

From: [Michael Brown](#)
To: [West Midlands Interchange](#)
Cc: [Helen Benbow](#); [Tom Nutt](#); [Kelly Harris](#)
Subject: Proposed Non-Material Change to the West Midlands Interchange Development Consent Order 2020 - West Midlands Interchange, Wolverhampton Road / Watling Street, Gailey 23/00562/WMI
Date: 14 July 2023 15:13:11
Attachments: [image002.png](#)
[image003.png](#)
[SSCUNIFLOW02_2847_001.pdf](#)
[23.00562,WMI nmc.docx](#)

Good Afternoon,

Further to the attached letter, please find attached the comments of South Staffordshire District Council to the proposed Non Material Change submission.

Hope this proves helpful and if there are any questions or comments then please let me know.

Michael Brown

Strategic Projects Assistant Team Manager

Planning

South Staffordshire Council

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**The Chief Executive
South Staffordshire District Council
Wolverhampton Road
Codsall
Wolverhampton
WV8 1PE**

FAL_Reg6/7_21

Dear Sir or Madam

08 June 2023

**SECTION 153 AND SCHEDULE 6 OF THE PLANNING ACT 2008 AND REGULATION 6 OF
THE INFRASTRUCTURE PLANNING (CHANGES TO, AND REVOCATION OF,
DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011 (AS AMENDED)**

**The West Midlands Rail Freight Interchange Order 2020 (SI:2020/511) (as amended by The
West Midlands Rail Freight Interchange (Correction) Order 2020)**

An application has been made by Four Ashes Limited to the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Housing, Communities and Local Government to make a non-material change to the above mentioned Development Consent Order (“DCO”).

The contact details of the applicant are: Four Ashes Limited of 8 Sackville Street, London, United Kingdom, W1S 3DG. Four Ashes Limited may also be contacted by telephone: 0800 377 7345, or email: contactus@communityrelations.co.uk

This Application seeks to make changes to the DCO which are not material. The proposed changes are:

- 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 and other changes 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.

The application documents and plans showing the nature and location of the land concerned are available for inspection free of charge on the Planning Inspectorate website at:

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

Requests for copies of any of the documents may be made to contactus@communityrelations.co.uk Electronic copies will be provided free of charge. Alternatively, a paper copy can be obtained from the Applicant for a small charge equivalent to the actual costs of copying.

For more information on the proposed non-material change application please contact Chris Weatherburn, via the telephone number and email address set out above.

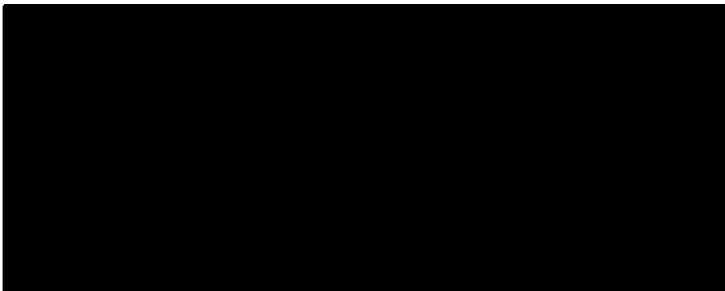
Responses concerning the proposed non-material change must be sent to the Planning Inspectorate (on behalf of the Secretaries of State) by email only to wminterchange@planninginspectorate.gov.uk by 14th July 2023.

Representations will be made public by being published on the Planning Inspectorate's website at:

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

Please note that the deadline for the receipt of representations by the Planning Inspectorate is 11.59pm on 14th July 2023.

Yours faithfully,



Daniel Cook
Project Manager
TerraQuest
For and on behalf of Four Ashes Limited

WMI – Amended Consultees for Highways and Bridges NMC Application

1 INTRODUCTION

1.1 This Regulation 7 letter has been prepared to set out the proposed amended consultees for the proposed Highways and Bridges Non-Material Change (NMC) application to be submitted to the Secretary of State in respect of The West Midlands Rail Freight Interchange Order 2020 (SI: 2020 No. 511) (as amended by The West Midlands Rail Freight Interchange (Correction) Order 2020 (SI: 2020 No. 1163)) (“the DCO”). The NMC application is to be submitted by Four Ashes Limited (‘FAL’) the undertaker of the West Midlands Rail Freight Interchange in respect of the DCO. Table 1 (and Appendix 1) of this letter lists those parties that FAL consider should be consulted in respect of the NMC application with commentary on why those consultees should be included in the consultation on the NMC application. Table 2 lists those parties that FAL considers should not be included in consultation on the NMC application, together with an explanation to why they are excluded.

1.2 FAL is requesting an urgent decision on the proposed list of consultees. The amendments being proposed through the NMC application form critical elements of the infrastructure needed to support the timely delivery and necessary phasing of the rail-served warehousing and rail terminal provided for by the DCO. The Written Phasing Scheme (‘WPS’), which was approved by South Staffordshire District Council on 15th February 2023 pursuant to Requirement 3(1) of the DCO (Council reference: 21/01261/COND3), sets out the intended phasing of the different elements of the development. The works covered by this NMC application include changes to items of highways and other infrastructure which are important enabling elements to support and facilitate the delivery of the development in accordance with the approved WPS. Delay in the ability to deliver the works covered by the NMC application will have consequential, and potentially significant, impacts on the current programme.

1.3 Should the Department for Transport have any queries regarding those to be consulted or not consulted, as set out in this letter, the Applicant would be happy to provide further explanation and answer any queries in a meeting with Department for Transport.

1.4 Regulation 7 of Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”) states that applicant must consult the following:

- (a) each person for whose benefit the development consent order, to which the application relates, has effect;
- (b) each person that was, in accordance with section 56 [Planning Act 2008], notified of the application for the development consent order which is the subject of the application; and
- (c) any other person who may be directly affected by the changes proposed in the application.

- 1.5 Section 56 of the Planning Act 2008 sets out that the following should be notified of the application for the DCO:
- (a) such persons as may be prescribed;
 - (aa) the Marine Management Organisation [*not relevant to WMI*];
 - (b) each local authority within Section 56A;
 - (c) the Greater London Authority [*not relevant to WMI as no land in Greater London*]; and
 - (d) each person who is within the categories in section 57 [*i.e. those persons impacted by the proposed DCO*].
- 1.6 The Secretary of State can give written consent to certain of the above persons not being consulted (Regulation 7(3) of the 2011 Regulations).
- 1.7 The Applicant has applied the following methodology to inform this scoping exercise, to determine which parties should be consulted:
- Consideration of whether the NMC application proposes design changes which are relevant to statutory consultees in terms of environmental considerations; and,
 - Consideration of whether a party has an interest in land within / adjacent to / affected by the geographical and functional scope of the amendments proposed in this NMC. Given the nature of the proposals, the NMC application will have very localised effects and, for example, not be relevant to Local Authorities beyond Staffordshire County Council and South Staffordshire District Council where the West Midlands Rail Freight Interchange site is situated. Also, for these reasons, apart from the Parish Councils of Penkridge, Brewood and Coven, Hatherton, and Saredon, the NMC will not be relevant to other Parish Councils consulted previously as part of the DCO – please see further Tables 1 and 2 below.
- 1.8 In defining whether a party with an interest in land is affected by the proposed amendments, the Applicant has undertaken a land referencing exercise by mapping out the geographical areas of the proposed amendments comprising the NMC application with a three metre buffer applied to allow for any additional surrounding area potentially required to undertake the works. This has identified persons with an interest in land ('PILs') set out in Table 1 (and Appendix 1) who will be consulted; (note, where persons with an interest are also identified elsewhere in Table 1 as a party proposed to be consulted because, for example, they are also defined as a prescribed person under S56(2)(a) of the Planning Act 2008, these are marked with an '*' in the list in Appendix 1 for clarity).
- 1.9 Additionally, other properties outside of those defined through the above-mentioned land referencing exercise have been identified to be consulted in connection with changes from the proposed amendments in the NMC application in relation to the potential noise effects of the proposed

amendments. Further explanation of this approach and the justification for it in the context of the NMC application is included at Appendix 2 to this note. The proposed amendments do not give rise to other environmental changes that would require consultation.

Table 1: Parties Proposed to be Consulted Under Section 56 of the Planning Act 2008 on this NMC

Consultee Body	Classification under s56 of the Planning Act 2008	Summary of Reasons for Inclusion in NMC Consultation?
The relevant parish council [Penkridge PC, Brewood and Coven PC, Hatherton PC and Saredon CP]	S56(2)(a) – prescribed persons	Yes [Penkridge PC, Brewood and Coven PC] – the proposed NMC application will alter the general arrangement and design of proposed bridges across the WCML Loop / Staffordshire and Worcestershire Canal / SI Group Access. Yes [Hatherton PC, Saredon PC] – the proposed NMC application will alter the general arrangement of proposed new footway / cycleway at Kings Road / Straight Mile / Woodlands Lane junction.
The Environment Agency	S56(2)(a) – prescribed persons	Yes – the proposed NMC application will alter the general arrangement and design of proposed bridges across the Staffordshire and Worcestershire Canal which is a designated Main River.
The Historic Buildings and Monuments Commission for England [Historic England]	S56(2)(a) – prescribed persons	Yes – the proposed NMC application includes alterations to proposed bridges which influence the Staffordshire and Worcestershire Canal Conservation Area. The proposed NMC application does not involve 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.
The Secretary of State for Transport	S56(2)(a) – prescribed persons	Yes, as consultee.
The relevant highway authority (Staffordshire County Council & National Highways)	S56(2)(a) – prescribed persons	Yes – the proposed NMC application relates to the Staffordshire County Council and National Highways road network.

Consultee Body	Classification under s56 of the Planning Act 2008	Summary of Reasons for Inclusion in NMC Consultation?
Staffordshire Fire and Rescue Service (The relevant fire and rescue authority)	S56(2)(a) – prescribed persons	Yes – the proposed NMC application will alter the general arrangement and design of proposed bridges and other sections of highway used by fire and rescue services
The Canal & River Trust plus other relevant canal bodies: <ul style="list-style-type: none"> • Inland Waterways Association (Lichfield Branch); and • Lichfield and Hatherton Canals Restoration Trust 	S56(2)(a) – prescribed persons	Yes – proposed NMC application will alter the general arrangement and design of proposed bridges across the Staffordshire and Worcestershire Canal.
Relevant Statutory Undertakers: <ul style="list-style-type: none"> • National Grid Electricity Distribution plc (formerly Western Power Distribution Limited) • Severn Trent Water • South Staffordshire Water PLC • Operators of Electronic Communications Code Networks (British Telecommunications plc, Sky UK Limited, Vodaphone Limited, Openreach Limited) 	S56(2)(a) – prescribed persons	Yes, defined in land referencing exercise as having land interest / apparatus with the geographical area of the proposed amendments as described at paragraph 1.8 above.

Consultee Body	Classification under s56 of the Planning Act 2008	Summary of Reasons for Inclusion in NMC Consultation?
South Staffordshire District Council	S56(2)(b) – Local Authorities	Yes – the Council is the local planning authority for the area of land which the non-material changes relates to.
Staffordshire County Council	S56(2)(b) – Local Authorities	Yes – in addition to being a relevant Highways authority, the Council is the lead local flood authority for the area of land which the non-material change relates to and advises South Staffordshire District Council in respect of archaeology, economic development and ecology services.
The Rail Land Infrastructure Manager (Network Rail)	S56(2)(a) – prescribed persons	Yes – the proposed NMC application will alter the general arrangement and design of the proposed bridges across the WCML Loop and introduce changes to the track arrangement serving the proposed rail terminal. Also, Network Rail must be consulted pursuant to the Basic Asset Protection Agreement entered between Network Rail and FAL.
The Rail Network Operator(s) (West Midlands Trains, Avanti West Coast, Cross Country, London Northwestern Railway)	S56(2)(a) – prescribed persons	Yes – the proposed NMC application will alter the general arrangement and design of the proposed bridges across the WCML Loop
Person with an Interest in the Land (PILs), as defined through the land referencing exercise explained at paragraph 1.7 above and listed in Appendix 1.	S56(2)(d) – persons impacted by the DCO	Yes – these persons may be directly impacted / potentially directly impacted by the physical changes proposed to the DCO (and identified as such as a party with an interest in land within / adjacent to the geographical scope of the amendments).
Other persons (properties) included in the Book of Reference ('BOR') to be consulted due to change in noise associated with the proposed NMC listed in Appendix 1.	S56(2)(d) – persons impacted by the DCO	Yes – these persons may be directly affected by the changes resulting from both the reduced background sound levels measured for the BNIS and the proposed scheme amendments (please see Appendix 2 for further explanation and information).

Table 2: Parties Proposed Not to be Consulted Under Section 56 of the Planning Act 2008 on this NMC

Consultee Body	Classification under s56 of the Planning Act 2008	Summary of Reasons for Exclusion from NMC Consultation?
<p>Other Local Authorities and Highways Authorities:</p> <ul style="list-style-type: none"> • Stafford Borough Council; • Cannock Chase District Council; • Walsall Council; • City of Wolverhampton Council; • Dudley Metropolitan Borough Council; • Bromsgrove District Council; • Wyre Forest District Council; • Shropshire Council; and • Telford and Wrekin Council. • Leicestershire County Council; • Derbyshire County Council; • Cheshire East Council; • Stoke-on-Trent City Council; • Warwickshire County Council; • Worcestershire County Council; 	<p>S56(2)(b) and S56A(2) – 'A' authorities</p>	<p>No – the proposed NMC application relates design changes to highways and rail infrastructure within the WMI site and which are local to South Staffordshire District Council. The proposed NMC application does not affect the principles of development granted DCO consent such as quantum of rail-served warehousing or specification of the Rail Terminal and therefore does not alter likely traffic movements or the estimated number of employees associated with the development.</p>

Consultee Body	Classification under s56 of the Planning Act 2008	Summary of Reasons for Exclusion from NMC Consultation?
<ul style="list-style-type: none"> • Birmingham City Council; • Peak District National Park Authority; and • West Midlands Combined Authority. 		
<p>Other Parish Councils:</p> <ul style="list-style-type: none"> • Cheslyn Hay PC; • Dunston With Coppenthal PC; • Essington PC; • Featherstone PC; • Great Wyrley PC; • Hilton PC; • Huntington PC; • Lapley, Street and Wheaton Ashton PC; and • Sharesill PC. 	<p>S56(2)(a) – prescribed persons and also non-prescribed consultee respondents to Stage 2</p>	<p>No – none of the proposed elements of the NMC application are situated in the administrative boundaries of the noted parish councils. The proposed NMC application does not affect the principles of development granted DCO consent. Given the localised nature of the changes proposed, these PC areas will also not be indirectly affected by the proposals.</p>
<p>The Crown Estate Commissioners</p>	<p>S56(2)(a) – prescribed persons</p>	<p>No – The Crown Estate Commissioners has no interest in any of the land affected by the proposed NMC application</p>
<p>The Health and Safety Executive</p>	<p>S56(2)(a) – prescribed persons</p>	<p>No – whilst the Site falls within Consultation Zones of a major accident hazard site (Four Ashes Chemical Works), the proposed NMC application does not affect the quantum nor location of rail-served warehousing permitted by the certified Parameters Plans. No changes are proposed to the Parameters Plans in terms of introducing new land uses (i.e. remains as rail-served warehousing). As the Health and</p>

Consultee Body	Classification under s56 of the Planning Act 2008	Summary of Reasons for Exclusion from NMC Consultation?
The National Health Service Commissioning Board and the relevant clinical commissioning group (the relevant Strategic Health Authority)	S56(2)(a) – prescribed persons	Safety Executive did not object to the DCO scheme and there are no changes in terms of land use, HSE are not affected by the proposals. No – the proposed NMC application does not affect the quantum of rail-served warehousing to be delivered on-site and therefore does not alter the estimated number of employees during the operational phase of development.
Natural England	S56(2)(a) – prescribed persons	No – on basis of HRA Screening and the proposed NMC application does not affect Cannock Chase AONB, Four Ashes SSSI and Belvide Reservoir.
The relevant police and crime commissioner / police authority (Office of the Police and Crime Commissioner – Staffordshire Police HQ)	S56(2)(a) – prescribed persons	No – the proposed NMC application does not affect the quantum of rail-served warehousing to be delivered on-site and therefore does not alter the estimated number of employees during the operational phase of development. Therefore, the previously assessed potential for traffic effects and safety impacts is unchanged, as the NMC application does not affect traffic generation.
Relevant AONB Conservation Boards [Cannock Chase AONB Unit]	S56(2)(a) – prescribed persons	No – the proposed NMC application does not alter the maximum parameters for design of rail-served warehousing in terms of building height and massing nor the location of the Development Zones and therefore does not affect long-range views in relation to Cannock Chase AONB.
The Joint Nature Conservation Committee	S56(2)(a) – prescribed persons	No – on basis of HRA Screening and the proposed NMC application does not affect Cannock Chase AONB, Four Ashes SSSI and Belvide Reservoir. The proposed NMC application does not alter the Staffordshire and Worcestershire Canal, is outside of any Marine Conservation Zone and does not affect any marine or other ecological designations.

Consultee Body	Classification under s56 of the Planning Act 2008	Summary of Reasons for Exclusion from NMC Consultation?
Integrated Transport Authorities (ITAs) and Passenger Transport Executives (PTEs) [West Midlands Integrated Transport Authority]	S56(2)(a) – prescribed persons	No – the proposed NMC application relates to detailed design of the proposed A5/A449 Link Road and footway / cycleway at Kings Road / Straight Mile / Woodlands Lane junction. It does not affect the overarching sitewide transport strategy, change modal shift or levels of traffic associated with the development.
The Coal Authority	S56(2)(a) – prescribed persons	No – the WMI Site lies outside of its defined ‘High Risk’ areas and therefore the proposed NMC application does not affect the Coal Authority.
The relevant internal drainage board [Sow and Penk IDB]	S56(2)(a) – prescribed persons	No – the proposed NMC application would not result in any changes to the proposed sitewide surface water drainage strategy approved as 2018 ES Technical Appendix 16.7.
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care (formerly Public Health England)	S56(2)(a) – prescribed persons	No – the proposed NMC application will not result in any changes to, or impacts on, infectious diseases, chemical, biological, radiological and nuclear incidents and other health threats
Relevant Statutory Undertakers not included in Table 1 or as PILS: <ul style="list-style-type: none"> • Cadent Gas Limited; and • ES Pipelines. 	S56(2)(a) – prescribed persons	Defined in land referencing exercise as not having land interest / apparatus with the geographical area of the proposed amendments within the land buffer around the proposed NMC application changes as described at paragraph 1.8 above.
The Forestry Commission	S56(2)(a) – prescribed persons	No – the proposed NMC application does not change the areas of woodland to be removed or planted.
The Secretary of State for Defence	S56(2)(a) – prescribed persons	No – the Order Limits does not include land within MOD safeguarding areas and the proposed NMC application does not introduce design changes (e.g. to quantum or scale of rail-served warehousing permitted under the Parameters Plans).

Consultee Body	Classification under s56 of the Planning Act 2008	Summary of Reasons for Exclusion from NMC Consultation?
<p>Other persons and organisations not listed in Table 1 or as a PIL in Appendix 1 but identified in the Book of Reference (BOR) (Document No. 4.3B dated 21 August 2019, listed in Order Schedule 15)</p>	<p>S56(2)(d) and S57</p>	<p>No – other persons and organisations listed in the BOR but excluded Table 1 and the list of PILs are deemed not to be directly or indirectly affected by the proposed NMC due to the localised nature of the amendments and because the changes will not alter the amount of location of rail-served warehousing or specification of the Rail Terminal and will not alter likely traffic movements or materially alter other impacts associated with the development.</p>
<p>Civil Aviation Authority and National Air Traffic Services (NATS)</p>	<p>S56(2)(a) – prescribed persons</p>	<p>No – the NMC application proposals do not relate to an airport and will not affect an airport or its current or future operation. Also, the proposed NMC does not affect the quantum nor location of rail-served warehousing permitted by the certified Parameters Plans.</p>
<p>Other non-prescribed organisations including:</p> <ul style="list-style-type: none"> • All Local Cyclists • Blymhill and Weston Under Lizard Parish Council • Brewood Civic Society • CPRE Staffordshire • Cranford Developments Ltd • Greensforge Sailing Club • Penkridge Civic Society • Railfuture • Staffordshire Badger Conservation Group • Staffordshire Chambers of Commerce • Stop the Galley Freight Hub 	<p>Non-prescribed consultee respondent to Stage 2 Consultation undertaken previously in preparing the original DCO application under Section 47 of the Planning Act 2008</p>	<p>No – the proposed NMC application only relates to design changes to highways and rail infrastructure within the WMI site and which are localised in nature. The proposed NMC application does not affect the principles of development granted DCO consent such as quantum or arrangement of rail-served warehousing or specification of the Rail Terminal, does not materially impact on green infrastructure and associated mitigation, and does not alter likely traffic or rail movements or the estimated number of employees associated with the development.</p>

Consultee Body	Classification under s56 of the Planning Act 2008	Summary of Reasons for Exclusion from NMC Consultation?
<ul style="list-style-type: none"> • The New Hollies Limited • The Ramblers Association • The Royal Yachting Association • 1st Blackfords Sea Scouts • 37th Wolverhampton Sea Scout Group 		
<p>HS2 Ltd.</p>	<p>Non-prescribed consultee respondent to Stage 2</p>	<p>No – the NMC application does not propose any amendments affecting HS2 from a safeguarding perspective nor does it affect proposed construction traffic routing</p>
<p>Royal Mail Group</p>	<p>Statutory Undertaker pursuant to s127 of the Planning Act 2008.</p>	<p>No - the proposed NMC application only relates design changes to highways and rail infrastructure within the WMI site. The changes will not affect Royal Mail's function as a statutory undertaker.</p>

1.10 As stated above, should the Department for Transport wish to discuss the approach to consultees set out above or in Appendix 2, the Applicant would be happy to provide further explanation at a meeting with the Department. The Applicant again respectfully requests an urgent decision on the proposed list of consultees in light of the critical nature of the amendments being proposed by the NMC application.

1.11 Please do not hesitate to get in touch should the Department have any questions or require any further information.

Appendix 1: List of Persons with Interest in Land and Other Persons Likely to be affected by the Proposed Amendments

A. Persons with Interest in the Land (PILs)

- Piers Alastair Carlos Monckton, Stretton Hall, Stretton, Stafford, ST19 9LQ;
- S I Group-UK, Limited, Four Ashes, Wolverhampton, WV10 7BT;
- Jonathan Peter Nevill, Gravelly Way Barn, Gravelly Way, Standeford, Wolverhampton, WV10 7BW;
- Samantha Barbara Nevill, Gravelly Way Barn, Gravelly Way, Standeford, Wolverhampton, WV10 7BW;
- Oliver Carlos Monckton, Somerford Home Farm, Stretton Hall, Stretton, Stafford, ST19 9LQ;
- Timothy Paul Hackett, Stable Farm, Straight Mile, Calf Heath, Wolverhampton, WV10 7DW;
- Carol Mary Morgan, Woodside, Straight Mile, Calf Heath, Wolverhampton, WV10 7DW;
- Gary Leavesley Morgan, Woodside, Straight Mile, Calf Heath, Wolverhampton, WV10 7DW;
- Stuart John Faulkner, Sylvestris, Straight Mile, Calf Heath, Wolverhampton, WV10 7DW;
- Camilla Monckton; Stretton Hall, Stretton, Stafford, ST19 9LQ;
- Staffordshire Sand and Gravel Company Limited, The Oaklands, Station Road, Admaston, Telford, TF5 0AN;
- Gestamp Tallent Limited, 1 Skerne Road, Aycliffe Business Park, Newton Aycliffe, DL5 6EP;
- Craig Andrew Trueman, 2 Kings Road, Calf Heath, Wolverhampton, WV10 7DU;
- Sarah Ann Hackett, 2 Kings Road, Calf Heath, Wolverhampton, WV10 7DU;
- The Owner, 4 Kings Road, Calf Heath, Wolverhampton, WV10 7DU;

- Bruce Empson Swayne, Deepmore Mill Farm, Deepmore Lane, Four Ashes, Wolverhampton, WV10 7DL;
- Lumen Technologies UK Limited, 260-266 Goswell Road, London, EC1V 7EB;
- Melvyn John Jones, 1 Kings Road, Calf Heath, Wolverhampton, WV10 7DU;
- Karin Jones, 1 Kings Road, Calf Heath, Wolverhampton, WV10 7DU;
- John Anthony Lowe (as liquidator to Bericote four Ashes Limited), Ashcroft House, Ervington Court, Meridian Business Park, Leicester, LE19 1WL;
- Nathan Jones (as liquidator to Bericote four Ashes Limited), Ashcroft House, Ervington Court, Meridian Business Park, Leicester, LE19 1WL;
- National Highways Limited, Bridge House, 1 Walnut Tree Close, Guildford, GU1 4LZ *;
- Staffordshire County Council, 2 Staffordshire Place, Stafford, ST16 2DH *;
- Severn Trent Water Limited, 2 St John's Street, Coventry, CV1 2LZ *;
- Canal & River Trust, National Waterways Museum, South Pier Road, Ellesmere Port, CH65 4FW *;
- Network Rail Infrastructure Limited, 1 Eversholt Street, London, NW1 2DN *;
- British Telecommunications plc, 1 Braham Street, London, E1 8EE *;
- Sky UK Limited, Grant Way, Isleworth, TW7 5QD *;
- Vodafone Limited, Vodaphone House, The Connection, Newbury, RG14 2FN *;
- South Staffordshire Water plc, Green Lane, Walsall, WS2 7PD *;
- Openreach Limited, Kelvin House, 123 Judd Street, London, WC1H 9NP *; and
- National Grid Electricity Distribution (West Midlands) plc, Avonbank, Feeder Road, Bristol, BS2 0TB *.

B. Other Receptors (Properties) included in the Book of Reference (BOR) that may be affected by Noise

- Cobweb Cottage, Stable Lane, Calf Heath, Wolverhampton, WV10 7DN;
- The Bungalow, Woodland Farm, Stable Lane, Four Ashes, Wolverhampton, WV10 7DN;
- Woodland Farm, Stable Lane, Four Ashes, Wolverhampton, WV10 7DN
- Highclere, Straight Mile, Four Ashes, Wolverhampton, WV10 7DL;
- Meadow View, Straight Mile, Four Ashes, Wolverhampton, WV10 7DL; and
- Straight Mile Farm, Straight Mile, Four Ashes, Wolverhampton, WV10 7DL.

Appendix 2: Identification of Properties Likely to be affected by Noise

- 1.1 The proposed amendments to the consented scheme have been assessed to determine whether new or materially different likely significant noise effects are likely to result from the proposed changes.
- 1.2 The assessment focused on noise from the operational use of the development as the proposed amendments will not alter the demolition and construction stage assessment previously-reported during the DCO application. Furthermore, while the operational stage assessment considered during the DCO application included consideration of potential noise impacts due to off-site road traffic movements, the proposed changes do not alter levels of off-site road traffic and the previously-reported assessment of off-site road traffic noise does not change.
- 1.3 For on-site operational noise, it has been found that in at least one of the assessment periods (day or night) the proposed amendments will increase the anticipated sound levels by +1dB at 20 no. of the 45 no. assessed receptor locations, with three receptors predicted to have a change of +2dB, one receptor a change of +3dB, and four receptors predicted to have a change of -1dB.
- 1.4 These changes are considered to be de minimus and do not result in any new likely significant effects, nor in any materially different likely significant effects.
- 1.5 On this basis, there are considered to be no receptors included in the original operational noise assessment that will be directly or significantly affected by the proposed amendments to the consented scheme.
- 1.6 In addition to the potential changes in operational sound levels from the amended development, an error has been identified in the modelling carried out for the DCO application. When corrected, two likely significant effects that were identified at that time become not significant.
- 1.7 Unrelated to the assessment of the proposed scheme amendments, the baseline acoustic climate has been re-measured, as required by the Bespoke Noise Insulation Scheme ('the BNIS'), which is set out in Schedule 6 of the Development Consent Obligation ('the DCOB').
- 1.8 Clause 2 of the BNIS requires the Applicant to re-measure the baseline acoustic environment prior to occupation of the first warehouse, unless the local planning authority agrees that such a re-survey is not necessary. Due to, and for the purposes of, the DCOB, the local planning authority confirmed in 2022 that a re-survey would be required to confirm that the original survey data remained valid for use in the operational noise

- bespoke noise insulation assessments under the BNIS. To avoid construction works associated with the WMI project compromising the re-measurement, the measurements were carried out in November 2022 before significant construction works commenced.
- 1.9 Relative to the position considered during the DCO application, the background sound levels measured in November 2022 were found to have either stayed the same or increased at locations to the north, west and south of the site, and reduced at locations to the south-east of the site.
- 1.10 To adopt a precautionary approach to the application of the BNIS, it is considered prudent to not increase the background sound levels used in the assessments at any location, but to adopt the lower values measured at the locations to the south-east of the site.
- 1.11 In general terms, adopting higher background sound levels results in eligibility for insulation under the BNIS being triggered at a higher threshold than would otherwise be the case, and adopting lower background sound levels will trigger eligibility for insulation at a lower threshold. It is considered to be an appropriately precautionary approach to only adopt the lower background sound levels measured in November 2022 and not the higher values for future BNIS assessments.
- 1.12 However, lower background sound levels at receptors to the south-east of the site could affect the identification of likely significant effects if they are included in the re-assessment of operational noise effects for the proposed amendments to the consented scheme.
- 1.13 The lower background sound levels measured in November 2022 when used in the noise assessment of the DCO scheme as originally consented in 2020 (i.e. without taking account of any changes to the consented scheme) are predicted to lead to likely significant effects at five receptors that were not previously-identified as having likely significant effects in the DCO application. It is to be emphasised that this assessment outcome from assessing the original DCO scheme against the lower baseline levels measured in 2022 is purely the result of updating the background noise assessment for the purpose of the BNIS in order to ensure the BNIS was effective in mitigating effects on receptors that required mitigation under the BNIS. None of the originally-reported likely significant effects on other receptors will be materially different as a result of the lower background sound levels.
- 1.14 The five receptors where likely significant effects are predicted as a direct result of using the lower background sound levels measured for the BNIS as described in paragraph 1.13 above were named Cobweb Cottage, Highclere, Meadow View, Straight Mile Farm and Woodland Farm in the DCO application. One of these receptors includes two properties so the total number of properties associated with these five receptors is six (see the list in Part B of Appendix 1).
- 1.15 When the noise assessment is run taking account of both the lower background sound levels measured in 2022 and the proposed amendments to the originally consented DCO scheme in the proposed NMC application, it results in likely significant effects at the same five receptor locations described in paragraph 1.14 above. With none of the originally-reported likely significant effects on other receptors being materially different at those locations as a result of the proposed changes to the consented scheme; the small changes in predicted sound levels from the amended

scheme itself do not change the outcomes from that resulting just from the change in background sound levels i.e. no new properties suffer a new significant effect or materially worse significant effect when the new lower background levels from 2022 are used in assessing the original scheme and the proposed amendments to the consented scheme.

1.16 Consequently when the operational noise assessment is done on a consistent and comparable basis for the originally consented DCO scheme and the proposed amendments the significantly affected noise receptors remain the same; no new receptors are identified when the assessment is completed for the original scheme and the proposed amendments on a consistent, directly comparable basis using the new background noise data measured for the BNIS in 2022, which is of course designed to ensure that receptors that require mitigation will be offered it and if the offer is accepted will receive a grant of £9,000 from FAL to deliver the required noise mitigation. In overall terms, the practical effects of the WMI scheme on receptors will remain the same for the proposed amended scheme as explained above.

1.17 On the basis that these properties are the only properties identified as being directly affected by the change resulting from both the reduced background sound levels measured for the BNIS and the proposed scheme amendments, their occupants/owners will be consulted on the proposed changes. Additionally, 4 out of the 5 receptors (equating to 5 out of the 6 properties) either already do or will now qualify for the noise insulation payment through the BNIS.



14 July 2023
Our Ref: 23/00562/WMI
Your Ref:

Please ask for: Planning Team
Phone: 01902 696000
Email: [REDACTED]@sstaffs.gov.uk

National Infrastructure
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN
wminterchange@planninginspectorate.gov.uk

Dear Sir/Madam,

Reference: 23/00562/WMI

Proposal: Planning Act 2008: Proposed Non-Material Change to the West Midlands Interchange Development [REDACTED] to consented bridge spans and widths, amendments to finished road [REDACTED] additional land currently outside of Order Limits to the south of Zone C to [REDACTED] and buffer stop and expansion of Zone C into 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
Address: West Midlands Interchange, Watling Street/Wolverhampton Road, Gailey

I write to you on behalf of South Staffordshire District Council regarding the abovementioned application.

Proposal

It is noted that the proposed amendments 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.

Assessment



It is noted that the Department for Communities and Government document 'Planning Act 2008: Guidance on Changes to Development' (paragraph 11) notes that there may be certain characteristics that indicate that a change to a consent is more likely to be treated as a material change. Paragraphs 12 to 16 provide four examples of such characteristics:

- i. A change should be treated as material if it would require an updated Environmental Statement (from that at the time the original Development Consent Order was made) to take account of new, or materially different, likely significant effects on the environment;
- ii. A change to a Development Consent Order is likely to be material if it would invoke a need for a Habitats Regulations Assessment. Similarly, the need for a new or additional license in respect of European Protected Species is also likely to be indicative of a material change;
- iii. A change should be treated as material that would authorise the compulsory acquisition of any land, or an interest in or rights over land, that was not authorised through the existing Development Consent Order; and,
- iv. The potential impact of the proposed changes on local people will also be a consideration in determining whether a change is material. In some cases, these impacts may already have been identified, directly or indirectly, in terms of likely significant effects on the environment. But there may be other situations where this is not the case and where the impact of the change on local people may be sufficient to indicate that the change should be considered as material. Factors that may be relevant to whether a particular change is material will vary in different circumstances of a particular case, but examples might include those relating to visual amenity from changes to the size or height of buildings; impacts on the natural or historic environment; and impacts arising from additional traffic.

Assessing the proposed amendments against the characteristics as detailed:

- it is noted that the alterations will lead to an impact or reduction in the scale of areas of landscaping or habitat creation. For instance, the road level amendments and Rail Infrastructure Area are to impact upon Work Area No. 6, wherein the mounds to be built are proposed, in part, to be utilised for habitat creation. Elsewhere, the extension of Zone C to south of Rail Terminal for Buffer Stops, will result in a net reduction in area identified as Landscaping (Works No. 6) land on the certified Development Zone and Green Infrastructure Parameters Plans by 0.2489ha, whilst the extension of Zone C to north of Rail Terminal for Double Track Under Bridge No.1, will lead to the loss of a further 0.0347ha of landscaping.

Paragraph 5.22 of the NPSNN requires applicants to ensure that the ES clearly sets out any significant effects on designated sites, protected species and habitats and shows how the proposal has taken advantage of opportunities to conserve and enhance biodiversity.

The NMC submission does not include a Biodiversity Metric, in order to demonstrate what impact the proposed amendments to the scheme will have upon the development's overall Biodiversity Unit score. The Council would not wish to see a reduction in the overall Unit score of the development and in a wider sense, would wish to see how any reduction feeds into the value of the entire site, to ensure that there is no net biodiversity loss arising across the wider scheme as a consequence of the amendments, contrary the requirements of the above noted Policy Statement.

- It is acknowledged that the SoS is the competent Authority for consideration of this application. The LPA considers that the changes proposed via the NMC, to the consented development, would not



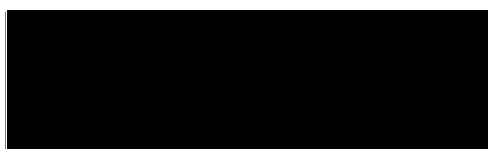
result in a change to traffic flows and therefore the need an updated HRA to consider NOx deposition would not be triggered on the basis of the changes.

- Whilst additional land not originally forming part of the DCO is to be included within the site, such is within the ownership of the applicant and therefore will not require compulsory acquisition.
- NO new impacts upon the reasonable amenity of residents are considered to arise as a consequence of the proposed amendments.

Given the above, subject to a Biodiversity Metric being provided, to demonstrate that the NMC will result in a reduction in the scheme's overall Biodiversity value and given the loss in area of landscaping, should this prove to be the case that as a consequence there would be no net loss in value across the entire site, no objection to the amendments are offered.

We trust the above is useful however please do not hesitate to contact us if you wish to discuss further.

Kind Regards,



Michael Brown
Strategic Projects Assistant Team Manager