

**APPLICATION BY FOUR ASHES LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT TO CONSTRUCT A STRATEGIC RAIL FREIGHT INTERCHANGE NEAR TO JUNCTION 12 OF THE M6 MOTORWAY IN SOUTH STAFFORDSHIRE**

The Collective of Parish Councils entirely supports South Staffordshire Council's view that there is no way that there could be any potential very special circumstances without the rail connection for essentially what are large sheds in the Green Belt. Uncertainty surrounding provision of this infrastructure is giving rise to serious concerns not only for South Staffordshire Council but also the surrounding Parish Councils. It is, therefore, imperative in the Collective of Parish Councils view that the rail infrastructure is in place at the initial stages – not after 25% of the total warehousing is already in place. As things currently stand a substantial area of large sheds would be able to be stationed in the Green Belt long before an operational rail connection is installed, which is wholly unacceptable.

It has to be taken into account that National Policy Statement on National Networks para 4.88 in the District Council's view does not support this approach – the rail infrastructure should go in first (as set out at length in previous submissions).

The Collective would also request clarification as to why the warehousing proposed to be built prior to the rail connection is not in the immediate vicinity of the rail connection so that as soon as the connection is installed those warehouses would be served by the connection. That does not appear to be the Applicant's intention which begs the question why not.

The Collective completely agrees with the District Council's view that in general terms, the words "shall", and "must", when used in the mandatory sense, both impose a duty on the subject of the sentence. Where it is clear, as in this case, that the term is being used to impose a duty, the District Council is unaware of any case where that duty has been held to be reduced by reason of the use of the word "shall" instead of "must". As we know "should" is the subjunctive form of "shall" so must bear the same meaning.

The Collective also respectfully wishes to point out that the earlier decision relating to East Midlands Interchange whereby 25% of warehousing was allowed to be developed before the installation of the rail interchange connection was allowed on a non-green belt site. These were entirely different circumstances to the proposed West Midlands Interchange site at Four Ashes whereby this site is a much valued area of Green Belt which in terms of planning procedure is a much higher hurdle to jump. Therefore, The Collective must insist that the rail connection is installed before any warehouses are constructed.

In conclusion we respectfully agree with the interpretation taken in the decision on the Northampton proposal and urge the Secretary of State to adopt the same approach for this proposal i.e. rail terminal comes before warehousing.

The Collective of Parish Councils  
4<sup>th</sup> February 2020