

Secretary of State for Transport
Department of Transport
Great Westminster House
33 Horseferry Road
London
SW1P 4DR

FAO Mr K. O'Hanlon

6th February 2020

Dear Mr O'Hanlon

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rule 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")

I refer to your letter dated 24th January 2020 in respect of the above. I am, as requested, responding on behalf of Greensforge Sailing Club.

The Club are grateful that the Secretary of State has noted the concerns we have raised in relation to the potential effects of the proposed development on sailing conditions across Calf Heath Reservoir in considering this application.

Our original submission to the Examining Authority (March 2019) indicated that the distance from any obstruction located on the upwind side of the prevailing wind could result in impacts/disturbed wind equivalent of a distance up to 20 times the height of the obstruction itself. As a result, our original request sought amendments to the proposed Parameters Plan to restrict the height of buildings within Development Plots A4a and A4b to a height where sailing would not be impeded by disturbed wind flows arising from any new buildings or structures.

We note that the Applicants submitted evidence (Doc 6.2, Technical Appendix 14.1 – Wind Effects in Sailing) dated November 2017 concluded that sailing quality was likely to be reduced, and suggested that the impact should be mitigated by minimising building heights and restricting landscaping within the area where potential impacts would be realised. We note, however, that despite their own evidence, the applicants have not sought to amend the proposed Parameters Plan accordingly.

The Office Suite,
134 Enville Road, Kinver,
Stourbridge DY7 6BN


e info@evolution-pdr.com

www.evolution-pdr.com

The Development Consent Order will provide the parameters against which any final details of the proposed scheme will progress, and we note that in doing so a certain degree of acceptability of development is granted.

We appreciate that the Secretary of State is proposing a requirement for the submission of “Wind Tunnel testing or other such technical analysis” to assess the potential impact of the proposals on the reservoir at a detailed stage of the determination process. However, the Sailing Club has a number of concerns regarding this approach, which are as follows:

- i) During the course of the Examination, the applicants sought to undertake a computational Dynamic Flow modelling to support their case. In submissions, the Sailing Club, by undertaking practical measurements of on-site conditions, were able to demonstrate that the ‘steady-state’ assumptions built into the computational approach were inaccurate at the outset, and as a result, the outcomes of the assessment were fundamentally flawed. This ultimately resulted in questions being raised regarding the reliability of the findings.

We are concerned that the use of Dynamic-Flow analysis, by wind tunnel or any other technical approach is subjective in its nature and can be influenced by the assumptions built into the model at the outset. As a result, the outcomes of the analysis are unlikely to provide any level of unequivocal robustness to assist the degree of certainty required in the decision-making process.

- ii) We note that, should the Secretary of State proceed as proposed, the onus would be upon the Local Planning Authority to determine whether consent should or should not be granted for the scheme. Whilst it is noted that the relevant officers of the Council frequently need to carefully balance the arguments presented to them and make appropriate judgements, in this case specifically, the Council has confirmed to us that they have no expertise in undertaking any such Wind Assessments.

As a result, it would be difficult for any relevant Council officer to be able to make any judgement on an objective basis. It is not clear exactly how the Council would resolve any disparity between the parties on this issue in such a way that would enable them to determine the application as necessary within the resources they have available to them.

- iii) The uncertainty of the robustness of any outcome of such a study raises significant risks that the findings are inaccurate. If indeed this is the case, the adverse impacts would only be realised once the scheme is implemented. We have previously noted that the ‘wrong’ decision under such circumstances would seriously threaten the

ability to use the reservoir for sailing, and thus threaten the viability of the Club as a whole.

Greensforge Sailing Club have utilised Calf Heath Reservoir for over 45 years, and have actively supported and encouraged the wider community, such as our resident Sea Scouts and Sea Cadets, as well as working with those with disabilities, to participate in sailing. If it were to be the case that the analysis undertaken were to be found inaccurate at a later date, the Club and the local sailing community would lose a valuable community recreational asset and would have no recompense arising from any loss – thus the ‘developer wins!’

Greensforge Sailing Club understand that it is the role of the planning system to ensure that proposed development is undertaken in such a way that any adverse impacts are appropriately mitigated. In doing so, the granting of any form of planning consent (including DCO’s) provides certainty of acceptable development to the developer, whilst providing the necessary protection or mitigation to any parties that may be impacted as a result of that development.

Given this, it is the view of the Sailing Club that greater certainty relating to the suitability of development in close proximity to the reservoir would be more appropriately achieved through seeking amendments to the Parameters Plan which accompanies the Development Consent Order as our original proposal, and the applicants evidence previously suggested.

This approach would provide developer clarity on the scale and nature of acceptable development, whilst on the other hand providing the necessary reassurance to impacted parties that adverse impacts of development have been appropriately mitigated as part of the decision-making process. This remains the Sailing Club’s preferred outcome.

We request that, should the Secretary of State be minded to progress with the requirement for a Wind Tunnel or other technical assessment to be provided at a later stage of the decision-making process, that the points raised above regarding the uncertainty of outcome they generate, and the potential consequential outcomes of such an approach are fully considered.

In doing so, we would request that the Secretary of State provides greater clarity on the wording of the Requirement 3, such that:

- i) the scope, basis and methodology of any proposed analysis is agreed between interested parties at the outset;
- ii) appropriate guidance is provided to assist the Council in determining any assessment of the analysis;

- iii) the provision of, or a mechanism for, retrospective mitigation is put in place should it be found that the initial analysis was incorrect upon the implementation of the consent.

Once again, we thank the Secretary of State for seeking our views on the suggested approach and trust that the above response is helpful.

We look forward to receiving the Secretary of State's decision in due course.

Yours Sincerely,



Allison Blakeway, M.R.I.C.S., M.R.T.P.I.
Director, Evolution PDR Limited

E: allison@evolution-pdr.com

