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# Department for Transport

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To: interested parties

Date: 24 January 2020

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Dear Sir/Madam

## **Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010**

**Application by Four Ashes Limited ("the Applicant") for an Order granting Development Consent to construct a new Strategic Rail Freight Interchange near to Junction 12 of the M6 motorway in South Staffordshire ("the Proposed Development").**

### **REQUEST FOR COMMENTS**

The Examining Authority submitted on 27 November 2019 a Report and Recommendations in respect of its findings on the above application to the Secretary of State for Transport ("the Secretary of State"). In accordance with section 107 of the Planning Act 2008, the Secretary of State has until 27 February 2020 to make a decision on the application.

The Secretary of State would be grateful if the Applicant and other affected parties where highlighted in bold could provide comments on the matters set out below.

### **A449 Drainage Culvert**

The Secretary of State notes that discussions were held between the Applicant and Highways England regarding the use of an existing culvert under the A449. The Secretary of State considers that the issue is one for the parties to resolve between themselves and is not for determination as part of the DCO. However, development consent cannot be given if there is a likely impediment to the scheme being implemented. The Secretary of State considers the unresolved issue between the



Applicant and Highways England as to the use of the culvert under the A449 poses a risk to the implementation of the Proposed Development should consent be granted. The Secretary of State is of the view that that risk could be removed by making a minor amendment to the description of the work in the draft DCO to include an authorisation to construct a new culvert under the road should one be required, as suggested by the Applicant in the final draft DCO they submitted to the examination ([\[REP8-005\]](#)).

In the circumstances, comments are being sought from **Highways England** on an amendment to Works Nos 6(u) and 7(r) in Schedule 1 to any Development Consent Order that might be granted by the Secretary of State, specifically the addition of the words in italics as set out below:

*"the construction of culverts under the A449 adjacent to Zone A1 and, if necessary, adjacent to Zone A2 as an alternative to use of the existing culvert situated adjacent to Zone A2, under Vicarage Road between Zone A5b and A7c and under Straight Mile south of Zone A7c to connect services either side of the public highway"*

Please could the **Applicant** confirm that if the additional culvert potentially envisaged by the revised requirement were to be constructed and used it would not give rise to any different conclusions in the Environmental Statement? Or provide details of such different conclusions if this is not the case?

### **Stage 1 Road Safety Audit**

Please could **Highways England** clarify their remaining concern with the Applicant's Stage 1 Road Safety Audit in respect of the pedestrian crossing facilities at the A449, including the issue raised in the D2 submission [\[REP2-034\]](#) in relation to safety concerns of the circulatory at Junction 12 of the M6?

In relation to the concerns of the pedestrian crossing facilities at the A449 the Secretary of State notes that this matter could be resolved by a minor relocation of the crossing, which could be agreed at the detailed planning stage. The need for a detailed amendment could be secured through a small amendment to the draft DCO.

In the circumstances, comments are being sought from the **Applicant** and **Highways England** on the following new, draft requirement to be included in the list of details to be submitted and approved by the local planning authority prior to commencement of the relevant phase of the Proposed Development, as set out in (currently numbered) requirement 3(2) (detailed design approval) of Schedule 2 to any Development Consent Order that might be granted by the Secretary of State:

*"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)"*

### **Greensforge Sailing Club**

The Secretary of State notes the concerns about the potential effect on sailing conditions at Calf Heath Reservoir in the submission on behalf of Greensforge Sailing Club to the Examining Authority [\[REP1-016\]](#).

In the circumstances, comments are being sought from the **Applicant** and **Greensforge Sailing Club** on the following new, draft requirement to be added to (currently numbered) requirement 3 (detailed design approval) of Schedule 2 to any Development Consent Order that might be granted by the Secretary of State:

*"The details of any phase including the formation of screen bunds and/or buildings within Development Zones A4a and A5a as shown on the Parameters Plan must include a wind tunnel or other technical assessment of the likely effects of those detailed proposals on wind characteristics at Calf Heath Reservoir and any consequential effects on the suitability of the reservoir for sailing so that these effects can be taken into account by the local authority in deciding whether those details should be approved".*

## **Side Agreement**

Please could the **Applicant** and **Network Rail** confirm whether the 'side agreement' has been finalised and signed?

In the circumstances the agreement is not complete, comments are being sought from the **Applicant** and **Network Rail** on the following new, draft requirement for inclusion in any Development Consent Order that might be granted by the Secretary of State:

*"(1) No Authorised Development may commence until a scheme for the continued provision of access to the West Coast Main Line has been agreed by the local planning authority, in consultation with Network Rail. Such a scheme is to include the specification of and timings for Network Rail's temporary and permanent access to the West Coast Main Line and show how access to the West Coast Main line will be maintained at all times.*

*(2) The Authorised Development is to be carried out in accordance with the details approved to the satisfaction of the local planning authority in consultation with Network Rail."*

## **Late Representation**

The Secretary of State invites all **Interested Parties** to submit any comments they have on a late representation from the **Applicant** dated 13 December 2019. The representation is published alongside this letter.

## **The deadline for any response is 7 February 2020.**

Responses to the matters outlined in this letter should be submitted by email to [WMInterchange@planninginspectorate.gov.uk](mailto:WMInterchange@planninginspectorate.gov.uk). Please send any hard copy response to Northampton Gateway Case Team, The Planning Inspectorate, Eagle Wing 3/18, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team.

Your response will be published on the project page for the West Midlands Interchange on the Planning Inspectorate website as soon as possible after the above deadline for response at:

<https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/west-midlands-interchange/>

This letter is without prejudice to the Secretary of State's decision whether or not to grant development consent for the West Midlands Interchange scheme, and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Kevin O'Hanlon