



Department
for Transport

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Mark McFadden MRTPI
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55 Temple Row
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Dear Mr McFadden

PLANNING ACT 2008: PROPOSED NON-MATERIAL CHANGE TO THE WEST MIDLANDS INTERCHANGE DEVELOPMENT CONSENT ORDER 2020

REGULATION 7(3) OF THE INFRASTRUCTURE PLANNING (CHANGES TO, AND REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011 - WRITTEN CONSENT FROM THE SECRETARY OF STATE FOR NOT CONSULTING A PERSON OR AUTHORITY

1. Thank you for your emails of 6 and 17 April and 3 May 2023, and attached documents which provided details of the proposed application to amend The West Midlands Rail Freight Interchange Order 2020 (“the 2020 Order”) and your intended approach to consultation. The Secretary of State notes that the amendments that will be sought through the proposed application include:

- amendments to the consented bridge spans for Bridges Nos. 1-4 and the consented bridge widths for Bridge Nos. 1, 2 and 3;
- amendments to certain consented finished road levels identified on the certified Development Zone, Floor Levels and Building Heights and Green Infrastructure Parameters;

- the inclusion of 0.0308ha of additional land currently outside of Order Limits within the south of Zone C to accommodate extended cripple siding and buffer stop within the new railway area connecting the new Rail Freight Terminal to the West Coast Main Line Loop Railway and expansion of Zone C into currently consented Green Infrastructure and Rail-Served Warehousing Land to facilitate rail switches underneath the widened Bridge No.1 span width; and
- amendments to the proposed locations of dropped kerb crossings and new footway on Straight Mile / Woodlands Lane / Kings Road.

2. Your letter requested the Secretary of State's consent for a limited consultation exercise and set out in Table 1 a list of parties you propose to consult on the non-material change application, a list of parties that you do not intend to directly consult at Table 2, and the reasons why these parties should be consulted or excluded.

3. The Secretary of State has considered your request under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent; Orders) Regulations 2011 (as amended) ("the 2011 Regulations"). The Secretary of State considers that in addition to those parties listed in Table 1, Natural England and relevant area of Outstanding Natural Beauty ('AONB') Conservation Boards (Cannock Chase AONB Unit) should also be consulted on the proposed application given their possible interest in the proposed amendments to the 2020 Order.

4. The Secretary of State notes that the Applicant states that the proposed amendment relates to design changes to highways and rail infrastructure within the WMI site and which are local to South Staffordshire District Council. The Applicant also states that the proposed amendment would not:

- affect the quantum of rail-served warehousing to be delivered on-site;
- alter the maximum parameters for design of rail-served warehousing in terms of building height and massing, the location of the Development Zones or alter the quantum or location of such warehousing permitted by the Parameters Plans;
- affect the overarching sitewide transport strategy, change modal shift or levels of traffic associated with the Development authorised by the 2020 Order ("the Development");
- alter likely traffic movements or the estimated number of employees associated with the Development;
- affect Cannock Chase AONB, Four Ashes SSSI and Belvide Reservoir;
- involve the demolition of a Grade I or II* Listed Building, result in impact on any battlefield, garden or park of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953 or affect the site of a scheduled monument;
- include land within the Ministry of Defence safeguarding areas;
- change the areas of woodland to be removed or planted;

- result in any changes to, or impacts on, infectious diseases, chemical, biological, radiological and nuclear incidents and other health threats;
- result in any changes to the proposed sitewide surface water drainage strategy approved as 2018 ES Technical Appendix 16.7;
- affect the overarching sitewide transport strategy, change modal shift or levels of traffic associated with the Development; or
- alter the Staffordshire and Worcestershire Canal and is outside of any Marine Conservation Zone or affect any marine or other ecological designations.

5. The Secretary of State agrees that, with the exception of Natural England and relevant AONB Conservation Boards, those other consultees included in Table 2 need not be consulted as they are not directly affected either because the proposed amendments will not affect their interests or because their interests relate to a different part of the scheme.

6. Accordingly, the Secretary of State gives written consent for the consultation to proceed in accordance with the details set out above, under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.

7. In taking this decision the Secretary of State notes that while those persons not proposed to be consulted on the non-material change application will not be consulted directly in relation to the change proposals, the Application will be publicised in line with the requirements in regulation 20 of the 2011 Regulations.

8. Finally, the Secretary of State's written consent in this matter should not be taken as indicating approval for any aspects of the proposed changes to the 2020 Order which fall to him for consideration and determination, or whether the proposed changes will be regarded as material or not.

Yours faithfully,

Gareth Leigh