

Our ref: 6903M/TG/HRAWatlingStreet/je

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For the attention of: Jessica Evans – Senior Planning Manager
By email: jessica.evans@stmodwens.co.uk

Dear Jessica

Re: Watling Street – iHRA and Ecological Assessment

Since the preparation of 'Information for Habitat Regulation Assessment' which was prepared in February 2023, further assessment has been undertaken in terms of traffic movements and in turn the air quality position, in order to refine and test the conclusions set out in the original iHRA.

The original conclusions were arrived at after careful consideration of the issues which either alone or in combination could give rise to potential effects on the conservation objectives for the European site which in turn could affect the European sites integrity. While those conclusions were arrived at taking into account the precautionary approach laid down by case law, the authors were non the less confident that the correct conclusions had been reached.

As outlined in the iHRA (February 2023), in the first instance, it is worth reiterating that the modelling work undertaken (both previously and to my understanding the updated work as well) represents a worst case scenario in relation to both the scale of the development and also the most 'trip-heavy' form of development (100% B8), which is very unlikely to occur in reality. Moreover, as discussed at length in the iHRA, the qualifying feature associated with the SAC (Floating Water-plantain) is not considered to be sensitive in terms of air quality. Taking into account these two important elements, which are vital to put this work in context in terms of measurable ecological effects, it is and remains our professional view that there is no potential for air quality impacts to lead to ecological effects on Cannock Extension Canal SAC, either alone or in combination.

Turning to the updated air quality modelling work, I note this essentially reaches the same conclusion as that outlined within the original iHRA (February 2023) – namely, there are exceedances of the 1% threshold (with some slight differences in terms of the areas affected, due to betterment in terms of predicted emissions factors for 2028, future year backgrounds, and the change in NDEP critical load). When considering the overarching improvements in air quality predicted to occur, the worst-case assessment of the development proposals, combined with generic traffic growth, the air quality thresholds will still not exceed the future improvement offset.



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Essentially, the conclusion reached therefore in the original IHRA remains valid – specifically, the modelling demonstrates that the proposals represent a retardation in overall levels of improvement in air quality terms, and therefore notwithstanding the comments regarding sensitivity and background deposition, there is no potential for adverse effects to arise upon the SAC either when the proposals are considered alone or in combination.

Overall therefore, the original iHRA took a precautionary approach and reached the conclusion that development at this site would not effect the integrity of the European Site. This further assessment work only adds to the certainty of the conclusions reached. The test for the competent authority is 'certainty beyond reasonable scientific doubt' as to the absence of effects on the integrity of the European site. This further work and assessment taking account of future changes in traffic and the changes in engine technology would meet that test. As such the site can be confirmed as an employment allocation and the LPA acting as the competent authority can even on a precautionary basis conclude that the redevelopment and expansion of this site would not breach the legislative provision or the strict legal tests set out by case law.

Yours sincerely

A handwritten signature in black ink, appearing to read 'T. Goodwin', written in a cursive style.

Tim Goodwin BSc (Hons) MSc MEnvSc MCIEEM

Enc;

| cc: Simon Taber – Ecology Solutions Limited