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PARISH COUNCIL**

THE COLLECTIVE OF PARISH COUNCILS AGAINST THE WEST MIDLANDS INTERCHANGE (WMI) TR050005 POST HEARING SUBMISSIONS – OUR REFERENCE 20015248

Scale : Compelling Need and VSC

The applicant asserts at Item 2.1(a) that one of the most striking gaps in the national network is the 120km gap between the SRFI at Birch Coppice/Hams Hall and Widnes/Port Salford. The applicant has not taken into account db symmetry's proposals which are coming forward for the Hinckley National Rail Freight Interchange (HNRFI) at junction 2 of the M69. This scheme is considered to be a Nationally Significant Infrastructure Project (NSIP). It should be noted that this proposal is located within 5 miles of Nuneaton which is in the West Midlands. On this basis the Hinckley proposal is perfectly positioned to absorb a percentage of the capacity deemed to be essential at Four Ashes to service the Arc of the West Midlands. Accordingly, the scale of the West Midlands Interchange could be decreased.

Paragraph 2.1 (b) states that the need for a SRFI development in this quadrant of the West Midlands has been identified since, at least, 2004. Identified by the Strategic Rail Authority 2004, the Strategic Rail Authority, West Midlands Regional Logistics Study; and successive drafts of the West Midlands Regional Spatial strategy which included conclusions of the appointed Examining Panel. This exercise described the identified need as requiring "priority attention", and "most urgent" etc.

Paragraph 2.1(c) goes on to say that this need was not disputed by Planning Authorities. This statement is very misleading in that South Staffordshire Council did not dispute that there was a need for a Rail Freight Interchange in Southern Staffordshire(encompassing a specific area of 60 hectares) it very much disputed the need for a Strategic Rail Freight Interchange in South Staffordshire. For the purposes of this exercise South Staffordshire District Council is the only relevant Planning Authority. There is a vast disparity between a 60 hectare Rail Freight Interchange and a 250 hectare Strategic Rail Freight Interchange.

Paragraph 2.1(c) also goes on to say that no other site has come forward that could meet this need. The Collective would again refer you to the db symmetry proposal for Hinckley.

Paragraph 2.1(d) again refers to a matter of evidence and agreement with SSDC that there are no alternative sites on which the need could be met. In the pursuit of the accuracy and fairness in which terms the applicant's approach to the Alternative Sites Assessment has been described, it must surely now include the proposal for (HNRFI); which will have the capacity to serve what constitutes the market area within the arc of the West Midlands. This location is already in a designated growth area and has the capability to provide exactly the same benefits as that of the Four Ashes site without a very significant loss of much valued Green Belt. The WMI proposal directly conflicts with the purpose of safeguarding countryside from encroachment and should be resisted particularly when the very special circumstances being relied upon are flawed.

The Collective feels strongly that there is significant relevance to this question when such a massive loss of Green Belt is at stake; the Collective will continue to dispute the assertion that alternatives have been properly explored should the applicant continue to disregard the existence of the HNFRI and close its eyes to its potential status.

Question of Scale

Paragraph 3.1 bullet point 2 states that the scale of the proposed SRFI is comparable to the scale of other SRFI developments in other parts of the country. The developments referred to can only be the Northampton Gateway SRFI which sits on a 202 hectare site and the Doncaster Iport which sits on a 136 hectare site. There is clearly no real comparison linking the WMI proposal to the existing Northampton Gateway and Doncaster Iport as they are both well under 250 hectares. This begs the question if both the Northampton Gateway SRFI and the Doncaster Iport SRFI are viable at well under 250 hectares why is the proposal for Four Ashes stated to be unviable?

Paragraph 3.2 goes on to refer to a chronic and worsening shortage of employment land in the Black Country.

It needs to be taken into account at this point that as this is specifically a shortage of High Quality Employment Land and not a shortage of land on which to build Strategic Rail Freight Interchanges it is largely irrelevant. It should also be noted that South Staffordshire Council has already been more than accommodating in this regard in the release of land at ROF Featherstone to serve the identified needs of the Black Country in providing quality employment opportunities over the South Staffordshire Local Plan period to 2028.

The applicant clearly expects South Staffordshire Council to take a further 300 hectares out of its Green Belt in order to satisfy Black Country demands. This is grossly unfair; any further release of land for this purpose should be evenly distributed across the relevant areas. Why when the percentage of need for high quality employment land in South Staffordshire is minimal compared to that of the Black Country Authorities would this not be the course to follow?

Paragraph 3.6 bullet point 1 asserts that the evidence demonstrates that the need for employment, and particularly rail served employment development, significantly exceeds the capacity of brown field land; and that the authorities accept that the need will not be met unless Green Belt land is developed (on a scale greater than the application proposals); and that it is a matter of evidence that there is a no preferable or alternative site. The Collective strongly refutes this assertion and would again refer to the Hinckley proposal which could easily accommodate a percentage of the arc of the West Midlands requirement and in turn allow for a decrease in the size of the proposed West Midlands SRFI.

Reference is made to the scale of the application proposals bringing significant benefit in terms of its ability to meet the aims of the Government's Rail Freight Policy and the scale of employment generated. However, in this instance this proposal would do neither until such time as the Rail Freight Interchange is constructed and the Interchange fully operational. The applicants' assertion that what they consider to be very special circumstances do not depend on the speed with which the rail freight interchange can be delivered is wholeheartedly refuted. In effect, allowing this to happen would be condoning a speculative application with the potential to force the release of land from the Green Belt without bringing any significant benefit in terms meeting the Government's aims until some considerable time in the future.

Viability

Paragraph 4.1 asserts that there is a compelling need for the scale of development proposed and that very special circumstances exist to justify its development in the Green Belt and that this view is not being significantly disputed by the planning authorities. Again The Collective would refer you to the fact that South Staffordshire Council is the relevant planning authority in this case and it disputes the applicant's assertion. The Collective considers this view to be one of significance.

Paragraph 4.3(d) states that issues relating to the timing of the rail freight infrastructure are separate and the relevant position is well established in the East Midlands Gateway case which is evidenced by the Secretary of State's decision letter, however, The East Midlands Gateway was not in Green Belt.

Paragraph 4.5. bullet point 2 states that the loss of the 15.28% of development on the Inglewood Land would not be viable; and at bullet point 3 that a smaller scale development which carried a comparable infrastructure cost would also not be viable. The Collective asks the question why not when it has clearly been viable to do so at The Northampton Gateway and the Doncaster Iport?

SRFI Development in the Green Belt

Paragraph 6.1 (a) states that it is a matter of detailed evidence, agreed with the relevant local authorities, that there is no alternative location at which the identified need can be met, apart from this Green belt site. The Collective would again refer to the proposal for Hinckley (which is not in Green Belt) which would be perfectly capable of absorbing a percentage of the service requirement to allow for a decrease in the size of the Four Ashes proposal.

It should also be noted at this point that the Doncaster Iport is the only SRFI to be built in Green Belt; in this case the Local Authority was in full support of the release of its Green Belt land for an SRFI as this would complement the nearby Robin Hood Sheffield Airport in the same way Castle Donnington Airport complements East Midlands Gateway; unlike in the Four Ashes/WMI proposal where South Staffordshire District Council together with 13 Parish Councils is

totally opposed to releasing 300 hectares of its much valued Green Belt land for a Strategic Rail Freight Interchange.

Paragraph 6.2 (b) again refers to the need to be “located near the business markets that they will serve and near to the conurbations that consume the goods and that it may be that countryside locations are required for SRFI’S” why when the Hinckley proposal has the potential to meet a percentage of the need and accordingly allow for a decrease in the size of the proposal for Four Ashes?

Paragraph 6.4 refers to an acknowledged need in local planning policy to review Green Belt boundaries in order to meet requirements for housing and employment development. It is also widely acknowledged that the review of a Green Belt boundary is a matter for the Local Authority and carried out in conjunction with its own review of employment land at local level.

Green Belt Boundary south of Vicarage Road

Paragraph 7.1 refers to substantial bunding and landscaping to create a clear boundary to the development, reinforced by the Calf Heath Community Park. A clear boundary already exists and leads, yet again, back to the question why this land has to be released from Green Belt in order to achieve viability?

Paragraph 7.1 (b) refers to applicants’ discussions with SSDC Officers, where suggestions have been made that any future Local Plan Review would respond to a DCO consent for WMI by redrawing the Green Belt Boundary along the rear of the Development Zones using the green infrastructure (and particularly the bunds) to provide a clear, visible physical boundary to the Green Belt. Again this is a matter for the Local Planning Authority to decide not something to be driven by industry.

Paragraph 7.2 (e) refers to the scale of development having the benefit of providing more floor space and, therefore, more customers and a greater volume of traffic to help make the rail terminal as effective as possible and achieve the desired modal shift.

The Collective feels an overwhelming need to reiterate at this point that it has been cited throughout this process that one of the main reasons for objection to this proposal is the increase in the volume of traffic generated and the cumulative effect of WMI traffic and all the other developments in close

proximity to the site. It has to be taken into account that although the applicant is of the view that volume of traffic is not their responsibility it should still be given considerable weight when determining this application; as should the ever increasing number of occasions when the area is gridlocked due to accidents on the M6 Motorway. It has to be recognised that the scheme would inevitably exacerbate existing periods of delay and congestion particularly on nearby local roads during incidents and would have a material adverse impact which would add to the severity of traffic congestion.

The Highway Authorities with an interest in the area most likely to be affected by this proposal are Highways England and Staffordshire County Council who between them are responsible for the M6 Motorway, the A449 the A460 etc. Surely, the fact that there is no dispute that there are regular incidents on the M6 which cause congestion and elevated levels in traffic in the surrounding area should be taken into account when determining this application. The incidents referred to above are, not only regular, but frequent, primarily associated with the M6 Motorway. The Collective believes that despite the fact that the applicant has chosen to disassociate itself from this issue, nonetheless, given that traffic incidents are frequent in this particular area, such conditions cannot be ignored, if a robust assessment of likely impact of the proposals is to be undertaken.

This issue should have been raised by the Highway Authority; all data relating to these incidents is freely available from the RAC. Surely, albeit the fact that there is no technical validity in modelling assessments of such incidents it is still appropriate to consider the implications qualitatively. The effect on the convenience of the highway users needs to be considered as this was taken into account in the case for the refusal by the Secretary of State at Slade Green – please see The Collective’s conclusion and evidence referred to at the end of this submission.

Detrimental Effect on Surrounding Landscape

The applicant states that the consideration and assessment of the landscape and visual effects of the proposed development has been robustly and comprehensively undertaken, in accordance with the relevant guidelines and best practice. The applicant also states that during the design and assessment stage of work, Shareshill was visited by the Applicant together with Officers from the County and District Councils and Natural England. This statement is not entirely accurate; no Officer from South Staffordshire Council (the relevant LPA) has attended such a visit.

The Collective has also identified that there appears to be some confusion regarding the viewing point utilised by the Applicant. The Inspector viewed the site from a specific location, as requested by The Collective, yet the applicant appears to be commenting on what can only be the view from within Shareshill Churchyard itself.

It is noted that The Gstamp Buildings would have been clearly visible to the Inspector, however, the overall scale of the built development of the WMI can only be described as "huge" or "massive" to the extent that its height will exceed the landscape horizon. This assertion is disputed by the applicant, however, The Collective is still of the firm opinion that the Applicant's view isn't an accurate reflection of the post development affect on the surrounding landscape. The colour of its roof will not render the development invisible.

Moreover, the Collective feels strongly that the introduction of landscaping around the perimeter of the site to interrupt views of the built development, either partially or completely, would not mitigate its impact on the openness of the site. In addition, outside of the site, the level of harm to the openness of the Green Belt will vary relative to factors such as proximity of the site, surrounding vegetation and topography.

The proposals will extend the urban fringe and reduce the depth of view from a number of vantage points within the Green Belt. Accordingly, this significant encroachment into the Countryside and the adverse visual impact of the scheme on the openness of the Green Belt would be likely to extend well beyond the boundary of the application site and result in nothing less than urban sprawl.

The application site, due to its mostly flat topography and open nature is not readily capable of absorbing such change it would be almost entirely replaced by development, comprising for the most part, massive buildings, the scale of which would be far greater than neighbouring developments already in existence.

Furthermore, the proposed landscaping treatment which would comprise earthwork bunding topped by planting at a density sufficient to offer a degree of visual mitigation would be out of keeping with the predominant landscape characteristics. Accordingly, The Collective considers that the affect on the landscape would be not only adverse but substantial.

The Collective is of the view that such encroachment into the countryside to house a large group of industrial buildings with extensive plant and machinery would cause significant harm both spatially and visually to the openness of the Green Belt. Green Belt should be afforded the strongest of protection and not be sacrificed under the banner of a compelling need for development of the national rail network to meet the need purported to be essential in order to help meet environmental goals and quality of life. Quality of life for the residents of South Staffordshire is what The Collective is aiming to preserve.

Ecology

The Applicant's response whilst providing the pedigree of the body which undertook the assessment fails to give any indication as to the protection of the wildlife already in existence on the site. The area allocated for wildlife in the initial stages is only 2.5 hectares; the majority of the wildlife mitigation area i.e. Croft Lane Community Park will only be required to be completed within a five year period from the commencement of the authorised development. This is wholly unacceptable. The Collective takes this opportunity to provide evidence of the bird species which will be under threat. Please see the following:

This item includes a preamble from the West Midlands Bird Club as to its history and relevant pedigree.

The West Midland Bird Club is the UK's largest regional Ornithological Society and has been serving bird watchers and ornithologists in the four English Counties of Staffordshire, Warwickshire, Worcestershire and the Metropolitan West Midlands with lectures, field trips, research bulletins and an annual report since 1929 and this year celebrates 90 years of studying, recording and reporting birds of the West Midland region. It is a registered charity.

Following a request from The Collective of Parish Councils the West Midland Bird Club agreed to carry out two winter bird surveys in November 2016 and February 2017, each consisting of notable sightings on one day over a four hour period.

Steve Richards and Ian Moore were appointed by the Bird Club to carry out the surveys Mr Richards in November 2016 and Mr Moore in February 2017 and the results of those surveys are detailed as follows:-

The results of each survey are divided into Red, Amber and Green status with the Red listed birds being of the highest conservation concern and the Amber listed being the next most critical group. Those not listed within the categories of Red or Amber have a conservation status of Green. All of the birds listed below are protected by the Wildlife and Countryside Act 1981.

***November 2016 – Steve Richards**
Survey Area: South of Calf Heath – Four Ashes

Bird Identification	Number Sighted
RED LIST	
Fieldfare	120
Lapwing	240
Redwing	70
Skylark	7
Yellow Hammer	6
Willow Tit	2
AMBER LIST	
Kestrel	3
Kingfisher	1
Meadow Pipit	40
Stock Dove	65
Tawny Owl	1
GREEN LIST	
Brambling	4
Barn Owl	1
Golden Plover	30
Raven	4 (2 Pairs)
Sparrowhawk	2

Written comment by Steve Richards "some of the fields look rather promising and could hold more but are not accessible."

***February, 2017 – Ian Moore**

RED LIST	
Skylark - singing males	2
Yellowhammer - male	1
Marsh Tit	1
Linnet -	15
AMBER LIST	
Stock Dove -	10
Kestrel - male	
GREEN LIST	
Raven - displaying	2
Sparrowhawk - pair displaying	

Buzzard -	4
Bullfinch -	2 pairs
Green Wood -	1

Written comment by Ian Moore "In terms of flyovers the herons from the Gailey Heronry were flying over on and off all day and c250 Lapwing flew over and were later in fields north of Gailey."

*Clearly, these figures were accurate at the time of the sightings, however, may now be considered as out of date, however, there is no reason to believe that there has been any decrease in presence of any of the species described.

Conclusion

In conclusion The Collective of Parish Councils would ask the Inspector to refer to the decision of the Ministry of Housing and Local Government to dismiss the Appeal by Roxhill Developments Limited relating to land adjacent to the South Eastern Train Depot, Moat Lane, Slade Green, Erith (Appeal reference APP/D5120/W/173184205 and APP/T2215/W/173184206) which cites as one of its main reasons for refusal at item 15.4.45 the following:-

Extract from decision letter dated 9th May, 2019

15.5.45. The area around the M25 junction 1A and Dartford is subject to frequent incidents, primarily associated with incidents on or around the M25 and Dartford Tunnels, which can result in severe traffic conditions. Whilst there is no technical validity in modelling assessments of such incidents, it is appropriate to consider the implications qualitatively. I share the view of KCC that the scheme would inevitably exacerbate existing periods of delay and congestion on the approach to the existing river crossing (particularly the north-bound tunnels) and specifically at local A282/M25 junction 1A and nearby local roads during 'incidents'. I consider that it would have a material adverse impact, adding to severe conditions.

Clearly, a precedent has already been set with regard to this particular set of circumstances and The Collective of Parish Councils is of the view that this issue deserves to be attributed a significant amount of weight in determination of this application.

The Collective of Parish Councils
6th August, 2019