

Applicant's Responses to Deadline 6 Submissions

The West Midlands Rail Freight Interchange Order 201X

Four Ashes Limited

THE WEST MIDLANDS RAIL FREIGHT INTERCHANGE ORDER 201X
APPLICANT'S RESPONSES TO DEADLINE 6 SUBMISSIONS - DOCUMENT 17.1

1. This document sets out the Applicant's responses to other parties' submissions to the Examining Authority (ExA) made at Deadline 6.
2. No attempt has been made to respond to every single submission. The responses have focused on issues thought to be of most assistance to the ExA. Where points have been raised by various parties, the Applicant has responded only to one particular party, but the responses are applicable to all parties who have made the same point.
3. The Applicant also does not seek to respond to all the points made where the Applicant's response is already clearly contained within other submissions made since the Application was accepted, and way finds to previous submissions where appropriate, save for where it is considered helpful to repeat or cross refer to the information contained in the above documentation.

CONTENTS OF APPLICANT'S RESPONSES TO OTHER PARTIES DEADLINE 6 SUBMISSIONS

Appendices

- Appendix 1 TN45 Response to Connect TN2
- Appendix 2 Transport for West Midlands Letter

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<p>South Staffordshire District Council</p> <p>17.1.001</p>	<p>The Council is keen to ensure that a Planning Performance Agreement (PPA) is entered into, in the event that consent is granted, however the Council consider that there is a risk that a PPA may not be agreed without a provision in the DCO itself. The Council have proposed draft text to be included in the dDCO.</p>	<p>The Applicant has considered SSSDC's proposed new wording in relation to fees and proposes to insert this with some very minor drafting tweaks. The following will be inserted as paragraph 4 of Part 3 of Schedule 2 (with the interpretation paragraph being re-numbered as paragraph 5) in the Applicant's final dDCO to be submitted at Deadline 8, with the Validation Report.</p> <p>Fees</p> <p>11.—(1) Where an application is made to the discharging authority for consent, agreement or approval in respect of a requirement, other than where the parties have agreed otherwise, the fee that would have been payable had the fee been determined under the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, is to be paid to that authority.</p> <p>(2) Any fee paid under this Part of this Schedule must be refunded to the undertaker within 42 days of—</p> <p>(a) the application being rejected as invalidly made; or</p> <p>(b) the discharging authority failing to determine the application within the decision period as determined under paragraph 1,</p> <p>unless within that period the undertaker agrees, in writing, that the fee is to be retained by the discharging authority and credited in respect of a future application.</p>

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Highways England 17.1.002	Highways England have proposed amendments to existing TROs to prohibit verge parking. Highways England has stated their expectation to see the existing orders amended to address the potential for indiscriminate verge parking and support the principle of the Applicant's amendments to Schedule 9 of the dDCO in this regard. However, Highways England require further discussion with the Applicant on the extent of the amendments.	In addition to the change to the existing TROs made in Part 1 of Schedule 9 of the dDCO (Document 3.1C, REP5-007 and REP5-008) following HE's request at ISH4 which deal with the prohibition of waiting on verges along the A5 and the A449, the Applicant has received a request to further amend the existing TROs so that the prohibition extends from the M6 J12 to Gailey roundabout along the A5 and from the M54 J2 to the Gailey roundabout along the A449. The Applicant has agreed to this request and this requires a change to the reference to the relevant TRO plans in Part 1 of Schedule 9 of the dDCO and the TRO series of plans (Document 2.11) has been updated, with a new Sheet 4 added as Document 2.11D. These updated plans are submitted together with this response at Deadline 7.
Highways England 17.1.003	Highways England reiterated its objection to the current drainage strategy which proposes to use the existing culvert that crosses the A449.	The Applicant would refer to paragraphs 1.13 to 1.15 and Appendix 1 of its Post Hearing Submissions (ISH6) (Document 16.3, REP6-013).
Highways England 17.1.004	Highways England has requested that the protective provisions provide for a 150% bond together with £150,000 cash surety.	The Applicant provided to HE on 24 May 2019 details of cost estimates for the proposed works to the Strategic Road Network. The purpose of this was to provide certainty to HE as to the value of the relevant highway works and as a mechanism to potentially reduce the bond value. The Applicant received HE's review of the highway works costings on 5 August, in which they assert that they require a bond of 150%. At the time of writing, HE have not

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		<p>confirmed whether the Applicant's proposed Cash Surety is agreed.</p> <p>The Applicant is considering HE's review and will continue to discuss these outstanding points with HE. The Applicant will confirm its final position in the final dDCO to be submitted at Deadline 8 with the Validation Report.</p>
Highways England 17.1.005	Highways England expressed concern with regards to Rail Requirement 4 (RR4) related to the possibility of the rail terminal being delayed or not being delivered at all. Highways England have requested that RR4 be updated to refer to not just 'consultation' with Highways England but also ensuring Highways England provides its 'approval'.	Please refer to the Applicant's response to ExQ3.1.1 (ii) submitted at Deadline 7 (Document 17.2) which is believed to resolve this concern.
Highways England 17.1.006	Highways England explain that discussion regarding the RSA process continues. Highways England is in receipt of Technical Note No. 40 (TN40), provided in support of addressing Stage 1 RSA Problem B regarding the potential increase in collisions on the SRN as a result of development traffic.	<p>The Applicant's Deadline 5 submission (REP5-003), specifically in response to ExQ2 2.6.6, refers to the submission of TN 40, which has examined accident rates along the SRN, including the further incidents advised at the south bound off slip from the M6 at Junction 12. TN 40 is provided at Appendix 11 of the Applicant's Deadline 5 submission (REP5-005).</p> <p>The Applicant received comments from the HE on 29th July 2019 regarding TN40. Further discussions are ongoing.</p>

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	<p>Highways England is also engaged in dialogue with the Applicant regarding RSA Problem J, associated with pedestrian/cyclists crossing facilities for the A449 affected by the proposed access roundabout and A5/A449 Link Road.</p>	<p>With regard to the A449 crossing, through the provision of the signal-controlled pedestrian / cycle crossing over the A449, as shown on Document 2.9C (REP6-021) the Applicant believes that this matter has been resolved.</p> <p>The only other outstanding matter concerns the positioning of the signal crossing of the A449 / A5 link road. The RSA1 had made comment that the crossing should be located close to the desire line for pedestrians and cyclists. The Applicant's position is that the crossing point as shown on Document 2.9C (REP6-021) is located at a point which is acceptable because: -</p> <ul style="list-style-type: none"> • Is not detrimental to the SRN given that forecast traffic queues can be accommodated without compromising downstream junction operation. This is particularly in relation to the potential for queues to form on the exit from the A449 roundabout along the link road, travelling east bound. The crossing point identified by the Applicant ensures this does not take place; and • The crossing can be located as close as possible to the desire line for Non-Motorised Users having regard to the above points. <p>Further information has been requested by HE in order to seek an exemption from the RSA1. The Applicant is considering the further information requested by HE and is seeking agreement on the location of the crossing, having regard to the safety risk.</p>

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Highways England 17.1.007	Highways England explain that discussions continue between HE and the Applicant with regard to the construction of earth bunds adjacent to the A449 and A5 and the potential impact these bunds may have on the SRN, both in terms of highway operation and physical impact.	<p>The Applicant would refer to page 22 of the Applicant's Response to Other Parties Deadline 5 Submissions (Document 16.1 REP6-011) and the entry relating to Landscaping Design.</p> <p>Since submission of HE's Deadline 6 submission, the Applicant has received confirmation from HE's consultants on 26 July 2019 advising that they accept the principle of the preliminary design in relation to the vertical alignment of highway works affecting the SRN, including adjacent landscaping proposed to take place within the Proposed Development.</p> <p>The Applicant therefore is pleased to confirm that this issue is now resolved.</p>
Connect Consultants on behalf of Newriver, Four Ashes Public House 17.1.008	NewRiver have stated their preference for the closure of Station Drive to vehicles at the rail bridge in place of the Applicant's proposed mitigation of banning right turning vehicle from the A449 in to Station Drive.	Technical Note 45 is provided at Appendix 1 , which provides a response to the Connect consultant's technical response (REP6-026).
Stop the WMI Group – Post Hearing Submission 17.1.009	The Stop the WMI Group have stated their preference for ROF Featherstone as an alternative site to the WMI Site.	ROF Featherstone is fully assessed in Section 8.6 of the Alternative Site Assessment (Document 7.2 APP-255). The employment allocation at ROF Featherstone is only 36 ha, the site has insufficient highway access, establishing a rail terminal of sufficient scale would be physically very difficult and the land

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		<p>is designated for alternative employment uses which excludes major distribution development.</p> <p>The ASA considered a larger potential alternative site at Featherstone, beyond the 36ha employment allocation. However, the land is physically constrained by the prison to the north, residential development to the east, the M54 to the south and the A449 to the west and the site's size and configuration would not allow an efficient or sensible SRFI scheme to be developed. As set out at paragraph 8.6.7 of the ASA, sufficient space is not available along the rail line between the M54 and Brinsford Lane to accommodate a full-length terminal with direct mainline access. Major land acquisition and engineering works would be required, including the reconfiguration of existing roads (Brinsford Lane and Dark Lane) and the demolition of properties along Dark Lane, in order to attempt to physically accommodate the full-length terminal. Alternatively, a full-length terminal could in theory be located perpendicular to the main line, south of the prison complex. However, accommodating full length sidings within the site boundary would require connection line(s) to run east from the main line at a radius curve in excess of 400m. Rail tracks at these curvatures are known to lead to significant noise impacts as well as long term maintenance issues for operators. This is an extremely ineffective layout, to the degree that it would not be pursued by any reasonable operator.</p>

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		<p>The difficulties in accommodating the required rail infrastructure and the close proximity of the site to residential development and HMP Featherstone (a Category C men's prison), significantly undermines the site's suitability even before any consideration is given to the scale of warehouse development necessary to achieve viability or the extent of mitigation, buffer and green infrastructure. The landscape buffers and green infrastructure necessary to provide the minimum noise and visual mitigation would significantly reduce the amount of developable land on an already small and constrained site.</p> <p>With regards to road access, there are numerous identified highways access constraints in the surrounding area that significantly restrict accessibility of the site for all vehicle types. Suitable access is subject to the provision of substantial highways improvements, which is likely to include the delivery of a new road to the south of the M54, potentially through National Trust Land. Funding constraints for these improvements are uncertain and inextricably link to the B1/B2 employment allocation (paragraphs 8.6.9 – 8.6.17 of the ASA).</p> <p>The site allocation (i.e. majority B1/B2 and a smaller element of B8) is required to meet the existing commercial and manufacturing needs identified in the SSDC Core Strategy and Site Allocations Document. The Applicant understands that discussions to redevelop the ROF Featherstone site, in accordance with the site allocation, are ongoing. An application</p>

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		<p>to remediate the site has been approved by SSDC (18/00995/FUL) and we understand that the Council expect an application to be submitted by the end of the year for the employment use to come forward in line with the current Local Plan allocation. Therefore, the provision of large scale B8 and the extinguishment of the B1/B2 allocation would not be considered appropriate.</p> <p>The ExA will be aware that at no stage of the Examination has SSDC or SCC suggested that ROF Featherstone is a realistic alternative to WMI and, indeed, as set out in the SoCG with SSDC (REP2-006), it is common ground that there are no alternative sites within the identified search area that offers a viable alternative that better meets the locational criteria of a SRFI – this includes ROF Featherstone.</p> <p>On this basis, the ROF Featherstone site can be confidently discounted as a potential SRFI development site.</p>
<p>Stop the WMI Group – Post Hearing Submission 17.1.010</p>	<p>A further amendment is made to a draft Trust Deed which the Stop the WMI Group have proposed to address a concern that there is no provision for a bond or other means of covering the liability for the costs of the rail connection.</p>	<p>The Applicant gave full consideration to the Stop the WMI Group's proposal in relation to the Trust Deed. However, as previously explained to the Group's solicitor, the Applicant has not engaged in the detailed wording of the Trust Deed because it is, in concept, fundamentally flawed for the reasons set out in the Applicant's Post Hearing Submissions (ISH5) (Document 16.2 REP6-012) at</p>

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		<p>paragraph 5.13 and Appendix 4. It is not a deed that the Applicant would be prepared to enter into and therefore it was felt that it would be a wasteful use of both parties' resources to engage in its detailed drafting. This remains the case.</p> <p>The Applicant has addressed the point made by the Group at ISH6 regarding the lack of funds as reason for deferring the rail terminal and included amendments in the dDCO submitted at Deadline 6 (Document 3.1C, REP6-003 (Clean) and REP6-004 (Tracked)) to meet that point. This is as explained in the Applicant's Post Hearing Submissions (ISH 6) (Document 16.3 REP6-013) in relation to Schedule 2 Part 2 of the dDCO.</p> <p>However, please see the Applicant's response to the ExQ3.1.1 (Document 17.2) for the latest position.</p>
<p>Stop the WMI Group – Post Hearing Submission</p> <p>17.1.011</p>	<p>It is suggested that the A5 west of Gailey Roundabout is barred for WMI traffic.</p>	<p>Please refer to the Applicant's response to ExQ2.6.3 at Deadline 5 (Document 15.1 REP5-003). The position of the Applicant is that it is not necessary to ban WMI traffic, specifically HGV's, west of Gailey Roundabout in order to make the Proposed Development acceptable in highway terms. As set out at paragraph 2.3 of the Applicant's Post Hearing Submissions for ISH6 (Document 16.3, REP6-13), it is understood the SCC do not wish the A5 west of Gailey to be barred for WMI traffic. The A5 west of Gailey was formerly part of the SRN, having been de-trunked by the A5 Trunk Road (Priorslee—Gailey) (Detrunking) Order 1995.</p>

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		<p>The Applicant has identified measures within the Site Wide HGV Management Plan (AS-040) in order to actively manage WMI HGVs to use routes other than the A5 west of Gailey. At paragraph 7.2.2. the document identifies the preferred routes for WMI HGVs, these being essentially via the M6 and M54, connected to by the A5 and A449. At paragraph 7.2.4, the document states that access via the motorway junctions will be promoted in publicity material.</p>
<p>Stop the WMI Group - Responses to Deadline 5 Submissions 17.1.012</p>	<p>ExQ2.2.8 The Stop the WMI Group has responded to the Applicant's Assessment of the West Midlands Freight Strategy 2016 (Appendix 2, REP5-004) and claim that the Assessment makes false statements.</p>	<p>At paragraph 1.2 of the Applicant's Assessment of the West Midlands Freight Strategy 2016 (Document 15.1 Appendix 2, REP5-004) it is stated that it is relevant to note that:</p> <p><i>“• South Staffordshire is not included within the boundaries of the Combined Authority; and</i></p> <p><i>• The Strategy contains few if any site-specific proposals – in fact, the closest it gets to site specific proposals relate directly to the need to encourage SRFI development in the vicinity of the application site and RFI development in the Black Country.”</i></p> <p>It is unclear to the Applicant why this statement is criticised by SWMI.</p> <p>The Strategy paragraph 2.4.2 is quoted at paragraph 1.9 where it identifies key issues to be addressed including:</p>

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		<p><i>“• maximising rail freight accessibility and connectivity;</i></p> <ul style="list-style-type: none"> <i>• providing the Strategic Rail Freight Interchanges and intermodal rail freight interchange capacity to encourage freight to move by rail”</i> <p>This is clear support for SRFI projects.</p> <p>As stated in paragraph 1.11 a further quote from the Strategy is reproduced in support of this point setting out how the Strategy proposes SRFI should be encouraged in order to:</p> <p><i>“Maximise the potential of existing SRFI:</i></p> <p><i>Encouraging future SRFI development: we will work with the appropriate planning authorities within the wider West Midlands Region through the Duty of Cooperation and through appropriate LEPs to ensure that:</i></p> <ul style="list-style-type: none"> <i>• potential SRFI locations are identified and safeguarded; and</i> <i>• planning and DCO applications for SRFI are encouraged and supported where relevant criteria are met and where there is real potential for rail freight use.</i> <p><i>This strategy acknowledges that several developers have aspirations for a SRFI in southern Staffordshire. The strategy is</i></p>

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		<p><i>neutral as to a preferred location, and acknowledges that, while there is finite demand for large warehouses, any development which provides rail access to a concentration of distribution centres will maximise potential for rail freight.”</i></p> <p>The Applicant's view is that the quotes from the Strategy confirm support for SRFI in principle including in the vicinity of WMI through the references to southern Staffordshire where there is an acknowledged need.</p> <p>The applicant contends that the reference to the need for an SRFI to serve southern Staffordshire and the Black Country is clearly a reference to the need for the SRFI to be located “in the vicinity of WMI” as the SRFI needs to be located close to the market it serves. The Alternative Site Assessment sets out the reasons why this location needs to be located at WMI and the acknowledgement in the SoCG with the Councils on this point adds further weight to the Applicants' case.</p> <p>The Applicant would add that a letter of support for the WMI project has also been provided by Transport for the West Midlands who are responsible for West Midlands Freight Strategy Report which is included at Appendix 2 to this document. The letter of support states that the WMI proposal is “in line with the objectives of the West Midlands Freight Strategy”.</p>

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<p>Stop the WMI Group - Responses to Deadline 5 Submissions</p> <p>17.1.013</p>	<p>ExQ 2.2.8 and 2.2.9</p> <p>The Stop the WMI Group has drawn attention to a quote from Wolverhampton City Council's Regional Logistics Site Open Green Decision Notice which states: 'The footloose nature of the distribution industry means that the market would not consider the Black Country in isolation and so it is difficult to identify a specific operational and geographical need for a RLS in the Black Country and southern Staffordshire to serve the Black Country in particular.'</p>	<p>The Applicant has submitted extensive material in relation to the need for an SRFI in the vicinity of the application site and does not propose to repeat that information here. Reference is made by Stop the WMI Group, however, to a report of Wolverhampton City Council which the Stop the WMI Group appends and which appears to date from 2013. That document is used by the Group to claim that the City Council consider that the need for an SRFI could be met anywhere within the West Midlands region.</p> <p>WCC has made its position clear to the examination.</p> <p>It is apparent that the WCC document is a report to a Portfolio holder on the outcome of the Black Country and southern Staffordshire Regional Logistics Sites Study, April 2013 (known to the Examination as the URS study). That study is well known to the Examination, as is the acceptance by SSDC that the study's conclusions are inconsistent with the requirement of the NPS that SRFI should be close to the markets which they serve (SSDC SoCG Document 8.7, REP2-006 paragraph 7.17).</p> <p>The Statements of Common Ground agreed with both SCC and SSDC confirmed that the site search area used in the Applicant's Alternative Site Assessment represents the area within which a need exists for a new SRFI facility and within which it is appropriate for it to search for sites to meet that potential need (SCC SoCG Document 8.5, REP2-007 paragraph 7.3.) and that sites which are located beyond the search area are not considered suitable</p>

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		alternatives as they would serve a different catchment area and would not meet the demands of southern Staffordshire and the Black Country (SSDC SoCG Document 8.7, REP2-006 paragraph 9.5).
Stop the WMI Group - Responses to Deadline 5 Submissions 17.1.014	ExQ2.2.10 The Stop the WMI Group note that the Applicant refers to achieving up to 10 trains per day to the WMI terminal as "aspirational" in its Deadline 5 responses.	<p>The Applicant's Deadline 5 submission does not refer to the number of trains per day to the WMI terminal as "aspirational".</p> <p>The Applicant has however found a reference at paragraph 2.1 of TN41 (Document 15.1, Appendix 10; REP5-005), which SWMI may be referring to. The paragraph reads as follows and is describing the use of DIRFT trip rates in the highways modelling for WMI. The sentence highlighted in bold is the relevant reference.</p> <p>"2.1 The development trip generation and trip rates for the warehousing element on site have been developed using surveys carried out at DIRFT, a similar facility of a similar scale to WMI. The analysis of this data, its application and results are provided in APP-140 and agreed with both Highways England (HE) and Staffordshire County Council (SCC) as set out in the respective Statements of Common Ground (Document 8.5 REP2-007 and Document 8.6 REP2-008). On the day of the surveys DIRFT was served by 9 trains, which is comparable with the aspirations for WMI. From the data gathered it is possible to calculate the percentage of trips which were destined for the on-site warehouses</p>

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		<p>or rail terminal at DIRFT rather than warehouses remote from the site.”</p> <p>The word “aspirations” has been used in the sense of predicted or forecast train movements for WMI.</p>
<p>Stop the WMI Group - Responses to Deadline 5 Submissions</p> <p>17.1.015</p>	<p>ExQ2.2.10 cont.</p> <p>The Stop the WMI Group suggest that the Alternative Sites Assessment (ASA) excluded alternative sites in the West Midlands on the basis of size. The Group suggested that the Applicant used the full footprint of the Proposed Development (rail connection + warehousing) as the criteria.</p>	<p>It is not correct to assert that the Applicant has used the full footprint of the Proposed Development as the criteria in the Alternative Sites Assessment. In fact, the ASA set a minimum threshold of 60 hectares for the site search and justified its approach by reference to establish best practice and NPS policy requirements (ASA paragraph 6.1.3).</p>
<p>Stop the WMI Group - Responses to Deadline 5 Submissions</p> <p>17.1.016</p>	<p>ExQ2.2.10 cont.</p> <p>The Stop the WMI Group also support the use of rail to bring 240-600 containers per day of freight into the West Midlands in order to reduce congestion and reduce carbon emissions. However, the Group believe that the provision of a rail terminal on its own would be sufficient to meet the need.</p>	<p>The Applicant notes the Group's acceptance of the advantages of achieving a modal shift from road to rail and its support for the use of rail to bring containers into the West Midlands in order to reduce congestion and reduce carbon emissions.</p> <p>However, with regard to the suggestion that the need could be met through the development of a rail freight interchange without the development of a substantial scale of rail related warehousing, the benefits of SRFI compared with a smaller scale rail freight interchange are directly recognised in Table 4 of the NPS: - “The</p>

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		<p>increasing performance and efficiency required of our logistics system would not allow reliance on an expanded network of smaller terminals. While there is a place for local terminals, these cannot provide the scale economies, operating efficiencies and benefits of the related business facilities and linkages offered by SRFIs". It is a matter of clear government policy that there is a compelling need for the development of an expanded network of SRFI (i.e. warehousing and RFI).</p>
<p>Stop the WMI Group - Responses to Deadline 5 Submissions 17.1.017</p>	<p>ExQ2.2.10 cont. The Stop the WMI Group express concerns that the available train paths would be suitable for "90-110 mph express freight operations".</p>	<p>Network Rail and the Department for Transport support the greater use of the rail network for freight, including express freight and urban logistics services (Network Rail FNPO Route Strategy page 26, DfT Rail Freight Strategy 2016 p27-28). WMI would be able to accommodate these services, operated using shorter and faster trains often derived/converted from passenger rolling stock.</p> <p>Any of the paths identified in the pathing study (Document 10.1 App 8) could be used for this type of train service.</p>
<p>Stop the WMI Group - Responses to Deadline 5 Submissions 17.1.018</p>	<p>ExQ2.2.11 The Stop the WMI Group consider that it is unclear whether or not HE specifically support the WMI Site.</p>	<p>The Applicant has engaged with HE since 2016 and has held a consistent dialogue with this Stakeholder. HE's Stage 2 DCO Consultation Response, dated 29 August 2017 stated that "Highways England supports the principles of the establishing of Strategic Rail Freight Interchange (SRFI) sites, including at this site, in the West Midlands as sustainable way of managing the need for long distance freight transport".</p>

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		<p>The Applicant has agreed a Statement of Common Ground with HE, submitted at Deadline 2 (Document 8.7, REP2-008). This has set out areas of agreement in respect of the following specific matters:</p> <ul style="list-style-type: none"> • Methodology adopted to assess the highway implications of the Proposed development, specifically trip generation and distribution; • The means of providing access to the Proposed development; and • The Highway capacity mitigation package.
<p>Stop the WMI Group - Responses to Deadline 5 Submissions 17.1.019</p>	<p>ExQ2.2.11 cont.</p> <p>The Stop the WMI Group expressed their concerned that smart motorways represent a further problem rather than a mitigation for this development, and that too little is currently understood about their effectiveness and safety.</p>	<p>The provision of SMART motorways along the M6 forms part of a wider HE scheme and is not a specific mitigation measure proposed by the Applicant. It is not necessary for the Proposed Development to implement SMART Motorways on the M6 in order to mitigate any increases in traffic along this route. Similar schemes are currently being introduced throughout the UK.</p> <p>As guardians of the Strategic Road Network, it is for HE to be satisfied as to the acceptability of the introduction in operational terms of SMART motorways.</p>

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<p>Stop the WMI Group - Responses to Deadline 5 Submissions</p> <p>17.1.020</p>	<p>ExQ2.2.11 cont.</p> <p>The Stop the WMI Group expressed their continued concern that "much of the traffic analysis provided by the Applicant fails to take into account increasing additional traffic volumes generated by the Bericote development as it predates the development, and that the mitigations proposed by the Applicant in its travel management plans are incapable of adequately mitigating the impact of additional traffic volumes. For this reason, we continue to contend that this development is in the wrong location."</p>	<p>Please refer to the Applicant's answer to ExQ1, 1.7.8 ii) and iii) which deals with this matter (Document 10.1, REP2-009). A list of committed schemes considered by this application and within the traffic modelling is provided within Table 17.3 of the Environmental Statement Chapter 17 Cumulative Effects (APP-056) and clearly identifies the Bericote scheme.</p> <p>Please also refer to the answers to ExQ1, 1.7.8 ii) and iii) provided by SCC and HE within their Deadline 2 responses, (REP2-063) and (REP2-036).</p>
<p>Stop the WMI Group - Responses to Deadline 5 Submissions</p> <p>17.1.021</p>	<p>EXQ2.2.12</p> <p>The Stop the WMI Group have repeated their understanding of the purpose of the Ten-T report.</p>	<p>The Applicant agrees that the TEN-T programme is intended to help connect conurbations and ports and notes that WMI is on the TEN-T route. The Applicant also notes that BIFT (Birch Coppice) is not on the TEN T route.</p> <p>The Applicant agrees it is important that SRFIs serve the key conurbations - as WMI would serve the southern Staffordshire and the Black Country including the wider conurbation of Birmingham.</p> <p>No proposed SRFI projects could be listed on a TEN-T route as they do not exist yet, only existing SRFIs could be expressly included but this is not essential. It is only once the development has been undertaken that the Applicant could engage with the</p>

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		<p>TEN-T programme, if relevant at the time but the key important aspect of the TEN-T programme is that WMI is on the TEN-T route.</p> <p>Please refer to the Applicant's (Document 15.1 REP5-003) and Network Rail's original responses to ExQ2.2.12 (REP5-058).</p>
<p>Stop the WMI Group - Responses to Deadline 5 Submissions</p> <p>17.1.022</p>	<p>ExQ2.2.19</p> <p>The Stop the WMI Group expressed their continued concern the Applicant has failed to demonstrate very special circumstances to overcome the presumption against development in the Green Belt and that the ASA has failed to consider the impact that this development will have on the purposes of the Green Belt designation and impact on the local environment and residents.</p>	<p>The Applicant refers the ExA back to the original response to ExQ2.2.19 (Document 15.1, REP5-003). It is wrongly asserted that the ASA failed to consider the impact this development would have on the purposes of the Green Belt designation or its impact on the local environment and residents. Examination of the ASA identifies that these issues were directly addressed and taken into account – see section 8.10 of the ASA and particularly paragraphs 8.10.19 – 8.10.46.</p>
<p>Stop the WMI Group - Responses to Deadline 5 Submissions</p> <p>17.1.023</p>	<p>ExQ2.2.19 cont.</p> <p>The Stop the WMI Group expressed concern that, if WMI is developed, there will be no justification not to develop the remaining land between the Proposed Development and the M54 or the land to the east of the M6, infilling towards Cannock, or west of the A449, towards Brewood.</p>	<p>The Applicant's case is made on the basis that there are very special circumstances for this particular location to develop an SRFI to fill a gap in the national network of SRFI. WMI would satisfy that need.</p> <p>If DCO consent is granted in this case, it would be entirely open to the Examining Authority and the Secretary of State to frame their recommendation and decision in such a way as to make clear that absolutely no precedent was being created.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		<p>Development of the WMI site will not remove or diminish the need to provide justification for any other future developments within the immediate or wider context. Any other future development would be appraised on its own merits and this should include an analysis of the effects upon its site and surrounding environment.</p> <p>Furthermore, the Site already benefits from good enduring landscape boundaries and these will be added to by the extensive landscape and GI proposals. The Proposed Development will occupy a position within the landscape that includes existing notable and enduring boundaries, close to all sides of the site. The M6 motorway, A5, A449 and Straight Mile and the Canal are all linear features/ corridors that lie close to the site and will combine with the design and layout of the scheme and the landscape and Green Infrastructure (GI) proposals to robustly contain the influence of the proposals in landscape terms.</p>
<p>Stop the WMI Group - Responses to Deadline 5 Submissions 17.1.024</p>	<p>ExQ2.2.19 cont. As above, the Stop the WMI Group have stated their preference for ROF Featherstone as an alternative site to the WMI Site.</p>	<p>Please refer to the Applicant's response to the Stop the WMI Group's Post Hearing Submission above.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
<p>Stop the WMI Group - Responses to Deadline 5 Submissions</p> <p>17.1.025</p>	<p>ExQ2.2.22</p> <p>The Stop the WMI Group have questioned if there is still justification for WMI when the Midlands Rail Hub is operational.</p>	<p>The Midlands Rail Hub and development of SRFI in and around the West Midlands are not mutually exclusive. The Midlands Rail Hub initiative is designed to increase the capacity of the rail network in the Midlands as a whole (East and West) to accommodate more passenger and freight trains.</p> <p>The Midlands Rail Hub will not provide any intermodal rail freight facilities. The Interchange referred to relates to passenger facilities. It is a project promoted by Midlands Connect to bring together a number of aims to improve the usage of rail paths and create extra capacity and connectivity from east to west, which is expected to also be helpful in the delivery of WMI. The proposals specifically refer to "The Midlands Rail Hub will also create space for 36 extra freight paths a day"</p> <p>The proposals will be consulted on with various rail industry interests are in the early stages of debate.</p> <p>The routes referred to by the Stop the WMI Group from east to west are routes that are likely to be the same routes as a large number of trains will use to and from WMI servicing requirements from Felixstowe port and other destinations. If any additional paths east to west are created as a result of this initiative, there is nothing to prevent WMI traffic using those paths directly or by routing trains via other points in the Midlands such as Landor Street or Hams Hall.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		WMI and the Midlands Rail Hub complement each other rather than being in conflict. It should be noted that Transport for the West Midlands has also provided a letter of support for the WMI scheme, which is submitted attached to this table at Appendix 2 .
Stop the WMI Group - Responses to Deadline 5 Submissions 17.1.026	ExQ2.6.3 The Stop the WMI Group consider that the assessment of the highway impact does not utilise an appropriate base model and therefore the potential impact of all development traffic (including HGVs) has not been adequately assessed.	Please refer to paragraph 9.5 of the SoCG with SCC (Document 8.5REP2-007) which confirms that measures are proposed that fully mitigate the impacts of the Proposed Development from the transport perspective. Please also refer to Sections 3, 4 and 5 of the SoCG with HE (Document 8.6, REP2-008). The Authorities responsible for the highway network that serve the Proposed Development are satisfied that the base model is agreed. Please refer to Section 3.2 of the Statement of Common Ground with the HE, and specifically paragraph 3.2.6 (Document 8.6, REP2-008).
Stop the WMI Group - Responses to Deadline 5 Submissions 17.1.027	ExQ2.7.5 The Stop the WMI response refers to latest published Annual Status Report from South Staffordshire council, referencing information on PM2.5 and monitoring equipment in South Staffordshire. Local Air Quality Management Policy Guidance LAQM.PG16 states that local authorities are expected to work towards reducing emissions and/or concentrations of PM2.5.	As demonstrated in the modelling results for PM2.5 (Document 6.2, ES Technical Appendix 7.6, APP-072), all of the predicted impacts are negligible. Of the 157 modelled receptor locations, 151 show lower concentrations in 2036 with the development than in the 2021 baseline. For the 6 receptors where there is an increase, it is negligible and therefore meets this policy requirement overall.

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		Please refer to paragraph 15.5 of the SoCG with SSDC (Document 8.7, REP2-006), which shows agreement that the methodology is appropriate, and also paragraphs 15.17 which explains that the overall effects will be 'not significant' and paragraph 15.18 regarding verification of the air quality modelling.
<p>Stop the WMI Group - Responses to Deadline 5 Submissions</p> <p>17.1.028</p>	<p>ExQ2.8.4</p> <p>Environmental Protection UK</p> <p>“Noise can cause annoyance and fatigue, interfere with communication and sleep, reduce efficiency and damage hearing. The World Health Organisation recommends a guideline level of 30 dB LAeq for undisturbed sleep, and a daytime level for outdoor sound levels of 50dB to prevent people from becoming “moderately annoyed”. Physiological effects of exposure to noise include constriction of blood vessels, tightening of muscles, increased heart rate and blood pressure and changes in stomach and abdomen movement. The effects of exposure to noise are personal as hearing sensitivity varies. Exposure to constant or very loud noise – either occupational or leisure – can cause temporary or permanent damage to hearing.</p>	<p>It is not clear what point Stop WMI is making when they refer to the Environmental Protection UK and World Health Organisation (WHO) quotes.</p> <p>Please refer to the SoCG with SSDC (Document 8.7, REP2-006), specifically paragraph 14.14 which shows agreement that the assessment is appropriate and thorough. Paragraph 14.24 states that the Applicant has done all that can be expected through design, embedded mitigation and the bespoke noise insulation scheme such that significant adverse impacts on health and quality of life from noise are avoided and adverse impacts are mitigated.</p> <p>As stated in the Applicant's Response to ExQ2.8.4 (Document 15.1 REP5-003), sound generated by WMI is predicted to be below 50dB, when acoustic character corrections are removed, since they are not relevant outside a BS4142 context. The sound from WMI will therefore be below the 50dB WHO threshold.</p> <p>The WHO Guidelines for Community Noise states that “measurable effects on sleep begin at LAeq levels of about 30dB”,</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
	<p>There is an increasing body of research linking prolonged exposure to transport noise to health impacts. A major impact of noise is sleep disturbance – and disrupted sleep has been linked to effects on cardiac health. A number of reports have made direct links between transport noise and cardiac health. Most work carried out has looked at impacts of aviation noise. There are links between children's concentration too. Much of this work has been carried out in Europe.”</p> <p>WHO Europe – Children, noise and health</p> <p>“Impairment of early childhood development and education caused by noise may have lifelong effects on academic achievement and health. Studies and statistics on the effects of chronic exposure to aircraft noise on children have found: consistent evidence that noise exposure harms cognitive performance; consistent association with impaired well- being and motivation to a slightly more limited extent; moderate evidence of effects on blood pressure and catecholamine hormone secretion.”</p> <p>“Shift workers are at increased risk because their sleep structure is under stress.”</p>	<p>suggesting that this is not a rigid threshold above which there will definitely be effects.</p> <p>BS8233:2014 states that it is desirable that the internal noise level in bedrooms does not exceed 30dB LAeq,8hrs. However, BS8233: 2014 also states that this threshold can be exceeded by 5dB, and still be considered 'reasonable'.</p> <p>The criteria are all summarised in Appendix 13.2 of the ES (Doc 6.2, APP-109).</p> <p>The bespoke noise insulation scheme has been designed so that all affected properties have internal sound levels of below 35dB at night, which is considered to be a reasonable sound level, supported by British Standard guidance.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
<p>Stop the WMI Group - Responses to Deadline 5 Submissions</p> <p>17.1.029</p>	<p>ExQ2.13.7</p> <p>Loss of Footpath PENK 29 and connection with Croft Lane and circular walks available with the Proposed Development</p>	<p>The Applicant team have regularly visited the site since the inception of the project in 2015, during a variety of different times of the year.</p> <p>It is important to note that according to the Definitive Map, Croft Lane does not connect, in terms of rights of way, to Footpath Penk 29. The relevant extract of the Definitive Map was provided by the Applicant at Deadline 5, within Document 15.1, Appendix 13 (REP5-005) and the gap between the eastern limit of the Right of Way, as shown by Point iv on the Access and Rights of Way Plan (Document 2.3A, REP5-013) and Croft Lane can be clearly identified. Therefore, part of the route which SWMI describe currently passes over land for which there is no current public right of way.</p> <p>SWMI question the alternative circular routes put forward by the Applicant, stating that they will take place in proximity to development roads. The circular walk presented by SWMI, as set out in their The Tourism and Leisure Report (REP2-164) is shown to pass both the A5 and the A449 in the vicinity of the Proposed Development. As shown by the Applicants submission within Document 15.1 (REP5-003), and the Plan provided at Appendix 14, within Document 15.2 (REP5-005) in response to ExQ2.13.7, the proposed alternative routes identified are shown to involve less of a need to walk adjacent to either the A449 or A5 than those suggested by SWMI.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		<p>In terms of the Permissive Paths, the Applicant is required to provide these routes, and these are secured by the Requirement set out within the dDCO (Document 3.1D, REP6-003).</p>
<p>Stephen Bradshaw- Post Hearing Submission 17.1.030</p>	<p>Mr Bradshaw raised concerns regarding the local public transport serving the Proposed Development.</p>	<p>The Applicant considers that it needs to be recognised that the public transport network that serves the Site will change in the future if the Proposed Development comes forward. As set out in paragraph 5.2.5 of the Site Wide Travel Plan (REP5-037) the hours of the 54 scheduled bus service will be extended to cover the 0600 and 2200 shift changes. The exact level of bus provision will be decided closer to occupation by the Transport Steering Group, as also set out in paragraph 5.2.5 of the SWTP (REP5-037).</p> <p>No mention is made by Mr Bradshaw of the proposed shuttle buses that will be provided and which will be targeted to serve areas with the highest number of workers and importantly to operate at shift change over periods and when scheduled bus services may not be operational. Please refer to paragraphs 5.30 – 5.34 of the Sustainable Transport Strategy (APP-136).</p> <p>As with changes to the scheduled bus service, the exact level of shuttle bus provision will be decided by the Transport Steering Group closer to occupation; please refer to paragraph 5.2.6 of the SWTP (REP5-037).</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		<p>Deciding upon the final level of both bus and shuttle bus service provision closer to occupation allows for a flexible strategy to be implemented that can reflect conditions at that time.</p> <p>The overall strategy will provide sufficient measures to ensure the opportunity is available for future workers to travel by public transport to and from the Proposed Development at times of the day that coincide with shift start/end times.</p>
<p>Daniel Williams 17.1.031</p>	<p>Mr Williams raised a number of questions related to potential future occupation of the Proposed Development and the use of the rail terminal, as well as questions related to the use and occupation of DIRFT. These questions comprise:</p> <ol style="list-style-type: none"> 1. If 24.9% of the proposed WMI buildings are occupied by operators who go on to decide road-road logistics is preferable, for whatever reason, to road-rail operations, would 1.99 million square feet of B8/B2 warehouse development in the Greenbelt be an acceptable outcome? 	<ol style="list-style-type: none"> 1. First, Mr Williams' question is based on an incorrect assumption that "rail terminus will only be borne as a cost after 25% of the site's buildings have been occupied". As set out in paragraph 6.2 of the Applicant's Post Hearing Submission (ISH5), rail infrastructure costs are incurred from the outset of the development and are distributed in line with the following milestones: <ul style="list-style-type: none"> • Opening of the initial rail terminal – Year 2-4 post occupation of first warehouse - £32.5m • Completion of the full rail terminal – Year 7-9 post occupation of first warehouse - £8.1m

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
	<p>2. What specific safeguards exist to stop the question 1 scenario (just under 2 million square feet of warehousing being built and permanently occupied by road-road operators) from ever being a possibility?</p> <p>3. How many individual operators are using the DRIFT 1&2 warehousing and its rail connection as of July 2019? How many are using just the warehouses? Could you provide company names please?</p>	<p>With regards to the question, the acceptability of the Proposed Development is determined by assessing it against the policies in the NPS and there is no purpose served in attempting to comment on the acceptability of hypothetical scenario. The Applicant's consideration of the acceptability of the Proposed Development is principally set out in Section 5 of the Planning Statement (APP-252); Green Belt an Update (Appendix 3, REP2-010); Compelling Need and VSC (Appendix 2, REP4-004); and the Post Hearing Submission (ISH5) (REP6-012).</p> <p>2. Please refer to the Applicant's response to ExQ1.2.24 (i) and (iii) (Document 10.1, REP2-009) provided at Deadline 2.</p> <p>3. The information requested is not in the public domain, but the Applicant has attempted to answer the queries based on information provided by ProLogis in publicity materials and the DIRFT III DCO Application, and the FTA publication "On track! Retailers using rail freight to make cost and carbon savings."</p> <p>The Applicant understands that occupiers in 14 out of 19 warehouses at DIRFT I and II use rail services based on the names of the occupiers: Tesco, Eddie Stobart, DHL,</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
	<p>4. At DRIFT 1&2 in July 2019 - how many of the individual warehouse units are occupied by non-rail users? Could you provide company names please?</p> <p>5. What is the combined square footage of the warehousing at DRIFT 1&2? As of July 2019 - how much (in square feet or metres) is occupied by non-rail users?</p> <p>6. In percentage terms – please specify how much of the total/finished B8/B2 floor space would need to be completely rail dependant to be able to deem the WMI a successful use of 650 acres of Greenbelt?</p>	<p>Sainsbury's and Malcolm Group, some of whom own multiple units. The Applicant stresses that this view is based on the information available in the public domain listed above and industry knowledge, but the Applicant is not party to commercially confidential logistics arrangements of every rail user.</p> <p>4. It is not known how far the remaining occupiers at DRIFT I and II (NFT, Royal Mail, Mothercare, Ingram Micro and Optima Logistics) make any use of rail through the site. Royal Mail operates its own rail services through RFI at Wembley, Warrington, Glasgow and Newcastle.</p> <p>5. As noted above the Applicant is unable to confirm whether NFT, Royal Mail, Mothercare, Ingram Micro and Optima Logistics make any use of rail through DRIFT I and II. These occupiers account for approximately 98,000 sq metres (18%) of the total of 560,600 sq metres of floorspace, based on measurement of the building footprints.</p> <p>6. The Applicant has no doubt that the Proposed Development would be particularly attractive to occupiers seeking access to rail freight. The scarcity of the opportunity to use rail freight in the region, combined with the outstanding quality of the rail freight connection, the rail route and the line capacity all combined to make WMI an outstanding candidate as a SRFI.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		<p>Financially, the attractiveness of the rail offer is also determined by cost competitiveness versus road networks. Please refer to Network Rail's response to ExQ2.2.13 at Deadline 5 (REP5-058) for further details.</p> <p>Nevertheless, it is not for the Applicant to determine the 'successful' use of Green Belt land. This is not a test in planning policy. The acceptability of the Proposed Development is determined by assessing it against the policies in the NPS and, with regards to the use of Green Belt land, the assessment must determine whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</p> <p>With regards to the use of rail, as set out in the Applicant's response to ExQ1.2.24 (Document 10.1, REP2-009), the NPS seeks to provide the opportunity to secure the benefits of the use of rail in the freight journey, but there is no evidence of the Government requiring or artificially enforcing that outcome. Instead, the NPS points to the need for SRFIs to provide the necessary opportunity but recognises the need for market flexibility. In particular, paragraph 2.45 of the NPS provides:</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
		<p><i>“In addition, the nature of the commercial development is such that some degree of flexibility is needed when schemes are being developed, in order to allow the development to respond to market requirements as they arise.”</i></p> <p>With this in mind, paragraph 4.83 provides:</p> <p><i>“Rail freight interchanges are not only locations for freight access to the railway but also locations for businesses, capable now or in the future, of supporting their commercial activities by rail. Therefore, from the outset, a rail freight interchange (RFI) should be developed in a form that can accommodate both rail and non-rail activities.”</i></p> <p>For this reason, the Secretary of State has not imposed requirements on the only other 2 SRFIs to have been consented through the DCO process (DIRFT III and EMG) to require either rail-linked warehouses, or to control the nature of the users of the warehouses, or to impose restrictions on their operation. Instead, the Secretary of State has been satisfied that the purpose of the proposal is to facilitate the important mode shift identified as the objective of SRFI in the NPS by providing the long-term opportunity for businesses to be located with direct access to a high-quality rail freight interchange.</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
	<p>7. In 15 years' time how many warehouse units occupied by road-road only users would render the WMI scheme a failure as a strategic rail freight interchange?</p>	<p>This issue was addressed directly at EMG and the Secretary of State's decision letter provides (at paragraph 24):</p> <p><i>"With regard to the risk that a significant part of the development could remain roadbased, the Secretary of State considers that the requirement for the rail freight terminal to be operational before the occupation of more than 260,000m2 of rail served warehousing gives sufficient assurance that the rail facilities will be delivered as soon as is reasonably practicable in the programme for this development. While he accepts that in a commercial project of this sort there can be no absolute certainty that the rail facilities will be used to their fullest extent, he is reassured that the strong and growing demand for rail freight facilities including SRFIs recognised by the Examining Authority, and as expressed in the NPSNN (paragraph 2.45), means that there are reasonable prospects that as this SRFI is developed it will fulfil its potential for contributing to modal transfer in the freight sector, which is the clear purpose of this application."</i></p> <p>7. As stated above, with the rail terminal open and rail served warehouses constructed, the Applicant does not see any prospect of WMI not operating successfully as a SRFI. Based on the economics of freight transport and the growing evidence base from the existing network of SRFI there is no reason to expect that any warehouses would not be using the</p>

Body / Individual (PINS Reference)	Comment (Reference)	Applicant's Response
	<p>8. In 15 years' time how many warehouse units occupied by road-road only users would render the WMI scheme an inappropriate use of the West Midlands Greenbelt?</p>	<p>rail terminal, nor that it would not be an important facility for the logistics industry in the wider area.</p> <p>8. See answer to 6 and 7 above.</p>
<p>Daniel Williams 17.1.032</p>	<p>Mr Williams also raised concerns regarding Technical Appendix 13.5 – Operational Noise Assessment Information. Specifically, it is considered that the Appendix obscured the noise generating and amplifying effects of a signal-controlled junction (School Lane/Old Stafford Road/A449).</p> <p>Mr Williams also expressed concerns that £9,000 would be inadequate for noise mitigation compensation.</p>	<p>As stated in response to Brewood and Coven Parish Council (06 BCPC 005) in the Applicant's Responses to Other Parties Deadline 4 Submissions (Doc 15.2 REP5-006), calculations of road traffic noise follow the method set out in the Department of Transport's 1988 document Calculation of Road Traffic Noise (CRTN). Speed changes at junctions are ignored when using the CRTN methodology.</p> <p>The proposed mitigation package has been agreed with SSDC as confirmed by Section 14 of the SoCG (REP2-006)</p>

Transport Technical Note 45 Response to Connect Technical Note 02

The West Midlands Rail Freight Interchange Order 201X

Four Ashes Limited

WEST MIDLANDS INTERCHANGE

Transport Technical Note 45 – Response to Connect Technical Note 02.

Job Title	West Midlands Interchange	Project Number	70001979
Client	Four Ashes Limited		
TTN No.	45	Date of Issue	5 August 2019
Subject	Response to Connect Technical Note 02		
Author	Laura Bazley / Ian Fielding	Authorised	Ian Fielding / Neil Findlay
Distribution			

1 INTRODUCTION

- 1.1 This TN45 provides a response to Connect Technical Note 02 - Objection on Behalf of New River to Proposed Right Turn Ban at the A449 Stafford Road / Station Road Junction (REP6-026).
- 1.2 The Applicant understands that Connect are employed by NewRiver, who are the owners of the Four Ashes Public House, located at the junction of the A449 Stafford Road / Station Drive. Connect, on behalf of NewRiver, have previously suggested the closure of Station Drive, immediately west of the rail bridge, would be more appropriate mitigation than banning the right turn into Station Drive from the A449.
- 1.3 Following the Issue Specific Hearing 2: Transport and Accessibility, the Applicant submitted at Deadline 4, Technical Note 42 (TN42) (REP4-007) setting out an assessment of the likely implications of the closure of Station Drive to through traffic. The Conclusion of TN 42 was the applicant remains satisfied that the proposed mitigation identified for the treatment of the A449 / Station Drive is appropriate. The relevant Highway Authorities, Highways England with responsibility for the A449 and Staffordshire County Council with responsibility for Station Drive, have previously confirmed that the proposed form of mitigation for the treatment of this junction is acceptable. There has been no requirement from either Highway Authority for the Applicant to investigate alternative mitigation measures as a consequence of the comments made by NewRiver or since the submission of TN42 by the Applicant.
- 1.4 Notwithstanding the above, Connect, on behalf of NewRiver, have provided a review of the Applicant's TN 42, as provided within the Connect TN 02. It is noted that the content of the TN 02 is largely qualitative. The Applicant understands that NewRiver's consultant Connect have not approached Highways England to explore the use of the South Staffordshire VISSIM Model to assess their preferred mitigation scheme, the closure of Station Drive. As a publicly available Traffic Model, this course of action has been available to NewRiver since DCO submission and during the course of the Examination.

2 APPLICANT RESPONSE

TRAFFIC FLOWS

- 2.1 At paragraphs 2.5 – 2.8 of TN 02, Connect assert that there are errors in the traffic flow diagrams (APP-146) submitted with the application and call into question the reliability of the analysis. The specific issue they are referring to relates to the absence of U-turning traffic at the A449 site access roundabout in traffic flow diagrams (APP-146) included in the Transport Assessment (APP-114). WSP acknowledge that the specific U-turn movement from A449 south to A449 south is not shown on the traffic flow diagram at the A449 site access roundabout, however, the changes in traffic flows at the A449 / Station Drive junction to the south, as a result of the U-turning traffic, is included on the diagrams.
- 2.2 The junction turning movements provided to us by the VISSIM modellers (Systra) did not report the U-turn movements at any junctions, however, these u-turning traffic movements are modelled and included

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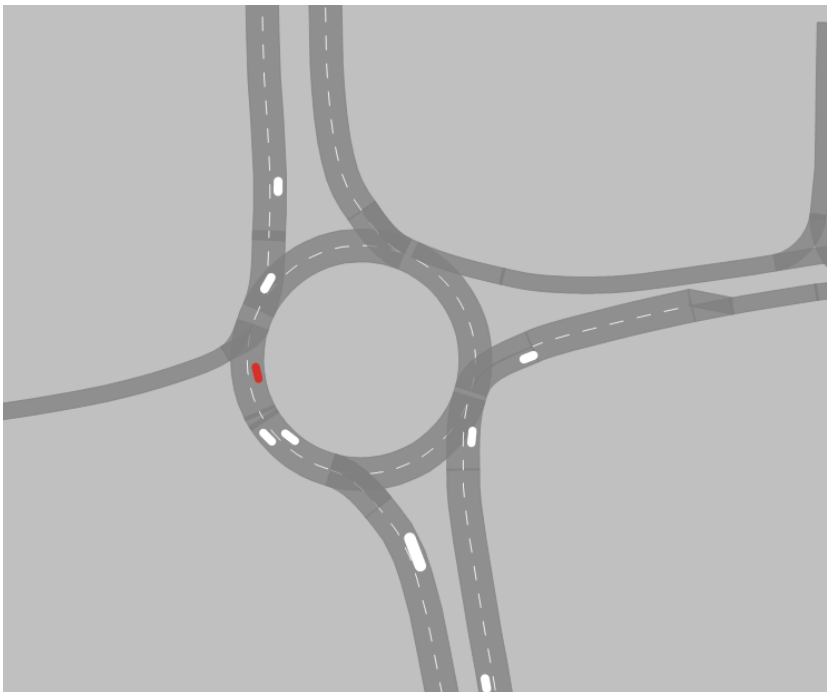
Transport Technical Note 45 – Response to Connect Technical Note 02.

within the VISSIM modelling carried out to assess the impact of the development on the surrounding highway network as shown by the red car on the screen shots from the VISSIM model below.

Figure 1



Figure 2



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Transport Technical Note 45 – Response to Connect Technical Note 02.

Figure 3

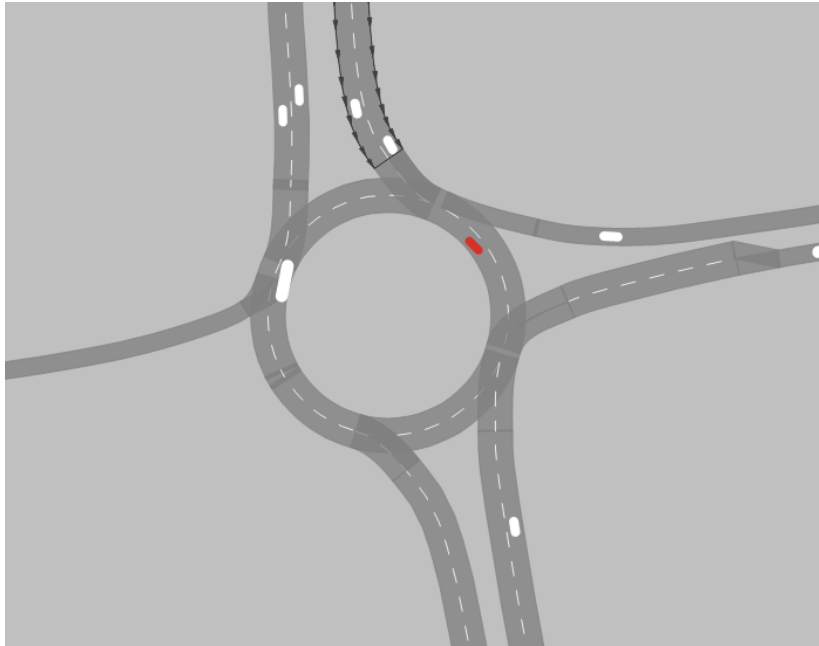
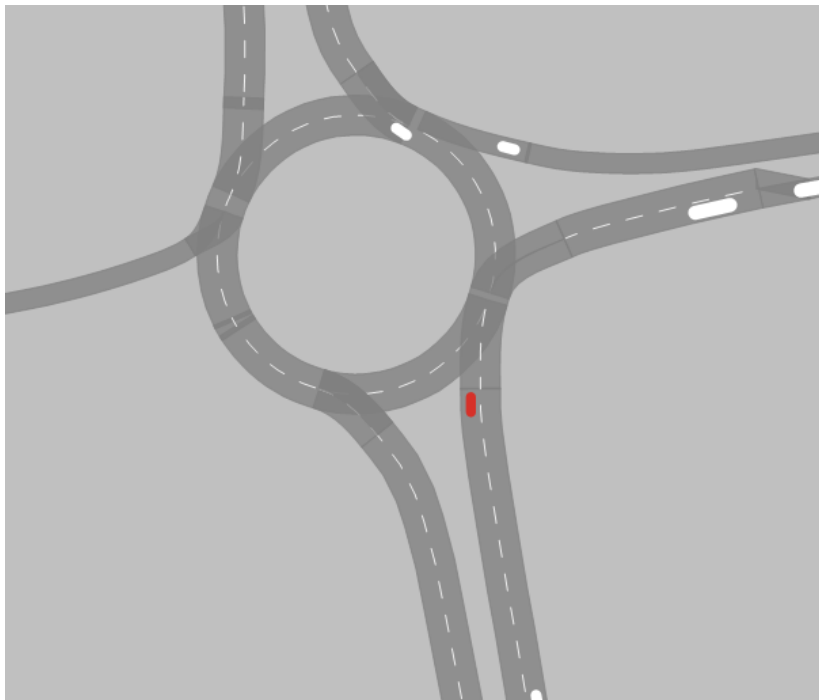


Figure 4



2.3 Therefore, the Applicant can confirm that the traffic flows assessed and all analysis presented is correct and there are no errors. This position has been accepted by both Highways England and Staffordshire County Council.

GENERAL POINTS

- 2.4 At paragraph 3.1 the Connect TN02 reproduces the objectives of the Station Drive mitigation. For ease, they are also reproduced here.
- Seek to reassign existing traffic travelling from south to east from Vicarage Road to the proposed A449/A5 link road and reduce rat running traffic;

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Transport Technical Note 45 – Response to Connect Technical Note 02.

- *Act as a traffic management measure to ensure WMI traffic travelling from the south, in particular HGV's could not utilise Station Drive/Vicarage Road to access the site, thus reducing traffic along this route.*
 - *Banning the right turn would also physically prevent HGV's from the south from utilising this route and encountering the reduced height bridge or striking it if attempting to pass beneath it; and*
 - *In general terms, to provide a highway mitigation strategy that would provide sufficient measures to ensure that traffic utilised the primary road network, rather than leading to a position that may lead to traffic using inappropriate routes.*
- 2.5 The Applicant considers that a key objective of the mitigation, as well as appropriately directing WMI traffic, is to reduce (not fully remove) through traffic (traffic travelling on Station Drive / Station Road / Vicarage Road between the A449 and A5 without a destination on either Station Drive / Station Road or Vicarage Road) along Vicarage Road for south to east movements and therefore reduce traffic flow along the Station Drive corridor. It is a legitimate traffic route for standard vehicles, however the presence of the reduced height bridge clearly restricts movement by HGV's.
- 2.6 Consequently, the Applicant disagrees with paragraph 3.3 of the Connect TN02 which asserts that closing Station Drive would better meet these objectives.
- 2.7 Paragraph 3.4 of the Connect TN02 goes on to suggest that the Applicant's mitigation proposal and justification against the above objectives is flawed. These reasons are considered below.
- 2.8 **Traffic movements can still occur from east to south** – as set out above, the mitigation is not seeking to remove all through movements but rather reduce them. It is accepted that the Applicant's mitigation scheme will not restrict through traffic east to south, although the provision of the A5 / A449 link road will offer a more convenient route and the applicant considers that it will significantly reduce the volume of through traffic heading south to east by re-directing them onto the A5 / A449 Link Road through the site. The link road will also be available for east to south traffic.
- 2.9 **Traffic movements could still occur south to east** – It is accepted that existing traffic that currently travels south to east on Station Drive could continue to do so by u-turning at the A449 site access roundabout and turning left onto Station Drive however, given that the A449 roundabout and therefore the banned right turn would not be in place until such time as the opening of the link road, it is considered that the new infrastructure (i.e. the A5/A449 Link Road) proposed by the Applicant would offer a more convenient route. Suitable signage would also be in place to direct traffic on to the appropriate routes.
- 2.10 Further on in the note Connect makes reference to u-turning at the A449 site access roundabout having the psychological disadvantage of passing one's desired destination. If this is such a powerful matter for driver behaviour, then it follows that it is unlikely that drivers will use this route to continue to travel along Station Drive when a suitable alternative is available (i.e. the A5 / A449 Link Road).
- 2.11 **HGV traffic could still travel east to south on Station Drive and encounter the reduced height bridge** – It is accepted that there are no proposals to restrict traffic movements at the A5 Vicarage Road junction and therefore HGVs could still be directed down Vicarage Road to the A449 by satellite navigation. This is an existing situation. Any HGVs destined for WMI from the east will be able to access the site from Vicarage Road before meeting the bridge. Other HGVs destined for the A449 will be made aware of the restricted height bridge prior to the site access roundabout to provide an opportunity to U-turn. If this is missed then, as currently happens, there are other opportunities for HGVs to turn before the bridge within the Four Ashes Industrial Estate.

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- 2.12 **HGV Traffic could still attempt to travel south to east on Station Drive by U turning at the A449 / site access roundabout** – It is accepted that an HGV could still attempt to travel south to east on Station Drive by u-turning at the A449 / Site access roundabout. The right turn ban will not be in place until the A5 / A449 Link Road and thus the A449 Roundabout is open, as secured by the Requirement 24 (item iv) provided in the draft DCO (Doc 3.1D, REP6-003). The provision of signage will direct HGV's towards the link road and satellite navigation (non-HGV specific and HGV specific) would be updated following the opening of the link road to allow for its introduction together with the banned right turn. This would direct HGV's to the quickest route, which would be via the link road.

PUBLIC CONSULTATION

- 2.13 Paragraphs 3.6 - 7 of the Connect TN02 makes reference to previous discussions with SCC on mitigation at the A449 / Station Drive junction and how they suspect it wouldn't find favour locally. Connect then go on to note they have approached residents of Station Drive who are generally in favour of closing this route west of the rail bridge. It is our belief that SCC were not only considering the residents who live immediately adjacent to Station Drive but a wider catchment of local residents and users of the road, including the owners and occupants of the Four Ashes Industrial Estate, who if Station Drive were to be closed to the west of the bridge would be displaced and adversely effected.
- 2.14 SCC continue to be supportive of the proposed mitigation and have not sought any further analysis or review of the mitigation options either following Connect's comments at ISH2 or after submission of Connect's TN02.

TRAFFIC QUEUES

- 2.15 In respect to the Connect TN02 Paragraph 3.8, it is acknowledged within the Transport Assessment (APP- 114) that the VISSIM modelling is showing an increase in queue on Station Drive with the development. However, it should be noted that SCC, as highway authority with responsibility for Station Drive, is in agreement that the impact is acceptable.
- 2.16 Connect go on to summarise that the increase in queue must mean an increase in traffic on Station Drive, however, as shown by the traffic flow diagrams (APP-146) in the Transport Assessment (APP-114), predicted two-way traffic flows on Station Drive reduce with the proposed development and right turn ban. Connect make no reference to this within their TN02.

ROUTE DIVERSIONS

- 2.17 The Connect TN02 paragraph 4.1 – 4.2 disputes the assertion by the Applicant that the diversion required with the right turn ban by those travelling from the A449 south with a destination on Station Drive, either a resident or an employee at the Four Ashes Industrial Estate, is not material but will deter 'non- local road users and HGVs'. The Applicant remains of the view that residents on Station Drive and the Four Ashes Industrial Estate will not have their access materially compromised by the approximately 2km diversion. However, traffic using Station Drive as a through route to access either the M6 J12 or the A5 are more likely to use the A5 / A449 Link Road with the right turn ban rather than complete a U-turn back to Station Drive due to directional signage and the convenience of the A5 / A449 Link Road.
- 2.18 The Connect TN02 paragraphs 4.5 – 4.15 consider the likely routes, set out in the Applicants TN42 (REP4-007), taken by the traffic displaced by a closure of Station Drive. They go on to say that these routes are also valid for traffic avoiding the right turn ban. They note that WSP TN42 does not consider journey times in addition to distances, and go on to do an analysis of journey times for various routes.
- 2.19 The Applicant does not dispute the morning peak period journey times presented in the Connect TN02 but believes that with the right turn ban the diversion routes via small country lanes for traffic from the south will not be an attractive alternative to U-turning at the A449 Site access roundabout due to increased journey time, distance and needing to travel on small local roads.
- 2.20 Connect note that none of the alternative routes considered by the Applicant in TN42 (REP4-007) make use of the proposed internal estate road between the A5 / A449 Link Road and Vicarage Road and use

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of this link would reduce diversion distances. The reason that the Applicant has not considered this link in its consideration of alternative routes is that it will not be public highway open to non WMI traffic, as confirmed within paragraphs 5.2.6 – 5.2.9 of the Transport Assessment (APP-114). The traffic analysis and mitigation strategy developed by the Applicant does not rely on the availability of this link for non WMI traffic.

- 2.21 Connect go on to make reference to U-turning at the A449 site access roundabout having the psychological disadvantage of passing one's desired destination. However, they conclude that the best alternative route for traffic heading for the Four Ashes Industrial Estate from the A449 south if Station Drive is closed, is to travel past Station Drive, then use the A5 / A449 Link Road and then the internal estate Road to Vicarage Road. Notwithstanding what is set out in paragraph 2.19 of this note, this route would also require traveling past the destination and therefore suffers from the same psychological disadvantage.

3 SUMMARY

- 3.1 The Applicant has set out and demonstrated that the traffic analysis and assessment carried out for WMI includes all traffic movements including U-turns. It accepts that U-turn movements were not explicitly reported for any junctions on the traffic flows diagrams (APP-146) however, these movements are allowed for and included in the VISSIM modelling.
- 3.2 The Applicant accepts that Connect have found that some residents west of the rail bridge on Station Drive may prefer the closure of Station Drive to a right turn ban in from the A449. However, SCC have indicated that they believe they would receive objections to complete closure of the road from local users, such as owners and employees at the Four Ashes Industrial Estate and other residents in the area.
- 3.3 After considering the review of journey times for alternative routes for both the right turn ban and the Station Drive closure, presented by Connect in TN02, it is still the view of the Applicant that the right turn ban will not result in the diversion of a high proportion of displaced traffic onto local country lanes and less appropriate routes however, the full closure of Station Drive will displace a larger volume of traffic and due to the selection of available alternative routes, will result in a significant proportion of the displaced traffic using small local roads.
- 3.4 The psychological disadvantage stated by Connect, of passing one's destination, applies equally to u-turning traffic at the A449 site access roundabout as it does to Connect's preferred route for traffic heading north on the A449 if Station Drive is closed.
- 3.5 In conclusion, the Applicant does not believe the Connect TN02 demonstrates that the closure of Station Drive is a better solution. The proposal to ban the right turn into Station Drive at the A449 / Station Drive junction is part of a wider package of mitigation measures, providing a holistic solution which have all been tested and agreed with the local and strategic highway authorities. During discussions with these authorities at the development scoping stage other solutions were discussed and dismissed. SCC, who are the highway authority responsible for Station Drive, continue to be supportive of the proposed mitigation and have not sought any further analysis or review of the mitigation options either following Connect's comments at ISH2 or after submission of Connect's TN02. Also, HE too, continue to be supportive of the proposed mitigation measures at this junction.

Transport for West Midlands Letter

The West Midlands Rail Freight Interchange Order 201X

Four Ashes Limited



Transport for
West Midlands

Mr P Frost
Managing Director
Four Ashes Limited
c/o Kilbride Rail Limited
Bury House
1-3 Bury Street
Guildford GY2 4AW

Our ref: LS/OSH
Your ref:
Telephone: 0121 214 7251
Email: ouida.hamilton@tfwm.org.uk
Date: 5 July 2019

Dear Peter

West Midlands Interchange

I am writing to express support for the proposals for an SRFI at West Midlands Interchange (WMI).

The proposed development will see a significant investment in the West Midlands region comprising:

- An intermodal freight terminal with direct connections to the West Coast Main Line, capable of accommodating up to 10 trains per day and trains of up to 775m long, including container storage, Heavy Goods Vehicle ("HGV") parking, rail control building and staff facilities;
- Up to 743,200 square metres (gross internal area) of rail served warehousing and ancillary service buildings;
- New road infrastructure and works to the existing road infrastructure;
- Demolition of existing structures and earthworks to create development plots and landscape zones;
- Strategic landscaping and open space, including the creation of approximately 100 acres of new publicly accessible community parks;
- A significant employment and training package commitment in support of the creation of 8,550 jobs; and
- Benefits to the local and regional economy of £912m per annum.

The National Policy Statement for National Networks confirms the need for the development of a network of SRFI across the country, which is essential to fulfil the objective of achieving greater modal shift to rail. The project is also in line with TfWM's West Midlands Freight Strategy 2019.



Transport for
West Midlands

TfWM is pleased to support the WMI proposals for a Strategic Rail Freight Interchange and we would be pleased for this letter to be forwarded to the Examining Authority in support of the DCO application.

Please do not hesitate to contact me if I can be of any further assistance.

Yours sincerely



Laura Shoaf
Managing Director – Transport for West Midlands