



## Meeting note

<b>File reference</b>	TR050005 West Midlands Interchange (WMI)
<b>Status</b>	<b>Final</b>
<b>Author</b>	Louise Evans
<b>Date</b>	7 September 2017
<b>Meeting with</b>	Four Ashes Limited (FAL)
<b>Venue</b>	Temple Quay House
<b>Attendees</b>	The Applicant  Peter Frost (Kilbride) Laura-Beth Hutton (Eversheds Sutherland) Matt Royall (Environ) Morag Thomson (Eversheds Sutherland) Sue Willcox (Quod)  The Planning Inspectorate (the Inspectorate)  Emre Williams – Case Manager Robert Ranger – Case Manager Richard Hunt - EIA and Land Rights Advisor Emma Cottam - EIA and Land Rights Advisor Dave Anthony - Legal Advisor Louise Evans – Case Officer
<b>Meeting objectives</b>	Review of the Inspectorate’s comments on the draft application documents
<b>Circulation</b>	All

### Summary of key points discussed and advice given:

The Planning Inspectorate (The Inspectorate) advised that a note of the meeting would be taken and published on the National Infrastructure webpage in accordance with s51 of the Planning Act 2008 (as amended) (PA2008).

### Draft documents review

The Applicant had provided the Inspectorate with a suite of draft documents to review. The Inspectorate raised a series of comments and questions in respect of these documents and a log of the points raised has been provided as an Appendix to this note. Where appropriate,, the Applicant agreed to make amendments as requested or provide further information where required.

## **Explanatory Memorandum**

The Inspectorate enquired (Q5) as to the purpose and the precedent for the inclusion of the provisions at Article 43(3) of the draft Development Consent Order (dDCO). The Applicant confirmed that Article 43(3) is meant to refer to other consents that may be needed. The drafting was based on an article included within the DCO for the A14 Cambridge to Huntingdon Improvement Scheme. The Applicant was still deciding which of the provisions referred where applicable to this scheme. An explanation of the article would be provided within the Explanatory Memorandum to be submitted with the application.

## **Development Consent Order**

The Applicant stated in response to Q8 (*How does this relate to the provisions of Schedule 6 of the Planning Act 2008, which provide for the modification of DCOs? What is the precedent for its inclusion*) that the provision included at A43(9) of the dDCO had originally been included in the dDCO for the Daventry International Rail Freight Terminal (DIRFT III) but were not included in the dDCO recommended by the Examining Authority (ExA). The Inspectorate advised the Applicant to consider the reasons why the provision was not accepted by the ExA for DIRFT III and address these in the inclusion of this provision within the West Midlands Interchange (WMI) DCO.

The Applicant enquired if works being completed on a highway would count as temporary possession. The Inspectorate advised that it would consider the question and revert to the Applicant. See post-meeting s51 advice attached.

In response to Q11 as raised by the Inspectorate within their feedback (R5(1) – *Why is 'general' needed or appropriate*), the Applicant stated that some of the illustration within the Design and Access Statement is an artist's impression, and as such is not exact. The Inspectorate advised the Applicant to include this explanation in their Explanatory Memorandum.

## **Consultation Report**

The Inspectorate observed that the appendices were missing from the draft Consultation Report as submitted. The Applicant confirmed that these could be made available, and would be provided to the Inspectorate along with an updated draft of the Consultation Report.

The Inspectorate observed that the section 55 checklist was referred to within the draft Consultation Report, and advised the Applicant to make sure they refer to the correct version on submission of their application, as this was due to be updated.

In response to Q2 of the Inspectorate's feedback, the Applicant agreed to provide an updated project description for the Inspectorate's WMI project page, as the information is currently out of date.

The Inspectorate also advised that they have received emails which raise complaints concerning the Applicant's consultation on land interests. In response the Inspectorate had advised the correspondents to make contact with the Applicant in the first

instance and to also contact the relevant local authority so that their views can inform the Adequacy of Consultation report. These responses will be published as S51 advice on the Inspectorate's project webpage.

### **Works Plans**

The Inspectorate stated there was overlapping of some of the plans, and advised the Applicant to include half of the current plan on one sheet at a larger scale.

The Inspectorate also advised that there were some issues within the draft Works Plans (visibility of grid and red lines) that impacted clarity. The Applicant agreed to review this.

### **Land Plans**

The Applicant confirmed that no Special Category or Crown Land has been identified.

### **Funding Statement**

The Applicant agreed to provide a section on anticipated costs as advised by the Inspectorate within their feedback (Q2), and asked for confidence that their funding statement was otherwise adequate. The Inspectorate advised that they could not provide that confidence in the meeting but would review the Funding Statement and provide a separate response.

### **Habitats Regulations Assessment- No Significant Effects Report**

The Applicant confirmed that they are still in on-going dialogue with Natural England (NE). The Applicant was advised to finalise agreement with NE regarding the NSER as far as possible prior to submission, and to submit evidence of such agreement with the DCO application.

### **Environmental Statement and Non-Technical Summary**

The Applicant confirmed that they have referred the Inspectorate's feedback to technical specialists.

### **High level commentary on EIA topic chapters**

As above, the Inspectorate's feedback on EIA topic chapters has been forwarded to specialist consultants for further review.

In response to points 45 and 47 raised by the Inspectorate, the Applicant agreed to provide these documents (Outline Demolition and Construction Environmental Management Plan (ODCEMP) and Ecological Management and Mitigation Plan (EMMP)) at submission, and requested 'best practice' examples of these documents. The Inspectorate stated that they would consider whether specific examples of best practice were available and advised that typically elements from different projects provided best practice examples rather than a single document.

The Applicant confirmed that they had referred points 54 onwards to acoustic specialist consultants. The Inspectorate advised that consideration of LOAEL and SOAEL had been a consideration for major projects such as HS2. The Inspectorate

advised that it is considering providing more advice on this subject in future at scoping stage.

The Inspectorate advised that any feedback the Applicant could give on the recently issued Advice Note 18 regarding the water framework directive would be welcome.

**Specific decisions / follow up required?**

The Applicant intends to submit their application in full to the Inspectorate in December 2017, and will confirm this to the Inspectorate in October 2017.

The Applicant will send updated draft versions of the Works Plans, Land Plans and Consultation Report (including the appendices) to the Inspectorate for further review during October 2017. Another meeting may be arranged to discuss the Inspectorate's review of these documents.

The Inspectorate will consider whether 'best practice' examples of the ODCEMP and EMMP are available and will forward to the Applicant. See post-meeting s51 advice attached.

The Inspectorate will also provide the Applicant with further comments if possible on the Funding Statement and Parameters Plans.

**File reference** TR050005  
**Project** West Midlands Interchange

## **Post meeting section 51 Advice**

### **Development Consent Order**

In response to the Applicants enquiry at the meeting held at TQH on 7 September 2017, regarding whether works to be completed on highways would be considered as temporary possession, the Inspectorate advice is as follow.

Although there is no agreed line on this, it would be for the Applicant to make the case for the powers requested. While some situations could require temporary possession, in many others the model provisions (street works, temporary stopping up of highways, etc.) would be sufficient to carry out the development.

### **Best Practice Examples**

Further to our draft documents review meeting, we can confirm that having consulted with colleagues we do not have a specific best practice example construction environmental management plan (CEMP) that we can direct you towards. Obviously, applications that have previously obtained development consent and are accompanied by a CEMP would be a good starting point.

Our key consideration when reviewing a submitted Environmental Statement (ES), is whether sufficient/suitable mitigation has been identified in relation to the assessed impacts and whether there is a clear mechanism to ensure that the mitigation is delivered, e.g. sufficient linkage between the CEMP and DCO requirements.

We tend to find that CEMPs adopting a “minimum environmental requirements” approach, setting out what has to be achieved but leaving some flexibility for the method of delivery are a good compromise. Please bear in mind though that Examining Authorities frequently request additional information in relation to mitigation measures, particularly where there is disagreement over the scope of mitigation with Local Planning Authorities.

## West Midlands Rail Freight Interchange: Comments on draft documents, August 2017

These queries relate solely to matters raised by the draft documents, and not the merits of the proposal. They are limited by the time available for consideration, and raised without prejudice to the acceptance or otherwise of the eventual application. They are provided to assist the preparation of the next iteration.

### Explanatory Memorandum

<b>Q No.</b>	<b>Section</b>	<b>Extract from EM</b>	<b>Question/Comment</b>
<b>1</b>	5.5	Works 9a and 9b	Is further detail on the form of these works likely to be required?
<b>2</b>	5.2 – 5.5	The formatting	These paragraph references are used twice.
<b>3</b>	5.4 and 6.2	"Further works"	Some of the items described in schedule 1 (temporary concrete batching plants, lighting) are of a sort that may have relevant and important impacts, even constrained as described in paragraph 5.4.
<b>4</b>	6.5	"the Highway General Arrangement Plans"	I cannot find draft plans by that name. Parts 2 and 3 of Schedule 15 are not populated in the draft DCO.
<b>5</b>	7.86	Article 43(3)	What is the purpose of these provisions, and what is the precedent for their inclusion?
<b>6</b>	8	"The following paragraphs set out the proposed obligations"	An agreed obligation in advance of submission is likely to contribute to reducing the length and/or complexity of the examination.

### Development Consent Order

<b>Q No.</b>	<b>Section</b>	<b>Extract from DCO</b>	<b>Question/Comment</b>
<b>1</b>	A2	<i>Definition of maintain</i>	Have the impacts of the various activities listed all been assessed in the ES?  Use of 'clear' in the definition of maintain needs to be clarified – e.g. could this include clearance of veteran trees that are specified as being retained?

<b>2</b>	A4	<i>except that these maximum limits described in (a) to (d) do not apply to constrain the authorised development when it is demonstrated by the undertaker to the local planning authority's satisfaction and the local planning authority certifies accordingly that a deviation in excess of these limits would not give rise to any materially new or materially worse environmental effects from those assessed in the environmental statement</i>	<p>Generally, it is acceptable for LPAs to allow amendments to details where they are responsible for initially fixing those details (such as in R8(1), where the LPA approves the Ecological Management and Mitigation Plan, and so can authorise changes to it).</p> <p>However, giving an LPA a power to allow amendments to details which were approved by the SoS, such as the permitted deviations here, creates uncertainty for the SoS as to what is being approved.</p> <p>The ability to deviate is extensive under 4(d). In particular the ability to agree deviation beyond the specified limits of deviation. It is unclear how the Applicant would satisfy the consultation requirements of the directive if the ability to develop a scheme outside of the assessed parameters is consented with effects that are materially 'different' but 'not environmentally worse than'.</p> <p>What extensions to the maximum limits are anticipated? Should the current limits instead be amended to reflect those extensions?</p>
<b>3</b>	A5	<i>"any purposes for which the authorised development is designed"</i>	<p>The article appears to be missing text as it does not define "that part" – see for example the East Midlands Gateway A5(1). Which works is this intended to refer to?</p> <p>This article is wider than that used for the East Midlands Gateway in that it refers to "any purposes for which the authorised development is designed". Why is this necessary?</p>
<b>4</b>	A12	<i>Public rights of way</i>	<p>When are the alternate rights of way to be provided?</p> <p>See, for example, A12 of the East Midlands Gateway DCO.</p>
<b>5</b>	A13	<i>Private means of access</i>	<p>There is no control as to the timing of the provision of alternative accesses. When are these to be provided?</p>
<b>6</b>	A33	<i>Temporary use of land for carrying out the authorised development</i>	<p>A general power to take temporary possession of land is now set out in s18 of the Neighbourhood Planning Act 2017. This is not yet in force but may become so during the timescales of the examination. Have the effects of the new statutory power been considered, and should this article be redrafted to reflect them?</p>

<b>7</b>	A43(3)	<i>The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of the authorised development...</i>	This provision is not explained in the EM. What is its purpose? What is the precedent for its inclusion?
<b>8</b>	A43(9)	<i>(9) Non-material changes to the development consent granted by this Order may be authorised by the local planning authority and for such purposes section 96A of the 1990 Act (non-material changes to planning permission) shall apply to this Order as if it was a planning permission granted under the 1990 Act and the requirements were conditions attached to such a planning permission and development in accordance with such changes so authorised shall be deemed to be in accordance with this Order.</i>	How does this relate to the provisions of Schedule 6 of the Planning Act 2008, which provide for the modification of DCOs? What is the precedent for its inclusion?
<b>9</b>	Work 3(g)	<i>Solar energy provision</i>	No reference is made to solar energy within the ES (excepting one cumulative scheme). The ES should include consideration of effects arising from solar arrays such as glint and glare.
<b>10</b>	R2	<i>Phases of development</i>	No definition is provided of the term "commence".
<b>11</b>	R5(1)	<i>"must be in <u>general</u> accordance with the design and access statement"</i>	Why is "general" needed or appropriate?
<b>12</b>	R7(1)	<i>"The landscaping scheme must be in <u>general</u> accordance with the parameters plans"</i>	Why is "general" needed or appropriate?  Consideration should be given to securing early delivery of landscaping to maximise the benefit to the local community and allow rapid establishment.
<b>13</b>	R10	<i>Earthworks</i>	The drafting of the requirement is not consistent with the 1:1 cut-fill balance discussed in the ES. The Applicant should consider how best to demonstrate that the cut-fill balance can be achieved and therefore that additional vehicle movements will be minimised during construction
<b>14</b>	R17	<i>Construction hours. "Works which do not cause noise that is audible at the boundary"</i>	Works not audible at the boundary may still give rise to other impacts such as night time lighting, dust etc that may not have been considered within the assessment. The definition should be extended to include all relevant effects.



15	R20	20. Contamination Risk. (3) unacceptable risks	<p>It is unclear why the requirement is linked to 'unacceptable risk' rather than presence of contamination, which appears to set a very high bar to remedial schemes and a verification plan.</p> <p>If possible suggest discussing the wording of this requirement with the Environment Agency. For example, they may wish to have a consultation role secured by the requirement.</p>
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Consultation Report

Q No.	CR Para	Extract from Consultation Report	Question/Comment
1	General	<i>"Appendices to be added"</i>	No appendices provided so unable to confirm information provided in draft CR such as s42 consultees, s48 notice information, etc
2	1.1.3	<i>"please see below for a more detailed description of the proposed development"</i>	<p>Current proposals for the WMI differ slightly than what is currently advertised on the NI site:</p> <ul style="list-style-type: none"> <li>- <b>NI Webpage:</b> 'Around 800,000 sqm of rail served warehousing and ancillary service buildings (and may include an element of manufacturing and processing)'; <b>Draft CR and Consultation newsletter:</b> 'Up to 743,200 square metres of rail served warehousing and ancillary service buildings;'</li> <li>- <b>Draft CR</b> only provides one mention of a rail terminal: 'An intermodal rail freight terminal with connections to the West Coast Main Line, capable of accommodating up to 10 trains per day and trains of up to 775m long and including container storage, HGV parking, rail control building and staff facilities;'; whilst the <b>NI webpage</b> proposals lists two: 'An intermodal freight terminal accommodating up to 10 trains per day and trains of up to 775m long and including container storage and HGV parking;'; and 'A new rail terminal with connections to the West Coast Main Line;'; – on review of the proposals in the Scoping Opinion there is only 1 rail terminal so unclear as to why is listed twice on the NI webpage</li> <li>- <b>Draft CR:</b> 'Demolition of existing structures and structural earthworks to</li> </ul>

			<i>create development plots and landscape zones;</i> <b>NI Webpage</b> doesn't give any reference to this, although it is listed in the Scoping Opinion and the statutory consultation newsletter
<b>3</b>	1.1.4 – 1.1.6	<p><i>"1.1.4 These proposals will create up to 8,500 new jobs in South Staffordshire and the Black Country.</i></p> <p><i>1.1.5 An SRFI is something which the West Midlands has needed for a long time. Markets are increasingly global and our strong manufacturing and exporting businesses will need faster, more reliable transport links in future to stay competitive at home and abroad.'</i></p> <p><i>1.1.6 Rail freight is also a sustainable approach. Tonne for tonne, transporting goods by rail produces much fewer chemicals linked with global warming and air pollution than carrying goods by road. This could also help ease congestion in the region by removing the need for thousands of HGV journeys from the M6"</i></p>	Could any further information be provided as evidence in order to back these statements up?
<b>4</b>	2.1.6	<i>"A minimum of 28 days is required to carry out this consultation under sections 42 and 47 of the Act. To deliver an effective and detailed consultation the Applicant extended this period to 57 days for consultation. Publicity of the proposed application was carried out in line with section 48 of the Act, within the same timescales"</i>	<b>1.</b> These references to the Act should be <b>45(2)</b> and <b>47(3)</b> ; <b>2.</b> Can deadline for SoCC responses from LAs be extended? (" <b>3</b> ) <i>The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents"</i> )
<b>5</b>	5.2.6	<i>'How the Applicant considered the feedback received from statutory consultees in response to Stage 1 consultation is included in the Interim</i>	

		<i>Consultation Report, reproduced in Appendix 10.'</i>	This is also covered in section 5.4 of this Report
<b>6</b>	6.1.1	" <i>This Chapter includes details <b>of</b> the Stage 2..</i> "	
<b>7</b>	6.1.5		Italics not needed as this sentence is not a direct quote
<b>8</b>	6.1.5		42(aa) and (c) 6.1.5– an explanation is usually provided where Act is not applicable
<b>9</b>	6.1.9		42 (d) 6.1.9 this paragraph is incomplete, ends with '.....' – assuming more info to be included
<b>10</b>	6.2.2	" <i>The Applicant wrote to PINS on 5 July 2017</i> "	This date is incorrect. Statutory consultation started 5 July 2017; the letter is dated 3 July 2017.
<b>11</b>	6.2.2	" <i>A link to the consultation material used for Stage 2 consultation, including section 42 consultation, was included with the section 46 notification.</i> "	This is incorrect as the accompanying documents (and the s46 notification itself) were delivered as attachments to the applicant's email to PINS. It would be more accurate to say: ' <i>copies of the consultation materials (s42 letter, consultation newsletter and s48 notice) were provided with the s46 notification</i> ', as links were not provided.
<b>12</b>	7.2.8 and 7.2.9		The applicant's response section is listed differently in both 'FAL response'/'Applicant response'
<b>13</b>	10.3	" <i>Approach to feedback analysis</i> "	The steps listed in 10.3.1 have been italicised but there is no reference to where they have been quoted from – if this section has been paraphrased (not directly quoted) from DCLG Guidance should text be in italics?

#### Works Plans

<b>Q No.</b>	<b>location</b>	<b>Description of issue</b>	<b>Question/Comment</b>
<b>1</b>	General (and in particular the key plan)	Horizontal and vertical lines – gridlines, sheet lines	The plans, and particularly the key plan, are not as clear as they could be on a computer screen because it can be difficult to distinguish between horizontal or vertical lines.

<b>2</b>	392750,309 000	Work Number 5 limits of deviation	It is not clear why the limits of deviation shown for works number 4 and 5 are not a continuous line. Where work number 5 extends to the south of the work number 7, for example, there are no limits of deviation shown.
<b>3</b>	Work number 5	Bus Stop	Where within the shaded area is the bus stop proposed? Is this by reference to another plan, or is it proposed that this will be decided at a later date?
<b>4</b>	keys	General	The key is reproduced across each sheet of the works plans, resulting in some definitions that are not used on a particular sheet.
<b>5</b>	All	Order limits	The red line is not clearly visible at points on all sheets.

#### Land Plans

<b>Q No.</b>	<b>location</b>	<b>Description of issue</b>	<b>Question/Comment</b>
<b>1</b>	General	Key	The categories of land shown are broader than is suggested by Annex C of the 2013 guidance.
<b>2</b>	General	Numbering of plots	The size of the text used to label the plots and the choice of colour (blue on blue or purple) makes reading the plans difficult on a computer screen. Since documents are distributed electronically, this could make the plans less useful to interested parties.
<b>3</b>	General	Plots 71 to 74	These plots can be distinguished but with difficulty. The insets differ between the works and land plans.
<b>4</b>	Sheets 1 and 2	Scale	The scale of these plans is as small as could be appropriate; the use of insets for areas where plots are denser is helpful.
<b>5</b>	General	Plot lines	On a computer screen, the plot lines are not easily distinguished from the field boundaries. The weight of the line could helpfully be increased.

#### Planning Statement

<b>Q No.</b>	<b>Section</b>	<b>Extract from PS</b>	<b>Question/Comment</b>
<b>1</b>	P7, first para	"draft Panning Statement"	Should be "Planning"
<b>2</b>	5.5.30	"wester"	Should be "western"
<b>3</b>	7.3.9	"is progressed for as long possible"	Should be "as long as possible"

Statement of Reasons

<b>Q No.</b>	<b>PS Para</b>	<b>Extract from Statement of Reasons</b>	<b>Question/Comment</b>
<b>1</b>	2.1	<i>"This statement explains why it is necessary and justifiable for the DCO to contain compulsory acquisition and temporary possession powers which relate to the Order Land."</i>	The Statement of Reasons should set out why the land is required for the development, or is required to facilitate it, or is incidental to it, or that it is replacement land; and that all reasonable alternatives to the compulsory acquisition of the land have been explored. It should also be clear that it is no more than reasonably necessary.
<b>2</b>	2.2	The paragraph in its entirety	This seems to be a good structure.
<b>3</b>	3.3	<i>"The Land Plans and Book of Reference demonstrate that the Applicant has secured by agreement the vast majority of the land required for the development. Compulsory acquisition is still however required in respect of third party interests..."</i>	This supports the expectation in paragraph 25 of the guidance that applicants should seek to acquire land by negotiation. Where this has been attempted but has not been possible, the applicant may wish to make that clear. This can be done by reference to another document, or within the table at paragraph 3.7, or otherwise.
<b>4</b>	3.7	Column 2 of the table within the paragraph.	The land should be shown to be required for the purpose; where works are described as parameters, reference to a justification for the extent of the parameters might be helpful.
<b>5</b>	4.9	<i>"The Applicant has considered all reasonable alternatives to compulsory acquisition (including modifications to the scheme) and..."</i>	This asserts that reasonable alternatives have been explored, including changes to the scheme. Reference to those alternatives (perhaps within the Consultation Report, for example) might be helpful. This is particularly true if it is proposed to compulsorily acquire residential property.
<b>6</b>	4.11	<i>"The public benefits associated with the proposed development are set out earlier in this statement."</i>	The public benefits of the scheme should be made clear; perhaps by reference to supporting policy. (This can be by reference to another document such as the planning statement.)
<b>7</b>	5.2	The paragraph in its entirety.	This is helpful but brief. A brief reference to the opportunity to participate in the examination of the application might also be helpful.

Funding Statement

<b>Q No.</b>	<b>PS Para</b>	<b>Extract from Funding Statement</b>	<b>Question/Comment</b>
<b>1</b>	Frontplate		This should read "Regulation 5(2)(h)"

<b>2</b>	5	The section in its entirety	The anticipated costs of compulsory acquisition, and the methodology by which they have been calculated, (or the reasons why they cannot be calculated at this time) do not seem to be addressed in this draft. The applicant may want to make clear whether there are any constraints on how much information can be provided about the resource implications of acquiring the land and implementing the project
<b>3</b>	5.3	The paragraph in its entirety	It might be helpful to make clear that the wording of this article and the principle of it have been discussed with the local planning authority.

Environmental Statement (ES) and Non-Technical Summary (NTS)

<b>Point no.</b>	<b>ES Para</b>	<b>Extract from ES</b>	<b>Question/Comment</b>
<b>1</b>	2.4	n/a	For the avoidance of doubt it would be helpful to refer to the transitional arrangements within Regulation 37 of the EIA Regulations 2017.
<b>2</b>	2.5	"The EIA Regulations set out the statutory process and minimum requirements for EIA"	It would be helpful to note here that there are specific environmental provisions within the National Networks NPS (NNNPS) that must also be addressed.
<b>3</b>	2.6	Reference to DCLG 2006 guidance docs	Both of these documents are now withdrawn. The DCLG guidance is usually referred to as Planning Practice Guidance: Environmental Impact Assessment.
<b>4</b>	2.14	Impacts of a new development to affect climate change	The text could also reference adaptation/resilience to climate change.
<b>5</b>	Table 2.1	<i>Waste</i>	The Applicant must satisfy themselves that the assessment to be submitted is sufficient for the purposes of paragraphs 5.43-5.45 of the NNNPS.
<b>6</b>	2.52	<i>duration of the effect, based on a scale of long, medium and short term (temporary);</i>	It would assist understanding of effects to define the duration of long, medium and short term.
<b>7</b>	2.65	SSC vs SSDC	Acronyms for South Staffs DC are not consistent throughout document.
<b>8</b>	Page 3-2 footnote 3	Be 50ha	Typo should read "being 50ha"
<b>9</b>	3.36	GRIP stage 2	Please confirm the likely GRIP stage of the project on submission.
<b>10</b>	3.42	Whist	Typo "whilst"

<b>11</b>	3.42	"contribute to a more built up and industrial setting."	Given that the majority of the site is rural, this statement could be seen to be slightly misleading and could be qualified e.g. by stating that it is more built up in the south west.
<b>12</b>	Chapter 3	n/a	The EIA Regulations require "an indication of the main reasons for the applicant's choice, taking into account the environmental effects." How the proposed development has taken into account the environmental effects would benefit from some additional explanation.
<b>13</b>	4.3 4.6 4.13 14.182	<i>Description of area of development GIA vs. GEA</i>	The scale of the development sought is described inconsistently and should be clarified throughout the ES. Para 1.25 describes the Proposed Development as including 'up to 743,200 square metres of rail served warehousing and ancillary buildings'. This figure is repeated in para 4.6 as a maximum space. Para 4.13 refers to 731,034sq m GIA. Chapter 14 uses a different value of GIA from Chapter 4 or the illustrative masterplan or para 14.236 which uses 743,200sq.m GIA. Table 2-1 of the TA uses 734,034sqm total floor area.
<b>14</b>	Chapter 4	n/a	<p>A description of the Proposed Development is provided in ES Chapter 4, but it is noted that this is much less detailed than the description of the works in Schedule 1 of the draft DCO ('Authorised Development').The following suggestions are provided to ensure consistency between the description of the development provided in Chapter 4 of the ES and Schedule 1 of the draft DCO:</p> <ul style="list-style-type: none"> <li>• The description of the development in Chapter 4 of the ES should be expanded, to reflect the level of detail provided in Schedule 1 of the draft DCO;</li> <li>• The description of the development in Chapter 4 of the ES should include reference to specific Works No's and works plans.</li> <li>• It should be clear in Chapter 4 of the ES which components are the NSIP and which are associated development.</li> </ul> <p>These suggestions would allow the Examining Authority to more easily cross reference between the ES and the draft DCO, thereby providing them with comfort that the full extent of the works in the DCO have been assessed in the ES.</p>

<b>15</b>	4.4	Text description of parameters plans	Not consistent with name of plans - e.g. the 'building development parameter plan' (Doc 2.5) described in the ES is labelled 'parameters plan development zone plan'.
<b>16</b>	4.6	TEU	Not included in list of acronyms/abbreviations.
<b>17</b>	Table 4.1	n/a	No reference is made to zone B/C parameters. It is unclear whether the parameters account for any operational craneage. Table 4.1 makes no reference to the maximum widths of structures.
<b>18</b>	4.19	"A range of external materials and colour palettes are available to enhance building elevations and to soften the appearance".	It would be helpful to expand on this statement. The Examining Authority would need assurance that design features such as these would be delivered, rather than just 'available'.
<b>19</b>	Table 4.2	n/a	It would be useful to provide figures to support the phasing description. It is unclear when drainage works would happen and how Green Infrastructure (GI) would be phased/delivered. E.g. ideally GI would be phase 1 to allow maximum time to establish.
<b>20</b>	Chapter 4	n/a	No reference is made to the potential for rainwater harvesting, which is referenced under paragraph 5.111 of the NNNPS (although appendix 16.1 does consider the possibility). Given the potential scale of new areas of hardstanding, this issue should be addressed.
<b>21</b>	4.23	Typo TUE	"TEU"
<b>22</b>	4.48	n/a	There is no reference to recognised standards such as Institute of Lighting Engineers (ILE) guidance that might be anticipated.
<b>23</b>	4.63	n/a	For clarity it may be helpful to state that there is no intention to create passenger rail access to the proposed development at Four Ashes.
<b>24</b>	4.78	"As part of the Proposed Development, where possible, the footway will be upgraded to a 3m shared footway / cycleway. It is not possible to provide a full 3m width along the entirety of this route given the existing railway bridge and limited land availability in certain areas further to the east."	It would be preferable to state that the footway will be upgraded everywhere except the locations stated (if that is the intent) to demonstrate the commitment to the upgrade, which is undermined by the use of 'where possible'. An accompanying plan could illustrate where the footway will be upgraded.
<b>25</b>	5.12	"Approval of the DC"	Should this be development consent or DCO?



<b>26</b>	5.16	n/a	Whilst the list is not exclusive, the pre-commencement surveys could include reference to archaeological surveys, since these have potential to be significant.
<b>27</b>	5.31	"an extensive earthworks scheme, the development of which will continue post-DCO approval for the detailed design."	The ES must be based on the worst case scheme secured by the DCO. The likely significant effects resulting from the earthworks must be set out in the relevant topic chapters.
<b>28</b>	5.32	In general, where levels not constrained	Missing word "are"
<b>29</b>	5.39	Piling is not expected to be required for typical warehousing use.	This statement should be evidenced.
<b>30</b>	5.57	No works will take place outside of the hours stated above, unless by agreement with the SSDC or in emergency situations. Noise limits for out-of-hours work will be agreed with SSDC prior to this work commencing.	There needs to be some constraint on this statement since it effectively allows for out of hours working subject to the council's agreement, which could undermine the assessment of effects provided in the ES.
<b>High level commentary on EIA topic chapters</b>			
<b>31</b>	Table 6.1	Invasive weeds	For clarity, the relevant action should refer to plants listed under Schedule 9 of the Wildlife and Countryside Act, 1981, the definition of which is broader than just Japanese Knotweed and Giant Hogweed.
<b>32</b>	6.18	n/a	Text could state that there is no industry standard method of assessment
<b>33</b>	6.21	Scoping Direction	A number of references have been made to a scoping direction. The IP EIA Regulations result in the provision of a Scoping Opinion. All references to direction should be changed.
<b>34</b>	6.56/6.73	n/a	Duplicate text
<b>35</b>	6.71	53.4ha	It would assist understanding to know what % of the regional resource this area would represent. The discussion of effects/alternatives would also benefit from discussion about how/whether Micrositing has preferentially avoided BMV land. Note also typo in first line – missing word 'land'. It would assist understanding if the assessment explicitly stated whether an effect was significant or not significant.

<b>36</b>	Chapter 7		<p>Paragraph 5.19 of the NNNPS requires "Evidence of appropriate mitigation measures (incorporating engineering plans on configuration and layout, and use of materials) in both design and construction should be presented. The Secretary of State will consider the effectiveness of such mitigation measures in order to ensure that, in relation to design and construction, the carbon footprint is not unnecessarily high."</p> <p>Although carbon is considered within the Air Quality assessment, there is a lack of discussion of the design in terms of its carbon footprint.</p>
<b>37</b>	7.42	n/a	<p>DMRB requires an assessment of the worst year in the first 15 years from opening as well. The Applicant should provide such an assessment or provide robust justification as to why such an assessment has not been provided.</p>
<b>38</b>	7.94	In the absence of formal criteria, the approach developed by the Institute of Air Quality Management (IAQM) will be used. Full details of this approach will be provided in the final ES.	<p>It is unclear why the IAQM criteria are not considered to be formal assessment criteria.</p>
<b>39</b>	Chapter 8	n/a	<p>The assessment should clearly respond to the decision making criteria in the NNNPS, including the potential for harm to any assets identified.</p>
<b>40</b>	Chapter 8/9	n/a	<p>The 'summary of mitigation measures' tables presented in both chapters is very useful for understanding the proposed mitigation approach for these topics and could usefully be extended to other topics.</p> <p>It would also be useful for these tables to include an additional column to confirm how the delivery of each measure is to be secured (whether through provisions in the DCO or other means, as set out in Chapter 18).</p>
<b>41</b>	9.74	"Based of professional judgement and experience of this type of study, it is unlikely that heritage receptors beyond a 3km radius are likely to experience significant effects arising from the Proposed Development."	<p>In light of the flat landscape and elevated terrain to the east and west of the proposed development site, it is recommended that the reduction in the limit of the Zone of Influence to 3km should be further justified/explained.</p> <p>The Applicant should provide evidence that the extent of the study area has been agreed with Historic England and/or the LPA.</p>
<b>41</b>	Table 9.2		<p>Typo 'Within Site Noundary'</p>

<b>42</b>	10.33	"Due to copyright restrictions in the reproduction of the SERC report, this is not appended to this draft ES, but relevant records are summarised in Technical Appendix 10.1 – Ecology Baseline Report"	The ES should not be supported by selected records, the complete dataset should be available for scrutiny.
<b>43</b>	Parameters plans	Veteran trees close to bunds	The ES should explain what embedded design measures are in place to prevent damage to root protection areas due to soil compaction from bund formation. The Applicant should explain how its approach accords with para 5.32 of the NN NPS.
<b>44</b>	Table 10.2	Limited reference is made to Calf Heath Reservoir as a standing water body.	Response text appears to contradict itself discussing wintering bird surveys then stating no surveys are proposed on the following page, unless this relates to a different reservoir.
<b>45</b>	Table 10.2	Reference to the Outline Demolition and Construction Environmental Management Plan (ODCEMP)	The ODCEMP contains limited ecological management detail. It is recommended that further detail is supplied as part of the application i.e. the ecological management and mitigation plan (EMMP).
<b>46</b>	Table 10.2	Highways run-off has been identified in the past as an issue for the SAC.	The response refers to the NSER but no discussion of highways runoff is provided in the NSER. This has been raised as a separate issue in the review of the NSER.
<b>47</b>	Table 10.2	EMMP	It is recommended that a draft of this document is submitted as part of the application material. It is noted the EMMP would be approved by the LPA and secured by DCO Requirement, which is welcomed.
<b>48</b>	10.39	ZoI for ecological assessment	Where possible there should be evidence of the ZoI having been agreed with NE/local authority ecological officer.
<b>49</b>	Table 10.5	Significance matrix	The non-standard approach to assessment of significance will need to be justified. It appears to set a very high bar for any significant effect to be identified.
<b>50</b>	Chapter 10	n/a	Paragraph 5.25 of the NNNPS states that development "should avoid significant harm to biodiversity and geological conservation interests". The text currently does not reference the potential for 'harm' to ecological interests.
<b>51</b>	Chapter 11	"To be determined once mitigation measures are more developed"	It is assumed that these assessments will be provided in the submitted ES.

<b>52</b>	Chapter 6/11	n/a	Is there a risk of animal burial sites being encountered?
<b>53</b>	Chapter 13	"The National Policy Statement for National Networks (NPS) <sup>1</sup> , published in December 2014, sets out the overarching policy position"	The Applicant may wish to consider applying this phrase across other policy descriptions within ES chapters to reflect the position of the NNNPS in the decision making hierarchy.
<b>54</b>	13.66	<ul style="list-style-type: none"> <li>• "exceeding the adopted criteria by more than 10dB will constitute a high adverse impact, irrespective of the duration;</li> <li>• exceeding the adopted criteria by less than 10dB for a period of more than one month will constitute a moderate adverse impact;"</li> </ul>	<p>BS5228 states that "If the site noise level exceeds the appropriate category value, then a potential significant effect is indicated. The assessor then needs to consider other project-specific factors, such as the number of receptors affected and the duration and character of the impact, to determine if there is a significant effect."</p> <p>The proposed significance criteria add 10dB onto the 65dB criteria to identify a significant effect. This appears to be out of step with e.g. the 5dB change approach, which would suggest that 5dB above the threshold would be potentially significant.</p> <p>It is unclear why the exceedence by one month has a lower adverse effect than the exceedence irrespective of duration, since a greater duration of effect may be of more concern than a shorter noisier event.</p>
<b>55</b>	Chapter 13 13.93	n/a	It is unclear from the description of significance criteria what levels have been set as SOAEL or LOAEL. The Applicant should state what level is LOAEL and what level is SOAEL. The Applicant's attention is drawn to recent amendments to HS2 noise and vibration assessment criteria based on legal challenges regarding definition of LOAEL and SOAEL
<b>56</b>	13.67 and 13.81	n/a	The text should provide details of the source of the criteria – i.e. BS5228-2 and BS6472 respectively.
<b>57</b>	Tables in Chapter 13	n/a	Clear justification should be provided for the departure from the BS4142 LA90 reference time intervals. The data used to calculate arithmetic averages should be available for scrutiny.
<b>58</b>	13.139	"noise survey was undertaken at the railfreight terminal at Widnes, to gather source data that could be considered representative of the activities likely to occur at the Proposed Development"	Some justification for why a noise survey at Widnes would be representative should be supplied.
<b>59</b>	13.147	It is understood that piling is unlikely to be required in the construction of the buildings at the Site, but bridge abutments will require piling.	The need for piling should be confirmed and a worst case assessment provided if there remains uncertainty regarding the need for piling.

<b>60</b>	13.154 and Table 13.23	The effects of mitigation listed in the ODCEMP have been included in the calculations.	<p>The inclusion of mitigation within the figures presented means that it is not clear what actual noise level is assumed prior to mitigation and therefore how much reliance is placed on noise mitigation to achieve non-significant effects i.e. what dBA reduction is assumed for specific mitigation.</p> <p>It is also unclear what predicted duration of works has been assumed at affected receptors during construction.</p> <p>In light of the high predicted construction noise levels, the Applicant should include noise insulation and temporary rehousing provisions from BS5228 Appendix E4 from the assessment of construction effects in the ES and mitigation provisions within the ODCEMP or provide justification for the exclusion of such provisions.</p> <p>In the absence of this information there is potential for substantial clarification questions from the Examining Authority during the examination.</p>
<b>61</b>	13.189	"39 dB Rw"	It would be preferable to quote the predicted dBA reduction rather than the laboratory based reduction in levels that is unlikely to be achieved in the real world.
<b>62</b>	13.201	"the following adjustments have been made"	In light of the adjustments, the Applicant will need to demonstrate that any subsequent changes within the approved parameters will be "not environmentally worse than" assessed in the ES.
<b>63</b>	13.233	"there is no practical way of extending the bespoke noise insulation scheme to cover the affected boats."	Noise insulation was extended to boats on the Thames Tideway Tunnel project. Please refer to the decision notice and recommendation report for further information. Note also the Canal and River Trust comments in relation to treatment of residents.

<b>64</b>	Table 13.30, Table 13.31 Transport Assessment (TA) and ES noise chapter	n/a	<p>The volume of night time traffic that will arise as set out in Table 13.25 of the ES (with knock on consequences for noise) is not immediately clear from the transport data presented and should be explicitly set out within the TA, with appropriate cross-referencing to the ES.</p> <p>Table 13.30 of the ES summarises 18 hour traffic flow increases. i.e. 6am to midnight. Since Table 13.25 sets out the traffic increase for the night time period there is currently no clear assessment of the night time traffic impact (between 12-6). The Applicant should consider providing an assessment comparing traffic increases for different periods of the day, evening and night rather than time averaging the increases across the 18 hour period.</p>
<b>65</b>	14.81	"level of significance is derived by a combination of the magnitude of the effect and the sensitivity of the receptor"	A significance matrix of sensitivity vs. magnitude would assist understanding of the identification of significance levels. The text does not specify what level of effect is actually significant.
<b>66</b>	15.17	"freight network. Notes that for SRFIs."	Is text missing/incorrect in the quotation (see end of paragraph 15.17)?
<b>67</b>	16.3	Water Framework Directive (WFD) Assessment	Please note that the Planning Inspectorate's Advice Note 18 regarding the water framework directive has now been published and is available at: <a href="https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/">https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/</a>
<b>68</b>	Draft ES vol2(6 of 7)	Photo viewpoint 32	Figure 12.13 – this figure viewed electronically does not appear to give an accurate impression of the elevated viewpoint from Cannock Chase. The Applicant may wish to consider whether images are available with better contrast to illustrate the topographical context.
<b>69</b>	Draft ES vol2(7 of 7)	A13 Figures highlighting excluded noise data	Where survey data is excluded due to weather conditions, the Applicant should agree that it is appropriate to exclude the datasets and that this does not lead to any bias/skewing of results.
<b>70</b>	NTS 1.1.1	n/a	No reference made to the environmental requirements of the NPS.
<b>71</b>	NTS Figures	n/a	Poor resolution of embedded figures in electronic version reducing legibility of information.
<b>72</b>	NTS 4.4	n/a	Text does not make clear that it is proposed for all traffic southbound on A449 to divert onto new access.

73	NTS 7	n/a	The text describing significant effects lacks specific detail regarding affected receptors. Whilst it is acknowledged that the NTS should be a high level summary – it is expected that reference would be made to specific affected receptors, in-order to avoid a non-technical reader having to read the ES to understand the effects (e.g. noise and vibration).
74	ODCEMP	n/a	The Examining Authority will welcome provision of an ODCEMP. However this is currently a very high level document with limited detail. No minimum standards are set by the document e.g. minimum frequency of monitoring. The Applicant should make every effort to include more detail within the version of the ODCEMP submitted with the examination documents, as this document is likely to be a key focus for the Examining Authority and Interested Parties during the Examination.
75		Para 6.4	DEFRA Code of Practice is cited as being 'considered as possible mitigation', whereas ES table 6.2 states that "This assessment of soil resources has identified DEFRA Code of Practice for the Sustainable Use of Soil on Constructions Sites (2009) as mitigation and ES para 6.55 relies on this mitigation. There is no specific commitment within the ODCEMP to retain soils on site, which might be inferred from the 1:1 cut fill balance described in ES para 5.31.
76		Para 7.7 " <b>as far as possible</b> demolition and construction HGV movements would <b>generally</b> take place out of peak hours"	The Examining Authority will require demonstrable commitments to mitigate adverse peak hour effects, terminology such as 'as far as possible' and 'generally' should be avoided.
77		Section 8	This section of the ODCEMP could contain more specific provisions relating to receptors identified in the noise assessment. Para 8.3 refers to BS5228:2009 rather than BS5228:2009+A1:2014.
78		Para 8.4	The effectiveness of screening is dependent on location and specification. Whilst the provision of such mitigation is positive, the actual benefit is unclear in the absence of more detailed provisions.
79		Para 8.8	It is unclear what relevance COSHH has to the control of noise. It is also unusual to see the use of noise monitoring for construction staff being advocated. There is no definition of what constitutes an 'acceptable level'. The paragraph refers to BS5228:2009 rather than BS5228:2009+A1:2014.

80		Para 9.7	It is unclear under what conditions dust monitoring might actually be implemented.
81		Para 10.3	Unclear why the EPUK leaflet is referenced, which is a high level document. An institute guideline e.g. from ILE or ILP would be preferable.
82		Para 10.4	Unclear what frequency of inspection is anticipated.
83		Para 11.16	It is unclear what monitoring is actually being proposed.
84		Para 12.17. Discharges to the foul sewer would only be permitted by prior consent of the Applicant.	Consent of the statutory undertaker should also be sought.
85		Para 13.3 Reference to EMMP	Draft EMMP should be provided with submission materials.
86		Para 14.8	The commitment to monitoring is poorly defined. Is this monitoring under watching brief or incidental observation?
87	Draft mitigation route map		A useful document to track mitigation between documents. It would be good to see this document in full on submission. The Applicant may wish to update this document during examination.
88	Transport Assessment and ES noise chapter	n/a	The volume of night time traffic that will arise as set out in Table 13.25 of the ES (with knock on consequences for noise) is not immediately clear from the transport data presented and should be explicitly set out within the TA, with appropriate cross-referencing to the ES.

Habitats Regulations Statement - No Significant Effects Report (NSER)

<b>Point no.</b>	<b>NSER Para</b>	<b>Extract from NSER</b>	<b>Question/Comment</b>
1	n/a	n/a	<p><b>Assessment method:</b> More information should be included in the NSER to confirm how you have assessed effects on European sites. This should include:</p> <ul style="list-style-type: none"> <li>• How you have defined a Likely Significant Effect (LSE); and</li> <li>• The baseline data used to inform the assessment (surveys undertaken, methodologies adopted etc.)</li> </ul>



<b>2</b>	n/a	n/a	<b>Consultation:</b> The NSER should confirm whether Natural England (NE), as the Statutory Nature Conservation Body (SNCB) agrees with the scope, approach and conclusions of the NSER. Evidence of such agreement should be appended to the NSER and/ or through cross reference to a signed Statement of Common Ground (SoCG), where available. This may reduce the need for the Examining Authority to ask questions in this regard. <b>The need for agreement on particular issues is also noted in the rows below, where relevant.</b>
<b>3</b>	1.1.3	<i>'As part of ecological assessment undertaken by Ramboll Environ, European sites within 10 km of the Proposed Development were identified'.</i>	Has the 10km study area been agreed in consultation with NE?  Written agreement should be provided as per point 2 above.
<b>4</b>	1.1.4	<i>'...along with impact matrices that assesses potential LSE's from the following potential impacts:</i> <ul style="list-style-type: none"> <li>• <i>Direct physical effects, habitat loss / fragmentation / displacement;</i></li> <li>• <i>Disturbance from noise (all sources);</i></li> <li>• <i>Changes in ambient air quality – direct (NO2, NOx, SO2 and dust) and indirect (Nitrogen and acid deposition); and</i></li> <li>• <i>Changes to water quality'.</i></li> </ul>	Has the scope of the impacts considered in the NSER been agreed with NE?  Written agreement should be provided as per point 2 above.
<b>5</b>	2.1.2	<i>'The European sites included within the screening assessment are:</i> <i>Cannock Chase SAC (UK0030107)</i> <i>Mottey Meadows SAC (UK0030051)</i> <i>Cannock Extension Canal SAC (UK0012672)'.</i>	Have the European sites scoped into the assessment been agreed in consultation with NE?  Written agreement should be provided as per point 2 above.
<b>6</b>	1.1.6	<i>'The assessment to date indicates that there would be no LSEs on any European site, either alone or in-combination'.</i>	As the assessment concludes that there would be no LSE, suggest confirming in the NSER that an Appropriate Assessment (AA) is not required.  The conclusions of the assessment (including the need for AA) should be agreed with NE. Written agreement should be provided as per point 2 above.
<b>7</b>	n/a	n/a	<b>Site description:</b> The NSER should provide a brief description of the application site and surrounding area.

8	n/a	n/a	<p><b>Project description:</b> The NSER should provide a brief description of the Proposed Development, which matches the description provided in the ES and the draft DCO.</p>
9	n/a	n/a	<p><b>Mitigation:</b> The NSER should include a detailed description of any mitigation measures relied upon to reach the conclusion of no LSE, with cross-reference to how these measures are secured in the DCO. This could usefully be presented in a table.</p> <p>If no mitigation measures are relied upon to reach the conclusion of no LSE, this should be clearly stated in the NSER.</p>
10	n/a	n/a	<p>The NSER should state whether or not the Proposed Development is connected with or necessary to the management for nature conservation of any of the European sites considered in the report.</p>
11	Figures	n/a	<p>Figure 1 usefully illustrates the 10km study area and the locations of the European sites identified. The legibility of the base map could perhaps be improved to assist the reader (to allow for easy identification of place names/ road names).</p> <p>It would also be helpful to include a figure illustrating only the red line boundary of the Proposed Development (at a smaller scale) in the NSER. Figure 1 of the Non-Technical Summary would be suitable for this purpose - although as above the legibility of the base map could be improved.</p>
12	HRA screening matrices	<p><b>Matrix for Cannock Extension Canal SAC – footnote (c):</b> <i>'Air quality impacts (i.e. effects of NO<sub>2</sub>, NO<sub>x</sub>, SO<sub>2</sub>, dust) at or near the location of the SAC will be determined on the basis of air quality modelling which is to be undertaken. Air quality impacts as a result of the Proposed Development will be presented in the final ES'.</i></p>	<p>We note that the Applicant proposes to undertake air quality modelling to determine the LSEs on the SACs resulting from changes in ambient air quality. The NSER should clearly explain the approach to air quality modelling, the worst case scenario assessed (or cross-reference to specific paragraph numbers of the Air Quality chapter of the ES) and justify how the assessment conclusions have been reached.</p>

<p><b>13</b></p>	<p>HRA screening matrices</p>	<p><b>Matrix for Cannock Extension Canal SAC – footnote (d):</b> <i>'Further assessment or investigation will be carried out to confirm the lack of hydrological link between the A5 and the [Cannock Extension Canal] SAC.'</i></p>	<p>The scoping consultation response from Staffordshire County Council noted that highways run-off has previously been identified as an issue for the Cannock Extension Canal SAC.</p> <p>Footnote (d) explains that the A5 is located adjacent to the SAC but that there 'does not appear' to be a direct hydrological connection between the A5 and the SAC. It is explained that further assessment will be carried out to confirm the lack of hydrological link. The results of this assessment should be used to justify the conclusions presented in the NSER.</p> <p>Footnote (d) also explains that the M6 Toll drainage 'is not expected' to be connected to the SAC and it appears that no further assessment is proposed. The NSER should provide certainty as to the potential effects of the Proposed Development. The Applicant should confirm the basis for this assumption and whether additional in-combination assessment may be necessary for the M6 Toll drainage. This position should be fully justified in the NSER.</p>
<p><b>14</b></p>	<p>HRA screening matrices</p>	<p><i>'Potential effects as a result of the Proposed Development on the [Cannock Chase SAC/ Mottey Meadows SAC/Cannock Extension Canal SAC] have been excluded based on the above evidence. Therefore no effects in combination with other projects are anticipated'.</i></p>	<p><b>In combination effects:</b> The conclusion that there would be no LSE on European sites from the Proposed Development alone does not mean that there is no potential for in combination effects to occur. The NSER should explain the approach taken to assessing in-combination effects, including any plans/ projects considered for inclusion in the assessment. It may be helpful to discuss with the local authority the relevant plans/projects to include in the in-combination assessment. Additional justification should be provided to support the conclusion that there would be no in combination effects.</p> <p>As per point 5 above, the conclusion that the Proposed Development would have no LSE, either alone or in combination with other plans or projects, should be agreed with NE.</p>

15	HRA screening matrices	n/a	<p><b>Footnotes:</b> Where required, the footnotes to the matrices should cross-reference to the specific paragraph numbers of the ES containing the supporting evidence (for example, when referring to information presented in the Air Quality Chapter of the ES).</p> <p>If any mitigation measures are being relied upon to reach the conclusion of no LSE (as per point 9 above), the footnotes should confirm what measures are required and how these are secured in the DCO.</p>
16	HRA screening matrices	Screening matrix for Cannock Chase SAC includes Annex II species white clawed crayfish and great crested newt.	<p>White clawed crayfish and great crested newt are not identified as qualifying species for the Cannock Chase SAC on the JNCC website or on Natural England's Conservation Objectives for the site, so it is not clear why they are included in the matrix for this site.</p> <p>Has NE requested that these species are considered in the NSER (for example, if NE intends to designate these species as qualifying features of the Cannock Chase SAC in the future)? If so, this should be clearly explained in the NSER so that the Examining Authority understands how much weight to afford these features.</p>
17	HRA screening matrices	n/a	<p>In addition to the NSER, please provide a separate Word version of the screening matrices with the application documents.</p>