

Planning Act 2008 – Section 88

and

The Infrastructure Planning (Examination Procedure) Rules 2010 –
Rule 6

**Application by Four Ashes Limited for the West Midlands
Interchange Strategic Rail Freight Interchange.**

Written Representations following the Preliminary Meeting by

Deadline 2

Subject of this Submission:

The Rail Freight Interchange

Campaign to Protect Rural England (Staffordshire Branch)

Inspectorate reference for this representee: 20015574

In CPRE (Staffordshire)'s original representation on this subject we said:-

The SRFI element of the proposals

CPRE is not opposed to the use of rail rather than road transport and recognises the need for interchange facilities.

We object to the proposals:-

- In the absence of a clear and tested written commitment, in advance of the Examination, from Network Rail that the route can, and will continue to be able to, accommodate, 10 additional freight trains serving the site (20 train movements) per day.

(We think that it is really important that Network Rail be required to attend the Inquiry to answer questions from the Examining Authority in public; including how much spare capacity would be available on the line and whether this could accommodate the second SRFI at Dunston, at M6 Junction 13, South of Stafford.)

- The apparent absence of a binding guarantee is given that the SRFI element will be constructed at the commencement of the scheme and brought into use within a specified time from commencement of the development of the
- The lack of a binding assurance is given that only rail-using Companies, with a specified requirement to use the SRFI, will be accommodated on the site.

First Bullet Point

We have read the joint

Additional Submission - Statement of Common Ground with Network Rail - Accepted at the discretion of the Examining Authority¹

and found it to be ambiguous in terms of capacity. We are aware that at least two of the Relevant Representees have made Freedom of Information requests of Network Rail to try to establish a better understanding of the position of Network Rail. As simple answer from Network Rail as to what additional capacity exists

a.) at present

b.) at a specified date in the future

would be really helpful in allowing the ExA to make a justified and reasoned assessment of the deliverability of the number of train movements as this seems to be a key to the assessment of the acceptability of the application.

We understand that it has proved difficult to get clear answers from Network Rail elsewhere² (albeit on a minor, less important, non-strategic line) but as a relevant, publicly funded, body the apparently continuing absence of Network

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/TR050005/TR050005-000559-Four%20Ashes%20Limited%20-%20Statement%20of%20Common%20Ground%20with%20Network%20Rail.pdf>

² Radlett <https://www.apex-insight.com/network-rail-under-pressure-over-radlett-rail-freight-hub/>
<https://www.annemain.com/content/national-rail>
<https://www.mynewsmag.co.uk/network-rail-must-answer-to-commuters-on-radlett-srfi-says-anne-main-mp/>

Rail's appropriate, publicly expressed and justified assessment of capacity for freight trains to serve the site seems to us to remain a major problem.

Put simply, we still do not know the relevant views of Network Rail – and we think that this is really important.

Second Bullet Point

We have also made representations by the First Deadline expressing our concerns with regard to the proposed Planning Obligations: Schedule1 - Covenants with the District Council.

Our concerns have been picked up by the Examining Authority *The Examining Authority's written questions and requests for information (ExQ1)*³. (Thank you for this). We look forward to the applicants' clarification of these matters and, in particular, that a second phase of development will be related to the completion of the second phase of the RFI with no further development (Phases 3 and 4) being permitted until the agreed operational capacity of 10 trains (20 movements) per day has been reached.

Highways England in their representation⁴ by the First Deadline. Particularly the *Response to issues raised at the Open Table Hearing / DCO Issue Specific Hearing - 1. Development Phasing* emphasise the importance of the rail freight interchange and said

..."We noted the comments from South Staffordshire District Council on the phasing of the development authorised by the DCO with particular regard to the timing of the rail terminal being available for use. At the DCO Issue Specific Hearing we recorded that the availability of the rail terminal is an essential element of the basis on which the traffic analysis supporting the DCO application has been conducted.

We note that a stand-alone assessment of the traffic implications of the Phase1 development of 147,000m2 has been conducted and accepted by Highways England. This assumes no rail traffic being present and the A449 to A5 link road not opened until the 147,000m2 cap is exceeded.

Beyond the development quantum set for Phase 1, the rail terminal forms an integral element of the transport equation for the assessment of the traffic impacts of the development in accordance with the requirements of DfT Circular 02/2013 "The strategic road network and the delivery of sustainable development". Rail transport at the comparator sites selected by the applicant and agreed with Highways

³ https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR050005/TR050005-000584-First_ExQs.pdf

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR050005/TR050005-000609-Highways%20England%20-%20Response%20to%20Deadline%201%20,%20Post%20Hearing%20Submission.pdf>

England was active at the time of their assessment. The trip generation and distribution analysis at the WMI site therefore reflects the data collected from the comparator sites including an active rail link and terminal.

The traffic mitigation package submitted by the applicant is directly related to the assessments made which include an active rail terminal.

On this basis, the concerns of South Staffordshire Council over the certainty that an active rail terminal will be in place are well founded due to the unforeseen and unassessed consequences on the Strategic Road Network should a rail terminal not materialise. It is therefore a concern for Highways England that the rail elements of the proposal are brought forward in a timely manner as the standalone implications of further phases of the non-rail connected development have not been assessed. Our license duty to provide effective stewardship of the long-term operation and integrity of the SRN is placed in significant doubt if unforeseen traffic consequences occur due to the lack of an active rail terminal.” (CPRE underlining)

We share the District Council and Highways Agency concerns.

We have failed to find the views of Staffordshire County Council, as Highway Authority, on this issue (but we may have missed them).

Third Bullet Point.

We have seen no undertakings that only rail-using Companies, with a specified requirement to use the SRFI, will be accommodated on the site.

In fact, we have seen no indication that any of the warehouses will be required expected to use the SRFI. In practice we could have a Green Belt site where none of the occupiers used rail and all were wholly dependant on road!

We think that the buildings to be constructed should comply with:-

National Policy Statement for National Networks⁵

Presented to Parliament pursuant to Section 9(8) and Section 5(4) of the Planning Act 2008

December 2014

Scale and design

4.88 Applications for a proposed SRFI should provide for a number of rail connected or rail accessible buildings for initial

⁵ <https://www.gov.uk/government/publications/national-policy-statement-for-national-networks>

take up, plus rail infrastructure to allow more extensive rail connection within the site in the longer term. The initial stages of the development must provide an operational rail network connection and areas for intermodal handling and container storage. It is not essential for all buildings on the site to be rail connected from the outset, but a significant element should be.
(Our emboldening, italicisation and underlining)

We suggest that the application and obligations do not meet the requirements in NPSNN - particularly as shown by our underlining above.