

**Application by Four Ashes Limited for an Order Granting Development Consent for the West Midlands Interchange**

Your Ref: TR050005

Response to The Examining Authority's second written questions and requests for information (ExQ2) on behalf of City of Wolverhampton Council (CWC) and Walsall Council (WC) (respondent reference 20015794)

Submitted: 5 July 2019

The responses below are organised in relation to the table produced by the EA. Only questions that seek a response from the local authorities have been listed.

<b>ExQ2</b>	<b>Question to:</b>	<b>Question:</b>
2.1.2	SSDC Other Local Authorities.	<p><b>Green Belt (GB) Review</b></p> <p>The SoCG between SSDC and the applicant [REP2-050] notes that Paragraph 6.15 of the SSDC Site Allocations Document states that the review of the SSDC Local Plan would be accompanied by a Strategic GB Review. Appendix 3 to the applicant's response to FWQs [REP-010] states (paragraph 3.200) that the West Midlands Land Commission final report of February 2017 also called for a strategic review of the GB.</p> <p>Given that the work has commenced on the review of both the SSDC Core Strategy/Local Plan and the Black Country Core Strategy (BCCS), what steps have been taken by the LAs towards undertaking a strategic review of the GB within the BC and southern Staffordshire and what is the likely programme for the completion of any such review?</p>
<b>CWC/WC Response</b>	<p>A Green Belt review commissioned jointly by the Black Country authorities and South Staffordshire is currently underway. The timetable for publication of this review requires political authorisation across the local authorities, so we are not yet able to publish a programme. Work on the Green Belt Review will, of course, have to be brought together with other evidence (on environmental impacts, sustainability and deliverability) before the work will produce development proposals.</p>	

2.2.1	SSDC Other Local Authorities.	<p><b>Regional/ Sub-regional Policy Context</b></p> <p>Paragraph 9.10 of South Staffordshire Core Strategy (SSCS) says that the WMRSS Phase 2 Revision Panel Report concluded that there were differences of opinion as to whether the provision of a Regional Logistics Site (RLS) was the best way of meeting the aspiration for urban regeneration in the BC.</p> <p>With reference to the applicant’s Responses to Other Parties’ Deadline 2 Submissions [REP3-003] paragraph 5.3, do SSDC and the other LAs agree that the Panel also concluded that:</p> <ul style="list-style-type: none"> <li>• New RLS should be rail connected;</li> <li>• The closer that any warehousing or industry is to the rail terminal the better;</li> <li>• Priority attention should be given to securing provision in the north of the conurbation to serve the BC and Southern Staffordshire as it is that area that is identified as in most urgent need;</li> <li>• A facility in Telford would be remote from the BC; and</li> <li>• Although other sites might be available there was no justification for amending the reference to southern Staffordshire (in the draft policy)?</li> </ul>
<b>CWC/WC Response</b>	<p>Reference REP3-003 appears to be incorrect as this refers to the draft Development Consent Order. The applicant’s response to other parties’ deadline 2 submissions is actually document REP3-007. However, this does not contain a paragraph 5.3.</p> <p>The WMRSS Phase 2 Revision Panel Report does not appear to have been submitted as a document to the examination library. It may be helpful if this was rectified to allow the EA to draw its own conclusions from paragraphs 5.23 to 5.33<sup>1</sup>. However, the conclusions of the Panel may be summarised in recommendations R5.14 and R5.15 of the Report.</p>	

<sup>1</sup> See

[https://webarchive.nationalarchives.gov.uk/20100721100215/http://www.wmra.gov.uk/Planning\\_and\\_Regional\\_Spatial\\_Strategy/RSS\\_Revision/RSS\\_Revision\\_Phase\\_2/RSS\\_Revision\\_Phase\\_2.aspx](https://webarchive.nationalarchives.gov.uk/20100721100215/http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/RSS_Revision/RSS_Revision_Phase_2/RSS_Revision_Phase_2.aspx)

Recommendation R5.14 is shown as 'track changes' to RSS Policy PA9 'Regional Logistics Sites' as below. Text in italics is from the Preferred Option version of the emerging RSS Phase 2<sup>2</sup> whilst under-lined and crossed out text shows the recommendations of the Panel:

"A. Within the portfolio of employment sites, provision should be made for Regional Logistics Sites (RLS) the purpose of which will be to provide opportunities for the concentrated development of warehousing and distribution uses.

"B. ~~RLS with existing or potential for dedicated rail access to the regional rail and highway networks will be identified within development plans~~ freight routes with at least W8 loading gauge and close proximity to a junction that could provide access to the SRN or other principal roads should be identified in Core Strategy DPDs . The RPB should be consulted on such proposals. Sites should *also*:

"i) Ideally be in the order of 50 hectares or more but smaller inter-modal sites may be appropriate for consideration as RLS if they can be closely associated with substantial warehousing on adjacent or closely related land

"ii) possess good quality public transport links, or *be* capable of having such links provided

"iii) be served or proposed to be served by multi-modal transport facilities and broadband IT infrastructure

"iv) have easy access to an appropriate labour supply and education and training opportunities

"C. *Based on a study of the future demand for logistics within the Region it is estimated that at least 150 200-250 hectares of land could be required on RLS-type locations to serve the West Midlands in the period up to 2021.*

"D. The Region should have a choice of RLS available at any point in time and consideration and priority should be given to bringing forward *additional land taking account of the following in priority order:*

~~*To upgrade the existing rail-connected logistics facility at Birch Coppice near Tamworth to a RLS.*~~

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<sup>2</sup> See

[https://webarchive.nationalarchives.gov.uk/20100721101221/http://www.wmra.gov.uk/Planning\\_and\\_Regional\\_Spatial\\_Strategy/RSS\\_Revision/RSS\\_Revision\\_Phase\\_2/Preferred\\_Option.aspx](https://webarchive.nationalarchives.gov.uk/20100721101221/http://www.wmra.gov.uk/Planning_and_Regional_Spatial_Strategy/RSS_Revision/RSS_Revision_Phase_2/Preferred_Option.aspx)

~~The scope for the realistic extension of existing RLS within the region and DIRFT which adjoins the regional boundary near Rugby, subject to local environmental and other constraints and recognising the proximity of Hams Hall and Birch Coppice and the need to avoid an overconcentration of RLS development within the same broad location.~~

utilising the full potential for the expansion of the existing RLS at Hams Hall, Birch Coppice and Hortonwood

~~The potential for~~ securing provision of new rail-served facilities to serve (a) the needs of the Black Country located in southern Staffordshire and (b) to serve the North Staffordshire conurbation.

*“Discussions between the relevant local authorities and key partners including AWM in the areas identified above should identify how RLS provision will be met and subject to agreement by the RPB the sites should then be taken forward through the relevant Core Strategy.*

*“Annual monitoring will be important to ensure that there is adequate provision for this sector throughout the plan period.”*

Recommendation R5.15 was for a change to the supporting text, to remove references to some individual sites and to add reference to locations in southern Staffordshire.

Amend paragraph 7.46 by deleting the final three sentences and replacing them as follows: *“Possibilities to be explored further for provision of RLS include Brinsford, Four Ashes, Cannock, Fradley and Meaford.”*

Recommendation R5.14 is explicit that an RLS to meet the requirements of the policy should have existing or potential for rail access. The Panel Report is stronger in its comment on this issue: paragraph 5.25 states *“It seems to us that it is axiomatic that an RLS should be rail-served if such facilities are to be encouraged in the interests of sustainable transport and that in relation to off-site road movements the key point to recognise is the relative lengths of travel by the different modes.”*

The policy is also explicit that priority should be given to new facilities to serve the Black Country and southern Staffordshire. The separation into two bullet points (a) and (b) implies that this requirement is separate to the need for facilities to serve the North Staffordshire conurbation. In our view that is supported by recommendation R5.15.

With respect to a facility in Telford, the Panel added a reference to Hortonwood. The reasoning for this is in paragraph 5.25 where it states that *“we consider that the expectation that the full suggested 50 or more ha should be on a single site is both*

*unnecessary and unrealistic and would inhibit the proper recognition of the Hortonwood site at Telford and potential elsewhere.”* At the time of the RSS2 examination, the opening of Hortonwood was imminent (see paragraph 5.27)<sup>3</sup>.

We understand however that there is currently no rail use of Hortonwood, and there has been little or no use since the site opened. Apart from the site’s remoteness from the major centres of population in the West Midlands, a major reason for this is that the rail connection faces west, towards Shrewsbury, away from the ports in the south and east of the country, as well as other logistics terminals, from where most traffic would originate. This means that travel distances by rail would be considerably longer than by road. This is supported by paragraph 1.7.2 of the 2013 Black Country and southern Staffordshire RLS Study which stated that *“Telford is unlikely to play a meaningful role in meeting forecast demand because of location.”* Paragraph 10.5.5 of the Study also notes that the rail line is gauge-constrained. The 2013 Study (also known as the URS Study) is referred to by the EA in question 2.2.2 and is quoted extensively in the Planning Statement submitted by the applicant (paragraph 4.2.32 onwards in document APP-252) but it is unclear if the Study has been submitted to the examination<sup>4</sup>.

Despite the maturity of the RSS Phase Two Revision Panel Report, it was the last time this issue has been examined in detail. It was concluded emphatically that there was a shortfall in provision and the gap has yet to be filled.

What the RSS examination shows is that identifying such large scale facilities is not straightforward, even when a strategic tier of planning policies sits between local and national. In the absence of a strategic tier, proposals that have come forward through the local plan system have been resisted by the host local authority (e.g. North West Warwickshire Local Plan examination). The NPS, therefore, offers an alternative route. The Inspector is correct to look back to the RSS evidence, despite its maturity, as it is the last time that the matter was considered comprehensively. Since then, demand has increased due to growth in online shopping / home delivery; the population has also grown and this is forecast to continue. Supply has not kept up with these demands.

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<sup>3</sup> Presumably, this was the reason for the recommendation (R5.15) for the deletion of a reference to Hortonwood from the supporting text.

<sup>4</sup> See

[https://www.wolverhampton.gov.uk/sites/default/files/pdf/Black\\_Country\\_and\\_southern\\_Staffordshire\\_Regional\\_Logistics\\_Site\\_%2528RLS%2529\\_Study\\_April\\_2013.pdf](https://www.wolverhampton.gov.uk/sites/default/files/pdf/Black_Country_and_southern_Staffordshire_Regional_Logistics_Site_%2528RLS%2529_Study_April_2013.pdf)

2.2.2	SSDC Wolverhampton and Walsall Councils	<p>SSDC states, in its Deadline 2 written representation [REP2-046], that the SSCS acknowledges that the rail freight in the region remains an outstanding issue. In their joint response to FWQs [REP2-032], Wolverhampton and Walsall Councils state that the adopted BCCS recognises the need for an RLS in southern Staffordshire. From the written submissions it appears that the LAs and other parties agree that a RLS as envisaged in the WMRSS is broadly synonymous with a SRFI and that the need identified in the BC and Southern Staffordshire can now be interpreted as a need for a SRFI.</p> <p>(i) If that is the case, does the NPS paragraph 2.56 requirement that SRFIs “<i>should be located close to the business markets that they are intended to serve</i>” serve to indicate that the need identified in WMRSS and its evidence base could not reasonably be met on a site outside of the BC and southern Staffordshire? The SoCG between the applicant and SSDC [REP2-050] indicates that this is agreed between those parties but the ExA would like all of the LAs to indicate their position on this matter.</p> <p>(ii) Does that same requirement also affect the weight that should be given to the finding, in the BC and South Staffordshire Regional Logistics Study 2013, that the RLS/SRFI for which a need had been identified in WMRSS did not need to be located in southern Staffordshire?</p>
<b>CWC/WC Response</b>	<p>(i) Walsall and Wolverhampton Councils stated that RLS as envisaged in the RSS and the definition of an SRFI were synonymous. The NPS locational guidance (para 2.56) that SRFIs “<i>should be located close to the business markets that they are intended to serve</i>” is consistent with the WMRSS Phase Two evidence, which sought a Regional Logistics Site (RLS) in southern Staffordshire to meet Black Country needs. The Panel Report’s favouring of rail based connection and increasing the potential amount of RLS land required indicates further consistency between SRFIs and RLSs.</p> <p>However, the Councils are of the view that part of any national need will by inference include Black Country need as it part of the largest conurbation outside of London, with a larger than average manufacturing base requiring logistical support. To infer that</p>	

the WMI proposal is in addition to any local / sub-regional needs would lead to double counting and is, therefore not acceptable. The applicant too concedes this in estimating West Midlands demand in its previous response [REP2-009]

In the response to EXQ1, the Councils stated that the Black Country Core Strategy Issues and Options Report (2017) is the first formal stage in the preparation of the review of the existing Core Strategy. An Economic Development Needs Assessment (EDNA) has been prepared to support the review. This considers a range of growth scenarios with the preferred scenario requiring a need for up to 800ha of additional employment land for the period to 2036. Para 8.6 of the EDNA explains that occupier enquiries are dominated by logistics and manufacturing, with B8 requirements forecast to make up around 70% of the overall land requirement. Existing Black Country land supply is some 263ha resulting in a 'gap' of 537ha. Para 8.5 of the EDNA identifies WMI as having the potential to contribute to meeting the needs / jobs for the Black Country'. In respect of question (ii), paragraphs 1.5.8 and 1.5.8 of the 2013 study stated that:

*“Our findings suggest that identifying Black Country and southern Staffordshire alone is a spurious boundary for an area of search. Previous studies looked at RLS provision in relation to the West Midlands and considering southern Staffordshire in isolation fails to appreciate to what extent other areas in the West Midlands including north Staffordshire could meet need. In a sense a restricted search area serves to put undue pressure on southern Staffordshire to meet regional need without considering what part other locations in both West and East Midlands could play in contributing to the quantum and phasing of land supply as RLS.”*

The Study therefore examined provision in the wider Midlands as well as the needs of different sectors of the logistics industry. However, it did not go so far as to actually identify potential sites. This is clear from the recommendations in section 13.6 that refer to Stage II of the study. No Stage II has taken place.

(ii)The Black Country's response to this matter is set out in full in its previous response to EXQ1 question 1.2.4. In summary, it is clear the needs of the Black Country and southern Staffordshire for an SRFI have been recognised. The WM Interchange site is the only site that has been identified to meet the recognised needs. In the circumstances, it would be reasonable to conclude that – whether or not it would be the only location in all eventualities – it is right to consider a site within South Staffordshire / the Black Country.

2.2.3	Local Authorities	<p>The joint statement from Wolverhampton and Walsall Councils refers to the West Midlands Strategic Employment Sites Study of 2015 which identifies southern Staffordshire and the BC as being one of 3 areas of highest demand for employment land and an area where the long-term supply of such land is small and risky (paragraph 6.6).</p> <p>(i) Do the LAs agree that this Study provides the most up-to-date regional wide assessment of the demand for land to meet employment development requirements?</p> <p>(ii) Is the report of Stage 2 of that Study likely to have been received by the relevant authorities and approved for wider release prior to the end of the Examination on 27 August 2019?</p>
<b>CWC/WC Response</b>		<p>(i) Wolverhampton and Walsall Councils are not aware of any further published monitoring at this geographical scale. The evidence base, however, will be refreshed as part of the Stage 2 Study referred to. At the sub-regional level in 2017 the Black Country authorities published the Stage 1 report of the Black Country Economic Development Needs Assessment as part of the evidence base in support of the review of the Black Country Core Strategy (now the Black Country Plan). This concludes in paragraph 8.2 that there is projected to be an undersupply of industrial land (within the Black Country) up to 2036 of up to 537 ha.</p> <p>(ii) The report has been commissioned on behalf of Staffordshire County Council, Black Country LEP, Greater Birmingham and Solihull LEP and Coventry and Warwickshire LEP. Staffordshire County Council is the commissioning body. Whilst the technical work is nearing completion, Walsall and Wolverhampton Councils have no direct influence on when the final report will be released.</p>

2.2.4	Local authorities	<p>Q1.2.5 of the FWQs concerned the requirement for “at least 200-250ha” of land to be used for RLS in the region which was confirmed in the URS Study of 2013. In its response to that question [REP2-009] (pages 23-29) the applicant contends that this figure is now an underestimate of the land required and concludes that:</p> <ul style="list-style-type: none"> <li>• Of the 200-250ha requirement of RLS provision to 2026, only 54.2 ha has been delivered;</li> <li>• The West Midlands Regional Logistics Study on which the RLS forecasts were based identified a gross warehouse new-build requirement of around 3.24 million sq. m, equating to an annual average requirement of 180,000 sq. m;</li> <li>• The take up of warehousing space since 2009 has exceeded the predicted annual average requirement of 180,000 sq. m;</li> <li>• Only 54.2ha of RLS provision has been delivered, leaving a deficit of 145-195ha based on the requirement endorsed in the URS Study;</li> <li>• In combination, these factors have resulted in a significant deficit in the supply of land for warehousing development; and</li> <li>• As only about 12.5% of the new warehousing developed since 2009 has been rail-linked or rail-served the Study’s intention that all new large-scale warehousing should be rail-served has been “dramatically undermined”.</li> </ul> <p>The LAs are requested to comment as to whether they accept and agree with these conclusions and to set out their reasons for any material differences of view.</p>
<b>CWC/WC Response</b>	<p>The Black Country authorities are unable to comment on the wider situation, but the Black Country EDNA stage 1 referred to under question 2.2.3 above <sup>5</sup>demonstrates the emerging shortfall of employment land in general (of which warehousing forms a significant part) in the Black Country. No new rail-linked warehousing has been completed in the Black Country apart from the expansion of an existing steel terminal in Wolverhampton.</p>	

<sup>5</sup> <https://blackcountrycorestrategy.dudley.gov.uk/media/11530/black-country-edna-stage-1-report.pdf>

<p>2.2.6</p>	<p>Wolverhampton and Walsall Councils</p>	<p>The applicant's response to the FWQs [REP2-009] advises that a review of the BCCS is underway with an Issues and Options Paper having been published in June 2017. Paragraph 3.39 of that Paper is said to state that there remains a specific need for large scale, rail-based logistics provision to serve the BC and that, in the absence of any suitable sites in the BC administrative area, the proposed WMI has the potential to satisfy some or most of this need. It also alludes to proposed Policy TRAN3 as referring to both WMI and the Bescot sidings site as having potential to assist in the transfer of freight from road to rail.</p> <p>(i) Does this fairly reflect what is said in the Paper and does the Paper go any further in providing any support for the WMI proposal?</p> <p>(ii) Does the Paper make any distinction between the roles that WMI and the Bescot site might potentially fill in relation to providing rail freight facilities?</p> <p>(iii) What, if any, further progress has been made with the CS review and are any other documents forming part of that review available or are likely to be published prior to the close of the Examination on 27 August 2009?</p> <p>(iv) What is the earliest likely date for the adoption of the revised BCCS?</p> <p>(v) Please provide any relevant extracts from the Issue and Options Paper and any other relevant document with your response.</p>
<p><b>CWC/WC Response</b></p>	<p>(i) There is an error in the paragraph number stated both by the applicant in document REP2-009 (in response to ExQ1 1.1.4) and that quoted above. The paragraph in the BCCS Issues and Options Report quoted (correctly) by the applicant is actually 3.28, not 3.39 (as above) or 3.34 (as referred to by the applicant).</p> <p>The Issues and Options Report is essentially a summary of the key issues identified by the authorities and does not go into further detail.</p> <p>(ii) The Report does not provide any detail about Bescot. The only reference to Bescot is in paragraph 6.1.40 which states (in relation to policy TRAN3 of the current BCCS) <i>"The spatial objectives for freight remain the same and there are proposals coming forward for Rail Freight Interchange at Bescott [sic] and Four Ashes which support the sub regional economy."</i></p> <p>Paragraph 6.1.40 is probably incorrect in referring to proposals for rail freight interchange. In fact, the only current proposals (which are at pre-application stage) are for a concrete sleeper manufacturer facility on part of the existing rail yard in Sandwell to replace one at Washwood Heath in Birmingham that is being displaced by HS2. There is insufficient space and the road access</p>	

at Bescot is too poor to allow for an interchange of any scale. The vacant land adjacent to the rail yard is currently allocated in Sandwell's local plan for residential development.

The limitations of potential railfreight sites in the Black Country have been long recognised. Paragraph 4.2.32 of the Planning Statement (document APP-252) refers to the BCCS inspectors' report of 2011 which concluded that the Black Country did not have a site of the size necessary to provide for a RLS, which according to the RSS criteria, was defined as 50 ha or more.

This response is also relevant to question 2.2.16 below. Our response to that question notes that the maximum potential area available at Bescot is only 10ha.

(iii) Due to the complexity of the Black Country and the evidence base required, we do not expect to publish any further documents prior to the close of this Examination.

(iv) The published local development schemes of the Black Country authorities state that the BCCS (Black Country Plan) is expected to be adopted in Autumn 2021. However, the local authorities are keeping this under review.

(v) See the extract from paragraph 6.1.40 in our response to question (ii) above. Other relevant extracts are as follows:

### **Key Issue 3 – Supporting a resurgent economy**

3.20 The NPPF requires the planning system to support sustainable economic growth to create jobs and prosperity, meet global competition and a low carbon future and requires local authorities to plan proactively to meet the development needs of businesses and support a modern economy.

3.21 The Core Strategy review will set out a clear vision and strategy to reflect these aims and make provision for local and inward investment to meet need over the longer Plan period.

3.22 An Economic Development Needs Assessment (EDNA) has been prepared for the Black Country during 2016-17. This builds upon and updates a number of sub-regional employment land studies completed since the adoption of the Core Strategy in 2011 - the West Midlands Strategic Employment Sites Study, the Black Country and South

Staffordshire sub-regional High Quality Employment Land Study and the Black Country and Southern Staffordshire Regional Logistics Sites Study.

3.23 The EDNA provides an up to date assessment of employment land requirements over the review period, the suitability of the existing Core Strategy and the associated policy approach. The work identifies a number of growth scenarios based on a range of potential economic outcomes. For all scenarios the EDNA assumes that the 300 ha of occupied employment land already allocated for housing through Local Plans is lost to the employment land supply over the Plan period.

**3.24 In order to accommodate the level of growth associated with the most likely scenario, the EDNA recommends that the review should plan for up to 800 ha of additional land to meet the needs of the Black Country for the period 2014-36** within the B1(b), B1(c), B2, B8 use classes and other ancillary uses normally located within employment areas.

3.25 This figure of 800 ha is recommended in the EDNA to be the most appropriate as it represents around 550 ha of land as a basic requirement, informed by past trends, for the Black Country industrial sector to keep functioning, plus approximately 250 hectares of land for growth in the industrial sector, to reflect the employment forecasts associated with the economic growth aspirations of the Black Country SEP in particular i.e. a “past trend plus some growth” scenario.

3.26 In the first instance, need should be accommodated within the existing Growth Network and other parts of the urban area. It is anticipated that 394 ha of land is either currently available or is likely to come forward within the Black Country itself, including opportunities to intensify existing employment areas. A further 90-170 ha of land in South Staffordshire (including the proposed West Midlands Interchange) has the potential to contribute towards meeting Black Country needs.

**3.27 The ‘gap’ between anticipated need and existing and future supply is therefore up to some 300 ha.** This is a Black Country wide requirement, and the review will need to guide the distribution and phasing of this new supply – for example, should the success of the M54 corridor on the northern edge of the Black Country, in its

development as a nationally significant investment location, be built upon and / or should high quality development land in other accessible locations in the south of the Black Country be brought forward?

3.28 The review should provide for a portfolio of employment sites capable of meeting a wide variety of investment needs. These include needs for local and lower quality activities which provide jobs and are important to the functioning of industrial areas. However, it is evident that there is a particular shortage of large and accessible high quality investment opportunities available in the short term. There remains a specific need for large scale, rail-based logistics provision to serve the Black Country and in the absence of any suitably large sites within the administrative area, the proposed West Midlands Interchange located at Four Ashes in South Staffordshire has the potential to satisfy some or most of this need. Discussions with South Staffordshire Council on this issue are on going and will continue under Duty to Cooperate work.

**Policy TRAN3 – The Efficient Movement of Freight**

6.1.40 The spatial objectives for freight remain the same and there are proposals coming forward for Rail Freight Interchange at Bescott and Four Ashes which support the sub regional economy. References to the Principal Road Network should now be changed to Key Route Network, as defined by the West Midlands Combined Authority.

2.2.7	Wolverhampton and Walsall Councils	<p>Both the applicant's Green Belt Update [REP2-010] and Wolverhampton and Walsall Councils' joint response to FWQs [REP2-032] refer to the BC Economic Development Needs Assessment (EDNA) of May 2017. This identifies a need for around 800ha of industrial land to accommodate employment development needs to 2036. Some 70% of this provision will be required to accommodate the needs of logistics/distribution related activities (paragraph 3.12 of GB Update). The EDNA also notes that the BC does not have sufficient land to meet its housing and employment needs and will be dependent on neighbouring local authorities to help meet those needs (see paragraphs 3.10-3.29 of GB Update).</p> <p>(i) Does SSDC accept the findings of EDNA with regard to: the overall level of need; South Staffordshire's location in the same Functioning Economic Market Area as the BC; the close travel to work relationship between South Staffordshire and the BC; and the BC authorities' likely reliance on SSDC to meet a significant part of the estimated 537ha shortfall in the identified employment land requirement?</p> <p>(ii) What joint work is taking place between the authorities to seek to agree what proportion of that shortfall might reasonably be met in South Staffordshire?</p>
<b>CWC/WC Response</b>	<p>(i) This is a question for SSDC to answer.</p> <p>(ii) Continuing discussions are taking place, as well as work on a joint Green Belt review that will inform the possible apportioning of the shortfall of land supply in the Black Country both for employment use and also for housing and other land uses. Work on the apportioning of employment land will depend to a large extent on the outcome of the Interchange proposal.</p>	

2.2.9	The applicant Wolverhampton and Walsall Councils	<p>Stop WMI's Planning Report acknowledges that the BC Urban Capacity Review identifies an unmet need for a SRFI to serve the sub-region but asserts that the Review is not supported by any evidence either to substantiate that need or to demonstrate the absence of a suitable site.</p> <p>Can the applicant and the local authorities please provide a written response to that argument, detailing what is said in the Urban Capacity Review and its evidence base and providing relevant extracts from the document/evidence base as appropriate?</p>
<b>CWC/WC Response</b>	<p>Table 4 in the BC Urban Capacity Review (which is published on the Black Country Plan website)<sup>6</sup> compares current and potential Black Country Housing Supply (from the authorities' SHLAAs) against need for the period 2017-36. This shows a shortfall of land for 17,263 homes over this period. The table in paragraph 2.2.8 states that there is a gap between anticipated need and existing (from sites that already have planning permission or are allocated in existing local plans) and future supply of employment land over the same period of some 350ha.</p> <p>The Urban Capacity Review draws on existing evidence such as the Black Country Gateway and Walsall – Stourbridge Freight Line Study December 2012 (Halcrow) (attached to REP2 – 177), the Black Country EDNA1 Report (see link above) and adopted or emerging local plans and their supporting evidence.</p>	

<sup>6</sup> <https://blackcountrycorestrategy.dudley.gov.uk/media/11522/urban-capacity-report-may2018.pdf>

2.2.14	Local Authorities NR	In its response to Q1.2.1 of the FWQs [REP2-009], the applicant states that the inclusion of Four Ashes/ Featherstone in the Forecasts Report that underpins the NR Long Term Planning Process-Freight Market Study 2013 is a clear recognition of the need for a SRFI in this location. Do the LAs accept that conclusion?
<b>CWC/WC Response</b>	We are not qualified to comment on the technical work behind the Network Rail Forecasts Reports <sup>7</sup> . However, although they refer to Four Ashes, the reports appear to be an assessment of likely future changes in rail traffic for the purpose of assessing where infrastructure improvements might be required rather than confirming the need for traffic generators.	

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<sup>7</sup> <https://cdn.networkrail.co.uk/wp-content/uploads/2016/11/Freight-Market-Study.pdf> & <https://cdn.networkrail.co.uk/wp-content/uploads/2018/10/Rail-freight-forecasts-final-report.pdf>

2.2.16	The applicant NR Local Authorities	<p>Christopher Walton [REP2-177] has attached two studies to his Deadline 2 submission which he says advocate the adoption of the Bescot site to meet the identified need for rail freight facilities in serve the WM. The studies are: WM Rail Freight Strategy, December 2016 and BC Gateway and Walsall-Stourbridge Freight Line Study Stage, December 2012.</p> <p>Can the parties provide a written response, setting out their views as to what these documents say as to the need for a SRFI to serve the BC and southern Staffordshire and the relative suitability of the WMI/ Bescot or any other site to meet that need?</p>
<b>CWC/WC Response</b>	<p>The West Midlands Combined Authority Rail Freight Strategy December 2016 (attached to REP2-177) states at paragraph 6.4.34:</p> <p><i>“Work undertaken by independent consultants suggested there was a strategic case for additional IRFI terminal <u>in the Black Country</u> which would address some of these issues. The study assessed potential suitable sites and identified Bescot Yard as the most suitable location”</i> [our emphasis].</p> <p>The Strategy also makes a clear distinction between SFRI’s and smaller Inter Modal Rail Freight Interchanges (IRFI), with Bescot Yard falling into the latter category. (Paras 6.4.28 – 6.4.61).</p> <p>Section E3 in the Executive Summary of the Black Country Gateway and Walsall – Stourbridge Freight Line Study December 2012 (Halcrow) (also attached to REP2 – 177) states that twelve sites were located and three were shortlisted, of which Bescot was one. The other two were in Dudley on a rail line that is currently disused. Section E3 concludes that <i>“The outcome of this highlevel assessment highlighted Bescot Yard as having the most suitable characteristics for IRFT investment in the Black Country Area.”</i></p> <p>However, section 2.2.1 of the main part of the report, on page 9 (unfortunately the paragraphs are not numbered) states:</p> <p><i>“Most of the potential sites initially considered are relatively small, or have poor layouts or access. For example, DB Schenker’s interest in Bescot has plenty of potential area, but does not appear to be a suitable shape for warehousing. Adjacent land includes undeveloped areas, such as the 10 hectare brownfield site to the west of the Yard, or nearly undeveloped land but constitutes the only major greenfield area locally, and so is assumed to be unsuitable.”</i></p>	

	<p>It is therefore incorrect to suggest that the studies “<i>advocated the use of Bescot</i>”. They were only tasked with examining potential sites within the Black Country, rather than in the wider area. Of the limited number of potential sites within the Black Country, Bescot scored the best, but this was of a limited size, had significant constraints and was not a suitable shape for warehousing. The Halcrow report referred to above contains plans that demonstrate this.</p>
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This response is also relevant to question 2.2.6 above.

2.3.4	The applicant Local Authorities	<p>In his Deadline 2 submission [REP2-181], Paul Windmill contends (pages 2 &amp; 3) that, if the WMI scheme is granted a DCO, it would be difficult to justify the retention of the site as GB and points to a previous Strategic Employment Site allocation at Blythe Bridge in Stoke-on-Trent as an example of the planning risks that this might give rise to.</p> <p>Can the applicant and the LAs set out their comments on and response to these concerns, including the suggestion that, if a DCO is granted, any release of the land from the GB should be on a phased basis following completion of parts of the WMI development?</p>
<b>CWC/WC Response</b>	<p>This is primarily a matter for South Staffordshire District Council to address as the local planning authority. However, the granting of planning permission for a development does not by itself change the boundary of the GB. The GB can only be changed through a revision of the development plan. Subject to the terms of the DCO, if granted, any further planning applications relating to the development would still need to be assessed as proposals in the GB, including the question of whether very special circumstances apply.</p>	

2.7.1.	Wolverhampton and Walsall Councils	<p>In their joint response to FWQs [REP2-032], Wolverhampton and Walsall Councils indicate that they have been unable to provide a comprehensive response to the questions on AQ due to a staff absence. This is unfortunate, particularly since the ExA understands that the Councils are amongst those LAs required to bring forward Action Plans to tackle NO2 under the terms of the Supplement to the UK Plan for tackling Nitrogen Dioxide Roadside Concentrations which was published in October 2018.</p> <p>(i) Are the LAs likely to be able to provide a more detailed response for Deadlines 5 or 6 of the Examination timetable?</p> <p>(ii) If a full response cannot be provided, are the Councils able to provide a response to FWQs 1.8.1 and 1.8.8 with regard to current policy and whether the requirements of NPS paragraphs 5.11-5.13 are satisfied?</p> <p>(iii) Can Walsall Council advise whether it accepts the ES findings of a moderate and major impact in respect of the 24-hour PM10 objective at Receptor 7a adjacent to the M6 and that no additional mitigation is required in relation to this impact (see applicant's response to HE comments on page 63 of [REP3-007])?</p>
<b>CWC/WC Response</b>	<p>On behalf of the developer/applicant, Ramboll UK Ltd. have highlighted that further superseding information has since been provided to the Examining Authority that has not hitherto been considered. This is set out in:</p> <p><a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR050005/TR050005-000946-Four%20Ashes%20Limited%20-%20Applicant%E2%80%99s%20Post%20Hearing%20Submissions%20(CAH,%20ISH%20%20and%20ISH3)%20-%20Appendices%206-11.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR050005/TR050005-000946-Four%20Ashes%20Limited%20-%20Applicant%E2%80%99s%20Post%20Hearing%20Submissions%20(CAH,%20ISH%20%20and%20ISH3)%20-%20Appendices%206-11.pdf</a></p> <p>This document does not appear to be listed in the document library</p>	

In part this concerns a predicted exceedance of the daily mean PM<sub>10</sub> air quality objective at receptor point 7a, front façade of the western corner of 343 Darlaston Road in Walsall. Walsall Council is unsure as to the specific rationale as to why this receptor location is used in context of the proposed development.

As part of Walsall Council's strategic air quality monitoring programme, annual monitoring of PM<sub>10</sub> has in past years been conducted at key locations, however this ceased in 2011 due to compliance with the National Air Quality Objective (NAQO). Of particular note, monitoring stations included the heavily trafficked M6 Motorway J9/A461 intersection, where in 2011 PM<sub>10</sub> concentrations were measured that were no more than half of the annual average National Air Quality Objective (NAQO) / EU Air Quality Limit Value. Up to 2010 the Council had demonstrated continued compliance with the NAQO at road network monitoring sites.

The Council has considered additional information issued to the Examining Authority as set out in The West Midlands Rail Freight Interchange Order 201X Four Ashes Limited (CAH, ISH 2 and ISH3) Applicant's Post Hearing Submissions. It is clear to the Council that the air quality exceedances and impacts at Darlaston Road predicted in the original evidence were subject to a high degree of error.

Through the Council's own strategic modelling work, some years' previously accuracy problems had been identified when dealing with elevated roads (the M6 Motorway being a case in point) at height above relevant receptors. Modelled impacts have since been corrected on behalf of the applicant.

As matters currently stand, the Council considers the revised 2021 baseline values for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> remain too high, based on our experience of our continuous monitoring both past and present at other sites and in-house air quality modelling. No untoward issues are thus considered on the outcomes from the applicant's modelled scenarios as regard air quality impacts for Walsall. Note that the updated Impact Descriptors are now 'negligible'; this is not contested.

Concerning NO<sub>2</sub>, the Council defers to the Black Country Targeted Feasibility Study (TFS) prepared under Ministerial Direction as the most recent source of information for this pollutant:

<https://go.walsall.gov.uk/Portals/0/Uploads/PollutionControl/Black%20Country%20Targetted%20Feasibility%20Study%20%28Nitrogen%20Dioxide%29%202018.pdf>

Areas of continued exceedance of air quality limits were identified prior to this by DEFRA's Joint Air Quality Unit, having produced air quality modelling outputs using their Pollutant Climate Mapping Model as used in reporting to the EU Commission, 75% of which were disputed by the Council.

Following evidence put forward on behalf of Walsall Council, this has ultimately identified only one area of concern for the borough in terms of the A454/J10 M6 Motorway intersection. This is subject to a three year bridge span reconstruction programme that is set to commence in 2019.

Recognising this, Walsall Council has not been required to bring forward any Action Plans to tackle NO<sub>2</sub> pursuant to the Supplement to the UK Plan for tackling Nitrogen Dioxide Roadside Concentrations, October 2018.

Previously the Council had specifically examined air quality impacts in the vicinity of 335 Darlaston Road for 2010 (information that is not in the public domain) and established that concentrations of PM<sub>10</sub> met the annual air quality objective. At this time, concentrations of NO<sub>2</sub> exceeded the NAQO, however since then, strategic modelling has demonstrated compliance at relevant receptors here and elsewhere with the exception of A454/J10 M6, which is in line with the continued downward trend of pollutant concentrations and the finding of DEFRA.

In conclusion, having examined the additional information submitted to the Examining Authority, the Council concurs that no additional mitigation is required in relation to the air impacts.