



Meeting note

File reference	TR050005
Status	Final
Author	Susannah Guest
Date	9 December 2016
Meeting with	Four Ashes Ltd representatives
Venue	Teleconference
Attendees	Morag Thomson – Eversheds Sue Willcox – Quod Matt Royall – Ramboll Environ The Planning Inspectorate Susannah Guest – Infrastructure Planning Lead Richard Hunt – Senior EIA and Land Rights Advisor Emma Cottam – EIA and Land Rights Advisor
Meeting objectives	West Midlands Interchange Project Update Meeting
Circulation	All attendees

Summary of key points discussed and advice given:

The developer was reminded of the Planning Inspectorate's openness policy, that any advice given will be recorded and published on the Planning Inspectorate website under s51 of the Planning Act 2008 (as amended by the Localism Act 2011) (PA2008) and that any advice given does not constitute legal advice upon which developer (or others) can rely.

Project Update

The developer provided a general project update on the scheme since the previous meeting. In summary, the developer noted that they have been refining the layout options in light of information received from consultation feedback and engagement with statutory parties. The developer explained that the preferred layout option has now been identified as a modified 'western option' (with the rail freight terminal being located to the west of the West Coast Main Line). The developer drew attention to the 'December 2016 progress update' available on their website that explained in more detail the work undertaken and the refinements to the option from the previous 'western option'; this primarily related to the rail terminal layout, access to the site from the A5 and green infrastructure proposals.

The developer explained the on-going engagement with the relevant local authorities including regular meetings with officers and presentations given to councillors. Recent meetings with certain affected persons were also noted. The developer indicated that a round of statutory consultation was anticipated in Q2 2017.

The Inspectorate queried how the preferred option addressed the requirements of the National Networks National Policy Statement. The developer explained that these considerations had been taken into account in reaching the preferred option and would continue to inform the design evolution of the scheme. Following discussions with stakeholders, including terminal operators, the western option had been modified to facilitate full length reception sidings. The developer stated that the western option was considered to be the best and most efficient rail solution in providing a full length terminal along with ease of access from the mainline.

The developer discussed progress to date in respect of transport modelling, noting that they remained confident that the necessary information would be forthcoming and that the proposed highways mitigation measures could be finalised accordingly if a timetable agreed with the Highway Authorities is adhered to. The developer noted however that the modelling was done by consultants acting for Highways England and the developer did not control the timing of that input which could be subject to slippage.

The developer queried whether the requirements of The Infrastructure Planning (Applications: Prescribed Forms and Procedures) 2009, Regulation 6 would apply to the rail and highway components of this scheme. The Inspectorate confirmed that they would not but noted that the more information supplied to the Examining Authority the easier the Examination may be.

The developer discussed the procedural implications of on-going discussions with the Environment Agency in respect of potentially varying an existing environmental permit held by SI Group for part of the site. The developer stated that a variation of the existing permit would eventually be required to deal with the area of groundwater contamination currently being remediated (that would be affected by the footprint of the proposed development in the south west corner of the site). The potential permit variation had been discussed with both the Environment Agency and the current permit holder. The developer explained that the Environment Agency had indicated it would not wish to deal with a variation application until the variation was actually required (i.e. not until after a decision). The developer queried what level of information would be required to support the position at the examination. The Inspectorate confirmed that it would require sufficient information to be provided in the developer's application to enable an understanding of i) the likely significant effects of a variation; and ii) the likely acceptability of such a variation. As a minimum the basic principles of the variation, such as broad movement of boreholes, pipework and the developer's method of undertaking such works to avoid further contamination or impact on the existing remediation process would need to be outlined and any development necessary for this (and included in the Development Consent Order) would need to be fully assessed. Evidence of agreement with the principles and the approach to assessment from the Environment Agency in the form of correspondence or a Statement of Common Ground was also recommended by the Inspectorate.

The Inspectorate noted that a Scoping Opinion had been issued on 26 October 2016. The Scoping Opinion did not allow scoping out of certain topics and stated that "*Whilst the Secretary of State has not agreed to scope out certain topic or matters within the*

Opinion on the basis of the information available at the time, this does not prevent the Applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach. This approach should be explained fully in the ES." With this in mind, the developer raised the following queries:

Waste Management: the developer asked for specific examples of good practice in relation to the assessment of waste management and to expand on the required content of the Environmental Statement (ES) chapter. The Inspectorate did not point to any specific examples but advised the developer to review existing submitted ES chapters on the Planning Inspectorate website. The Inspectorate also noted that there were two main reasons for not allowing consideration of waste to be scoped out of the ES. The first related to the need for the developer to demonstrate that the ES would consider the worst case in relation to transport movements during construction and operation and the second related to the likely volume of waste to be generated during operation. Sufficient information should be provided in relation to both of these matters in order to demonstrate any associated effects. In the absence of confirmed end users, this would ideally be informed by metrics (where available) from existing rail freight facilities. The Inspectorate confirmed its view that it is not essential for this information to be provided in a separate chapter of the ES and could instead be integrated into the description of development, unless a significant effect is anticipated. The ES would need to address the relevant detail required by the National Networks National Policy Statement (NN NPS).

Daylight/sunlight/overshadowing/wind: The developer noted that the Inspectorate had not agreed to scope out these matters from the assessment. The Inspectorate noted that the original Scoping Opinion was provided when two scheme options were under consideration and there was uncertainty regarding the final size and layout of buildings. Furthermore, limited justification was provided to support a decision to scope out these matters from consideration. The Inspectorate considered that it may still be possible to scope out these topics based on further consultation and further detailed justification e.g. applying threshold criteria relating to size/geographic location/orientation etc. Specific reference was made to residential receptors on Croft Lane, to the north of the proposed development on the A5 and to the west of the A449 as highlighted in the Scoping Opinion.

Odour/smoke/steam: The developer stated that the rail freight interchange would not give rise to end uses that contribute to odour, smoke or steam and therefore considered that these matters should be scoped out from further assessment. The Inspectorate considers that such matters could be scoped out from further assessment, subject to providing more detailed commentary on likely end users and the absence of sources of odour, smoke and steam.

Climate change: The developer queried what assessment was required in relation to climate change. The Inspectorate indicated that consideration of climate change adaptation was required in line with the NN NPS.

Aviation: the Inspectorate noted that aviation had not been agreed to be scoped out from further assessment and highlighted that this related specifically to the presence of a Ministry of Defence (MoD) low flying zone. The Inspectorate stated that a positive consultation response from the MoD, would likely be sufficient to justify the developer scoping out the topic for this project.

Follow up / specific decisions

- Arrangements for next project meetings