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Date: 27 August 2019
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Dear Mr Ranger

**Planning Act 2008 (as amended)
Four Ashes Limited**

**Application for an Order granting Development Consent for the construction of a Rail
Freight Interchange and associated development (West Midlands Interchange)
Examination – Deadline 8 Responses**

The Applicant has reviewed the Deadline 8 Responses from the various parties. Whilst not responding to representations which have been dealt with in previous responses the Applicant feels it may be helpful to the ExA for the Applicant to explain its position with regard to the Greensforge Sailing Club, Highways England (REP8- 053) and Network Rail (REP8-58).

Greensforge Sailing Club

As requested by the ExA, the Applicant has sought to engage with Greensforge Sailing Club to agree a SoCG throughout the Examination period, with the "travelling draft" submitted at Deadline 8. The Applicant has continued to engage with GSC since Deadline 8 regarding the SoCG, however, no further progress has been made, with GSC confirming they are unable to formally respond until after the Examination has concluded. No signed SoCG between the Applicant and GSC will therefore be submitted.

Highways England – Amendments to existing TRO

Highways England have stated within their Deadline 8 submission (REP8-053) that the proposed alterations to the A449 Clearway Traffic Regulation Order do not extend to a sufficient distance. The dialogue with Highway England and their consultants required that the amendments to the existing A449 Clearway order to prevent parking on verges should apply over the distance between the A449/A5 Gailey Roundabout to the north to the M54 Junction 2 to the south. This change is covered by Schedule 9, Part 1 of the dDCO and Article 17 (**Document 3.1E, REP8-005 (clean) and REP8-006 (tracked)**) submitted at Deadline 8. As can be seen on Document 2.11 (**REP7-007**) submitted at Deadline 7, the geographic coverage of the proposed alterations to existing TRO's has been updated to extend to reflect HE's wishes. Detail of the extent of the changes to the existing clearway order applies are set out on Documents 2.11A (**REP7-008**) and 2.11D (**REP-011**), also submitted at Deadline 7. Document 2.11A clearly shows the label **CC** marked to the north of the A449 / A5 Gailey Roundabout. Document 2.11D clearly shows the label marked **DD** to the north of M54 Junction 2.

The Applicant has communicated this to Highways England and it is believed that Highways England have written their representation at Deadline 8 in error.

Highways England – Road Safety Audit – Location of pedestrian crossing

The Applicant has set out its position regarding the location of the crossing within Document 18.3 "Explanation of Highway Plans Changes" (**REP8-025**), where the conclusion of a Risk Assessment and the Stage 1 Road Safety Audit is that the design of the crossing should be located closer to the A449 roundabout than shown on the plans submitted in July 2019 in order to better balance the safety risk for pedestrians and cyclists and the impact on the roundabout. Highways England's Deadline 7 response sets out that some queuing would extend back from the crossing, which is considered to be a safety concern. However, the extent of this queuing was advised to the Road Safety Auditors and considered in the Risk Assessment where it was concluded that it is preferable to best provide for vulnerable road users and their future travel requirements. The design of the crossing shown by Document 2.3C (**REP-030**) submitted at Deadline 8 addresses the findings of the Road Safety Audit in terms of best accommodating movement by Non-Motorised Users, whilst providing a crossing in a position that accords with the requirements of the Design Manual for Roads and Bridges. The Applicant understood that this was accepted by Highways England.

In the event that the ExA are not content that the position of the pedestrian crossing is appropriate then it is suggested that the precise position could be dealt with at the detailed stage with an additional item being added to Requirement 3(2), as follows:

(q) the location of the pedestrian crossing on the A5/A449 link road notwithstanding the detail shown in that respect on the highway plans (in consultation with the local highway authority and Highways England)

Network Rail

The Examining Authority will note from the Update on Network Rail Representations (REP8-018) and letter of 22 August 2019 to the Examining Authority that discussions with Network Rail on an agreement are at an advanced stage. It is anticipated that this will obviate the need for the suggested requirements referred to.

Please do not hesitate to contact me using the contact details above or my colleague, Laura-Beth Hutton (laura-bethhutton@eversheds-sutherland.com or [REDACTED] should there be any queries.

Yours sincerely

[REDACTED]

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