

6 September 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,

[REDACTED] proposed Non-Material Change to the West Midlands Interchange Development applications to consented bridge spans and widths, amendments to finished road levels, the inclusion of 0.0308ha of additional land currently outside of Order Limits to the south of Zone C to accommodate extended cripple siding 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 and further to our previous response on this matter dated 14th July 2023.

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 assessing whether a change is material. In some cases, these impacts may already have been considered, either directly or indirectly, in terms of likely significant effects on the environment. But there are also cases where this is not the case and where the impact of the change on local people will be sufficient to indicate that the change should be considered as material. Additional impacts that may be relevant to whether a particular change is material will be dependent on the 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 applicant has demonstrated to the LPA (via documents titled '20230905_WMI H_B NMC_SSDC Consultation Response_ISSUE' and 'Order Mechanisms for the Council to Secure Necessary Mitigation' under the bullet relating to 'Requirement 12(1) Ecological Mitigation and Management Plan'), an approach to ensure that any additional habitats lost outside of the original scope of the order, can be addressed in future landscaping schemes for the scheme, thereby ensuring there will be no net loss to development's overall Biodiversity value. On the basis of this agreement, the Council offers no objection to the works as proposed.

- 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



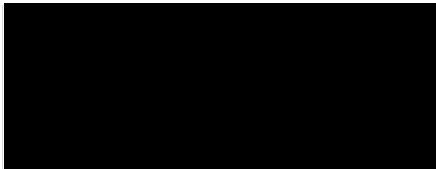
result in a change to traffic flows and therefore the need an updated HRA to consider NOx deposition would not be triggered on the basis of the changes.

- 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, 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