good' can only be a general rating; in particular, for road traffic emissions concentrations reduce rapidly away from the source. The assessment of the impacts of emissions of PM ₁₀ and PM _{2.5} has been undertaken in accordance with the methodology described in Chapter 7 of the ES (Document 6.2, APP-027). The methodology involves modelling the dispersion of emissions from road traffic and adding the road contribution to background concentration data provided by Defra (summarised in Table 7.8 of the ES (Document 6.2, APP-027)). As shown in ES Technical Appendix 7.6 (Document 6.2, APP-072), none of the predicted PM ₁₀ or PM _{2.5} concentrations breach the assessment levels set by the National Air Quality Strategy as summarised in ES Technical Appendix 7.6 (Document 6.2, APP-072); 40µg/m ³ for PM ₁₀ and 25µg/m ³ for PM _{2.5} .
Stop the West Midlands Interchange (response to Applicant's responses) 07 SWMI 005	“In Table 7.6.4 there are 40 human receptors listed, many of the baseline and predicted readings are above 10ug/m3. From where were these readings derived? In fact many are above the mean average PM concentration recorded in inner London in 2010 stated above. The average predicted reading is estimated at 11.5ug/m3 (the total predicted readings divided by number of receptors). This does not meet the overall target stated in the Clean Air 2019 report. South	<p>The development will not compromise the achievement of the government's objective of halving exposure across the UK.</p> <p>As described in the response to the above point, the predicted concentrations in Table 7.6.4 (Document 6.2, ES Technical Appendix 7.6, APP-072) are derived from modelling the impact of road traffic emissions and adding the road contribution to background concentration data provided by Defra. The emission factors used in the modelling take into account road, brake and tyre</p>

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	<p>Staffordshire residents do not want their exposure to PM2.5 increasing and nor do they want to be in the 50% of locations with concentrations above 10ug/m3. In terms of the human receptors, the Group seek a description of them in particular for any schools that may be included. NB: dust from brake dust and tyres will increase. The Group request that dust monitoring stations be put in place and also request that the additional dust from the quarry be taken into consideration.”</p>	<p>wear. The background concentration data include contributions from existing pollutant sources such as quarries in the local area. The Clean Air Strategy 2019 states: <i>“By implementing the policies in this Strategy, we will reduce PM_{2.5} concentrations everywhere, so that the number of people living in locations above the WHO guideline level of 10µg/m³ is reduced by 50% by 2025, compared to our 2016 baseline. Areas above the 10µg/m³ guideline limit in 2025 will have lower concentrations than today, and we will set out our plans to reduce PM_{2.5} concentrations even further in due course.”</i> The exposure reduction target is not in terms of average concentrations and is against a baseline of 2016, when concentrations would have been higher. The publication of the Clean Air Strategy in 2019 has not led to a reduction in the PM_{2.5} objective which developments must meet and against which the development has been assessed. As demonstrated in Table 7.6.4 of the ES (Document 6.2, ES Technical Appendix 7.6, APP-072), the impact of emissions of PM_{2.5} from the proposed development are all insignificant.</p> <p>The receptor locations include a number of schools and these are described in ES Technical Appendix 7.2 (Document 6.2, APP-068), with the locations shown in Figures 7.3 to 7.5 of ES chapter 7 (Document 6.2, APP-027).</p> <p>Dust monitoring will be undertaken during the construction phase as outlined in paragraph 9.8 of the ODCEMP (Document 6.2, ES Technical Appendix 2.3, APP-060), which also confirms the</p>

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		<p>provision of pre-construction dust monitoring which will set a 'pre-activity baseline'.</p> <p>Dust monitoring during the operational phase is not proposed as the completed development does not comprise significant sources of dust (refer to Paragraph 2.4, Document 14.1, Appendix 9, REP4-007).</p>
<p>Stop the West Midlands Interchange (response to Applicant's responses)</p> <p>07 SWMI 006</p>	<p>"The 4 sites that are referred to in the referenced [Applicant's ASA] Report are all on 2 track sections. In section 4.1.7 the Report rejects sites in the East of Staffordshire, where there are dedicated freight lines and 4 track sections because the facility would not "be adequately spaced from existing [rail] facilities" Birch Coppice and Hams Hall and planned Etwall rail freight facilities. Has the Applicant considered why it is that 3 rail freight hubs are all in that close proximity? We would argue that it is due to the favourable rail links described."</p>	<p>The 3 SRFI referred to are not on 4-track sections: Hams Hall is double-track (Up and Down Whitacre lines), Birch Coppice is linked to a double-track main line (Up and Down Derby lines) at Kingsbury Junction via a 2-mile single-track branch line (with only a southbound main line connection), and the proposed facility at Etwall (which has yet to submit a DCO application) would connect into a double-track main line (Up and Down Stoke Lines).</p> <p>Paragraph 4.1.7 of the Alternative Sites Assessment (ASA) (APP-255) explains how the search area was created and refined and it explains why the search area does not extend further to the south east. In summary, it would not be sensible or appropriate to locate a new SRFI in this area as the new facility would not be adequately spaced from existing facilities and would not significantly address the identified gap in the network of SRFIs. In this regard, the locations of existing (Birch Coppice and Hams Hall) and planned (Etwall) rail freight facilities have partially shaped the extent of the WMI ASA search area.</p>

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		<p>This is consistent with the NPS which identifies a compelling need for “an expanded network 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>More specifically, this is also supported by the findings of the West Midlands Regional Spatial Strategy Phase 2 Revision Draft (September 2009) which proposed that the search for a new RLS (Regional Logistics Site) / SRFI facility or the extension of existing RLS facilities within the region should recognise the proximity of Hams Hall and Birch Coppice and the need to avoid an overconcentration of RLS/SRFI development within the same broad location.</p> <p>Whilst it is recognised that there are good rail links near Birch Coppice and Hams Hall, this does not diminish the quality or availability of the rail infrastructure at the WMI Site. The suitability of the rail infrastructure at the WMI Site is set out within the Rail Operations Report (APP-256). The Report concludes that WMI can be delivered and operated in a manner entirely aligned with the objectives of the NPS. WMI will help expand the small number of existing SRFI into a much larger interconnected network of facilities.</p>

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<p>Stop the West Midlands Interchange (response to Applicant's responses)</p> <p>07 SWMI 007a</p>	<p>"What the Applicant fails to state is that the East Midlands Gateway line is a dedicated freight line, whereas WCML is a mixed commuter and freight line and is one of the busiest lines in Europe so not comparable."</p>	<p>The Applicant acknowledges the branch line connecting to East Midlands Gateway is principally used for freight at present. One of the principal arguments of Stop the West Midlands Interchange is that they consider SRFI's should be located on 4-track main lines. Both East Midlands Gateway, and the proposed West Midlands Interchange (WMI), are located on 2-track routes, making them comparable in this aspect.</p> <p>With regard to the availability of paths for trains visiting WMI, please see the Applicant's response to ExQ1.2.12 (Document 15.1, submitted at Deadline 5) which sets out that, as per Section 3.6 of the Network Rail SoCG (Document 8.1, AS-025), two pathing studies have been carried out in 2007 and 2017 with both studies indicating that paths are available on the network at regular intervals throughout the day. The most recent train pathing study concluded that it would <i>"be possible to choose 4 paths each way in the initial phase of operations, with the increase to ten paths in the future, based on the current timetable"</i>.</p> <p>The paths identified in the study have been selected to ensure no impact on passenger services. Some non-passenger services would be retimed to make efficient use of the network. On this basis there would be no adverse impact on passenger and other freight movements on this part of the WCML. Regardless of the development of WMI, Network Rail's long-term planning process and enhancement proposals are predicated on greater use of the rail network for passenger and freight traffic. The timetabling of</p>

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		trains across the network therefore continues to iterate between the needs of the various passenger and freight train operators. Services operating to, from and through WMI would form part of this long-established regulated industry process to allocate capacity.
<p>Stop the West Midlands Interchange (response to Applicant's responses)</p> <p>07 SWMI 007b</p>	<p>"The freight traffic will be joining the WCML on a two track section. Network Rail have recently completed the Norton bridge flyover to separate slow moving trains from faster ones to remove the bottle -neck. By allowing a freight terminal in this location they are potentially creating a new bottle- neck."</p>	<p>The Norton Bridge works were carried out to improve the infrastructure on the section of the WCML loop from Stafford to Crewe. The Norton Bridge works were designed to remove a bottle neck at that location by providing infrastructure that will allow greater separation of traffic between the fast and slow lines on this section of the 4 track WCML. Slow and fast trains would be separated and not cross each other's paths thereby improving the network for all types of traffic. The works carried out assist the introduction of the WMI traffic and the changes have been included in the assumption in the pathing studies provided in Applicant's Responses to Examining Authority's Q1 (REP2-011, Appendix 8) demonstrating that a "new bottle neck" is not created.</p>
<p>Stop the West Midlands Interchange (response to Applicant's responses)</p>	<p>"The Group contend that the lorry ban should be extended to this stretch of the A5 as well as on the A449 through Penkrige to J13, as we believe that HGV's using WMI should be directed to use the A5 to J12 M6 and the A449 towards Wolverhampton and the M54.</p>	<p>As set out in the Applicant's Post Hearing Submissions, at 2.5.1, (REP4-003) the A5 to the west of Gailey Roundabout forms part of SCC's primary road network and its function is to carry traffic flow, including HGVs, having previously formed part of the Strategic Road Network prior to being de-trunked. Given its status, it is considered that the A5 is an appropriate route upon which to direct</p>

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07 SWMI 008	Alternatively the Group seek written assurances that the Noise Insulation Scheme will be available to access by all the residents along the entire stretch of the A5 between Gailey and the A41, should there be inappropriate use of this stretch by WMI HGV's."	<p>traffic with an origin/destination to the north west. However, the principal route for traffic travelling in this direct will be via the M54.</p> <p>The bespoke noise insulation scheme relates to operational noise from the site itself, not for vehicles using roads away from the site. The Noise Insulation Regulations 1975 (as amended 1988) will apply to road traffic noise on any new or altered roads, and an assessment against the Noise Insulation Regulations 1975 (as amended 1988) was set out in paragraphs 13.363 to 13.369 in Chapter 13 of the ES (Document 6.2 APP-046). The impact of road traffic on the A5 west of Gailey Roundabout was considered in the off-site road traffic noise assessment presented in paragraphs 13.329 to 13.359 in Chapter 13 of the ES (APP-046). No significant impacts were predicted along this stretch of road</p>
<p>Stop the West Midlands Interchange (response to Applicant's responses)</p> <p>07 SWMI 009</p>	"In respect of Penk 29, this is currently used by local people on a daily basis to walk their dogs and will provide an important and easier more direct route for the residents in Crateford Lane to be able to access the Croft Lane community park should the development go ahead."	<p>The Proposed Development will include considerably greater options and opportunities for local dog walkers. Notably, this will include both Community Parks and other connecting paths. In conjunction with the canal towpath, these will provide a variety of circuitous and predominantly off-road walking routes or varying distances.</p> <p>From Crateford Lane, the Croft Lane Community Park could be accessed via the Link Road footway/ cycleway and the canal towpath. The Park would be closer (at approx. 1,150m) following</p>

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		<p>this route, rather than it would if Penk 29 remained in situ (at approx. 1,600m).</p> <p>The Calf Heath Community Park would also be accessible for longer walks, either through the public open space and landscape corridors or via the canal towpath. Please also refer to the Applicants answer to the ExQ2.13.7 (Document 15.1, submitted at Deadline 5) and the Plan provided at Appendix 14 (Document 15.1, submitted at Deadline 5) which show the availability of a circular walk together with a further "figure of eight" walk.</p>
<p>Stop the West Midlands Interchange (response to Applicant's responses)</p> <p>07 SWMI 010</p>	<p>"The Applicant's answer side steps our point completely. The alternative sites assessment is not comprehensive and the "area of need" seems to be defined by the Applicants land ownership rather than the policy mentioned need of London and the South."</p>	<p>With regards to the "policy mentioned need of London and the South" referred to by Stop the West Midlands Interchange (response to Applicant's responses), paragraph 2.58 of the NPS states <i>"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, possibly with traffic moving from existing RFI to new larger facilities. There is a particular challenge in expanding rail freight interchanges serving London and the South East."</i></p> <p>It is clear that the specific reference to expanding the rail freight interchanges serving London and the South East does not diminish the need for SRFIs in other locations or the compelling need for an expanded network of SRFIs across England and in a wide range of locations.</p>

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		<p>The Alternative Sites Assessment (APP-255) is considered to be comprehensive and has been developed in accordance with local, regional and national policy. It has also been produced in close consultation with the Local Authorities.</p> <p>As set out in the SoCGs (REP2-006 & REP2-007), agreement has been reached with SSDC and SCC that:</p> <ul style="list-style-type: none"> • 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. • 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. • The ASA provides an accurate and fair assessment of the availability and suitability of sites within a search area, using appropriate assessment criteria. <p>SSDC have agreed that the ASA demonstrates that there are no alternative sites for a SRFI, within the identified search area, that offers a viable alternative that better meets the locational criteria of a SRFI.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
<p>Stop the West Midlands Interchange (Post Hearing Submission)</p> <p>07 SWMI 011</p>	<p>1. "There is still significant uncertainty about the practicability of the rail connection at all and the number of stopping freight trains that might be accommodated according to the Statement of Common Ground between Network Rail and the Applicant."</p>	<p>The pathing study provided in the Applicant's Responses to Examining Authority's Q1 (REP2-011, Appendix 8) confirms the availability of the necessary paths for the WMI project, which was supported by Network Rail at the Transport ISH.</p> <p>The Network Rail SoCG (AS-025) provides support for the project including the pathing capacity assessment, noticeably in the wording when referring to the two pathing studies carried out: "Both studies indicate that paths are available on the network at regular intervals through the day....Network Rail, believes that capacity can be made available for the planned growth of the development..." The SoCG sets out in detail how the industry processes work and the basis of support for rail freight. The language is measured and the context of the project within the national network is carefully set out to avoid any confusion. Network Rail has always supported the project as can be seen from the statements. The representation made is therefore not an accurate description of the position.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission)</p> <p>07 SWMI 012</p>	<p>2. "The NSPNN para 4.88 is quite clear about the test for consent – "a significant element of the buildings should be rail connected from the outset." In this case there may be no connection for at least 6 years. In fact there may never be a rail connection – either because Network Rail do not permit it or because the Applicant</p>	<p>The Applicant has addressed these issues at 01 SSDC 001 of this document and at paragraphs 10.2.18-21, 10.2.23, 17.2.11-12 and 17.2.13 of the Planning Statement (APP-252).</p> <p>In these responses, the Applicant has set out its understanding of the requirements of the NPS, informed by the way in which these</p>

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	cannot be relied upon to deliver or is not able financially to provide it.”	<p>matters were interpreted and applied by the Secretary of State in his decision letter relating to East Midlands Gateway.</p> <p>The examination has received a high degree of assurance from Network Rail that the interchange is deliverable, whilst the nature of the draft DCO requirements ensure that the applicant achieves greatest financial benefit from providing the rail freight interchange rather than withholding it and losing the ability to develop c. 75% of the warehouse floorspace.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission)</p> <p>07 SWMI 013</p>	<p>3. “It is relevant that there is no bond proposed to cover this liability and that the Applicant has agreed that this is a speculative development with no pre-lettings negotiated. We consider that the drafting of DCO is far too loose to enforce any failure of the Applicant to complete the rail connection. A minimum requirement should be the creation of a trust fund out of income derived from sales or lettings of warehouse prior to connection to be expended on funding the connection or if that is not possible then expended on community projects. A draft of a Trust Deed is attached as Schedule 1 below. This has been sent to the Applicant's Solicitors and South Staffordshire Council with an indication that Ansons Solicitors Limited are prepared to engage in discussions with regard to detailed drafting points. The draft is considered to be</p>	<p>As confirmed in the Rail Connectivity Note provided by the Applicant (Appendix 3 to the Applicant's Post Hearing Submissions (CAH, ISH2 and 3) Document 14.1 REP4-003 – REP4-008) and also explained in the Planning Statement (Document 7.1A, APP-252 & APP-253), the proposals for the provision of the rail terminal accord with the NPS (in particular, paragraphs 4.88 and 4.89) which apply to all proposed SRFI irrespective of their location.</p> <p>The provisions of Requirement 5 ensure that a rail terminal is provided in accordance with the timing stated unless it is demonstrated to the satisfaction of the local planning authority that its provision delayed due only to matters outside of the control of the Applicant.</p> <p>In those circumstances, the provision of a bond will not further the objective of securing the provision of the rail terminal.</p>

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	<p>compliant with the requirements of Regulation 122 of the Community Infrastructure Regulations 2010 because without such security there is an unacceptable risk that the rail connection would not be delivered.”</p>	<p>If the Applicant is not prevented from delivering the rail terminal at the times stated due to matters outside of its control, then the provisions of requirement 5 can be enforced utilising the enforcement powers of Part 8 of the Planning Act 2008.</p> <p>If the Applicant is prevented from providing the rail terminal due to matters outside of its control, then it is not clear how the provision of a bond will overcome the barriers to the provision of the rail terminal encountered by the Applicant.</p> <p>Accordingly, there is no logical basis upon which to further explore the provision of a bond. For these reasons, the Applicant does not believe it relevant to explore the detail of the mechanism proposed by Stop WMI, which is problematic in itself.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission)</p> <p>07 SWMI 014</p>	<p>4. “In the context of the very special circumstances test in relation to the green belt land no case is advanced that green belt land should be released for stand- alone warehouses without a rail connection and no such case could reasonably be advanced. An illustration of the application of the test is provided by the Appeals made by Roxhill Developments Limited for land adjacent to the Southeastern Train Depot, Moat Lane, Slade Green, Erith -APPLICATION REF: 15/02673/OUTEA and DA/15/01743/OUT.”</p>	<p>See the Applicant's response to ExQ2.3.1 (Document 15.1, submitted at Deadline 5).</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
<p>Stop the West Midlands Interchange (Post Hearing Submission)</p> <p>07 SWMI 015</p>	<p>5. "The phasing proposal is contrary to policy and would represent an unjustified risk of the release of green belt land for an inappropriate purpose."</p>	<p>The Applicant's case in relation to very special circumstances is set out in the Planning Statement (APP-252) at Section 6.5 and elsewhere, including in particular, in the Applicant's Post Hearing Submissions (CAH, ISH 2 and ISH3) (REP4-004) Appendix 2, which sought to summarise the Applicant's position.</p> <p>None of the claimed very special circumstances relate to the speed with which the rail terminal is provided. Instead, the very special circumstances case relates to the quality of the SRFI which (when constructed) will include all of the matters set out in Section 26 of the Planning Act 2008. The evidence demonstrates the starting presumption within the NPS but also the particular recognition of the need for a large scale SRFI in the vicinity of the application site. The gap in the existing network of SRFI is very substantial such that national policy objectives will not be satisfied without the development of these SRFI proposals (and others) or a comparable replacement on an alternative site. The evidence also identifies, however, that there is no alternative site.</p> <p>The Applicant is committing to provide the rail freight interchange as soon as practical and the structure of the draft DCO provides every incentive for the rail freight interchange to be in place as soon as it can be. The practical considerations that prevent its earlier provision, however, are unrelated to the question of whether or not</p>

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		the development as proposed demonstrates very special circumstances.
<p>Stop the West Midlands Interchange (Post Hearing Submission)</p> <p>07 SWMI 016</p>	<p>6. "It is in any event desirable to address the phasing proposal in the context of the order in which land is built upon. It would be illogical to permit the building of warehouse remote from the rail connection first. The order of any phasing should sequence building outwards from the rail connection."</p>	<p>The Proposed Development is designed as a SRFI with all of the warehouses having a full opportunity to use and be served by the rail freight interchange. All plots will be directly connected to the interchange by new roads of requisite size and capacity to afford tug and HGV access. The scale of development is comparable with other SRFI, the distances of warehouses from the interchange is not unusual, and no plot will be remote from the rail freight interchange; as the evidence has demonstrated it is within easy reach of tugs operating between the warehouses and the interchange.</p> <p>It follows that there is no need to impose a sequence of development on the application proposals. It is important that WMI is able to respond to market demand by the provision of a range of plot and building sizes and locations to the market in order to attract a range of occupiers. As the Applicant has advised, for instance, Development Zones A7 and A5 facing Vicarage Road may be of a scale and location which is particularly attractive to occupiers, especially early occupiers who may not be able to wait on the delivery of the link road or the rail terminal, but who will make, or may move to, use of the interchange once it is constructed and operational – reflecting the change by occupiers to multi-modal operations over time.</p>

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<p>Stop the West Midlands Interchange (Post Hearing Submission)</p> <p>07 SWMI 017</p>	<p>(B) "Our submission is that the A5 west of Gailey should be a barred route to HGVs."</p>	<p>As set out at 2.5.1 of the Applicant's Post Hearing Submissions (REP4-003), the A5 to the west of Gailey Roundabout forms part of SCC's primary road network and its function is to carry traffic flow, including HGV's, having previously formed part of the Strategic Road Network prior to being de-trunked. Given its status, it is considered that the A5 is an appropriate route upon which to direct traffic with an origin/destination to the north west. However, the principal route for traffic travelling in this direct will be via the M54.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission)</p> <p>07 SWMI 018a</p>	<p>(C) "We welcome the changes that have been made [to the Noise Insulation Scheme] but there are 3 points remaining:</p> <p>(i) It is now agreed that there should be an up to date baseline assessment. We are concerned that this is not simply noise readings but it should in our submission lead to the production of a noise contour map and the setting of appropriate limits which may require bunds and acoustic fencing. In this case unlike East Midlands Gateway and Northampton there are close receptors needing adequate protection.</p>	<p>(i) The updated baseline survey, which is required as part of the bespoke noise insulation scheme, will comprise a series of measurements at locations to be agreed with SSDC. The existing baseline acoustic environment cannot be portrayed as a noise contour plot since it will comprise a number of diverse and diffuse sources, many of which cannot be modelled, such as residential sources or natural sounds such as birdsong or rustling trees. Noise contour plots can only relate to specific sources that are readily predictable, such as roads, railways, or industrial site.</p>

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	<p>(ii) "Criteria" is limited to noise issues – we have already asked that other pollution issues namely air pollution and light pollution be addressed in our initial Post hearing submissions.</p> <p>(iii) We ask that 3.8c deadline changed to 36 days – we submit this is still too short and would ask for a minimum of 60 days.</p>	<p>The scope of future noise assessments under the bespoke noise insulation scheme will be agreed with SSDC and could include noise contour plots if they require it. To be clear, noise contour plots are simply a different method of portraying information, they do not, of themselves, provide additional information.</p> <p>DCO Requirement 3(2)(o) (Document 3.1B, REP3-003) requires the detail of acoustic fencing to be submitted and approved by the local planning authority, prior to the construction of each phase of development.</p> <p>(ii) The noise insulation scheme specifically outlines one form of noise mitigation. As no significant lighting or air quality effects have been identified resulting from the proposed development it is not considered necessary to alter the scope of the noise insulation scheme.</p> <p>(iii) Clause 3.8c allows 36 days for the 'interested person' to confirm that they wish to proceed and to confirm contact details for a property inspection prior to any works. Clause 3.11 then provides a further 36 days for the 'interested person' to decide whether they want to receive a Noise Insulation Payment and six months further to decide whether to use or repay the payment. The applicant considers these to be appropriate timeframes and SSDC has agreed the latest draft of the bespoke noise insulation scheme.</p>

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	(iv) There was a reference to the provision of mechanical ventilation at the Environmental Issues Hearing. This is again welcome and should be expressly included in the S106 Obligation."	(iv) Ventilation is referenced in Schedule 6 of the s106, which contains the bespoke noise insulation scheme.
Stop the West Midlands Interchange (Post Hearing Submission) 07 SWMI 018b	(D) "Highways England indicated that the proposed Link Road would not be part of the Strategic Road Network because a separate planning application would be required for this but it would be signposted as such. We are concerned that such a Link Road would be inadequate to serve its intended purpose."	<p>Whilst the proposed A449 / A5 link road would not form part of the Strategic Road Network, it would provide a signed route towards the A5, M6 and A449 in order to provide a bypass to the Gailey Roundabout.</p> <p>It has been agreed with both HE and SCC that the A449 / A5 link road forms an integral part of the highway mitigation package and is sufficient to serve its intended purpose.</p>
Stop the West Midlands Interchange (Late Layby Submission) 07 SWMI 019	"To the local community, laybys are generally a nuisance and their loss would not be missed."	Given the levels of recorded usage, it has been agreed with HE that it is necessary to replace the existing A5 laybys, which would need to make way to accommodate the proposed A5 roundabout. It is considered that if the layby were lost, this would be to the detriment of the travelling public. The Applicant submitted Technical Note 25: Parking Laybys (Applicant's Post Hearing Submissions (CAH, ISH 2 and ISH3) Appendix 6 (REP4-007)) as part of its Deadline 4 submission following comments received at the Issue Specific Hearing 2: Transport and Accessibility.

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<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 020</p>	<p>Summary</p> <p>“The mitigation plans are weak. The targets the applicant is setting to reduce cars travelling to the site are low (reducing from 84% car usage to 74% car usage). The public transport plans are weak (very few buses) and some of the ideas such as encouraging cycling are unrealistic given the complete lack of suitable infrastructure (beyond the A449 where are the other roads suitable for bikes?)”</p>	<p>As set out at paragraph 9.18 of the SoCG with SCC (REP2-007), the 10% target in journeys to work as a car driver presents a suitable modal shift target, given the characteristics of the site and surrounding area. If through the Travel Plan monitoring it is shown that the target is not being achieved, then remedial measures can be drawn upon, including the Travel Plan Contingency Fund. If the target is being met, then can also be revised.</p> <p>It is agreed with SCC that bus enhancements should focus on improvements to existing public services, which will be supplemented with shuttle bus services to cater for travel demand for workers at shift change over periods.</p> <p>Whilst travel by bicycle is not anticipated to provide a significant proportion of the modal share for journeys to work, the applicant has proposed measures to improve facilities for cyclists. Many local roads form part of the existing SCC cycle network, as shown by the TA, “Existing Pedestrian and Cycle Network” (APP-116).</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 021</p>	<p>Summary</p> <p>“The applicant has proposed a steering group to review and make improvements to any issues that arise. Worryingly SSDC are there as non-voting members, therefore how will local residents views be heard. The governance for this steering group is worrying too. Only two meetings a year, and if a problem is identified, it</p>	<p>Local Residents will be able to report any issues that may concern them to either the Travel Plan Co-ordinator, the Steering Group or the SCC Community Transport Officer.</p>

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	<p>then gets researched, presented at the next meeting, then a plan put forward at the next meeting etc. So the timeline for resolving any identified problems will take 18 months to 2 years, as and when transport problems occur.”</p>	<p>The Steering Group will be able to communicate outside of specific meetings in order to respond to any specific concerns raised and ensure they are addressed promptly.</p> <p>In any event, the frequency of meetings of the Steering Group is not limited to two meetings a year, that is simply a minimum. Meetings can be called as frequently as they are required.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 022</p>	<p>Summary</p> <p>“The mitigation plans don't represent reality. The applicant addresses the remodelling that has recently taken place at Gailey island as being a benefit, despite the fact that this has increased traffic and tailbacks. The HGV travel plan has limited waiting places for HGVs, and the mitigation is that signs will be put up to restrict parking in local laybys to 2 hours. Who will enforce this? HGVs have been parking in lanes around Brewood and Coven recently as there isn't enough space at the lorry parks. SO this situation will only get worse.”</p>	<p>The Applicant has indicated that the recent works at Gailey Roundabout have been introduced by HE in order to address highway safety patterns showing a large number of incidents involving cyclists.</p> <p>The proposed Traffic Regulation Order to be imposed on the A449 laybys seeks to prohibit parking to 2 hours between the hours of 6pm and 6am in order to prevent over night parking by HGV's. As set out in Table 6.1 of the Site Wide HGV Management Plan (AS-040), the applicant proposes to provide Extended Stay HGV Parking Bays in order to allow WMI HGV's to take required statutory breaks at the site, rather than at other locations. As set out at paragraph 9.16 of the SoCG with SCC (REP2-007), the provision of suitable HGV parking facilities is considered essential.</p> <p>Traffic Regulation Order's would be enforced by the police.</p>

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Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission) 07 SWMI 023	Summary "Walking and cycling? to/from where, when the majority of jobs are being created outside of the locality."	Through the provision of improved walking and cycling infrastructure, the Applicant is providing the opportunity for those future workers who wish to travel by these modes. These facilities will also provide improved access towards the canal tow path and to the community parks.
Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission) 07 SWMI 024	Summary "What is the governance for this? How will it [TSG] work? Will the TSG actually be able to influence anything?"	Please refer to paragraphs 7.1.6 – 7.1.12 of the Site Wide Travel Plan (AS-039). The TSG will specifically consider matters concerning the level of bus service, how the Shuttle Buses will operate together with any recommendations as to the use of the Contingent Traffic management Fund. This approach will ensure that all representatives of the highway authority will be involved in the decision making process, allowing their collective expertise and knowledge of local opportunities and issues to be taken into account.
Stop the West Midlands Interchange	Summary "This recovery process will not be able to remove the development if the issues are incapable of remedy."	As set out in Section 7.2 of the Site Wide Travel Plan (AS-039), a specific Travel Plan Contingency Fund will be available in the event that the identified modal share targets are not being met. 25% of

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<p>(Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 025</p>		<p>the fund will be available following the fourth anniversary of the implementation of the scheme, therefore monies will be available early in the scheme delivery process if required.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 026</p>	<p>Summary</p> <p>“What are these initiatives? i54 is a significant distance away with very limited ability to do anything.”</p>	<p>Details of initiatives delivered by the i54 Travel Plan are identified at paragraph 6.1.4 of the Site Wide Travel Plan (AS-039). Modal shift targets are not based upon outcomes identified at i54. The Site Wide Travel Plan (AS-039) provides details of the success of the Travel Plan at i54 in order to show what positive outcomes can be achieved through the measures provided by Travel Planning.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 027</p>	<p>Summary</p> <p>“8,550 staff - and the sustainable solutions being proposed are an increase to a half hourly service and 3x shuttle buses?”</p>	<p>Please refer to the applicants answers at 2.4.1 and 2.4.2 of the Applicant's Post Hearing Submissions (REP4-003).</p>

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<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 028</p>	<p>Summary</p> <p>“What are these desirable outcomes? What are the proposals? Why have there been no detailed proposals.”</p>	<p>Through a partnership approach, it will be possible to draw upon shared experience, possibilities and successes from each Travel Plan. The improvements to the schedule bus service (54) will ensure that two major employers would be linked, adding to the viability of the proposed service. Please refer to the Applicants answer at 2.4.3 of the Applicant's Post Hearing Submissions (REP4-003).</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 029</p>	<p>Planning and Policy</p> <p>“This development will increase private car use.”</p>	<p>The Proposed Development will increase traffic in the area surrounding the site, however as set out in the Statements of Common Ground with both SCC and HE (REP2-007 and 008) these increases will not result in an adverse impact.</p> <p>The proposed development also proposes measures to improve options to travel by non car means, as set out in in the Sustainable Transport Strategy (APP-136).</p>
<p>Stop the West Midlands Interchange</p>	<p>Planning and Policy</p> <p>“Yet [the development] is removing choice for local residents. There are no proposals for improving services.”</p>	<p>The Applicant has agreed with SCC that it is appropriate to improve the existing 54 bus service and increase its frequency to a half hourly service. This is therefore improving the existing service,</p>

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<p>(Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 030</p>		<p>which will be of benefit to existing residents and workers travelling to i54. By providing the additional bus frequency this would improve measures for residents and not remove choice. Please refer to the Applicant's Post Hearing Submissions at 2.4.3 (REP4-003).</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 031</p>	<p>Travel Plan Aim</p> <p>"Why has there been no financial disincentive to drive? Eg: workplace parking charges."</p>	<p>It is considered that if workplace parking charges were applied, this would lead to offsite parking by workers which would be to the detriment of existing highway conditions. There has been no suggestion from either HE or SCC that this is something that should be considered.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 032</p>	<p>Travel Plan Aim</p> <p>"Considering rather than mandating [sustainable travel alternatives]?"</p>	<p>It is not necessary to make the Proposed Development acceptable in transport terms that it should be mandatory for employees to use sustainable modes of travel. A choice of means of travel are available for future workers of the site, including sustainable modes of travel.</p>

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<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 033</p>	<p>Travel Plan Aim</p> <p>“These changes [the Committed Highways Improvements] (not regarded as improvements) have done little to improve safety. They have however significantly increased queue times by reducing the island approaches to 2 lanes.”</p>	<p>The Applicant understands the purpose of the modifications to Gailey Roundabout have been to improve pedestrian / cycle crossing opportunities, plus provide improvements to the entry approach to the junction for safety reasons. It is noted that the northern arm of Gailey roundabout has had the previous short 3rd lane removed, however under the previous arrangement, this would only have accommodated in the order of two vehicles. The applicant has not been advised of any change in operation of this junction by either HE or SCC since these works were introduced.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 034</p>	<p>Site Wide Travel Plan Measures</p> <p>“Why are there no improved bus services for surrounding villages given the claims from the applicants of the employment benefits. Why are there no s106 improvements for local residents.”</p>	<p>Please refer to the Applicant's Post Hearing Submissions at 2.4.2 (REP4-003).</p>
<p>Stop the West Midlands Interchange</p>	<p>Site Wide Travel Plan Measures</p> <p>“3 [shuttle bus] vehicles –there is no indication of capacity and no commitment. The TSG will determine this but it is unclear how they will implement.”</p>	<p>A commitment has been made to the provision of Shuttle Buses, through the Shuttle Bus Fund, which is specified within the agreed</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
<p>(Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 035</p>		<p>Development Consent Obligation. This amounts to a figure of £1,600,000 to be used to procure the Shuttle Bus Services.</p> <p>Please refer the Applicant's Post Hearing Submissions at 2.4.4 (REP4-003).</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 036</p>	<p>Site Wide Travel Plan Measures</p> <p>"Why Euro 6 and not electric [for the shuttle buses] as the developer is at pains to emphasise their environmental credentials. How does this reduce carbon?"</p>	<p>As specified at paragraph 5.2.5 of the Site Wide Travel Plan (AS-039), the shuttle bus will have a minimum specification of Euro 6 standard. As also set out within this paragraph, the exact form of the Shuttle Buses will only be determined nearer the time of implementation in order to ensure that the most up to date technology will be utilised.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 037</p>	<p>Electric Vehicle Charging Points</p> <p>"Is this business park [Thames Valley Business Park] a warehouse site with shifts? If not it is not a valid comparator. Downloads but not active users?"</p>	<p>It is presumed that Stop West Midlands Interchange are referring to the Case Study of the Thames Valley Business Park, as shown on page 21 of the Site Wide Travel Plan (Document AS-039). This specific site is not a warehouse facility, but it provides an example of the benefits of providing smartphone applications that provide real time journey information. WMI will provide smartphone applications, as referenced at paragraph 5.2.8 of document AS-039.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 038</p>	<p>Sustainable Travel Information Pack</p> <p>“Which centres of population. It is difficult to see how the cycle routes can be used. There is poor provision outside of the A449. Cycling along the A5 in the dark? The A449 through Penkridge in the dark? Country lanes in the dark? The canal in the dark?”</p>	<p>[WSP]</p> <p>It is not forecast that a significant proportion of future workers would travel to the Proposed Development by bicycle. An existing cycle route connects to Penkridge to the north via the A449, which will be supplemented by the proposed improvements to the east of the A449 within the Order limits. The proposed Non Car Access Strategy and the improvements proposed is provided at APP-122 (Environmental Statement Appendix 15.1 Figure 8 - Proposed Non Car Access Strategy).</p> <p>It is not anticipated that the canal would be used in the dark or outside of summer months, however it will provide an alternative route for those who do not wish to cycle adjacent to the highway at certain times of the year.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 039</p>	<p>Site Wide Travel Plan Website/Social media Feeds</p> <p>“oversight? Who is producing / managing this [the SWTPC]?”</p>	<p>The website will be produced by a third party, under the instruction of the Travel Plan Coordinator.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission) 07 SWMI 040</p>	<p>Site Wide Travel Plan Website/Social media Feeds "What changes has this [sustainable travel website at Thames Valley Business Park] driven? No benefits or metrics are cited."</p>	<p>The provision of the Thames Valley case Study is provided purely as an example of the type of platforms that are available in order to disseminate travel information at employment sites.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission) 07 SWMI 041</p>	<p>Employee Discounts "May? Have any conversations taken place with the travel operators? Or is this fanciful thinking from the applicant."</p>	<p>Bus operators are familiar with travel incentives such as vouchers. The key point is that these vouchers will be made available for future workers and are referenced in Table 3 and Appendix A of the Site Wide Travel Plan (AS2-039).</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission) 07 SWMI 042</p>	<p>Employee Discounts "Should??"</p>	<p>As set out in paragraph 9.19 of the SoCG with SCC (AS2-007), these measures are sufficient to achieve the 10% modal shift target.</p>

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<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 043</p>	<p>Directional Information & Signage</p> <p>"This is utterly ineffective. During SRN closures HGVs routinely ignore signage and follow their sat navs. The roads around Crateford are used as rat runs, a situation worsened by the traffic signals introduced at Four Ashes and Crateford."</p>	<p>Please refer to the Applicant's Post Hearing Submissions (REP4-003), and specifically the answer given at reference 2.7.1.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 044</p>	<p>Occupier- Specific Measures</p> <p>"So if margins are low they will be able to do nothing?"</p>	<p>The Occupier Travel Plans will be by definition bespoke to each individual operator. However, where operators are not able to finance specific measures, workers will still be able to make use of the sustainable travel options that are to be provided by the wider development, for example shuttle buses, together with the benefits of the wider travel planning process, such as personalised travel planning.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p>	<p>Flexible Working Hours/Compressed Working Week</p> <p>"The majority of employees will be manual shift workers. Realistically how much of these works flexibly?"</p>	<p>While the majority of employees will be shift workers, there will be those employed who will work typical office-based hours. This will include those dealing with financial/administration roles, Human Resources and the like. Such roles can accommodate remote</p>

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07 SWMI 045		<p>working and if necessary, compressed working arrangements. This will however be subject to end user requirements. It is necessary however to ensure the opportunity for the benefits of these working arrangements is recognised.</p> <p>See also Appendix 8 of Document 15.1, submitted at Deadline 5.</p>
Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission) 07 SWMI 046	Flexible Working Hours/Compressed Working Week "These points relate to office - based employment – not warehousing."	
Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission) 07 SWMI 047	Remote/Home Working Opportunities "Only a small number?"	
Stop the West Midlands Interchange	Video/Tele-Conferencing Facilities "For warehouse staff?"	

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
<p>(Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 048</p>		
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 049</p>	<p>A449 Stafford Road Corridor</p> <p>"i54 is an entirely different development - situated within the West Midlands boundary."</p>	<p>Modal shift targets are not based upon outcomes identified at i54. The Site Wide Travel Plan (AS2-039) provides details of the success of the Travel Plan at i54 in order to show what positive outcomes can be achieved through the measures provided by Travel Planning.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 050</p>	<p>A449 Stafford Road Corridor</p> <p>"Why has this not been done in advance?"</p>	<p>The opportunities for creating links to i54 has been considered, through the promotion of the enhancements to the existing 54 service. This will improve bus travel opportunities for both existing and future employees.</p>

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<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 051</p>	<p>Travel Plan Management</p> <p>"Governance. What influence will the steering committee have?"</p>	<p>Details of the TSG are set out in 7.1.8 and 7.1.9 of the SWTP (AS-039).</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p> <p>07 SWMI 052</p>	<p>Transport Steering Group</p> <p>"Only annually to resolve issues and concerns of residents?"</p>	<p>As specified above, local residents will be able to report any issues that may concern them to either the Travel Plan Co-ordinator, the Steering Group or the SCC Community Transport Officer.</p> <p>The Steering Group will be able to communicate outside of specific meetings in order to respond to any specific concerns raised and ensure they are addressed promptly. The Group can meet as often as is felt needed.</p>
<p>Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)</p>	<p>Transport Steering Group</p> <p>"Chaired by the applicant?"</p>	<p>The constitution of the TSG has been agreed by HE and SCC, who are both parties. As set out in paragraph 7.1.9 of the SWTP (AS2-039), a Decision Review Mechanism will deal with any matters</p>

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07 SWMI 053		where there is an impasse or if a member feels aggrieved by a decision of the TSG.
Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission) 07 SWMI 054	Outcome Target: Modal Shift for Commuting to and from Work "83% is rather high."	It should be noted that the figure of 83% relates to the existing journey to work modal share as identified by the 2011 Census.
Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission) 07 SWMI 055	Outcome Target: Modal Shift for Commuting to and from Work "This shows no switch to non-carbon transport. Despite all of the measures they will be unable to increase train bicycle or walking."	The approach taken to forecast modal share reflects that a finite number of future workers would be expected to travel either on foot or by bicycle.
Stop the West Midlands Interchange (Post Hearing Submission (2) Late Submission)	Recovery Action Plan "How many years will this take?"	There is no specific time limit set for the Recovery Measures to apply. It is in the Applicants interest to ensure the Site Wide Travel Plan is effective in order to minimise their exposure to the Travel Plan Contingency Fund The annual monitoring of the travel plan

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07 SWMI 056		will be able to identify the success of the recovery measures, whilst regular discussions between the TSG will also be able identify the success of the Travel Plan strategy and the success of any recovery measures in the event that they are utilised.
<p>The Collective of Parish Councils Against the West Midlands Interchange</p> <p>08 CPC 001</p>	<p>Viability</p> <p>“The Collective requires justification of the need to cross the recognisable physical boundary between the triangle of land formed by the boundaries of the A5, the A449 and Vicarage Road/Station Road and the hamlet of Calf Heath. The original application related to 250 hectares with only two entrances; one from the A449 and one from the A5. This application was alleged to be viable at that stage. However, a further modified application included an additional 50 hectares of land in Calf Heath. If the original application for 250 hectares was viable what very special circumstances come into play to justify the further 50 hectares.</p> <p>The inclusion of the 50 additional hectares will have a substantial and adverse impact on traffic flow in this area as a whole. The detrimental impact will not only be suffered by Straight Mile and Station Road but also by the narrow lanes which lead to and from those roads to the villages of Shareshill and Saredon.”</p>	<p>See the Applicant's response to ExQ1 on scale (Appendices 9 and 10 of REP2-011) and the Applicant's Post Hearing Submission on Compelling Need and VSC (Appendix 2 of REP4-004).</p>

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<p>The Collective of Parish Councils Against the West Midlands Interchange</p> <p>08 CPC 002</p>	<p>Public Safety – Inevitability Rat Running</p> <p>“The Collective is deeply concerned that, despite the fact the need to increase the size of the proposal site is considered to be highly questionable in terms of assuring the viability of the proposal, that it still forms part of this application. What justification can possibly outweigh the need to protect the safety of cyclists, walkers and horse riders.”</p>	<p>Please refer to Section 9.11 of the Transport Assessment (Document 6.2, APP-114). As agreed with SCC, a contingent traffic management fund will be established to monitor any use of WMI traffic on inappropriate routes.</p> <p>Details of how the Contingent Traffic Management Fund will work are set out with Section 7.3 of the Site Wide Travel Plan (Document AS-039).</p>
<p>The Collective of Parish Councils Against the West Midlands Interchange</p> <p>08 CPC 003</p>	<p>Public Safety – Inevitability Rat Running</p> <p>“The Collective’s fears for public safety are even more exacerbated by proposals which have been mooted regarding the closure of part of Station Road (close to the railway bridge). This course of action will also impede cyclists from accessing the country route from Shareshill to the larger Parish of Brewood.”</p>	<p>As part of its Deadline 4 submission and in response to specific discussions held at ISH2, the applicant submitted Technical Note 42: Station Drive closure. This is provided at Appendix 6 of the Applicants Deadline 4 submission (REP4-007). This considered a qualitative assessment of the closure of Station Drive to through traffic. It was the conclusion of this exercise that there is no benefit in closing Station Drive to through traffic and therefore the Applicants mitigation for the A449 / Station Drive remains as proposed and will remove existing rat running traffic from this link.</p>
<p>The Collective of Parish Councils Against the West Midlands Interchange</p>	<p>Public Safety – Inevitability Rat Running</p> <p>“The encouragement of additional traffic onto roads at the rear of the application site, merely to satisfy an increase in the size of this proposal, is unacceptable.</p>	<p>The banned right turn will accommodate the country route from Shareshill to Brewood. This cycle route is facilitated by the existing</p>

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08 CPC 004	Moreover in the obvious absence of any very special circumstances to support the inclusion of an additional 50 hectares again where is the justification to jeopardise public safety?"	east – west movement across the A449 between Four Ashes Road and Station Drive, which will remain with the proposed highway modifications in place.
The Collective of Parish Councils Against the West Midlands Interchange 08 CPC 005	Biodiversity "The 50 hectare extension is proposed to be utilised in part as the Country Park which, as quoted by the applicant, is the core mitigation for the protection of the existing wildlife habitat; however, this is not to be delivered until the final phase. How can this be acceptable?"	<p>This is not the "core mitigation". There is a comprehensive biodiversity plan for the entirety of the application site, with all stages of the Proposed Development planned to appropriately mitigate their impact.</p> <p>Calf Heath Community Park (south) is to be completed prior to the commencement of development at Development Zone A4b. This is secured via Requirement 17 of the dDCO and via the FEMMP (Document 6.2, ES Technical Appendix 10.4, AS-036).</p>
The Collective of Parish Councils Against the West Midlands Interchange 08 CPC 006	Phasing of development "The Collective is of the view that rail supremacy should prevail; it is imperative that the installation of the rail connection takes place prior to the construction of the warehousing element of the proposal. This course of action is essential in order to ensure against a scenario which has the potential to lead to loss of valuable Green Belt merely to support warehousing; a situation which could easily arise should any unforeseen financial constraints prevent the	<p>The Applicant's case in relation to very special circumstances is set out in the Planning Statement (APP-252) at Section 6.5 and elsewhere, including in particular, in the Applicant's Post Hearing Submissions (CAH, ISH 2 and ISH3) (REP4-004) Appendix 2, which sought to summarise the Applicant's position.</p> <p>None of the claimed very special circumstances relate to the speed with which the rail terminal is provided. Instead, the very special circumstances case relates to the quality of the SRFI which (when</p>

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	<p>construction of the rail connection. Clearly, allowing this to happen would fly in the face of the very reason why a Green Belt site is being considered for a facility of this nature at all.</p> <p>The Collective is cognisant of the thrust of the applicant's argument. However, it is clear that the applicants are reliant upon the fact that other facilities of this nature have included the construction of 25% of the warehousing development prior to the installation of the rail connection, however, those sites were not in Green Belt."</p>	<p>constructed) will include all of the matters set out in Section 26 of the Planning Act 2008. The evidence demonstrates the starting presumption within the NPS but also the particular recognition of the need for a large scale SRFI in the vicinity of the application site. The gap in the existing network of SRFI is very substantial such that national policy objectives will not be satisfied without the development of these SRFI proposals (and others) or a comparable replacement on an alternative site. The evidence also identifies, however, that there is no alternative site.</p> <p>The Applicant is committing to provide the rail freight interchange as soon as practical and the structure of the draft DCO provides every incentive for the rail freight interchange to be in place as soon as it can be. The practical considerations that prevent its earlier provision, however, are unrelated to the question of whether or not the development as proposed demonstrates very special circumstances.</p> <p>See also the Applicant's response to 01 SSDC 001 of this document.</p>
<p>The Collective of Parish Councils Against the West Midlands Interchange</p>	<p>Detrimental affect on surrounding landscape</p> <p>"The sheer scale, height and overall mass of the proposed warehousing development cannot be mitigated when viewed from the Toposcope at Shoal</p>	<p>The consideration and assessment of the landscape and visual effects of the proposed development has been robustly and comprehensively undertaken, in accordance with the relevant</p>

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08 CPC 007	<p>Hill Common or from St. Mary and St. Luke's Church in Shareshill. The applicants refute this assertion, as it is their belief that there are many wooded areas which would mitigate the impact on important local views. Unfortunately, the applicants appear to be reliant upon a natural mitigation which will no longer be in existence once the proposed mass removal of trees has taken place. The wholesale destruction of the wooded areas on the site will not only urbanise the landscape but will also encroach directly into the open countryside and significantly change its appearance once the full scale of the warehousing development is actually revealed.</p> <p>Reference has been made by other agencies to the need to protect the setting of the local Area of Outstanding Natural Beauty. These views are particularly relevant in this instance as the elevated plateau of Cannock Chase gives long vistas over the farmed vales and countryside of the Midlands from within it.</p> <p>Cannock Chase is prominent as a wooded skyline from many surrounding areas and policy is in place (LCP8 – AONB Management Plan 2019-2024) to protect and enhance the setting of the AONB to ensure the survival of those special qualities. The Collective feels strongly that these factors need to be recognised when</p>	<p>guidelines and best practices. This has included consideration of the visual effects arising for users of Shoal Hill and for residents and other receptors at Shareshill. It has also assessed the effects of the proposed development upon the Cannock Chase Area of Outstanding Natural Beauty (AONB).</p> <p>During the design and assessment stage of work, Shoal Hill Common and Shareshill were visited by the applicant with officers from the County and District Council's and Natural England. During this time, the potential effects of the proposed development upon views and the landscape, and the potential for measures to mitigate the effects were devised and discussed.</p> <p>The Proposed Development is not reliant upon existing wooded areas to mitigate the visual effects of the proposed development. However, the existing context of the Site does include a good proportion of mature woodland, tree groups and other trees (including along the motorway corridor). Notwithstanding the removal of the majority of Calf Heath Wood and other trees and tree groups from within the Site, this existing wooded and treed context around the Site will remain and will be effective in screening and filtering wider views towards the Proposed Development.</p> <p>From locations on Shoal Hill Common, where views are possible in the direction of the Site, the proposed development will be seen within a well treed context. The highest parts of the development</p>

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	<p>determination of development and land management proposals with the potential to affect an AONB is taking place.”</p>	<p>will be visible above the existing trees, yet much of the lower parts, including the active surrounds to the individual buildings will be visually filtered and screened largely by existing surrounding woodland and trees. A similar situation will arise on the northern side of Shareshill, although views towards the proposed development from St. Mary and St. Luke's Church are also restricted by existing trees and hedgerows immediately around the church</p> <p>Views more broadly from within the AONB towards the proposed development will be very limited and confined to a limited number of elevated positions at the south western extent of the AONB as detailed on the Zone of Theoretical Visibility plan as Figure 12.9 of the ES (Doc 6.2).</p> <p>In the context of the AONB and views to and from the AONB and Shoal Hill, the Statement of Common Ground between the applicant (FAL) and Natural England (NE) is relevant and states at para`s 5.1.21-5.1.23:</p> <p><i>“FAL and NE agree that where views towards the proposed development are available for users of Shoal Hill the likely visual effect (during construction and upon completion) will be Moderate Adverse.</i></p> <p><i>NE are satisfied that the statements made at paragraphs 7.5.12-7.5.27 within the Design and Access Statement (Document 7.5)</i></p>

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		<p><i>will be sufficient to ensure that the visual effects of the new structures on the statutory purposes of the Cannock Chase AONB will be mitigated for as far as is reasonably possible. In particular NE welcome the comment at 7.5.16.</i></p> <p><i>NE are satisfied with the indicative colour palette on page 90 of the Design and Access Statement (Document 7.5) and confirm that none of the colours shown nor the proposed patterning on these indicative elevations would cause NE concern. NE are content with the indicative designs for the east and south elevations i.e. those elevations visible from Shoal Hill."</i></p> <p>Further to this and as referenced above, the Design and Access Statement (DAS) (Doc 7.5) confirms that particular attention will be paid at the detailed design stage to the colour treatments and measures to mitigate and minimise as far as practicable the visual effects on surrounding viewpoints. Specific reference to views from Shoal Hill is included at 7.5.16 of the DAS.</p> <p>As also advised in the LVIA (Doc 6.2; Chapter 12; para 12.458), the design and detailing of the buildings and other structures (elevational treatments, colours, rooflines etc.) will be subject to subsequent approvals under the requirements in the DCO.</p> <p>For reference, the LVIA within the ES (Doc 6.2; Chapter 12) comprehensively addresses these matters, as follows:</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		<p>Cannock Chase AONB: paragraphs 12.290-12.100, 12.173-12.187, 12.319-12.334, 12.444-12.447 and Table 12.2</p> <p>Shoal Hill Common: para`s 12.92, 12.177, 12.291-12.293, 12.323, 12.444-12.449, 12.483 and Table 12</p> <p>Shareshill: 12.117, 12.129, 12.258-260, 12.288-12.290, 12.369, 12.399, 12.441-12.442</p> <p>Further details of the landscape and visual effects upon these receptors are also included within ES (APP-032) Technical Appendices 12.5 and 12.6.</p>
<p>The Collective of Parish Councils Against the West Midlands Interchange</p> <p>08 CPC 008</p>	<p>Traffic Management Plans</p> <p>“The applicant has touched briefly on the proposed preparation of a Traffic Management Plan in order to avoid traffic generated by the WMI from using the route through Penkrige to join the M6 at Dunston. The Collective is of the view that any Traffic Management Plan will be wholly unenforceable. The driver of any vehicle leaving the site will have the right to detour to a destination of their own choice, thus negating any regulation contained in the proposed TMP.</p>	<p>Please refer to the Applicant's Post Hearing Submissions (REP4-003), specifically at reference 2.8.1.</p>

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	<p>The Collective has observed through attendance at the associated hearings that the proposal to impose a Traffic Management Plan is being regarded as aspirational at this stage; an observation which the Collective is fully supportive of as there does not appear to be any background evidence to support its effectiveness.”</p>	
<p>The Collective of Parish Councils Against the West Midlands Interchange 08 CPC 009</p>	<p>Proposed customer base ratios</p> <p>“The Collective is extremely concerned that the applicants are intending to allow delivery and collection services to 40% of distribution businesses based outside the West Midlands in order to service companies in other parts of the country. These companies may have an existing Interchange closer to them or may well have an SRFI due to be built closer to their own location.</p> <p>It should be borne in mind that Government Policy aspires to cut down the need to travel long distances reducing congestion, pollution and greenhouse gases which, with respect, underlines the whole purpose of using rail to serve the West Midlands to provide distribution to the conurbation.</p>	<p>To be clear, the Applicant is neither encouraging NDCs or RDCs to the Proposed Development, with the provision of NDCs or RDCs to be driver by occupier requirements. Whether it is RDCs or NDCs that are predominantly located at the SRFI, the savings provided in terms of HGV km’s travelled and carbon reductions, will be significant.</p> <p>SRFIs will usually 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 as a logistics location in the middle of the country it is expected to attract a split of end users. However, the primary market is for an RDC, but allowances have been made for WMI’s role as a location for NDCs as outlined in the highways modelling and distribution of trips, as provided within Table 25 of the Transport Assessment (APP-114).</p>

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	<p>In light of the above The Collective feels strongly that by encouraging 40% of users to onward deliver to longer distances outside the West Midlands the applicant is defeating the object. Moreover, this course of action could potentially lead some of those businesses to relocate to the West Midlands Interchange, thus potentially displacing employment from areas with high unemployment; unlike South Staffordshire which has low unemployment figures.</p> <p>All these factors weigh heavily against the very special circumstances required to allow development within 300 hectares of much valued green belt."</p>	<p>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 a location for RDCs. 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.</p>

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Individuals		
Alternative Sites (Helen Didlock) IND01 ASA	<p>“I still have great concerns regarding the size of this proposal and therefore the mass destruction of green belt land as I am still unclear how alternative sites for a Strategic Rail Freight Interchange (SRFI) have been discounted by the Applicant:</p> <p>For example: Rugeley Power Station is 374 acres of land that is ready to be developed.”</p>	<p>The Alternative Sites Assessment (APP-255) assesses the alternative sites that have been considered in selecting the site of the Proposed Development. The purpose of the document is to consider whether the location is the most suitable, or whether alternative sites which could meet the need for a SRFI ought to be preferred. The Alternative Sites Assessment established the area in which it is appropriate to search for an alternative site, sets out the search criteria to assess potential sites and assesses the suitability of alternative sites.</p> <p>Rugeley Power Station was considered and discounted at pages 58 – 65 the Alternative Sites Assessment.</p>
Ecology (Janis Bradshaw) IND02 ECOL	<p>“It would appear that both the County Council and Four Ashes Ltd. have consulted ecology experts about the site but has an independent ecology and conservation expert made an assessment? That the conservation and community parks are being developed late in construction may lead to the extinction or reduced numbers of species. Has there been investigations/studies into wildlife survival alongside major operational industrial sites?”</p>	<p>The ecologists who undertook the assessment are members of the Chartered Institute of Ecology and Environmental Management (CIEEM). As members of CIEEM they are bound to uphold the independent Code of Professional Conduct.</p> <p>The key mitigation, including Croft Lane Community Park and the Ecological Corridor is to be ‘front loaded’ and is not developed late in construction. This is secured via 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</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		development at Development Zones A4a or A4b as shown on the green infrastructure parameters plan (Document 2.7, AS-062), whichever is sooner). The southern section of Calf Heath Community Park is to be completed prior to the commencement of development at Development Zone A4b – this is also secured via Requirement 17 of the dDCO.
Environment (Dr Richard Taylor) IND03 ENV	<p>“There is very little in the further documentation from the applicant to reassure that high pollution, traffic chaos, ecological and environmental detriment, noise hazard, light pollution have been significantly addressed.”</p>	<p>These issues have comprehensively been considered in the Environmental Statement (APP-014 to APP-152).</p>
Flooding (Anita Anderson) IND04 FLO	<p>“following very heavy rainfall, the River Penk often floods, in several places in low level land areas which consequently affects local land, roads and properties.”</p>	<p>The Surface Water Drainage Strategy (APP-152) includes assessment of the existing catchments which drain to the River Penk via the current land drainage network.</p> <p>The rates at which the catchments discharge water towards the River Penk in the current situation have been calculated for a range of storm conditions from the 1 in 1 (100%) annual probability to the 1 in 100 (0.1%) annual probability.</p> <p>Surface water runoff from WMI is proposed to be reduced to the 1 in 1 probability rate for all rainfall events and it is therefore expected that the effects of flash flooding on downstream property and</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		infrastructure during extreme rainfall events would be reduced following the development.
Light pollution (Janis Bradshaw) IND05 LIG	<p>"I feel that light pollution has been skimmed over. Some lighting will be high. Gantry cranes will have lights that will be moving. How can the applicants ensure that site operators show consideration?"</p>	<p>The Lighting Strategy and Lighting Impact Assessment (Document 6.2, ES Technical Appendix 12.8, APP-106) sets out key constraints to be applied to the lighting for the proposed development such that all forms of light pollution will be minimised. The draft Development Consent Order contains a Requirement (19) that:</p> <ul style="list-style-type: none"> • the Applicant must adhere to the Lighting Strategy, with an emphasis on minimising mounting heights; • all lighting proposals must be submitted in detail to the local planning authority for approval; and • the lighting must be properly maintained. <p>Regarding gantry lighting, this will be mounted on the underside of the gantry crane and aimed directly downwards, confining illumination to the working area beneath. Gantry movement will be comparatively slow; furthermore, even at their extreme positions they will be sufficiently distant from off-site receptors as to avoid any light pollution effects.</p>
Need (Janis Bradshaw)	<p>"It appears evident that rather than responding to a "...specific pressing local needs for a rail-served facilities and warehousing.." (1) that Four Ashes</p>	<p>There is a real need for a rail freight interchange in this location. The lack of supply of land suitable for B8 distribution use and the continuing occupational demand from this sector, together with the</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
IND06 NEE	<p>Limited are trying to generate and justify a need. There are already 3 rail freight terminals within a 40 mile radius of Birmingham all with good motorway and road links. Birch Coppice at Tamworth operational from 1997, Telford International Rail Freight Park (TIRFP) operational from 2009 and Daventry International Freight Terminal (DIRFT) operational from 1997 and built in 3 stages.</p> <p>On 12th June 2019 all 3 terminals had vacant warehousing either for sale or rent. Birch Coppice had 282,124 sq ft. TIRFP at Donnington advertises 'The largest shed in Telford is on the market' with 75,705 sq ft of warehousing and office space with ample parking spaces. In addition there are other units totalling 20,412 sq ft as well as 2 plots of land adjacent to the site for commercial development. It is well known in the area that this site is underused. I understand that DIRFT is one of the largest and most successful rail terminals in the country yet it currently has 8 units for rent totalling over 10,000,000 sq ft. This terminal is already linked with the West Coast train line and is located by junction 18 of the M1 motorway in close proximity to the A5, A14 and M6."</p>	<p>developing requirement for multi-modal facilities, has been evidenced by the applicant, as has the geographical void between interchanges in the north west and those to the east of Birmingham (Birch Coppice and Hams Hall), and those in the East Midlands (DIRFT and East Midlands Gateway – under construction).</p> <p>TIRFP does not qualify as an SRFI; there is very limited scope for development. Take-up has been limited because it is both a small site and too far from core logistics markets.</p> <p>Table 6.6 in the Updated Market Assessment (REP2-004) provides details of remaining land at the two West Midlands SRFI. There is no land available at Birch Coppice and limited capacity on an adjoining site. At Hams Hall approximately half of the Power Station B site remains.</p> <p>Taken collectively the total supply available makes very little contribution to the supply shortfall.</p> <p>DIRFT is in the East Midlands, is approximately 55 miles from WMI, and is in a different market area; indeed it should be regarded as forming part of the network of SRFIs necessary to allow rail freight to operate efficiently and economically, and of which WM (if consented) will form part.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
<p>Noise (Janis Bradshaw) IND07 NOI</p>	<p>"I lived on a housing estate close to the Bescot (Walsall) marshalling yard dealing with freight and it was very noisy especially at night. What happens if noise exceeds accepted levels?"</p>	<p>The bespoke noise insulation scheme is aimed at providing upgraded insulation to those properties adversely affected by the proposed development. There are three assessment windows through the life of the project, so that if there are properties that are not initially identified, but that suffer a significant adverse impact, they will be picked up in a later assessment window.</p> <p>SSDC will retain their powers under both the Control of Pollution Act 1974 and the Environmental Protection Act 1990 to take action to stop or modify any construction or operational activities that are considered to be unreasonable noisy.</p> <p>Furthermore, a new DCO Requirement has been agreed between the applicant and SSDC setting out a protocol for dealing with noise complaints. This new Requirement has been included in the dDCO submitted at Deadline 5.</p>
<p>PRoW (Debbie Gibson / T Rhodes) IND08 PRW</p>	<p>"With reference to Penk29 public footpath and references made at the recent hearings that Penk29 doesn't connect to anything. This public footpath does connect to the area of the proposed Community park and on to then access the canal towpath via Croft lane. The public footpath was described as not important, I can assure you it is very important and used by myself and my family and many dog walkers, ramblers. Cyclists and users of the canal."</p>	<p>It is understood that the Cross Britain Way was created by a specific individual as a walking trail across the whole of the country that would include less well-known areas of the English countryside and combine both England and Wales. It does not have a specific classification in the same way as the Pennine Way for example which is one of the National Trails and are administered by Natural England, a statutory agency of the Government.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
	<p>"May I point out it is part of The Cross Britain Way. If closed this would cut this with no alternative route. I think The Ramblers Association should be informed of the proposal also."</p> <p>"I along with many of my walking friends are very concerned with the proposed closing of the public footpath PENK 29. This right of way cuts across fields over a railway bridge coming out on Croft Lane. I asked about this early on in proposal talks, to be told they would not divert the path because of health and safety issues. I'm sure these could be overcome and fear there will be no access for pedestrians to the proposed community park via the A449 footway also."</p>	<p>In the context of the site the route follows the canal towpath immediately to the north of the A5 and Cratford Lane to the west. Between these points the route follows Croft Lane, the public footpath (Penk 29) and the A449. However, as shown by the Access and Rights of Way Plan (Document 2.3A, AS-048), footpath PENK29 does not formally connect to Croft Lane (see also Appendix 13 (Extract from Definitive Map Penk 29) of Document 15.1 submitted at Deadline 5).</p> <p>A suitable revised alignment for the long-distance footpath through the site would follow the canal towpath south of the A5 and the footway alongside the proposed Link Road. This would not represent a major change to the route, yet at a localised scale it would represent an improvement, with a greater proportion of the route located off road and alongside the canal (see also Appendix 14 (Circular Routes) of Document 15.1 submitted at Deadline 5). This is considered by the Applicant to be a more pleasant route than the existing route.</p>
<p>PRoW (Debbie Gibson) IND09 PRW</p>	<p>"Wolverhampton Ramblers Association have confirmed that public right of way Penk 29 is in fact part of the long distance path, Cross Britain Way, created in 2014 as part of Macmillan Ways"</p>	
<p>Sailing (Lyndon Beasley)</p>	<p>"As a member of Greensforge Sailing Club I and we are not satisfied by the reports produced on behalf of the applicants (not yet registered) and wish to state there</p>	<p>See Appendix 12 (Note on Greensforge Sailing Club) of Document 15.1, submitted at Deadline 5.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
IND10 SAI	is no common ground. The building of any warehouses next to the reservoir will destroy any chance of sailing on this facility.”	
Socio-Economic (Janis Bradshaw) IND11 SOC	“Which leads to the question, if some of the 8500 additional workers have to relocate with their firms to the WMI, what housing provision is available?”	<p>Some workers are expected to relocate, but the majority of the workers (and an increasing proportion of workers over time) are expected to be local – coming from within the Travel to Work Area. Because there is sufficient existing labour supply identified within the TTWA and because the minority of employees who do relocate to work at WMI would be dispersed, living anywhere within the TTWA according to their preferences, the impact on the local housing market - and demand for new homes is expected to be negligible and housing growth specifically to support growth at WMI is not required.</p> <p>Nonetheless, South Staffordshire District Council has committed to delivering 3850 homes in South Staffordshire between 2006 and 2028 and ensure that a sufficient supply of deliverable/developable land is available to deliver 175 new homes each year informed by the District housing trajectory (Adopted Core Strategy 2012 Core Policy 6).</p>
Traffic (Anita Anderson) IND12 TRA	The current solution offered to the problem of 40 ton HGV on the Brewood road particularly is a “ not suitable for HGV” sign – and that is completely ineffectual. Logistics used to mean that the appropriate	It will not be necessary for WMI HGV's to utilise Brewood Road for any journeys to or from the Site. Brewood Road has an east to west alignment from A449. The junction of the A449 with Brewood Road is located some 3.2 km (2 miles) to the south of

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
	<p>size vehicle was used to process and deliver but now it means the fastest route and the largest vehicle possible to maximise profit and no thought of infrastructure or indeed the difficulty in driving these vehicles through Brewood Wheaton Aston Lapley etc. Perhaps a pro active dialogue with the “logistics “ providers would be illustrative of their priorities.</p>	<p>the site so would require a counter intuitive route in order to travel towards the west.</p> <p>Roads passing through Brewood itself to the west will be considered by the Contingent Traffic Management Fund. Please refer to Figure 5 (Routes to be Considered by Contingent Traffic Management Fund) of the Site Wide HGV Management Plan (AS-040) for details of those routes that will be considered by this fund.</p>
<p>Traffic (Cllr Winnie Millington) IND13 TRA</p>	<p>“My question is what allowance has been made to make these [Wheaton Aston] junctions safe, with either traffic islands or traffic lights? Have these difficulties been taken into consideration?”</p>	<p>With regard to WMI HGV's passing through Wheaton Aston and Lapley, it is considered that there is no reason for WMI HGV's to utilise routes passing through these areas. Both are situated within South Staffordshire. As set out within Table 7 of Technical Note 14 (Trip Distribution) (APP-142) only 3.6% of HGV trips are forecast to be distributed within the South Staffordshire area. Added to this, the character of the areas quoted are rural in nature and logically would not be expected to be destinations for WMI HGV's. As set out in paragraph 9.7 of the SoCG with SCC AS2-007), the trip distribution methodology has been agreed with SCC.</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.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		This position has been agreed with SCC. Please also refer to the Applicants Deadline 5 submission and the answer provided to the ExQ2.6.3 which concludes that no mitigation is required to the A5 west of Gailey.
<p>Traffic (Hilary Perruzza) IND14 TRA</p>	<p>“Swallowfields is a retirement complex of 9 properties and as we get older there may come a time when we can't drive and, therefore, have to use the bus. I, myself, use it frequently, but I notice that there is a proposal to move the bus stops further south. Already the south bus stop is a way off Crateford Lane and Gravelly Way. The current traffic light system from Crateford Lane onto A449 works well and slows down the traffic. I cannot see the reasoning behind why traffic from the north, east and south can access the A449 but not from the west.”</p>	<p>It is acknowledged that the northbound bus stop is being relocated from its current position and that it would require a longer walk distance for residents of Swallowfields. However, it is necessary to relocate the bus stop to ensure suitable separation is available with the proposed roundabout to the north. Please refer to Highway General Arrangement Plan 103 (AS-068).</p> <p>However, the relocated bus stop to the south would only involve an additional walk distance of approximately 100 metres, which within two minutes' walk for most people. Those residents of Swallowfields who would usually use public transport would remain within 400m of public transport.</p>
<p>Traffic (Janis Bradshaw) IND15 TRA</p>	<p>“No assessment appears to have been carried out as to how these frequent [M6] incidents impact on the area.”</p>	<p>As set out in paragraph 3.2.9 of the SoCG with Highways England (REP2-008), which states that there is no policy requirement to assess the impact if any closures on the M6. This equally applies the M54 and other parts of the highway network.</p> <p>As set out within the SoCG with Highways England at paragraphs 5.1.1 and 5.1.2, the highway impact arising from the Proposed</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		Development has been agreed. This includes the M6 motorway and its junction with the A5 at Junction 12.
Traffic (Janis Bradshaw) IND16 TRA	<p>“You have heard the opinions of how the proposed one-way system for Crateford Lane and no right turn into Station Drive will impact on local residents and The Four Ashes pub. Under the proposed road changes cyclists wishing to turn right into Station Drive will have to continue to the new roundabout at the junction of Crateford Lane and Gravelly Way and double back. Isn't it highly likely that they will dismount at the traffic lights on the A449 junction with Station Drive and cross over?</p> <p>There is no pedestrian crossing at this busy junction so there is a potential for accidents.”</p>	<p>Please refer to the Applicant's Post Hearing Submissions (REP4-003), specifically reference 2.4.5.</p> <p>It should be noted that there is in fact a signal-controlled pedestrian crossing at the A449 /Station Drive junction across the northern arm.</p> <p>Signal-controlled pedestrian / cycle facilities are also present across the Station Drive and Four Ashes Road arms of the junction.</p>
Compulsory Acquisition (Donna Gilmartin) IND17 CA	See Appendix 2 “Response on CA Issues”.	See Appendix 2 “Response on CA Issues”.

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
Compulsory Acquisition (Jamie Wilkes) IND18 CA	See Appendix 2 "Response on CA Issues".	See Appendix 2 "Response on CA Issues".

Note on Viability

The West Midlands Rail Freight Interchange Order 201X

Four Ashes Limited

APPENDIX 1: NOTE ON VIABILITY

1 Introduction

1.1 The Applicant has explained their approach to viability in previous submissions to the Examination, namely:

- Deadline 2, Document 10.1, Appendix 9 response to ExQ 1.2.18 Scale of the Development Proposed (REP2-011);
- Deadline 3 Document 11.1, Appendix 4 response to WR on behalf of Inglewood Investment Company Limited (REP3-007); and
- Deadline 4 Document 14.1, Appendix 2: Applicant's post hearing submissions relating to Compelling Need and VSC (REP4-004).

1.2 An Action List was agreed following the Compulsory Acquisition (CA) Hearing on 5 June 2019 and for Deadline 5 the Applicant was asked to:

1. *work with Inglewood to provide a joint note confirming what is and is not agreed in respect of the inputs into and assumptions under pinning the Inglewood viability calculations and why. Similar to a Scott Schedule;*
2. *Applicant to consider its position on demonstrating the viability of the proposal and any evidence it wishes to submit in relation to this. Applicant to consider the relevance of viability to Green Belt issues (extent of harm to openness resulting from the scale of land take) and CA proportionate approach. Is the Applicant seeking to acquire more land than is necessary to achieve the SRFI objectives in accordance with the NPS? and*
3. *advise the ExA whether, if a smaller scheme is viable, there is still a case having regard to the GB and NPS for the larger scheme.*

2 Inglewood

2.1 The Applicant has engaged with Inglewood extensively since the CA Hearing in an attempt to agree common ground and to agree terms on which to acquire the Inglewood land by private treaty rather than compulsory acquisition.

2.2 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.

2.3 In the circumstances the two parties have agreed to prioritise that agreement. The parties will keep the ExA apprised of the situation.

3 The Applicant's case in relation to viability

- 3.1 The Applicant's case in this respect is explained in its Deadline 4 submission Compelling Need and VSC.¹
- 3.2 As explained there, the Applicant's case is that there is a compelling need for the scale of development proposed and that very special circumstances exist to justify its development in the Green Belt. That case was advanced in the application without reference to viability and does not depend upon any finding in relation to viability. Issues of viability have principally entered the Examination, as a result of written representations, to which the Applicant has been obliged to respond.
- 3.3 Viability and deliverability, however, are reinforcing arguments supporting the scale of the development proposed. Whilst viability matters can be complex and detailed appraisals can consume significant inquiry or examination time, the principle of the Applicant's position on viability can be readily stated. Savills' report² explains:
- development land values in the West Midlands are very substantially lower than those achieved in the M1 corridor where other SRFI developments have come forward and are currently under development;
 - nevertheless the scale of infrastructure required for a fully functioning SRFI is the same and it follows, therefore, that a larger scale of development is necessary to recoup these fixed, early costs.
- 3.4 The Applicant has advised that the primary infrastructure at WMI is estimated to cost £117 million, of which the rail connection and terminal is costed at £40.6 million³. The infrastructure costs are front-loaded and in particular the rail costs are incurred in the early stages of the development.
- 3.5 As might be expected, the Applicant has undertaken careful appraisals of viability as the application proposals have developed. Those appraisals are commercially sensitive and confidential for the good reason that, in the event that development consent is granted, the applicant needs to negotiate and settle significant items within that appraisal, both cost and revenue items. Additionally, the financial terms of the bespoke land acquisition agreements reached to date are also covered by confidentiality arrangements.
- 3.6 In an attempt to assist the examination, however, the Applicant has prepared **Annex 1** which is a read out from the Applicant's own viability appraisal "dashboard" which summarises the outcome of its most up to date appraisal.
- 3.7 Whilst the dashboard is relatively simple, the appraisal which sits behind it is complex and has been prepared specifically for the WMI development. The Applicant believes that its financial model is more sophisticated and more appropriate for the specific circumstances than an Argus appraisal.
- 3.8 The Applicant's dashboard shows that the development would generate an internal rate of return (IRR) in the order of 15%. This is consistent with, but at the low end of, the range identified in the Savills report provided at Deadline 3 (referenced above), which advised:

¹ Document 14.1, appendix 2 (REP4-004)

² Submitted as Annex 1 to document 11.1, appendix 4 Response to WR on behalf of Inglewood (REP3-007)

³ Document 10.1, appendix 9: scale of the development proposed, paragraph 6.3 (REP2-011)

“1.2.2. An overall profit of in the order of at least 20% on cost would be required, albeit for this nature of project the market would look at an Internal Rate of Return (IRR) basis and would be seeking 15-20% as an IRR.”

- 3.9** The IRR is the appropriate primary metric due to the length of time over which costs are incurred and revenue is generated, especially in light of the significant weighting of infrastructure costs in the initial phases of development.
- 3.10** The dashboard confirms the Applicant’s position that the development is viable but also demonstrates that the development is not in a position to suffer any significant increase in cost or loss in value. There are important consequences of this including:
- a) accelerating further the time at which infrastructure costs are incurred would damage the appraisal (because an internal rate of return model is particularly vulnerable to early costs or deferred value); and
 - b) viability would also be damaged by the loss of development value such as would arise, for instance, if the Inglewood land was excluded from the development.
- 3.11** Excluding Inglewood would remove c.111,020 sqm of net lettable floorspace (15.28% of the proposed scheme total) from the scheme. The primary infrastructure costs, however, would not vary. As the Applicant has explained, the Inglewood land could potentially be brought forward in the early phases of development because (at least in part) it is not dependent upon the construction of the link road. Losing that opportunity would significantly affect the viability of the project.
- 3.12** It was suggested by other parties at the hearings that the original WMI scheme was significantly smaller and did not extend south of Vicarage Road. The Applicant has explained its position in its Post Hearing Submissions at paragraph 7.2 of Appendix 3 (REP4-004). The consequence of detailed design development, coupled with the recognised need to provide a full-scale rail freight interchange to meet occupier and policy requirements caused the infrastructure costs to increase substantially, which required a larger scale of development to maintain viability whilst also providing maximum benefit from the infrastructure.

4 Conclusions

- 4.1** Against this background, the Applicant’s position in relation to the matters raised in the Action List is as follows:
- a) the Applicant has chosen to submit viability evidence to the examination both in response to representations received and in support of its case;
 - b) the viability evidence demonstrates that the full scale of development proposed is necessary to deliver the WMI development and the benefits which are necessary to show both a compelling need for the development and very special circumstances;
 - c) a smaller scheme would require similar infrastructure costs and would not be viable; and
 - d) the Applicant is not seeking to acquire more land than is necessary to achieve the benefits of the development proposed.
- 4.2** One important issue that arises from the terms of the Action List is contained within the question:

“Is the applicant seeking to acquire more land than is necessary to achieve the SRFI objectives in accordance with the NPS?”

- 4.3** As set out above, the Applicant’s position is that a smaller development would not be viable. In any event, however, the NPS does not set a limit on the scale of SRFI development. The reason that it seeks a network of SRFI across the country is because SRFIs achieve a number of important benefits including:
- playing an important role in a low carbon economy and helping to address climate change (para 2.53);
 - providing considerable benefits for the local economy (paragraph 2.52);
 - responding to the changing needs of the logistics sector (paragraph 2.47); and
 - becoming an important driver of economic growth (paragraph 2.42).
- 4.4** It would be entirely inconsistent with the objectives of the NPS to seek to limit these benefits or to suggest that the policy requirement would be satisfied by “ticking the box” by providing a smaller scale development which qualifies as an SRFI. The NPS is clear that SRFI capacity needs to match the demands of the market (NPS paragraph 2.58) and substantial evidence has been submitted in this case to demonstrate the long standing identification of the scale required, the growing need for SRFI in this location in response to market trends, the strength of market demand and the complete absence of alternative locations on which the policy requirements and benefits can be secured. It is a very important part of the Applicants case, therefore, not only that WMI is an SRFI but also that it is of a scale which responds to the identified need and, as a result, generates substantial benefits.

Annex 1 – WMI Dashboard

West Midlands Interchange

Summary and Results

Appraisal Summary		Comments
Value	Total (£)	
Serviced Land	253,432,920	Gross value of fully serviced and developable land
Rail Terminal	23,672,882	Capital value of completed rail terminal
Seller's Costs	-4,156,587	
Net Receipts	272,949,215	
Costs	Total (£)	
Acquisition Costs	43,587,617	Gross site assembly costs including stamp duty
Planning Costs	15,026,304	Total project planning costs (pre and post DCO)
Site-wide Costs	137,927,190	Cost of abnormalities and infrastructure, rail infrastructure, and statutory contributions
Total Costs (before finance / profit)	196,541,110	
Financing Costs	10,257,898	
Profit	66,150,207	
Profit on Development Value	23.9%	
Leveraged IRR	14.7%	
Inputs		
Inflation Indexation	2.25%	
Serviced Land Value (£ per acre)	525,000	
Take Up Rate (sq. ft per annum)	515,990	
Take Up Rate (acres per annum)	25.6	
Total Net Developable Acres	390.16	
Interest Rate (per annum)	5.50%	
Project Programme	Quarter	
Today's Date	0	
Grant of DCO	3	
DCO Implementation	7	
Infrastructure Construction Start	7	
Rail Terminal Completion	24	
Project End	70	

Response on CA Issues

The West Midlands Rail Freight Interchange Order 201X

Four Ashes Limited

APPENDIX 1

RESPONSE ON CA ISSUES

D4 Individual Responses to CA		APPLICANT RESPONSE	
1. Jamie Wilkes (11 June 2019)			
1.1	<p><i>I am writing to you with the full consent of my parents Mr & Mrs J Wilkes who are resident at the above address. They have lived at Straight Mile Farm since 1957 and besides myself have a daughter who is still a permanent resident and has been since her birth in 1962.</i></p> <p><i>My parents land at the moment is being used as grazing land for cattle and also for horses. The income from this supplements their pensions. This income would be lost if their home was to be fragmented by the WMI.</i></p> <p><i>This 10 acres of land has always had livestock on it and provides a valuable space which would otherwise be lost as part of the greenbelt.</i></p> <p><i>Mr & Mrs Wilkes feel that they have had pressure placed upon them to accept an offer of cash for their property, being pestered by telephone and letter. They are both in their 80's and are not very mobile, my mother also [redacted] , they also are [redacted] so were unable to attend the meetings to raise their objections. This has resulted in them being confused and feeling that they have no choice but to accept WMI offer when they do not wish to</i></p>	1.1	<p>The Applicant has not been advised by Mr & Mrs Wilkes, or their advisors, that their son now represents them. The Applicant has no reason to doubt that is the case, but the Applicant's contact has been almost exclusively through Mr and Mrs Wilkes' surveyor and their solicitor to date. These advisers were appointed in late 2017, at the Applicant's expense, following the Applicant's initial contact with Mr and Mrs Wilkes in June 2016 (by letter) and then in March to September 2017 in several meetings.</p> <p>Through discussions with the surveyor (from Bruton Knowles) and the solicitors (from Mills and Reeve), an arrangement was structured to reflect the circumstances of Mr and Mrs Wilkes. The arrangement was split into two principal parts:</p> <ol style="list-style-type: none"> a. Mr and Mrs Wilkes could require the Applicant to purchase either or both their home and the grazing land; and b. The Applicant would have an option to purchase the grazing land (which is required relatively early in the scheme phasing to implement the undergrounding of the pylons) and the house Straight Mile Farm; but

D4 Individual Responses to CA	APPLICANT RESPONSE
<p><i>relocate at this late change in their life. This is definitely affecting their health with sleepless nights and confusion.</i></p> <p><i>Four Ashes Ltd have said they will pay agricultural price for the land but then it will not be used for agricultural purposes only for industrial use. In the meeting of 05/06/19 the sum of £24,000 per hectare was mentioned whereas industrial land is prices at £600,000 per hectare.</i></p> <p><i>FAL have put forward an offer to purchase Straight Mile Farm at 110% of market value with agreed option terms provided at the time were that while the surrounding land could be acquired at any time after the WMI commenced, Straight Mile Farm could not be acquired during my parents lifetimes. In return for accepting this offer a payment of £15,000 would be paid as an option fee. My parents have not accepted this offer as their land would be lost and a bunding placed within eye view of the main rear windows of the house effectively stopping any income from grazing.</i></p> <p><i>There are also vast quantities of sand and gravel which has not been quarried beneath the 10 acres of their land, the value of this would be substantial. The sand and gravel all around my parents land (side, front & rear) has already been removed</i> <i>The barns surrounding the house also have planning permission on them for development and this also has not been taken into consideration.</i></p>	<p>c. The option for Straight Mile Farm could not be implemented until the later of 15 years after the DCO is implemented or the death of Mr or Mrs Wilkes, whoever is the second to die.</p> <p>It is not proposed to demolish the house, even in the long term.</p> <p>The Applicant understood the arrangements and price to be accepted by Mr and Mrs Wilkes and on 12 February 2019 Bruton Knowles emailed the Applicant’s agent and asked that the Heads of terms which had been negotiated should now be finalised.</p> <p>The arrangement which was understood to be agreed involved an option fee and a price mechanism for the grazing land which would replace the lost income.</p> <p>The Applicant needs the rights to carry out the infrastructure works on the Wilkes land and the proposal made to purchase the entire interest was seen as the best way to protect the interests of the owners, as discussed with the Wilkes at the outset.</p> <p>Negotiations with the Wilkes, although ongoing since June 2016, have been, almost entirely, conducted through their appointed surveyor, whose fees the applicant have paid. The applicant strongly refutes any suggestion that it has ‘pestered’ the Wilkes. The Applicant, however, is under an obligation to make all reasonable attempts to purchase land by agreement and it only wrote to Mr and Mrs Wilkes directly when progress with documenting the in principle agreement the Wilkes had ceased and</p>

D4 Individual Responses to CA	APPLICANT RESPONSE
<p><i>Mr & Mrs Wilkes [redacted] and we as a family feel that the stress of this possible development is definitely making things a lot worse.</i></p> <p><i>I hope that you take the time to give their plight careful consideration as they do not wish to move from their family home of 62 years.</i></p>	<p>the Applicant was unable to obtain an explanation for this either from their solicitor or their surveyor (who had by that point moved firms).</p> <p>One of the reasons the applicant is paying the Wilkes' surveyors and legal fees is so that they can obtain independent advice they can trust. The applicant understood that the advice the Wilkes has received was to accept The Applicant's offer and this is why Heads of Terms for an in principle agreement were also understood to be agreed. The Heads of Terms respond directly to the wishes of Mr and Mrs Wilkes to ensure that they do not have to relocate. The applicant understands the Wilkes position and has always sought to ensure that they can continue to live in Straight Mile Farm for the rest of their lives, whilst the pylon is undergrounded and a country park is provided around their home.</p> <p>The heads of terms which were understood to be agreed) do not specify a price (except for the option fee). Rather, they confirm that the price to be paid would be based on an uplift from market value, ignoring the impact of the scheme.</p> <p>The land proposed to be purchased is not proposed for industrial development but for the undergrounding of a pylon and for landscaping with community access.</p> <p>The landscaped bund is proposed as part of a wider scheme of green infrastructure to help screen the noise, light and visual effect of the WMI development.</p>

D4 Individual Responses to CA		APPLICANT RESPONSE	
			<p>The land is not allocated or safeguarded for minerals extraction but any value in this respect would be included in the settlement of 'market value' under the terms of the (draft) agreement.</p> <p>The in principle agreement reached with the Wilkes provides for a payment to be made equivalent to 110% of market value. If buildings on the land have planning permission which adds to market value, this will be taken account of in the assessment of the payment to be made.</p> <p>The Applicant has no wish to cause any distress – which is why negotiations were conducted from an early stage through funded agents – and why the Heads of Terms are structured to protect the family home and to respond to what was understood to be the instructions of Mr and Mrs Wilkes.</p>
2. Donna Gilmartin			
2.1	<p><i>We have been having meetings with the applicant for 2 years now without any significant progress until you published the agenda for the CA hearing with our names as interested parties to attend the hearing. Amazingly the very next day an offer was put forward, as you stated there is nothing like a deadline to focus the mind. Perhaps I am very cynical in thinking they only jumped because you had focused on our situation.</i></p> <p><i>We do not have any paperwork yet for an agreement, I appreciate my father is out of the country [redacted] but the applicant appears to delay at every opportunity. Also, the</i></p>	2.1	<p>The Applicant has actively engaged with the Powell family, including Donna Gilmartin, over the last 3 years (since May 2016) in an effort to secure agreement in relation to the property interests in which they have an interest. A draft agreement was provided to Mr Powell in December 2017 and again in January 2018. Agents Knight Frank have been instructed by the land owners since November 2017, funded by the applicant. Various terms have been offered for the property interests since early 2018, including at the end of February 2019. An offer in relation to Croft House was accepted, in principle, in April 2019. In</p>

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<p><i>applicant is not taking the opportunity to use any of the sites found by my brother, instead they want to find their own which may not be in such a suitable position. There are limited places available locally and these could be taken up by other businesses. It is important for the gas business to remain as close as possible to where it is currently situated to retain the customer base and employees.</i></p> <p><i>During meetings with the applicant they gave assurances to find another site for the gas business but kept saying no alternative site could be found, yet when my brother decided to look he found 3 alternative sites within 2 miles of the existing site. Also the applicant indicated several times that an alternative site would be easier to find if and when the DCO had been granted. This is a worry to me as the applicant is thinking that once this area is developed then further development or 'infill' will be easier. Our small villages will be wiped out and all become one industrialised area.</i></p> <p><i>At the CA hearing another family came to speak to me, they were too worried to speak out at the hearing. They are elderly and feeling completely helpless and upset at the thought of losing their home. I care greatly for my community, I personally know a lot of residents as I have lived here all my life and I find it so very upsetting for people to feel bullied and coerced and made to feel they have no choice but to comply as they are lead to believe this development will go ahead. They are unable to sleep worrying about what will happen. I have advised them to write in to you for deadline 4.</i></p>	<p>relation to the other property interests, following ongoing discussions with their surveyor, an amended offer was made on 31 May 2019.</p> <p>Detailed Heads of Terms for an agreement have been the subject of negotiations between surveyors since the end of February 2019. However, discussions over the principles of an acquisition and relocation have been ongoing since 2017. The Applicant's interest is in concluding an agreement. There is no benefit to it in delay. The Applicant's 'contact log' records 72 entries (meetings, emails, letters, calls with the landowners and/or their advisers).</p> <p>The proposal put to MMS Gas (which is the business to which the respondent refers) sets out a detailed approach to the identification of a relocation site close to its existing customer base. The search area and the property specification reflect that which has been requested by the landowners.</p> <p>The Applicant has no interest in declining relocation sites and the Heads of Terms make clear that the applicant would be obliged to purchase a relocation site if it meets the specified terms and is agreed by the landowner.</p> <p>As was confirmed at the CP Hearing on 5 June 2019, negotiations with MMS Gas are at an advanced stage and a further meeting was held with the business on 19 June 2019. As a result of this meeting revised Heads of Terms were issued that the Applicant understand deals with all</p>

D4 Individual Responses to CA	APPLICANT RESPONSE
	<p>remaining concerns of the Powell family. The Applicant is awaiting formal confirmation that terms are now agreed.</p> <p>The Applicant does not know to whom the comment concerning another family refers but it may be the Wilkes. Wherever practical, the Applicant has followed first contact with an offer that the landowner should appoint advisers at the Applicant's expense.</p> <p>The Applicant has made a detailed reply in this document regarding the Wilkes property and strongly refutes the use of the words "bullied and coerced". The approach taken by the Applicant in the negotiation on that property has proceeded as for that with the Powell family and their property interests, with careful consideration given to requests made by the parties in order to reach an agreement should the project proceed. Agreement has been reached with Donna Gilmartin regarding on her own property interests and the Applicant has tried to offer the same protection to the Wilkes.</p> <p>The Applicant appreciates the WMI project may not be welcomed by all residents, but it has throughout all negotiations tried to be sensitive to each resident's particular circumstances and requests.</p>