

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

The Examining Authority's second written questions and requests for information (ExQ2)

Issued on 19 June 2019

The following table sets out the Examining Authority's (ExA's) further written questions and requests for information – ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 23 January 2019. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2) and then has an issue number and a question number. For example, the first question on policy is identified as Q2.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact WMInterchange@planninginspectorate.gov.uk and include '**West Midlands Interchange**' in the subject line of your email.

Responses are due by **Deadline 5: 5 July 2019**.

Abbreviations used

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

The Examination Library

References to questions in the First Written Questions (FWQs)[PD-007] are given by the relevant question number in that schedule of questions (e.g. 1.1.13). References in these questions which are set out in square brackets, e.g. [APP-010] are to documents catalogued in the Examination Library. The Examination Library can be accessed via the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR050005/TR050005-000516-new%20%20Examination%20Library%20Template.pdf>

ExQ2 Question to:		Question:
2.0	General and Cross-topic Questions	
2.0.1	The applicant	<p>The Deadline 2 representation by Paul Windmill [REP2-181] raises concerns that the proposals do not make adequate provision for electrical vehicle charging points for cars, LGVs or HGVs and include no provision for on-site electricity generation and that the sustainability of the proposals is in question.</p> <p>Can the applicant provide a written response to these concerns?</p>
2.0.2	The applicant	<p>Christopher Walton [REP3-017] argues that the absence from the application submission of a fixed guarantee for achieving carbon reduction and air quality targets is "<i>negligent</i>" and that any DCO for the proposal should incorporate a comprehensive suite of SMART performance indicators in respect of these matters.</p> <p>Can the applicant please provide its response to this criticism of the application and identify what evidence is relied upon to support the applicant's assertions as to the sustainability of the proposal?</p>
2.0.3	The applicant	<p>In what the ExA takes to be a reference to the proposed colour palette for external cladding of walls and roofs to the proposed warehouses, Margaret Powell [REP2-144] states that "disguising buildings against the skyline is not good for pilots using the private Otherton airfield just over a mile</p>

ExQ2 Question to:		Question:
		<p>away". She also refers to frequent military, police and air ambulance services flights over the area.</p> <p>Can the applicant please comment on these matters and indicate whether any concerns have been raised by the Air Traffic Control agencies or any of the emergency services in relation to the proposed siting, heights and design of the buildings and structures proposed as part of WMI?</p>
2.1.	Planning Policy	
2.1.1.	The applicant SCC	<p>The Minerals Local Plan for Staffordshire 2015-2030 (MLP)</p> <p>In its response to Q1.1.3 [REP2-063], SCC contends that the proposal is contrary to Policy 3 of the MLP and that further evidence is needed to assess whether the material benefits of the proposed non-mineral development would outweigh the material benefit of the underlying resource. Concerns are also raised by other IPs that the proposal does not comply with the MLP.</p> <p>(i) Can SCC please provide an extract from the adopted MLP which sets out both the wording of Policy 3 and its supporting explanatory text/reasoned justification?</p> <p>(ii) Can the applicant please provide a Mineral Resource Statement to address the concerns identified by SCC in relation to compliance with the policy?</p> <p>(iii) What information can be provided in relation to the likely effect of the loss of the existing quarry and allocated reserved in terms of future supply of sand and gravel to meet needs in the Quarry's market area and the likelihood</p>

ExQ2		Question to:	Question:
			that the reduced supply can be made up from other existing or proposed quarries?
2.1.2.	SSDC Other Local Authorities		<p>Green Belt (GB) Review</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> <p>The Black Country authorities and South Staffordshire commissioned LUC Consulting to undertake a Strategic Green Belt Assessment covering the Black Country and South Staffordshire in September 2018. The study is currently in draft, but it is expected that SSDC will publish The Green Belt review alongside the preferred spatial strategy consultation in Autumn 2019.</p>

2.2.	Need for the Proposed SRFI and Alternative Options	
2.2.1.	SSDC Other Local Authorities	<p>Regional/ Sub-regional Policy Context</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"> • New RLS should be rail connected; • The closer that any warehousing or industry is to the rail terminal the better; • 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; • A facility in Telford would be remote from the BC; and • Although other sites might be available there was no justification for amending the reference to southern Staffordshire (in the draft policy)? <p><i>On the whole yes SSDC would agree; however the second bullet point wasn't as conclusive as stated above. The panel concluded at para 5.25 that 'clearly, the closer that any satellite or related warehousing or industry can be to the [rail] terminal, the better but from what we saw and heard... all operate to a degree with related satellite facilities nearby. In such context we consider that the expectation that the full suggested 50 or more hectares should be on a single site is both unnecessary and unrealistic and would inhibit the</i></p>

		<p><i>proper recognition of... potential elsewhere.'</i></p> <p>Also bullet 4 is missing some key words. Para 5.29 concludes that a facility in Telford would primarily serve <i>Telford itself together with Shropshire and be remote from <u>some parts</u> of the Black Country.</i></p> <p>http://www.finham.org.uk/attachments/101_wmrssphase2p_anelreport.pdf para 5.23-5.33</p>
ExQ2	Question to:	Question:
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</p>

		<p>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> <p>The Council's position has been covered previously in its responses, it is of course a matter for the Examining Authority to be satisfied on the issue of need and alternative sites.</p>
ExQ2 Question to:		Question:
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> <p>The Strategic Employment Site Study 2015 was a light touch sense check of market demand, rather than a robust policy complaint assessment of need and demand. It is the most up to date report of its kind.</p> <p>We understand that the County Council will be covering this issue in their response.</p>

ExQ2		Question to:	Question:
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"> • Of the 200-250ha requirement of RLS provision to 2026, only 54.2 ha has been delivered; • 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; • The take up of warehousing space since 2009 has exceeded the predicted annual average requirement of 180,000 sq. m; • Only 54.2ha of RLS provision has been delivered, leaving a deficit of 145-195ha based on the requirement endorsed in the URS Study; • In combination, these factors have resulted in a significant deficit in the supply of land for warehousing development; and • 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”.

ExQ2 Question to:		Question:
		<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> <p><i>We have no evidence to the contrary.</i></p>
2.2.5.	SSDC	<p>The joint response from Wolverhampton and Walsall Councils [REP2-032] advises that paragraph 9.33 of SSDC's Site Allocations Document states that the outstanding issue of RLS/SRFI provision will be considered in the review of the Local Plan. The first stage of that has commenced with the publication of an Issues and Options Paper in October 2018. (i) Does that paper or any other document produced as part of the LP review acknowledge an unmet need for a SRFI to serve the BC and southern Staffordshire?</p> <p><i>The Issues and Options 2018 consultation does not specifically acknowledge unmet need for an SRFI to serve the Black Country and southern Staffordshire, as at the time of the consultation the WMI DCO was already in train. The Issues and Options simply identified the proposed SRFI under the Economic issues and challenges section, confirming the following:</i></p> <p><i>3.11 Understanding the outcome of the West Midlands Interchange (WMI) proposal if permitted.</i></p> <ul style="list-style-type: none"> <i>• This includes potential impacts on the local environment, as well as impact on infrastructure and housing requirements. If permitted, the scheme would increase the</i>

		<p><i>number of people coming into the district for work and therefore using the infrastructure network; or coming into the district to live, therefore increasing the pressure for additional housing.</i></p> <p>(ii) What possible strategies/ policies (if any) are outlined in that Paper to address such a need?</p> <p>As this is an Issues and Options consultation, no specific strategies and policies are consulted on to address SFRI provision. It does however ask what the implication of the WMI proposal would be if the proposal was consented; see the following extract:</p> <p>4.26 <i>Historically, South Staffordshire has come under pressure to consider whether or not a single large scale logistics site could be accommodated in the district to serve the rail freight distribution needs of the wider region. Such sites are known as Strategic Rail Freight Interchanges (SRFI). Following recommendations made in regional policy, the adopted Core Strategy committed South Staffordshire to preparing a comprehensive study to examine the potential for an SRFI within the district, including consideration of land at Four Ashes industrial estate and ROF Featherstone. A 2013 study[1] was prepared by South Staffordshire and the Black Country authorities which ultimately concluded that there was still a need for a SRFI within the West Midlands, but that another study should be commissioned that examined the rest of the West Midlands, as an SRFI may be better located to meet these needs outside of South Staffordshire. This matter was subsequently re-examined in a 2015 study[2] prepared by all West Midlands local authorities, which recognised that there may be more appropriate locations for such large sites on the eastern side of the West</i></p>
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		<p><i>Midlands region. Therefore, evidence prepared to date is still inconclusive as to whether or not an SRFI should be located within the district.</i></p> <p>4.27 <i>Since the 2013 and 2015 studies were finished, a planning application has been prepared for an SRFI to the north of Four Ashes industrial estate, which was submitted directly to the Secretary of State (PINS) on 3 August 2018. This proposal encompasses approximately 300ha of land and is known as West Midlands Interchange. The planning application is expected to be determined by the Secretary of State in 2020, meaning the implications of West Midlands Interchange will not be clear until late in the plan-making process.</i></p> <p>(I&O) Question 15: <i>If granted approval, what implications will the SRFI proposal at Four Ashes have for the Local Plan review?</i></p> <p>(iii) What level or range of need for new employment land allocations does the Paper envisage as being required in the new LP?</p> <p>The Issues and Options consulted on arrange of options on both the level and the location/type of employment land that may be required through the Local Plan. Extracts from the relevant extracts are set out below:</p> <p><i>Employment – level of growth</i></p> <p><i>Economic Development Needs Assessment (EDNA)</i></p> <p>4.23 <i>The Council's adopted Core Strategy did not set a specific target for additional employment land, however it did commit the Council to refreshing its employment land evidence base and to allocate additional employment</i></p>
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		<p>land through the Site Allocations Document (SAD) where justified. The evidence base to support the SAD identified that South Staffordshire could have a role in meeting unmet employment needs from the Black Country and led to the Council allocating an additional 62ha of employment land (at i54 western extension and ROF Featherstone) through the SAD to reflect this. This supports a key partnership between South Staffordshire Council, Staffordshire County Council and City of Wolverhampton Council that has seen the development of the i54 South Staffordshire business park. This has seen the area around the M54 corridor at Junction 2 prosper into a nationally significant focus for advanced manufacturing, attracting such companies as JLR, MOOG and Eurofins. This reflects the Stoke-on-Trent and Staffordshire Enterprise Partnership Strategic Economic Plan (SEP) 2014 which identifies a number of priority sectors, including the development of advanced manufacturing industries in the aerospace and automobile sectors.</p> <p>4.24 The new Local Plan will need to reconsider our own employment land requirements up to 2037, and through a Statement of Common Ground ensure that the needs of the wider Functional Economic Market Area (FEMA) are agreed with neighbouring authorities and planned for. To inform this, a new EDNA has been prepared that has identified South Staffordshire as being in a FEMA with Cannock Chase district, Dudley, Walsall and Wolverhampton. The EDNA identified that South Staffordshire has sufficient supply of available employment land to meet its own employment requirements over the plan period (to 2037), with around a 20ha oversupply. However, national guidance requires that employment land requirements are considered over the wider FEMA, and therefore South Staffordshire is still likely to have a role in meeting wider employment land needs arising from within the FEMA. The greatest need is likely to come from the Black Country, who have identified through their own EDNA a need to plan for 800ha of employment land to realise their Strategic Economic Plan (SEP) ambitions; however when considering existing supply, this need would reduce to around a 530ha 'gap' in supply over their plan period. They are currently undertaking further evidence gathering to see if they can reduce this gap further including additional assessment of their urban capacity and a Green belt review.</p> <p>4.25 Discussions on the employment shortfall in the FEMA will be ongoing, and South Staffordshire's potential role in meeting some of the shortfall will become clearer once new site options in the Black Country have been considered through the preparation of their Local Plan, and new site options in South Staffordshire have been assessed through an EDNA part 2. Nevertheless, some of the options on the level and location of employment growth contained in this document reflect South Staffordshire's</p>
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potential role in allocating additional employment land to meet cross boundary employment needs.

Policy Options

Table 6: Employment level of growth policy options

<p>Option A: <i>To reflect the oversupply of employment land in the District, deallocate the poorest quality employment land as identified by the EDNA and reallocate poorer quality sites that would be suitable for alternative uses.</i></p>
<p><i>This could involve a targeted approach of deallocating employment sites that are of poorer quality, and could focus on those that include vacant units/land, where these would represent a sustainable location for an alternative use such as housing. However, there is a risk that this approach would reduce flexibility in the employment land supply, and could result in an under provision if employment sites were lost unexpectedly.</i></p>
<p>Option B: <i>Maintain current protection for the existing employment land stock.</i></p>
<p><i>This reflects the oversupply of employment land in the District but would not deallocate sites in order to provide a degree of flexibility in provision.</i></p>
<p>Option C: <i>Allocate additional employment land to meet cross boundary employment needs, where an undersupply in other areas of the Functional Economic Market Area (FEMA) is robustly demonstrated.</i></p>
<p><i>This approach would seek to meet evidenced unmet needs for employment land originating from other areas of the FEMA. A surplus of employment land identified through the EDNA Stage 1 could form (in full or in part) to our contribution to these wider employment needs.</i></p>

Employment – locations for growth

5.14 *Employment growth in the district has previously been focused on existing sites within the Main Service Villages, although the current Core Strategy also supported the principle of modest extensions to freestanding strategic employment sites at i54 South Staffordshire, ROF Featherstone, Four Ashes and Hilton Cross. This strategy sought to locate new*

		<p><i>employment opportunities in locations that were easily accessible from the Strategic Road Network and attractive to regional investment. However, many of these sites are also isolated from the district's existing villages and the identification of these locations for employment growth in the Core Strategy relied in part upon the sites' existing employment land options and planning permissions. This therefore raises questions as to whether or not they are best suited to meet the district's own employment needs, particularly as some of the four strategic sites (such as i54 South Staffordshire) are directly adjoining the urban area of Wolverhampton. Whilst the Council's adopted Core Strategy also encourages employment growth to be pursued through new mixed use schemes in the district's larger villages, to date no employment land has come forward as part of a mixed use scheme in these locations due to a lack of evidence that it is needed in these locations.</i></p> <p>5.15 <i>Now that the Council is in a position to review its spatial strategy for employment, there is the opportunity to consider whether the existing approach of focusing all employment growth around the four freestanding strategic employment sites is still appropriate. In doing so, it is important to take account of the wider employment needs of the Functional Economic Market Area (FEMA) that South Staffordshire is part of (including South Staffordshire, Cannock and the three Black Country authorities of Walsall, Wolverhampton and Dudley). In particular the unmet employment needs arising from the Black Country (see Para 4.24).</i></p> <p>Policy Options</p> <p>Table 8: Employment locations for growth policy options</p> <table border="1" data-bbox="1153 981 2049 1125"> <tr> <td data-bbox="1153 981 2049 1125"> <p>Option A: Continue with the existing policy approach and focus employment growth around the four existing freestanding strategic employment sites (ROF, i54, Hilton Cross and Four Ashes).</p> </td> </tr> </table> <p><i>This strategy would seek to address needs in these existing employment sites, which have good road access to the Strategic Road Network and have proved to be attractive to the market in the past. However, these locations are often relatively isolated from the villages which house the district's existing population and are often located closer to adjoining urban areas. Many of these sites have also received significant extensions in recent years, meaning that there may be limited scope to release further additional land in these locations.</i></p>	<p>Option A: Continue with the existing policy approach and focus employment growth around the four existing freestanding strategic employment sites (ROF, i54, Hilton Cross and Four Ashes).</p>
<p>Option A: Continue with the existing policy approach and focus employment growth around the four existing freestanding strategic employment sites (ROF, i54, Hilton Cross and Four Ashes).</p>			

		<p>Option B: Identify new freestanding employment sites</p> <p><i>This would seek to address employment needs on new freestanding employment sites. Such sites could potentially be of a specified minimum size and be based on specific spatial characteristics (e.g. access to the Strategic Road Network, proximity to workforce etc.) to ensure they are more sustainable and likely to attract investment.</i></p> <p>Option C: Deliver smaller scale employment allocations in the district's larger villages.</p> <p><i>This strategy would seek to address needs in locations which may be more closely located to the district's residents; potentially reducing commuting and ensuring local employment needs can be met in a more sustainable manner. However, despite such an approach being supported in the existing Core Strategy, to date there has been relatively little market interest in delivering such sites.</i></p> <p>Option D: Deliver employment allocations of part of mixed-use schemes</p> <p><i>This could see new employment focused at large strategic allocations such as new settlements and Sustainable Urban Extensions. This strategy would seek to address needs in locations which may be more closely located to the residents of neighbouring authorities. This may be an appropriate option if such sites are located adjacent to neighbouring authorities with unmet employment needs. However, this would mean that such sites may be less appropriate for meeting the employment needs of the district's existing residents.</i></p> <p>(iv) When is a Preferred Options paper or first draft of the new LP expected to be published and what is the likely earliest date for its adoption by the Council?</p> <p>The Preferred Options consultation document is expected to be published in Spring 2020. The Council has committed to submitting the plan for examination by the end of 2021, therefore it is expected that the plan will be adopted in 2022.</p> <p>(v) Please provide any relevant extracts from the Issues and</p>
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		<p>Options Paper and any other relevant document with your response.</p> <p>See above.</p>
2.2.6.	Wolverhampton and Walsall Councils	<p>The applicant's response to the FWQs [REP2-009] advises that a review of the BCCS is underway with an Issues and Options Paper having been published in June 2017. Paragraph 3.39 of that Paper is said to state that there remains a specific need for large scale, rail-based logistics provision to serve the BC and that, in the absence of any suitable sites in the BC administrative area, the proposed WMI has the potential to satisfy some or most of this need. It also alludes to proposed Policy TRAN3 as referring to both WMI and the Bescot sidings site as having potential to assist in the transfer of freight from road to rail.</p> <p>(i) Does this fairly reflect what is said in the Paper and does the Paper go any further in providing any support for the WMI proposal?</p> <p>(ii) Does the Paper make any distinction between the roles that WMI and the Bescot site might potentially fill in relation to providing rail freight facilities?</p> <p>(iii) What, if any, further progress has been made with the CS review and are any other documents forming part of that review available or are likely to be published prior to the close of the Examination on 27 August 2009?</p> <p>(iv) What is the earliest likely date for the adoption of the revised BCCS?</p> <p>(v) Please provide any relevant extracts from the Issue and Options Paper and any other relevant document with your response.</p>

2.2.7.	SSDC Wolverhampton & Walsall Councils	<p>Both the applicant's Green Belt Update [REP2-010] and Wolverhampton and Walsall Councils' joint response to FWQs [REP2-032] refer to the BC Economic Development Needs Assessment (EDNA) of May 2017. This identifies a need for around 800ha of industrial land to accommodate employment development needs to 2036. Some 70% of this provision will be required to accommodate the needs of logistics/distribution related activities (paragraph 3.12 of GB Update). The EDNA also notes that the BC does not have sufficient land to meet its housing and employment needs and will be dependent on neighbouring local authorities to help meet those needs (see paragraphs 3.10-3.29 of GB Update).</p> <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>SSDC accepts that it is in the same FEMA as 3 of the Black Country authorities (Wolverhampton, Walsall and Dudley) as well as Cannock district. This is confirmed in section 4 of South Staffordshire's EDNA Part 1. There is close travel to work relationship between South Staffordshire and other authorities in the FEMA (particularly Wolverhampton). However, South Staffordshire does not have strong travel to work relationships with Sandwell (from where a relatively high proportion of the Black Country's unmet employment needs originate from), hence why it is not included in the South Staffordshire FEMA.</p>
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		<p>Whilst SSDC does accept the methodology used to calculate employment needs in the Black Country EDNA, we question the assertion that there is a need for the Black Country to plan for employment based upon a demand of 800ha. The level of employment demand based upon past development trends is 540ha, with the study concluding that this is considered the lowest demand that will be needed for the industrial sectors to function in the Black Country in the future. The 800ha derives from this 540ha baseline demand plus an additional 12ha of employment land per annum that would be needed to meet the Black Country's SEP vision. The SEP vision represents a 'policy on' aspirational vision and therefore the 800ha is likely to exceed the true OAN for employment needs.</p> <p>It is accepted that South Staffordshire may have some role in meeting the Black Country shortfall of employment. How much of a role will depend on a number of factors including outcomes of the Green Belt Assessment, availability of sites with the Black Country urban area and availability of Green Belt sites in the Black Country (to be assessed as part of their EDNA stage 2). Until this work has been done it will not be known what the residual shortfall is, and therefore what role South Staffordshire may have.</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> <p>As set out above, the Black Country EDNA stage 2 is underway that will assess site options (including Green Belt sites). Similarly, South Staffordshire are doing their own EDNA 2 that will consider the site option in South Staffordshire. It is expected that the Black Country will need to complete this work before they are in a position to quantify</p>
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		<p>what their latest shortfall in employment land is. Once approached about this shortfall, SSDC will endeavour to work constructively with the Black Country towards a Statement of Common Ground that sets out any cross boundary provision. This may be a similar process to that of the Site Allocations document (SAD), adopted in September 2018, which allocated 62ha towards Black Country needs.</p>
ExQ2	Question to:	Question:
2.2.8.	The applicant	<p>In its Planning Report [REP2-158], Stop WMI Community Group contends that the West Midlands Freight Strategy 2016 does not demonstrate a need for a new SRFI in South Staffordshire.</p> <p>Can the applicant please provide a written response to this assertion?</p>
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>

ExQ2 Question to:		Question:
2.2.10.	The applicant NR	<p>In its Wrong Location Report [REP2-167], Stop WMI Community Group refers to the National Infrastructure Commission's Future of Freight Report, December 2018. Section 15 of the Group's Deadline 3 submission also refers to this report and to other newly published documents that it suggests call into question the need for the proposed SRFI.</p> <p>(i) Can the applicant and NR please set out their comments as to relevance of the NIC report to the consideration of either the need for a SRFI to serve the BC and South Staffordshire or the suitability of the Four Ashes location for such a facility?</p> <p>(ii) Can the applicant comment on the relevance of the other recent publications mentioned by the Group to the consideration of either the need for a SRFI to serve the BC and South Staffordshire or the suitability of the Four Ashes location for such a facility?</p>
ExQ2 Question to:		Question:
2.2.11.	HE	<p>In its Wrong Location Report [REP2-167], Stop WMI Community Group states that, in the WM Regional Logistics Study, HE advises against locating a SRFI within the busiest parts of the SRN and asserts that the M6 at Gailey is an unsuitable location for this reason.</p> <p>Can HE please provide a written response to those comments?</p>

2.2.12.	Stop WMI Group The applicant NR	<p>In its Wrong Location Report [REP2-167], Stop WMI Community Group states that <i>"nowhere in the Ten-T Regulations is an intermodal hub mentioned or recommended for our area."</i></p> <p>(i) Can Stop WMI Group provide any examples of existing or proposed road/rail intermodal SRFI that are mentioned in those Regulations?</p> <p>(ii) Can the applicant and NR comment on that suggested omission and what significance this might have for consideration of the need for a SRFI to serve the BC and South Staffordshire or the suitability of the Four Ashes location for such a facility?</p>
2.2.13.	NR	<p>Need for WMI/ suitability of Four Ashes Site</p> <p>In its response to Qs 1.2.1 & 1.2.2 of the FWQs [REP2-132], NR states that the inclusion of WMI in the DfT Freight Strategy is <i>"indicative of the market opportunity for a SRFI in this location and the feasibility of the location for a SRFI"</i>. To what extent does "market opportunity" equate to an identified need for a SRFI at Four Ashes or other nearby location?</p>
2.2.14.	Local Authorities NR	<p>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?</p> <p>SSDC does not agree that including Four Ashes and Featherstone in the NR Forecast Report is recognition of the need for an SRFI in this location, as the NR Forecast Report is not a needs assessment. Such forecast modelling/reports will often include sites of varying levels of certainty, and their inclusion is not a guarantee that the development will happen (or is needed). Clearly the RLS issue has been present for a considerable number of years now, so it is unsurprising that</p>

		it would be included in the forecast report.
2.2.15.	The applicant NR	<p>Andrew Linney [REP1-013] puts forward a number of technical arguments about the need for a SRFI, the role that such a facility might be expected to fulfil, the need for quantum of warehousing proposed in the WMI scheme and the approach to be taken in an Alternative Sites Assessment.</p> <p>Can the applicant and NR please provide a written response to the points raised in Mr Linney's submission?</p>
2.2.16.	The applicant NR Local Authorities	<p>Christopher Walton [REP2-177] has attached two studies to his Deadline 2 submission which he says advocate the adoption of the Bescot site to meet the identified need for rail freight facilities in serve the WM. The studies are: WM Rail Freight Strategy, December 2016 and BC Gateway and Walsall-Stourbridge Freight Line Study Stage, December 2012.</p> <p>Can the parties provide a written response, setting out their views as to what these documents say as to the need for a SRFI to serve the BC and southern Staffordshire and the relative suitability of the WMI/ Bescot or any other site to meet that need?</p> <p>The WM Rail Freight Strategy December 2016 acknowledges (at para 6.4.31) that several developers have aspirations for a SRFI in southern Staffordshire but is neutral as to a preferred location.</p> <p>The strategy seems to suggest (at para 6.4.34) that independent consultants were commissioned to undertake a study to consider if there was a strategic case for an additional Intermodal Rail Freight Interchange (IRFI) terminal in the Black Country. The strategy states that the 'study assessed potential suitable sites and identified Bescot Yard as the most</p>

		<p><i>suitable location as a consequence of:</i></p> <ul style="list-style-type: none">- <i>Connectivity to local and national road networks</i>- <i>High levels of rail connectivity and accessibility to key markets and destinations</i>- <i>Proximity to the Black Country providing accessibility to a critical mass of the predominately SME business sectors which are likely to use intermodal rail freight as well as Darlaston Enterprise Zone</i>- <i>Electrification of Bescot Yard in reference to DfT proposals for the electric freight spine, and</i>- <i>Strategic location on the national rail network and associated rail connectivity to markets</i> <p>The BC Gateway and Walsall-Stourbridge Freight Line Study December 2012 also confirms that a high level assessment identified Bescot Yard as having the most suitable characteristics for a IRFT (para E3).</p>
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ExQ2		Question to:	Question:
2.2.17.	The applicant NR		<p>J S Goodwin [REP2-109] contends:</p> <ul style="list-style-type: none"> (a) that there is no logic to locating a SRFI in the north of the region in order to supply Birmingham when most of the imports of goods from Europe and the Far East come through the southern ports; (b) that the spare capacity of existing terminals in the region and closure of others indicates a lack of demand for a SRFI; and (c) that planning permission has been granted for a rail freight terminal in Tunstall, Stoke-on-Trent which could meet some or all of the identified need. <p>Can the applicant and NR please provide a written response to these arguments?</p>
2.2.18.	The applicant NR		<p>The Deadline 2 submission from Sue Worrall [REP2-183] includes a link to an article in Railway Magazine which she suggests casts doubt over the need for any additional SRFI facilities in the Midlands.</p> <p>Can the applicant and NR please provide a written response to the matters raised in that article?</p>
2.2.19.	The applicant SSDC		<p>In its Planning Report [REP2-158], Stop WMI Community Group states that 3 of the 5 shortlisted sites in the applicant's Alternative Sites Assessment (ASA) are in non-GB locations and these should be considered more favourably than the application site. The Report also makes</p>

ExQ2		Question to:	Question:
			<p>a number of detailed comments about the potential suitability of sites at ROF Featherstone (Site 1) and Dunston (Site 3). Another IP [REP2-088] has argued that the landscape reasons for which the Dunston site was rejected in the ASA apply equally to the application site except that more villages would be affected by siting the SRFI at Four Ashes.</p> <p>(i) Can the applicant please provide a written response to these arguments and to the comments about the Dunston site?</p>
2.2.20.	The applicant		<p>In his Deadline 2 representation, Paul Windmill [REP2-181] asserts that the ASA submitted by the applicants for the Northampton Gateway DCO put forward a larger number of sites (compared with the WMI ASA) within the WMI area of search and that WMI is the only one of those sites which is in the GB.</p> <p>(i) Can the applicant confirm whether the Northampton Gateway ASA identifies any potential sites in the WMI area of search which have not been considered and assessed in the applicant's ASA?</p> <p>(ii) Do any of the other sites identified (within the WMI area of search) in either of the two ASAs have a GB location?</p>
2.2.21.	The applicant NR		<p>Capacity of Rail Network/ Availability of Rail Paths</p> <p>In its Wrong Location Report [REP2-167], Stop WMI Community Group asserts that no (planning) approval should be given for a SRFI project of this scale unless and until it has reached GRIP 5 stage in the NR approval process.</p>

		Can the applicant/ NR provide a written response to this assertion?
2.2.22.	NR	<p>A number of IPs express concern that the information provided by NR with regard to the capacity of the network does not provide certainty that the necessary train paths to accommodate either 4 or 10 trains per day can be made available.</p> <p>Is there anything that NR wishes to say by way of response to these concerns, over and above the information provided in its SoCG with the applicant and its Deadline 2,3 and 4 submissions?</p>
2.2.23.	The applicant NR	<p>In its response to Stop WMI Community Group's Rail Report [REP2-159] the applicant appears not to deal with the points raised in paragraphs 2.9 and 2.10 about capacity constraints on the WCML and the forecast, within the Rail Use Strategy document, that the WCML will be at capacity by 2024 and the only option to improve capacity is through the construction of HS2.</p> <p>Can the applicant and NR please provide a written response to these comments?</p>
2.2.24.	The applicant NR	<p>In his Deadline 2 representation [REP2-141], Alan Powell sets out a number of detailed concerns about the suitability of the Site's location in relation to WCML and the wider rail network and the potential effects of rail movements generated by the WMI on other rail services.</p>

ExQ2 Question to:		Question:
		Can the applicant and NR please provide a written response to these concerns?
2.2.25.	NR The applicant	<p>A number of IPs assert that there are regular and frequent delays to passenger services using the Stafford to Wolverhampton section of the WCML and that these delays are likely to be made worse as a result of the proposed development.</p> <p>(i) Is NR able to provide any historic data as to frequency and length of delays to passenger services on this line and to comment on the severity of any such delays?</p> <p>(ii) What is the anticipated effect of the proposal on the punctuality of existing passenger services and what is the evidence to support that assessment?</p>
2.2.26.	The applicant	<p>A number of IPs make the point that DIRFT has been developed over a number of stages, each with its own planning permission, rather than as one single development and contend that this is a more appropriate approach than seeking the release of GB for single large development as proposed by the applicant. Paul Windmill [REP2-181] argues that, by comparison to DIRFT, the WMI proposal, both currently and in the future, shows a major deficiency in the number of rail services envisaged in relation to the floorspace proposed.</p> <p>Can the applicant provide a written response to these arguments, setting out its views as to what relationship exists between the level of building floorspace in a SRFI and the number of train services per day?</p>

ExQ2 Question to:		Question:
2.2.27.	The applicant	<p>In his Deadline 2 submission [REP2-178], Daniel Williams raises a number of questions about: the cost of the railway infrastructure as a percentage of the value of the completed development; the extent to which the DIRFT operations and activity are 'rail dependent'; what level of rail usage would WMI need to reach for it to be considered a successful SRFI in a GB location; and the applicant's ability or willingness to reveal the identities of potential future occupiers of the proposed warehousing units?</p> <p>Could the applicant please provide a written response to these queries?</p>
2.2.28.	The applicant	<p>Gareth Minton [REP2-127] contends that the development has been promoted as a site for regional distribution centres (RDCs) whereas many of the warehouses envisaged are of a scale of national distribution centres (NDCs). Paragraph 7.3 of Appendix 9 to the applicant's response to FWQs [REP2-011] appears to confirm an intention that some companies will establish NDCs capable of serving the whole country.</p> <p>(i) Can the applicant clarify what role or roles the proposed warehousing is envisaged as fulfilling with regard to these different categories of distribution centre and set out the rationale for the size of units proposed having regard to that role?</p> <p>(ii) Has the prospect of a proportion of NDCs serving the whole country from WMI been fully considered in the</p>

ExQ2 Question to:		Question:
		applicant's calculation of 'saved' HGV road miles and the related carbon emissions?
2.2.29.	The applicant	<p>In Appendix 9 to its response to FWQs [REP2-011], the applicant refers to the site and area and floorspace envisaged at the other 3 SRFI proposals which are currently the subject of DCO applications.</p> <p>Can the applicant please provide a detailed breakdown of each of these schemes in respect of the following measures?</p> <ul style="list-style-type: none"> • Total site area; • Area of site proposed for built development and infrastructure; • Area of site proposed for GI and other open uses; • Maximum area of warehouse floorspace for which consent is sought; • Proportion of warehouse floorspace that would be rail-connected (i.e. by sidings immediately adjacent to buildings) • Proportion of warehouse floorspace that would be rail-served? • Number of trains per day assumed on opening and in the longer term.
2.2.30.	The applicant	<p>In Appendix 2 to its Deadline 3 response to other parties' comments [REP-007] the applicant states that no SRFI with a commitment to provide the rail terminal before occupation of any of the warehousing has actually been delivered to date.</p>

ExQ2 Question to:		Question:
		What evidence can the applicant provide to substantiate this assertion?
2.3.	Green Belt	
2.3.1.	The applicant	<p>SRFI Precedents</p> <p>In its Planning Statement [APP-252], the applicant refers to 3 SRFIs which have been granted planning permission in the GB under the TCPA. These are:</p> <ul style="list-style-type: none"> (a) Radlett- permission granted by SoS in July 2014; (b) Howbury Park- permission granted by SoS in September 2007; (c) Iport, Doncaster- permission granted by Doncaster Council in August 2011. <p>(i) Can the applicant please provide to the examination copies of the relevant Decision Letters and Inspectors' Reports in respect of sites (a) and (b) and of the relevant Committee Report and Decision Notice in respect of site (c) such that, in each case, the ExA is able to understand the following matters:</p> <ul style="list-style-type: none"> • The overall size of the application site and the split between hard development (rail and road infrastructure and buildings) and GI/other open uses. • What planning conditions or other controls (for example through a S106 agreement or undertaking) were imposed in those decisions as to the volume of warehousing or other floorspace that might be completed and occupied prior to the associated rail

ExQ2 Question to:		Question:
		<p>connection and intermodal terminal being completed and available for use?</p> <ul style="list-style-type: none"> • What conditions/controls were imposed by the decision maker as to any obligation to maintain and keep the rail facilities available for use following their completion? <p>(ii) In relation to Howbury Park the applicant is also asked to submit to the examination the Decision Letter and Inspector's Report in respect of the recent SoS decision to dismiss an appeal for what the ExA understands to have been a revised SRFI proposal at that site.</p> <p>(iii) If the ExA's understanding that the 2007 planning permission at Howbury Park was not implemented is correct, the applicant is requested to set out its understanding of the reasons for this.</p>
2.3.2.	The applicant	Is the applicant able to point to any other (non SRFI) project for which a DCO has been granted on the grounds that very special circumstances have been established to justify a development that is acknowledged in the SoS's decision to constitute inappropriate development in the GB?
2.3.3.	SSDC	Sections 6.1 and 6.2 of SSDC's Local Impact Report [REP2-051] deal with the 5 purposes of the GB and draw the conclusion, at paragraph 6.3.7, that only one of those purposes (safeguarding the countryside from encroachment) is engaged. However, in its response to Q1.3.3 [REP2-049] SSDC suggests that some of the other purposes listed in paragraph 134 of the NPPF are also engaged.

ExQ2 Question to:		Question:
		<p>The Council is asked to confirm its position on this matter.</p> <p>Thank you for the opportunity to clarify our position, it is correct that we consider that purposes 2 and 5 are also engaged and are relevant as per our response to Q1.3.3 in the previous round of questions.</p>
2.3.4.	The applicant Local Authorities	<p>In his Deadline 2 submission [REP2-181], Paul Windmill contends (pages 2 & 3) that, if the WMI scheme is granted a DCO, it would be difficult to justify the retention of the site as GB and points to a previous Strategic Employment Site allocation at Blythe Bridge in Stoke-on-Trent as an example of the planning risks that this might give rise to.</p> <p>Can the applicant and the LAs set out their comments on and response to these concerns, including the suggestion that, if a DCO is granted, any release of the land from the GB should be on a phased basis following completion of parts of the WMI development?</p> <p>Should the DCO be granted then the Council would need to consider if the Green Belt boundary should be amended through the emerging Local Plan in order to remove WMI from the Green Belt.</p> <p>No decisions have yet been made as to whether the Council would remove the site from the Green Belt as this would only be considered if the DCO was approved. The fact that the Local Plan is the only route to amend Green Belt boundaries, along with the proposed plan period up until 2037, are both factors to be considered when deciding whether the Green Belt boundary should be amended in one or on a phased</p>

		basis.
2.4.	Socio-Economic Effects	
2.4.1.	The applicant	In its response to FWQs [REP2-009], the applicant states that the limitations and assumptions underpinning the Quod Research are set out at paragraphs 3.5 to 3.8 of the draft ESTP at Appendix 2 to applicant's Deadline 1 submission [Rep1-002]. However, that document does not appear to include these paragraphs. Can the applicant please provide clarification as to where this explanation is set out in the documentation?
2.4.2.	The applicant	In his Deadline 2 representation [REP2-141], Alan Powell sets out a detailed critique of the applicant's assessment of: the likely numbers and types of jobs that might be created by the WMI; the prospects, on an annual basis over the projected 15-year development programme, of recruiting sufficient employees to meet the needs of newly opening business and the likely annual turnover of employees in businesses already established on the Site; the potential effects of the increased deployment of Artificial Intelligence and robotics in the logistics industry on employment numbers and job density; likely competition for staff from other major employment sites; and the potential effect of the Site's 'remote location' on the ability of future occupiers to recruit and train the employees that they are likely to

		<p>require. Can the applicant please provide a detailed written response to the points raised by Mr Powell?</p>
2.4.3.	The applicant	<p>In its response to Q1.4.3 [REP2-009], the applicant states that the proposed development is predicted to result in the extinguishment of 3 agricultural tenancies. However, the response does not set out any assessment of the effect of the ongoing viability of the agricultural businesses concerned or on the number of people employed in those businesses.</p> <p>Can the applicant provide further information on what it considers to be the likely worst-case effect of these predicted extinguishments on the numbers employed by those businesses?</p>
2.4.4.	The applicant	<p>In its response to Q1.4.17, the applicant refers to various paragraphs of ES Chapter 14 [APP-052]. ES Paragraph 14.251 states that noise effects are expected to be significant and have the potential to affect some businesses that rely on leisure use of the canal, as listed in the Baseline section. Table 14.17 identifies a number of business activities at Gailey Wharf and Calf Heath and Hatherton Marinas that might be subject to indirect effects from any recreation and amenity effects on the canal.</p> <p>Given that the viability of these businesses is likely to be dependent upon the number and frequency of leisure trips to and along the canal being maintained what evidence is there that the predicted noise impacts would not be likely to lead to significant, long term adverse effects on such businesses?</p>

2.4.5.	The applicant	<p>In his Deadline 2 representation [REP2-142], Anthony Powell indicates his concern about the possible extinguishment of the MMS Gas Power business as a consequence of the applicant's proposal for CA of the land occupied by that business.</p> <p>(i) If this a possible outcome where are the potential adverse socio-economic effects of such an outcome considered in the Chapter 14 assessment of effects?</p> <p>(ii) Are any other existing businesses likely to be displaced or otherwise adversely affected by the CA proposals?</p>
2.5.	Agriculture and Soils	
2.5.1.	The applicant	<p>The applicant's response to Stop WMI Community Group's Agriculture and Farming Impact Report [REP2-165] is set on pages 83 & 84 of REP3-007. However, this does not respond to the Group's assertion that there is no evidence that agricultural land quality was taken into account in the ASA in appraising alternative sites.</p>

ExQ2 Question to:		Question:
		<p>(i) Can the applicant provide a written response to this criticism of the ASA?</p> <p>(ii) If agricultural land quality was not considered in the ASA, can the applicant please provide an updated assessment to indicate what effect the inclusion of this factor would have on the conclusions regarding potential alternative sites?</p>
2.6.	Transport and Traffic	
2.6.1.	HE The applicant SCC	<p>In its Written Representation [REP2-034] HE states that a stand-alone assessment of the traffic implications of the Phase 1 development of 147,000 sq. m of building floorspace has been conducted and accepted by HE. However, beyond the development quantum set for Phase 1, the rail terminal forms an integral element of the transport equation for the assessment of traffic impacts.</p> <p>(i) Can HE confirm whether this reference should be to a figure of <u>187,000 sq. m</u> comprising 47,000 sq. m to be accessed from Vicarage Road and 140,000 sq. m to be accessed via the new roundabout on the A5 (see draft Requirement 24)?</p> <p>(ii) Do the applicant and SCC agree with HE's view that the stand-alone implications of a further phase of non-rail connected development have not been assessed in the transport assessment?</p>
2.6.2.	HE The applicant	<p>Sue Worrall [REP2-183] includes a plan that identifies the location, between Junctions 13 & 14 of the M6, of what she states are existing access and egress points to a "works</p>

ExQ2		Question to:	Question:
			<p>site". She suggest that this could be used to provide direct motorway access to land to the north west of J13 which would provide a suitable alternative site for a SRFI.</p> <p>(i) Can HE comment as to the presence and use of the access and egress points referred to in that submission?</p> <p>(ii) If these do exist, can HE comment as to their suitability to serve a SRFI of the minimum size of 60ha and the practicability of undertaking any upgrading that might be required to meet the necessary highway standards?</p> <p>(iii) Can the applicant please comment on the suitability or otherwise of land to the north west of J13 for SRFI use and indicate whether this location was considered as part of the ASA?</p>
2.6.3.	The applicant SCC		<p>A number of IPs, including Stop WMI Community Group in its Road Infrastructure Report [REP2-160]and Supporting Information [REP2-166], have expressed concerns about the potential increase in traffic, particularly HGV traffic, using the A5 to the west of Gailey roundabout towards Telford. They argue that this route is ill suited to increased use by HGVs and that such use would conflict with the published Strategy for the A5 2011-2026 (section 6 of the Road Infrastructure Report). Although this road link is included in Table 32 of ES Appendix 15.1 [APP-114] which shows a predicted increase in 2-way flows in both the AM and PM peak the ensuing paragraphs do not provide any commentary on the significance or effect of those increases.</p>

ExQ2 Question to:		Question:
		Can the applicant and SCC provide a written response to these concerns and clarify the predicted traffic impact of the proposals on this route?
2.6.4.	The applicant HE SCC	<p>A number of IPs have expressed concern about the potential delays to emergency vehicles answering emergency calls because of increased traffic congestion on the local highway network, with a resultant risk to life and limb. Particular mention has been made of the time taken for such vehicles to get to the nearby villages.</p> <p>(i) Has this potential effect been considered in the TA? (ii) Do SCC or HE have any concerns that there could be a significant adverse impact of this nature? (iii) If there are concerns what, if any additional mitigation could be provided?</p>
2.6.5.	The applicant	<p>A number of IPs refer to the statement, in paragraph 16.2.10 of the Planning Statement [APP-252], that the Site is within a 4.5 hours HGV drive time of about 88% of the UK population and suggest that this claim undermines the argument that the proposal would result in a significant reduction in HGV miles on the motorway network.</p> <p>Can the applicant please provide a written response to this criticism of the proposal?</p>
2.6.6.	The applicant HE	In its response to Q1.7.15 [REP2-036], HE observes that the Road Safety Audit data shows that not all personal injury accidents had been recorded and this could result in an

ExQ2 Question to:		Question:
		<p>underestimation of the potential for issues to occur in the 'with development' scenario. Has any further work been done to correct this apparent omission and have HE's concerns now been addressed?</p>
2.6.7.	The applicant HE SCC	<p>The submissions from Anita Anderson [AS-041] set out various information and concerns about recent closures of the M54 and resultant congestion on A5 and other roads.</p> <p>(i) Can HE, SCC comment as to the accuracy of this information and advise as to frequency of recent planned closures of the M54 and of the likely duration of any ongoing works that might required future planned closures of that motorway? (ii) Can the applicant comment as to what implications, if any, this reported congestion on the local network has for the TA and its conclusions?</p>
2.6.8.	Stop WMI Community Group	<p>The Planning Policy section of the Technical Note prepared by Milestone Transport Planning on behalf of the Group [REP2-161] refers only to the NPPF and not to the NPS which is the primary policy document for the consideration of DCO applications for SRFI proposals. Can the Group review the NPS and specifically consider those sections concerned with the need for and locational requirements of SRFI (paragraphs 2.42-2.58) and the impacts on transport networks (5.201-5.218) and advise on: (i) whether it considers that the guidance under the 'Decision making' heading at paragraphs 5.213 & 5.214 of</p>

ExQ2 Question to:		Question:
		the NPS 2.114 is satisfied in respect of the WMI transport assessment and proposed mitigation; and (ii) what the principal reasons are for the view that the Group takes on this question?
2.6.9.	The applicant SCC HE	Phasing of Highway Infrastructure Appendix 14 to the applicant's response to FWQs [REP2-012] comprises a plan of the proposed phasing of the main highway infrastructure works. (i) the numbering on the plan and key is not sequential; is this intended? (ii) Has the phasing been agreed with SCC and HE? The subsequent questions in Section 2.6 also relate to specific aspects of the phasing proposals.
2.6.10.	The applicant	Vicarage Road Access It is agreed that up to 47,000 sq. m of warehousing could be served from Vicarage Road, i.e. without any alterations to the A5 or any part of the new link road being in place. (i) Would the applicant expect to secure a pre-let for the 47,000 sq. m before commencing construction of the Vicarage Road access or would this floorspace be built out on a speculative basis?
2.6.11.	The applicant SCC	A5 Roundabout and Link Road Draft requirement 24 stipulates that the new access and roundabout are to be completed prior to occupation of the first warehouse served from the A5 and that the link road must be completed prior to occupation of more than

ExQ2 Question to:		Question:
		<p>140,000 sq. m served via the A5. The phasing plan at Appendix 14 shows the link road and the A449 roundabout as two distinct elements of the proposed infrastructure.</p> <p>(i) Does the highway authority require that the A449 roundabout is fully completed before the link road can be opened or is an interim situation in which the link road would have a priority junction with the A449 contemplated? (ii) Do the agreed floorspace thresholds assume that there would be no internal estate road providing a connection between the Vicarage Road and the A5 accesses prior to the link road being completed? If so, does this need to be stipulated in the requirements?</p>
2.6.12.	The applicant SCC	<p>Crateford Lane One Way flow What is the rationale for the proposed phasing of these works?</p>
2.7.	Air Quality and AQMA	
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>

ExQ2 Question to:		Question:
		<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>
2.7.2.	The applicant	<p>In response to Q1.8.2 in relation to the 11 Local Wildlife Sites (LWS), the applicant states that the approach taken to the spatial scope of the operational assessment was agreed with NE.</p> <p>(i) Why was this agreed with NE when LWS do not fall within their remit?</p> <p>(ii) Has the approach been discussed and agreed with SCC?</p>
2.7.3.	SCC	<p>Does SCC accept and agree with the applicant's response in [REP2-009] to Q1.8.2 concerning why the Gailey Reservoir LWS is not considered to be a sensitive receptor in relation to dust and why no dust impacts that would affect the integrity and function of the Calf Heath Bridge LWS are predicted?</p>

ExQ2 Question to:		Question:
2.7.4.	The applicant	In response to Q1.8.10 the applicant contends that monitoring of the operational AQ effects of the development would be impractical. Can the applicant provide further justification for this response?
2.7.5.	The applicant	In its response to Stop WMI Community Group's Health Impact Report [REP2-162], the applicant does not deal with Sections 7-13 of that report. Is there anything in those sections that the applicant does not accept or agree with and, if so, what are the reasons for taking a different view?
2.7.6.	The applicant	In her Deadline 2 submission [REP2-144], Margaret Powell suggests that the siting of the 2 wind turbines at Rodbaston campus reflects the generally flat nature of the surrounding topography and favourable wind conditions. She argues that the area's suitability for wind turbines shows that is also vulnerable to wind-borne pollution and that the communities in Penkrige and Brewood would be likely to suffer air pollution from the increased traffic generated by WMI in the same way that they used to suffer air pollution from past operations on the Four Ashes Chemical Works site. Can the applicant please provide a written response to this assertion?
2.8.	Noise, Vibration and Lighting	
2.8.1.	The applicant	Sue Worrall [REP2-183] states that, on behalf of the applicant, Quod have previously confirmed that no noise monitoring was carried out in Stable Lane. She asserts that,

ExQ2 Question to:		Question:
		<p>in the absence of any background measurements, the applicant cannot properly assess the potential noise effects on residential receptors on Stable Lane.</p> <p>Can the applicant please provide a written response to this criticism of the assessment?</p>
2.8.2.	The applicant	<p>In its response to Q1.9.1 the applicant says that the survey data in the Addendum to ES Chapter 13 is the most robust data on which to base the assessment of effects. At paragraph 13A.97, the Addendum lists a number of residential locations which would be eligible for noise insulation under the terms of the bespoke Noise Insulation Scheme (NIS) but some of these locations include multiple residential addresses.</p> <p>(i) Taking both these and the properties referred to in paragraphs 13A.98 and 100, what is the total number of homes at which the threshold criteria of rating level exceeding background level by 8dB or more or the internal level exceeding the internal criteria?</p> <p>(ii) Would these effects represent unacceptable impacts in the absence of the mitigation proposed via the NIS?</p>
2.8.3.	The applicant SSDC	<p>In its response to Q1.98 [REP2-049], SSDC states that the Council is working with FAL to consider whether any other noise mitigation measures are required.</p> <p>What is the outcome of those further discussions?</p> <p>The suite of proposals to mitigate noise are contained within the deadline 4 submission. In addition the applicant has been able to raise the height of the bund to the east of Croft Lane from 3.5m to 4.5m in response to a request to specifically look at this area to try and mitigate further the impact on the</p>

		properties in Croft Lane.
2.8.4.	The applicant	In its response to Stop WMI Community Group's Health Impact Report [REP2-162], the applicant does not appear to respond to the Group's concerns about the health impact of

ExQ2 Question to:		Question:
		<p>adverse noise conditions which are result for many local residents. Can the applicant provide a written response to those concerns?</p>
2.8.5.	The applicant SSDC	<p>In its Deadline 3 submission [REP3-013], Stop WMI Community Group proposes that 300m is an insufficient distance to be used as the 'cut off' point for determining whether or not properties are eligible for the Bespoke Noise Insulation Scheme and that this distance should be increased. Can the applicant and SSDC comment as to the need for or desirability of adopting a greater distance in order to provide adequate mitigation for significant adverse noise impacts on residential receptors?</p> <p>This is addressed in our deadline 4 submission. The 300m cut off has been removed and any property experiencing an increase of 8dB or more from noise from the development will be entitled to the Bespoke Noise Insulation Scheme irrespective of distance.</p>
2.9.	Ecology and Nature Conservation	
2.9.1.	NE SCC Other IPs	<p>A revised version of the Framework Ecological Mitigation and Management Plan (FEMMP) has been submitted [AS-036].</p> <p>Do NE/SCC and other IPs who have made representations on ecological mitigation and management issues have any comments that they wish to make on the amendments/ additions made in the revised FEMMP?</p>

2.9.2.	The applicant	It is noted that the Noise Environmental Statement Addendum (ES) [REP2-014], identifies revised predicted noise levels at Calf Heath West & East during phases of construction (see table 13.A16 superseding ES Table 13.24 [APP-046]). Predicted levels may be above the 70dB
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ExQ2 Question to:		Question:
		<p>behavioural threshold for a period of years (Zone A4 is to be constructed during Phase 1 of the Proposed Development).</p> <p>Would the applicant be prepared to add a commitment to construction timing in the Outline Demolition and Construction Environmental Management Plan (ODCEMP) [APP-060] to limit construction timing for certain operations (i.e. site preparation and landscaping) during breeding bird season?</p>
2.9.3.	The applicant	<p>The applicant has stated [REP2-009] that specific EMMPs will specify measures to prevent pollution to Gailey Reservoir LWS in line with the FEEMP.</p> <p>(i) Would the applicant provide an additional commitment to mitigate potential pollution to the Reservoir during construction in Section 3 of the FEEMP?</p> <p>(ii) It is noted that paragraph 3.2.4 of the revised FEEMP [AS-036] includes different construction working hours than para 2.2 of the ODCEMP [APP-060]. Please clarify what hours are proposed.</p> <p>(iii) Can the applicant please provide an update version of the ODCEMP including a revision to paragraph 10.3 concerning the updated version of the Bat Conservation Trust guidance</p>
2.9.4.	The applicant	<p>Would the applicant respond to the concerns raised by the Canal & River Trust (CRT) with regard to possible pollution of the canal [REP2-023] and provide an additional</p>

ExQ2 Question to:		Question:
		commitment that no flushing through the drainage system in case of a pollution event will occur?
2.9.5.	The applicant SCC	In its Written Representation [REP2-060], SCC expresses concern that, if the proposed wildlife corridors are only completed towards the end of the 5-year period after commencement, there could be a significant depression in populations of species that currently use the Site and that subsequent recovery of those populations could take many years. SCC also indicates concerns about the phasing of the proposed Bat Hop Over facilities and the adverse effect on bats if these are not installed sufficiently early in the construction programme. Do the phasing plans and the revised FEMMP along with the requirements included in the revised dDCO [REP3-004] provide sufficient certainty as to the phasing of these mitigation measures to avoid these potential outcomes and adverse impacts?
2.9.6.	The applicant SCC	The applicant's response to FWQs [REP2-009] acknowledges that, with the proposed mitigation in place, the residual effect in terms of farmland birds habitat is significantly adverse? Is there any additional mitigation that could reasonably be put forwarded to further reduce this impact?
2.9.7.	The applicant SCC	It is noted that an additional commitment is included in the Section 3 of the revised FEMMP [AS-036] regarding early habitat creation.

ExQ2		Question to:	Question:
			<p>(i) Would the applicant confirm what is the definition of "completed" with regards to the Community Parks and wildlife corridor proposed? Would "completed" include enough time for the new habitats proposed to establish themselves?</p> <p>(ii) Is SCC in agreement with the revised Section 3 of the FEMMP?</p> <p>(iii) Is there, within the Requirements and/or FEMMP any effective control as to when the felling of part of Calf Heath Wood could take place?</p>
2.9.8.	The applicant SCC		<p>SCC [REP2-060] has noted the commitment to net gain. SCC acknowledges that the ES for the application predates the now widespread use of the metrics such as the one developed by Defra, but states that such tools do enable comparison between existing habitat loss and proposed habitat creation. SCC states that calculation using a metric would be likely to indicate that there is an overall net loss.</p> <p>(i) Does the applicant agree with this statement?</p> <p>(ii) Does the applicant agree with SCC's suggestion (paragraph 3.1.1) that consideration should be given to additional contributions to wider mitigation such as enhancing Local Wildlife Sites?</p>
2.9.9.	The applicant		<p>In its response to FWQs [REP2-009], the applicant states that appropriate measures to successfully mitigate the loss of Native Black poplar will be detailed in the revised FEMMP.</p>

ExQ2 Question to:		Question:
		However, revised FEMMP [AS-036] does not include additional measures. What are the measures referred to by the Applicant in response to FWQ 1.10.18?
2.9.10.	SCC	Is SCC satisfied with the amendments to the FEMMP [AS-036] included at para 3.3.2 and 3.3.4?
2.9.11.	SCC	Is SCC satisfied with amendments to Requirement 19 of the revised dDCO [REP3-004]?
2.9.12.	The applicant SCC NE	Some IPs have referred to the recent report from the Joint Nature Conservation Committee that indicates that the UK is likely to miss almost all of the 2020 Nature Targets that it signed up to at the 2010 Global Convention on Biological Diversity. Can the parties comment on this report and what implications, if any, its conclusions may have with regard to the potential effects of the proposed development on ecology and nature conservation?
2.10.	Cultural Heritage and Archaeology	
2.10.1.	SCC The applicant	Paragraph 10.17 of SCC's Local Impact Report [REP2-062] refers to an Historic Environment SoCG having been agreed. Is this a reference to the SoCG between Historic England and the applicant or is there an additional document to be submitted to the examination?
2.10.2.	SSDC The applicant	In its response to Q1.11.1 SCC [REP2-063] indicates a view that a case can be made for a conservation area to be considered as being of greater than "low value" in the

ExQ2 Question to:		Question:
		<p>assessment of effects, particularly if it contains significant buildings or views.</p> <p>(i) What value does SSDC consider should be ascribed to the Canal Conservation Area given the presence of the group of buildings and structures located at Gailey Wharf and the views available from the stretch of canal within the Order Limits?</p> <p>(ii) Is there anything that the applicant wishes to add to the justification that it has previously set out for its assessment of the conservation area as having low value?</p> <p>The Council will send a response to this shortly – we are awaiting our conservation officer’s advice on this issue.</p>
2.11.	Landscape and Visual Effects	
2.11.1.	The applicant	<p>In its Deadline 2 Written Representation [REP2-060] SCC set out its view that the Landscape Sensitivity Assessment for Employment Allocations 2015, which has been used by the applicant to inform the assessment of landscape character, did not envisage any development on the scale of that now proposed in the WMI scheme. The 2015 Assessment treated employment development to be medium scale business or commercial development with a maximum depth of 35m and a maximum height of 12m to ridge. For those reasons, SCC expresses concerns about the incorporation into the LVIA of conclusions from the 2015 Assessment report because they are not directly applicable to the current proposal.</p> <p>Can the applicant please provide a written response to these concerns about the robustness of the LVIA?</p>

ExQ2 Question to:		Question:
2.11.2.	The applicant	<p>In paragraph 2.7 of REP2-006 SCC seeks a commitment from the applicant with regard to any future design guidance that might be produced for the Cannock Chase AONB.</p> <p>Is the applicant able to provide such a commitment and, if so, how would this best be incorporated within the DCO?</p>
2.12.	Drainage and Flood Risk	
2.12.1.	The applicant SCC	<p>In its Deadline 2 representation [REP2-060], SCC suggested the need for an additional Requirement relating to the future maintenance of the SuDS.</p> <p>Have these concerns adequately been addressed in the changes made to Requirement 27 in the revised draft DCO [REP3-003]?</p>
2.12.2.	The applicant CRT	<p>Can the parties provide an update with regard to the application that has been made to CRT to discharge surface water from the proposed development into the canal?</p>
2.12.3.	The applicant CRT	<p>CRT [REP2-023] says that, even if the canal is lined, it is unreasonable to assume that the lining is watertight and that the issue of hydraulic conductivity has not properly been considered in the applicant's drainage assessment.</p> <p>Are these concerns adequately addressed by the requirement that all works that might affect the canal should be subject to the CRT Code of Practice?</p>

ExQ2 Question to:		Question:
2.13.	Recreation and Leisure Activity	
2.13.1.	The applicant	<p>In its response to Q1.4.16, the applicant refers to various paragraphs of ES Chapter 14 [APP-052]. ES Paragraph 14.251 states that noise effects are expected to be significant, especially for users of the canal moorings. However, the ExA understands that these 'significant effects' are residual effects, allowing for embedded mitigation and that the revised assessment in the Addendum to ES Chapter 13 [REP2-014] indicates a revised rating level of 56dB (paragraph 13A.101) at the receptor on the canal towpath at Gravelly Way (i.e. a level which exceeds that 55dB threshold set out in WHO and BS8233:2014 guidance).</p> <p>In light of this revised assessment can the applicant provide further evidence that the proposed development would not significantly affect the use of the canal and towpath for leisure use?</p>
2.13.2.	The applicant	<p>The ES Addendum [REP2-014] also concludes that there would be "high adverse" noise impacts at Calf Heath reservoir.</p> <p>Can the applicant provide specific justification for assessing the impact on recreational users of the reservoir (particularly anglers and sailors) as "moderate adverse" having regard to the "high adverse" noise impacts identified in REP2-014?</p>
2.13.3.	The applicant CRT SSDC	<p>The ES Addendum also confirms the adverse noise effects on use of users of the canal-side moorings at Gailey but assesses the significance of these on the understanding that those users are transient users.</p>

ExQ2		Question to:	Question:
			<p>(i) Is this an appropriate classification of those users if they are able to occupy the moorings on the basis of an annual licence and to spend as much time as they wish on their boats?</p> <p>SSDC has no further comments to make beyond those in paragraph 1.9.4 of its previous response the ExA questions on the basis that they are not permanent residential moorings.</p> <p>(ii) Would the applicant still consider these to be transient users if an individual user is able to renew the licence for a further 12-month term at the expiry of their current licence to occupy a mooring?</p>
2.13.4.	CRT		<p>Sheet 1 of the amended GI Parameters Plans [AS-063] now incorporates spot heights on the proposed new Link Road to provide a benchmark from which the height of the landscape mounds adjacent to canal would be measured.</p> <p>Does this additional information provide the clarity that CRT was seeking on this matter?</p>
2.13.5.	The applicant Greensforge Sailing Club		<p>Can the applicant and the Sailing Club please provide a position statement on the further assessment work that has been carried out re the effect on the proposed development on wind conditions on the reservoir and the ongoing negotiations between the two parties?</p>
2.13.6.	Stop WMI Community Group		<p>In its Tourism and Leisure Report [REP2-164], Stop WMI Group refers to a "popular tourist caravan site" at Wharf Lane which it says is within the development area.</p> <p>As the ExA has not seen any other reference to this can the Group provide a location plan and further information as to</p>

ExQ2 Question to:		Question:
		nature of the use and the terms of the site licence for this use (number of caravans, length of operating season, etc)?
2.13.7.	The applicant SCC	In its Tourism and Leisure Report [REP2-164], Stop WMI Group refers to the existence of a 4-mile circular walk to Gailey via the A449 and Public Footpath No. 29. This route is also referred in some of the individual RRs. (i) Does the applicant/SCC have any data as to the level and frequency of use of FP No. 29? (ii) What alternatives would be available for pursuing a similar medium distance circular walk if FP No. 29 is not replaced within the development scheme?
2.14.	The Staffordshire and Worcestershire Canal	
2.14.1.	The applicant CRT	CRT [REP2-021] has argued that the development would be likely to result in significantly increased use of the canal towpath to the north and south of the Site for pedestrian and cycle journeys to and from the development and CRT's request that the scope of the Canal Enhancement Scheme be extended to cover these parts of the towpath? (i) Have there been further discussions between the parties about that request? (ii) What is the applicant's current position on this matter?
2.15.	Draft Development Consent Order	
2.15.1.	SSDC SCC HE NE	The revised draft DCO [REP3-003] includes additional detailed provisions in respect of the draft Requirement 5 which are set out in Part 2 of Schedule 2 to the DCO. These

ExQ2	Question to:	Question:
	All IPs	<p>seek to provide an increased level of commitment to the provision and use of the rail infrastructure.</p> <p>(i) Do of the statutory bodies and IPs have any detailed comments that they wish to make in respect of the wording of these provisions? (ii) Should any additional provisions be added?</p> <p>The Council's comments were made at the hearing in June and the Council's position remains the same:</p> <ul style="list-style-type: none">• Paragraph 3- we remain concerned that this is not compliant with the relevant policy. The key here is that the policy is about the provision of a rail freight interchange with that rail connection.• Paragraph 4 – we remain concerned that this allows a large amount of leeway to move away from the commitment to provide a rail connection – we would expect this to be limited to force majeure style circumstances and for there to be an additional limit on any further development of warehousing until the connection is in place should the requirement in condition 3 not be met.• Paragraph 7 – we consider that the appointment of the co-ordinator should be within 6 months of the consent to the Order and not simply prior to commencement as a large amount of the co-coordinator's work needs to take place sometime before commencement.

ExQ2: 19 June 2019
Responses due by Deadline 5: 5 July 2019

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