

Response to ExQ2 Deadline 7.

<p>Stop the WMI Group 16.1.015</p>	<p>ExQ2.9.1 (Ecology and Nature Conservation) FEMMP paragraph 3.3.3 addresses Ecologically 'Important' hedgerows.</p> <p>Group's Response: A recent study reported by the BBC (27th June 2019) by Dr Jeremy Froidevaux from the University of Bristol states that leaving hedgerows untouched can offer an important lifeline for night-time biodiversity, such as bats. A study says schemes designed to make farming more wildlife-friendly often failed to offer any real benefits. Populations of insect-eating bats crashed throughout Western Europe during the late 20th Century. https://www.bbc.co.uk/news/science-environment-48747587 This strongly suggests that hedgerow disturbance, dismantling, removal and translocation (and, furthermore, the time taken for it to become reestablished) will still be detrimental to many populations of wildlife (particularly bats) so should not be implemented.</p>	<p>Applicants Response: An assessment of the effects of the proposed development on hedgerows and the species supported by these habitats is within ES Chapter 10 Ecology and Nature Conservation (Document 6.2, APP-030). The mitigation proposed as identified in the ES and as secured via the FEMMP (Document 6.2, ES Technical Appendix 10.4, REP5- 033) has been agreed with NE and SCC. The Statement of Common Ground agreed with NE (REP1-003) states: "FAL and NE agree that ecological enhancement measures are outlined in the final ES, which will have a positive effect on biodiversity and accord with relevant guidance". The Addendum to the Statement of Common Ground with SCC (REP5-039) states that: "The updated FEMMP is acceptable and the proposed Ecological Mitigation and Management Plan (EMMPs) for each phase of development comprises an appropriate mechanism for securing ecological enhancement and mitigation" and "the Applicant has agreed to make a financial contribution towards works to improve off-site local wildlife sites. The details of this contribution are included in the latest version of the s.106 Agreement and are agreed in principle. Based on this contribution and taking account of the ecological mitigation measures proposed in the FEMMP (which comprise proposed on site ecological enhancement and off-site farmland bird mitigation), the package of ecological mitigation measures are acceptable"</p> <p>Deadline 7 Group's Response:</p> <p>The very fact that hedgerows are being removed and re-planted will create disturbances for hedgerow species – mitigation measures will eventually be appropriate but how long before the mitigation measures reach their full effectiveness?</p> <p>Until this goal is fully-achieved (which is likely to take some time), the habitat will be less suitable in terms of extent and therefore carrying capacity, and this is likely to adversely impact hedgerow fauna at least temporarily (and even temporary adverse effects can result in permanent removal of species).</p>
<p>Stop the WMI Group 16.1.016</p>	<p>ExQ2.9.1 (Ecology and Nature Conservation) FEMMP paragraph 3.3.5 addresses felling part of Calf Heath Wood.</p> <p>Group's Response: Removal of such a significant proportion of the wood results in habitat fragmentation in the area, resulting in isolating populations of the less</p>	<p>Applicants Response: As secured via the FEMMP (Document 6.2, ES Technical Appendix 10.4, REP5-033), the retained area of Calf Heath Wood will be put into active management to promote a diverse woodland. The wood will be enhanced by restoring the coniferous or mixed plantation areas (reducing proportion of pines) to native broadleaved woodland (e.g. oak, birch and ash) over time through appropriate silvicultural practices.</p>

	<p>mobile species such as invertebrates and amphibians. Furthermore, targeting the “less biodiverse part of the wood” reduces the habitat mosaic of the wood, resulting in a homogenised area of woodland with little variety in the range of niches and available for the species there.</p>	<p>Non-native species notably rhododendron will be removed over several years in a phased manner that promotes the native shrub layer. Areas of standing deadwood would be retained. The retained area of Calf Heath Wood will link to other Green Infrastructure for example the ecological corridor to the reservoir to the east, to Croft Lane Community Park to the north and a corridor to the south linking with Calf Heath Community Park. Where the Green Infrastructure is crossed with roads, bat hopovers and wildlife crossings are provided. These measures are shown on the Green Infrastructure Parameters Plan (AS-062).</p> <p>In the operational phase of the proposed development the habitats (created in the construction phase) for the benefit of invertebrates would lead to an improvement in habitat interest and value for invertebrates resulting in a long term, beneficial effect significant at the Local scale (given the dominant arable and improved grassland habitats in the landscape). The habitats to be provided in the Community Parks and in ecological corridors are of value as a foraging resource for invertebrates such as extensive areas of woodland, rough grassland/wildflower meadow, standing deadwood, ponds and deadwood (standing and log piles). Mitigation has been embedded to allow amphibians to move through the Site, namely the provision of ecological corridors linking new and retained habitats, specification of amphibian friendly gully pots, ladders and amphibian wildlife kerbs across the Site to prevent trapping amphibians and wildlife crossings at interfaces of roads and key areas of blue / green infrastructure. These measures are designed to allow the movement and dispersal of amphibians throughout the Site and promote population growth. Wildlife crossings and mammal tunnels (as illustrated in the Green Infrastructure Parameters Plan, AS-062) are specified within the proposed development to provide connectivity between community parks and other areas of created and retained habitat.</p> <p>Deadline 7 Group’s Response:</p> <p>The overall mitigation measures sound favourable but there is a loss of the total area of Calf Heath Wood and, although its links with nearby habitats are a positive factor, the reduction of the extent of the wood will compromise its suitability as a habitat for certain species that thrive without exposure to human disturbance.</p> <p>The fact that the wood is now going to occupy a smaller area near to human activities will decrease its overall importance as a wildlife habitat.</p>
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<p>Stop the WMI Group 16.1.017</p>	<p>ExQ2.9.1 (Ecology and Nature Conservation) FEMMP paragraph 3.5.1 addresses created habitat areas.</p> <p>Group's Response: The wildlife corridor is a useful feature, but are Calf Heath Wood and Calf Heath Reservoir also linked by wildlife corridors to other nearby important habitats? Absence of other such corridors creates an "island effect" where less-mobile species inside the development area cannot access important habitat in surrounding areas. Provision of corridors to facilitate the movement of wildlife from the development area to surrounding areas is important because the existing major roads and motorway in the area already provide significant access restrictions.</p>	<p>Applicants Response:</p> <p>Potential barriers such as the M6, the A5 and the A449 are already present in the baseline scenario, with limited interchange of species noted between the Site and off-site habitats beyond these roads. The Green Infrastructure shown on the Green Infrastructure Plan – Parameters Plan (AS-062) provides species rich, connected and ecologically functional habitats. Off-site habitat connectivity has focused on the canal corridor and habitats to the south. In addition to on-site habitat enhancements a financial contribution (secured via s106) has been agreed, which could potentially enhance and manage nearby habitats (for example a degraded local wildlife site) to the south of the site along the Saredon Brook.</p> <p>Deadline 7 Group's Response:</p> <p>The mitigation measures seem suitable on one side of the development, but links to the other reservoirs, particularly, seem to have been ignored.</p> <p>Birds and bats commute across existing barriers, although this is not an ideal scenario. Surely increased traffic volume and levels of disturbance will add to the obstructions already created by these barriers?</p>
<p>Stop the WMI Group 16.1.018</p>	<p>ExQ2.9.1 (Ecology and Nature Conservation) FEMMP paragraphs 3.7.20-25 addresses the European Protected Species Mitigation Licence (EPSML) from Natural England (NE).</p> <p>Group's Response: A significant number of bat roosts are being completely removed from the area, only to be replaced by bat boxes. Research strongly indicates that provision of bat boxes as a replacement for natural and/or established roosts tends to lead to disturbance-tolerant species becoming more prevalent, with less tolerant species becoming rarer (or disappearing altogether). Indeed, more research needs to be carried out on the insulating properties of bat boxes compared to established building roosts and tree roosts. Personal experience suggests that, in certain scenarios, bat boxes are not a suitable replacement for established building roosts</p>	<p>Applicant Response:</p> <p>Natural England have issued a Letter of No Impediment (Document 6.2, ES Technical Appendix 10.5, APP-091) which states on page 1: "Natural England sees no impediment to a licence being issued, should the DCO be granted" and "Based on the current level of bat activity on site, the proposals are considered to maintain the Favourable Conservation Status (FCS) of the bat assemblage and populations present on site"</p> <p>The mitigation scheme detailed within the FEMMP (Document 6.2, ES Technical Appendix 10.4, REP5-033) includes fewer bat boxes than originally proposed by the applicant in response to Natural England's comment within the Letter of No Impediment that over use of bat boxes may change the species present.</p> <p>Deadline 7 Group's Response:</p> <p>This mitigation measure assumes that bat boxes are a suitable alternative to more natural roosts – the types of bat boxes mentioned are largely made of the same materials so are likely to have very similar insulation properties to each other, whereas natural alternatives have varying insulation levels and provide a greater range of habitats during different times of the year and the prevailing weather conditions.</p>

		In short, the removal of natural roosts results in fewer roosting alternatives for the different bat species present.
Stop the WMI Group 16.1.019	<p>ExQ2.9.1 (Ecology and Nature Conservation) FEMMP 3.7.26 Construction activity that creates noise, vibration or emits light within 30m of known roosts, hedgerows and woodland will cease at sunset between the period March to September inclusive when bats are active, if not before, to avoid delaying the emergence of locally roosting bats. Construction activity will not commence again until after sunrise to ensure that impacts to bats returning to local roosts does not occur.”</p> <p>Group’s Response: A suitable mitigation plan, but could it also be said that any sort of potentially disruptive work will also be refrained from during the same time windows if the WMI becomes operational?</p>	<p>Applicants Response: The mitigation proposed in Paragraph 3.7.26 of the FEMMP (Document 6.2, ES Technical Appendix 10.4, REP5-033) as quoted is required in the construction phase only, prior to mitigation measures for the operational phase being constructed/implemented. Once these mitigation measures are implemented and in place, for example vegetated landscaping bunds, sensitive operational lighting design, strategic planting and fencing the quoted construction mitigation measures would no longer be necessary.</p> <p>Deadline 7 Group’s Response:</p> <p>Would these mitigation measures for the operational phase be sufficient to prevent disturbances that would adversely affect the wildlife present on the site? Surely the huge increase in freight traffic and human activity at the proposed site would create a level of disturbance that would be particularly difficult to shield the local wildlife from?</p>
Stop the WMI Group 16.1.020	<p>ExQ2.9.1 (Ecology and Nature Conservation) FEMMP paragraph 3.7.27 addresses Bat ‘hop-over’ habitat features.</p> <p>Group’s Response: Bat hopovers are a potentially beneficial feature under the circumstances, but in deterring certain species of bats from flying across roads, does it not effectively create habitat fragmentation – a measure that bat hopovers have been introduced to at least partially prevent?</p>	<p>Applicants Response: The hop-overs are in place to aid low flying bats to safely cross the road ensuring that they cross at a height above any potential traffic collision zone which they may otherwise do in the absence of mitigation. These measures assist ecological connectivity and do not create habitat fragmentation.</p> <p>Deadline 7 Group’s Response:</p> <p>The very nature of hop-overs presents a barrier to low-flying bats, furthermore, increased traffic volume that the proposed site will influence will add to this barrier effect.</p>
Stop the WMI Group 16.1.021	<p>ExQ2.9.1 (Ecology and Nature Conservation) FEMMP paragraphs 3.7.42-43 address the protection of hedgehogs.</p> <p>Group’s Response: Hedgehogs are particularly susceptible to roadkill by traffic on the proposed roads around the site, particularly as a result of the increased volume and size of vehicles involved It would surely be prudent to introduce a more complex network of tunnels under the</p>	<p>Applicants Response: Wildlife crossings are proposed in areas where the green infrastructure is dissected by roads, these are the locations where the risk of collision is considered greatest for mammals and amphibians. The locations of these measures are shown on the Green Infrastructure Plan – Parameters Plan (AS-062).</p> <p>Deadline 7 Group’s Response:</p> <p>Such crossings are a very good measure but,</p>

	<p>development site to allow safe transit of hedgehogs (as well as certain amphibian species*), as with the larger mammals, mentioned earlier on in the report. • *Toads, particularly, will migrate several kilometres to breed, and as a result of this are very susceptible to roadkill during their migration to breed. https://ptes.org/grants/uk-mammalprojects/roadtunnels-wildlife/ Further to the above, the magnitude of the proposed construction still presents a serious barrier in an important wildlife transition area that is already heavily restricted by existing major roads. Surely no development at all would be far more beneficial for the health and well-being of ALL species which reside in the area, rather than just considering a minority of the humans that are present.</p>	<p>considering the plan of proposed crossings, do they offer a suitably extensive network to significantly decrease the incidences of roadkill, particularly in species of amphibians, hedgehogs and badgers?</p>
<p>Stop the WMI Group 16.1.02</p>	<p>Technical Note: Prepared on behalf of Stop the WMI</p> <p>Milestone Technical Note: - Response to a Request for Information Relating to Highway Matters from the Examining Authority i) Need for and locational requirements for SRFI (para's 2.42 – 2.58 of the NPS)</p>	<p>Applicants Response:</p> <p>The Applicant has not responded to each individual point raised within the Note. The Applicant has identified the key themes raised by the Note and responds to these.</p> <p>i) The Milestone Note does not deal with the locational requirements from the transport perspective of SRFI as requested by the ExA. Specifically, no mention is made of paragraph 2.56 of the NPS which states inter alia "It is important that SRFIs are located near the business markets they will serve – major urban centres, or groups of centres – and are linked to key supply chain routes. Given the locational requirements and the need for effective connections for both rail and road, the number of locations suitable for SRFIs will be limited, which will restrict the scope for developers to identify viable alternative sites". In addition, paragraph 2.54 states inter alia that it is essential that all proposed SRFI "have good connectivity with both the road and rail networks, in particular the strategic rail freight network". As set out in the Transport Assessment (APP-114) at paragraph 3.3.2, the Site is bound by the A5 Trunk Road to the north, the M6 motorway to the east and the A449 Trunk Road to the west providing a link to the M54 some 6km to the south. The Site is ideally located in relation to the strategic road network, with agreed access points provided to the A5 and A449, providing onwards connecting to the M6 and M54 motorways. As set out in paragraph 3.2.1 of the TA (APP-114), the site is located at</p>

	<p>ii) The impacts on transport networks – sustainable transport access (paragraphs 5.201 – 5.201 of the NPS)</p>	<p>an intersection of the Strategic Rail Network (the West Coast Main Line, Western Branch), with direct rail access provided.</p> <p>Deadline 7 Group’s Response: i) Location of the SRFI</p> <p>As set out in our previous response, MTP did not provide evidence regarding the merits, or otherwise, of the location in terms of freight transport and logistics. The MTP assessment focussed on the suitability of the location as a major employment site (for c.8,550 staff) and the assessment of traffic impacts.</p> <p>The Applicant’s Response on this matter simply refers back to comments in the TA, therefore, the previous concerns raised by Stop the WMI Group are likely to remain.</p> <p>Applicants Response:</p> <p>ii) A general thread of the Milestone Note is that the site is not currently sustainable and does not promote further measures that would make the site sustainable in the future from the transport perspective, to the degree that it would satisfy the NPS. The Proposed Development does seek to make the scheme sustainable from the Transport perspective, as set out below:</p> <ul style="list-style-type: none"> • Promotes active travel through the provision of improved shared use pedestrian / cycle routes on the A449, A5 and the A449 / A5 link road. Improved crossing facilities are provided for non-motorised users at the A449 and A5. Please refer to the Highway General Arrangement drawings (AS-068 and AS-070). • The Applicant has agreed a robust Updated Site Wide Travel Plan (SWTP) with the relevant Highway Authorities, (REP5-037). <p>Promotes car sharing through the SWTP as set out at paragraphs 5.4.1 – 5.4.6.</p> <ul style="list-style-type: none"> • Provides improvements to existing scheduled bus services, which will also provide further opportunities for the existing travelling public, including providing expended links to existing business, as set out in the Sustainable Transport Strategy Document (APP-136). Please refer to the applicants Deadline 4 submission in respect of References 2.4.1 - 2.4.4 (REP4-003).
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	<p>iii) The impacts on transport networks – highway capacity (paragraphs 5.201 – 5.201 of the NPS)</p>	<ul style="list-style-type: none"> • Will implement targeted shuttle bus services relative to future employee locations in order to provide further non car means of access to the site, particularly at shift change over times. • Seeks an achievable modal shift target away from Single Occupancy Vehicle journeys relative to the site location, as agreed with the SCC, as set out in paragraph 9.18 of the SoCG (REP2-007). As set out in the SWTP at paragraph 9.2.7, the targets will be reviewed annually (REP5-037). • It has been agreed with SCC that the matrix appended to the SWTP at Appendix A setting out the measures presented by the Sustainable Transport Strategy (APP- 136) are sufficient in order to achieve the 10% modal shift target. Please refer to paragraph 9.9 of the SoCG with SCC (REP2-007). • In the event that the modal shift target as set out within the SWTP (REP-037), is not being met, a Travel Plan Contingency Fund can be drawn upon and which is secured via the draft Development Consent Obligation (REP5-031). Clearly it is in the applicants interests to ensure that the SWTP is a success so that it need not be exposed to this further financial obligation. <p>Deadline 7 Group’s Response: ii) Sustainable Transport Access</p> <p>The Applicant’s Response reiterates the measures set out in the application. As set out in our previous responses, these measures are not considered adequate to make the site, which is very remote from residential areas and currently inaccessible by sustainable modes of transport, a sustainable place of work for 8,550 people. Therefore, the previously expressed concerns regarding the suitability of the site as a major employment hub remain. The applicant’s commitment to a ‘Contingency Fund’ to address potential failure of the Travel Plan to meet its targets should not be seen as a reasonable substitute for a robust travel strategy at the outset that could reasonably be expected to meet modal travel targets.</p> <p>Applicants Response:</p> <p>iii) The Milestone Note sets out that from the highway operational perspective, in relation to baseline traffic conditions, the South Staffordshire VISSIM Model does not adequately report existing vehicle queues.</p> <p>The SSVM has been prepared on behalf of HE and is a validated model. It has been amended by the Applicant to reflect the Proposed Development and</p>
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the additional traffic data added to it to reflect local conditions has been validated against the relevant WEBTAG criteria, as set out in Appendix O of the Transport Assessment (Local Model Validation Report Feb 2017 VISSIM) (APP-144).

The VISSIM model has been thoroughly scrutinised by HE and SCC. Please refer to paragraph 9.5 of the SoCG with SCC (REP2- 007), paragraph 3.2.1 of the SoCG with HE (REP2-008) and finally, HE's answer to ExQ1.7.7 (REP2-036).

It is therefore not accurate to state "that the traffic modelling methodology in the WMI application appear to be under reporting the queue lengths currently experienced on the highway network". It should also be noted that it is not necessary to achieve modal shift targets away from Single Occupancy Vehicle use in order to allow the local highway network to operate satisfactorily with the Proposed Development in place. The Applicant has undertaken a worst-case assessment of the operation of the highway network which is shown to be acceptable without the 10% modal shift away from Single Occupancy Vehicles. Please refer to HE's Deadline 2 submission (REP2-036), in answer to ExQ1.7.3.

It remains the Applicants view that as agreed with both SCC and HE, sufficient mitigation measures are proposed in order to satisfy the requirements of the NPS from the Transport perspective.

Deadline 7 Group Response:

iii) Highway Capacity

Again, the Applicant's Response reiterates information in the application and emphasises that the traffic model has been validated and accepted by the relevant Highway Authorities. These points were not disputed. However, even if a traffic model is built soundly it is of limited value in assessing future development impacts and mitigations if the predictions it produces (in this case 2021/2036 predictions based largely on old traffic data) can be shown by the passage of time to be significantly different to actual traffic conditions observable on the ground in 2019. The MTP response focussed on potential discrepancies, particularly at Gailey roundabout, where no capacity improvements are proposed and (based on local knowledge of Stop the WMI Group) existing queues are understood to be much more significant than predicted in the traffic model. On this basis, the concerns regarding traffic capacity/ mitigation would remain.

**iv) Highways England Comments
16.07.2019**

		<p>With respect to the Highways England letter of 16 July 2019, we have briefly reviewed the letter and the applicant's revised traffic generation analysis (TN41) with respect to scenarios involving deferral or removal of the rail facility. TN41 concludes that local traffic impacts would be reduced without the rail terminal as the majority of trips associated with the rail terminal go direct from rail to road (and vice versa), without using the adjacent new warehousing, i.e. the rail terminal is an independent traffic generator. The TN concludes that omission of these trips (before opening the rail terminal) would more than offset the additional trips that would be generated to the warehousing by road, whilst there is no rail option. The analysis is based on a data for the DIRFT. TN41 also acknowledges that the key benefit of the rail terminal, associated with the removal of long distance road trips, would be lost if the rail terminal was not provided. Without being involved in all detail of this DCO application it is difficult for us to comment in depth, however, the following points seem potentially relevant:</p> <p>HE is clearly not satisfied with the revised traffic generation analysis presented by the applicant in TN41 to assess the scenario of delayed/ cancelled rail infrastructure, although the details of their concerns are not set out in the letter.</p> <p>From a brief review of TN41, the logic is apparent in terms of the potentially reduced impact on the local road network and loss of the benefits to the wider transport network before the rail terminal is provided. However, it's difficult to comment further regarding the details of the approach in TN41 and we would suggest following the HE lead on this issue.</p> <p>Taking a step back, and considering the situation in a more general sense, it seems strange for the application process to have reached a point where there is a need to assess a nationally significant SRFI project for a scenario without the rail element, which we would have assumed is fundamental to the justification of the scheme? Taking a hypothetical example to illustrate the point, it's difficult to imagine an application for a new marine port progressing to a point where scenarios are assessed for the associated commercial development to be partly or fully implemented without providing any access for shipping.</p> <p>Similarly, the introduction to TN41 talks around warehousing of up to 186,000m², without the</p>
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		<p>delivery of the a rail terminal. This would imply that the site is suitable for an employment site without a rail link – yet the application is fundamentally a rail terminal site, and would not be suitable for an isolated employment site. To use the analogy above, it's like saying you're building a port, but building the houses and McDonalds first and never the terminal...</p> <p>Overall, it appears that the issues regarding the timing of the delivery of rail infrastructure might best feed into wider arguments on the principle of <i>the scheme</i>; i.e. how can a nationally important SRFI progress without certainty on one of its key elements. With regard to the more detailed traffic impacts, at this stage it would probably be best to monitor HE's response to see if this leads to any points that Stop the WMI Group can use or build upon in objecting to the scheme.</p>
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