

West Midlands Interchange

Objection to Proposed Non-Material Changes to the Development Consent Order

I am writing to object to the proposed non-material changes to the Development Consent Order for the West Midlands Interchange.

I am concerned that the proposed amendments, particularly when considered alongside previous amendments to the Order, represent a significant weakening of the safeguards which were established during the original examination.

1. Increasing the rail-terminal trigger from 47,000 sqm to 150,000 sqm

The most significant proposed change is the increase in the Requirement 35(b) warehouse occupation threshold from **47,000 sqm to 150,000 sqm** before the obligation to complete the rail terminal is triggered.

This is not a minor adjustment.

It represents an increase of more than three times the original threshold and would permit a further 103,000 sqm of warehouse floorspace to be occupied before the secondary rail-terminal obligation takes effect.

The original examination considered the relationship between the delivery of warehousing and the rail infrastructure to be an important issue. The Examining Authority specifically considered the phasing of the rail infrastructure and warehousing when assessing whether the proposed development met the requirements for a Strategic Rail Freight Interchange. ([NSIP](#)

[Documents](#)

The original 47,000 sqm threshold should therefore not be regarded simply as an outdated administrative figure.

It formed part of the safeguards attached to the original consent.

2. The reduction from six years to five years does not provide an adequate balance

The applicant points to the proposed reduction in the completion period from six years to five years as a counterbalance to increasing the threshold.

I do not consider that this adequately addresses the concern.

Under the existing arrangement the clock begins at 47,000 sqm.

Under the proposed arrangement it would not begin until 150,000 sqm had been occupied.

Consequently, the developer would be able to occupy a substantially greater amount of warehouse floorspace before the obligation to deliver the rail terminal is triggered.

The reduction of one year in the subsequent completion period does not, in my view, compensate for that fundamental change.

3. The cumulative effect of previous amendments must be considered

This application should not be considered in isolation.

The DCO has already been amended through previous non-material change applications, while Requirement 25 governing highway infrastructure has also been amended on several occasions.

The current application proposes further changes to the relationship between warehouse occupation and the delivery of highway infrastructure, including the A5/A449 Link Road.

The cumulative effect of these amendments is therefore important.

There is a danger that a series of individually described “non-material” changes can, over time, substantially alter the balance and safeguards contained in the original DCO.

The Secretary of State should therefore consider whether the cumulative effect of the proposed amendment, together with the changes already made, remains properly characterised as non-material.

4. Highway infrastructure and traffic

I am particularly concerned about the relationship between the occupation of warehouse floorspace and the delivery of the highway infrastructure required to serve it.

The West Midlands Interchange will generate substantial HGV movements and associated traffic.

The original DCO established a relationship between the scale of development and the delivery of supporting infrastructure.

Further relaxing the thresholds risks allowing the scale of warehouse occupation and associated traffic to increase ahead of the delivery of the infrastructure intended to accommodate it.

This is particularly important for South Staffordshire residents and communities affected by traffic on the local road network.

The fact that the developer’s construction and occupation programme has progressed more slowly than originally anticipated should not, in itself, be sufficient justification for weakening the safeguards designed to ensure that infrastructure keeps pace with development.

5. “Non-material” should not mean “no further scrutiny”

I am not suggesting that the applicant is seeking to increase the overall permitted warehouse floorspace.

The overall maximum of 743,200 sqm remains unchanged and the 186,000 sqm requirement in Requirement 35(a) also remains.

However, materiality should not be judged solely by whether the ultimate floorspace figure changes.

The timing and sequencing of infrastructure delivery are fundamental to a development of this scale.

Allowing substantially more warehouse occupation before the rail-terminal obligation is triggered is a significant change to the way in which the development is controlled.

The Secretary of State should therefore be cautious about accepting the applicant’s characterisation of these changes as non-material.

6. The interests of South Staffordshire residents

The original examination involved considerable local concern about the scale of the development, its effect on the Green Belt, traffic, pollution and the character of surrounding communities.

The Examining Authority recorded that South Staffordshire District Council itself opposed the original scheme. ([NSIP Documents](#))

Although the principle of the development has now been established, that does not mean that the safeguards attached to the consent should subsequently be progressively weakened without proper scrutiny.

Residents should have confidence that the infrastructure promised as part of the original development will be delivered in step with the development which generates the need for it.

7. Request to the Secretary of State

I therefore ask the Secretary of State to:

- 1. Reject the proposed increase in the Requirement 35(b) threshold from 47,000 sqm to 150,000 sqm;**
2. Give full consideration to the cumulative effect of this proposal alongside previous amendments to the DCO and Requirement 25;
3. Consider whether the proposed changes can properly be regarded as “non-material”;
4. Ensure that the delivery of the rail terminal and highway infrastructure remains appropriately linked to the scale of warehouse development and the traffic it generates; and

5. If the Secretary of State considers that these changes represent a material alteration to the approved scheme or its safeguards, require the applicant to use the appropriate statutory process rather than the non-material change procedure.

The original DCO was the result of a detailed examination in which the relationship between the development and its supporting infrastructure was an important consideration.

That balance should not be progressively altered through a series of amendments which are each considered separately.

For these reasons, I object to the proposed non-material changes in their current form.

Mark Sutton