

PLANNING ACT 2008

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

APPLICATION FOR THE WEST MIDLANDS INTERCHANGE DEVELOPMENT CONSENT ORDER
(Reference TR050005)

RESPONSE TO EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS OF
NETWORK RAIL INFRASTRUCTURE LIMITED

5 April 2019

The Responses to the Examining Authority's First Written Questions of Network Rail Infrastructure Limited (**Network Rail**) are contained in the following table:

1.2.1	Need in the North West Quadrant of the WM Paragraph 5.18 states that the Proposed Development is included in the list of sites on which the forecasts in the Long-Term Planning: Freight Market Study (October 2013) (as summarised in NPS Table 3) are based. Is this correct and, if so, what if any bearing does its inclusion in that list have regarding the demonstration of a clear need for: (i) a SRFI in the North West Quadrant of the WM Region, and (ii) the suitability of the Four Ashes Location to meet any identified need?
Network Rail's response:	In fact the Freight Market Study does not refer to specific sites: these are mentioned on page 34 (map) in the supporting information to the DfT strategy here: https://www.arup.com/perspectives/publications/research/section/future-potential-for-modal-shift-in-the-uk-rail-freight-market and here: https://www.gov.uk/government/publications/rail-freight-transport The inclusion of West Midlands Interchange in the DfT Freight Strategy is indicative of the market opportunity for a SRFI at this location, and the feasibility of the location for a SRFI.
1.2.2	Paragraph 5.1.11 refers to the Strategic Rail Authority's Strategic Rail Freight Interchange Policy (March 2004). (i) Given the subsequent designation of the NPS what is the current status of that policy? (ii) Given the date of the document, what if any weight can now be put on its findings as to the need for SRFI capacity in the West Midlands (WM)? (iii) Have any significant SFRI facilities been opened or approved since the publication of that report that would help to meet the need identified in the Policy?
Network Rail's response:	(i) The Strategic Rail Authority's 'Strategic Rail Freight Interchange Policy' of 2004 has been overtaken by the DfT's Rail Freight Strategy (published 13 September 2016) https://www.gov.uk/government/publications/rail-freight-transport which explains the policy in regard to SRFIs. (ii) As in response to 1.2.1 above, the inclusion of West Midlands Interchange in the subsequent DfT Freight Strategy is indicative of the need for SRFI capacity in the West Midlands.

	(iii) No facilities of the size, capacity and capability of a true SRFI have opened in the West Midlands in the time since publication of the 2004 policy.
1.2.8.	<p>Alternative Sites Assessment [APP-255]</p> <p>(i) Although there appears to have been some engagement at consultation stage, what consultation or engagement was carried out with relevant bodies and authorities when setting out the methodology and area of search adopted in the Alternative Sites Assessment (ASA)?</p> <p>(ii) Was consultation carried out in respect of sites included in the long list of potential sites and the subsequent filtering of this list to produce the short list of sites at paragraph 8.4.1 of the ASA?</p> <p>(iii) To what extent are the findings of the ASA agreed by the local authorities within the sub-region, particularly in relation to those included in the short list of sites considered?</p>
Network Rail's response:	<p>Network Rail is not determining the locations for SRFIs and will react to proposals as they are developed. We would contract with proposers of SRFIs under the normal guidelines for 'Investing in the Network' here: https://www.networkrail.co.uk/industry-commercial-partners/third-party-investors/</p>
1.2.11.	<p>Paragraph 5.5.31 states that, to achieve a suitably sized site at Dunston through CA, would require it to be demonstrated that there are no alternative sites available but, unlike the Four Ashes Site, the potential site at Dunston does not include Green Belt land.</p> <p>Has sufficient work been undertaken in the ASA to rule out the potential Dunston site as a suitable alternative for a SRFI development?</p>
Network Rail's response:	<p>NR has not previously been made aware of any proposals at M6 Jn13 (Dunston), and in the absence of any development work cannot offer any comment as to the merits or drawbacks of such a proposal.</p>
1.2.12.	<p>Capacity of Rail Network</p> <p>The Initial Rail Freight Terminal proposed is expected to attract 4 trains per day and the Expanded Terminal would have capacity for up to 10 trains per day. NR [RR-0990] states that it is broadly supportive of the proposal but does not directly confirm the availability of rail paths for this projected number of trains.</p> <p>(i) What evidence/reassurance can NR provide that sufficient rail paths will be available in the short (Years 1-5 of the proposed construction phasing) and longer term (Years 6-10) to accommodate these anticipated train movements without an adverse effect on passenger and other freight movements on this part of the WCML?</p> <p>(ii) Can these suggested movements satisfactorily be accommodated without a significant effect on the speeds of passenger services using this section of the network?</p>
Network Rail's response:	<p>The evidence in the most recent capacity study (PRA Operations Planning) suggests daytime paths are available, particularly in the light of the availability of infrastructure (loops) to recess freight trains at Rickerscote (Stafford) to the north of the proposed Interchange, and at Bushbury (Wolverhampton) to the south. The study would need to be updated to accommodate freight trains within the relevant future timetable, but there is no reason to suggest the capacity identified in the report is not available.</p>
1.2.13.	<p>(i) Could the rail freight movements generated by this proposal (of up to 10 trains per day) be accommodated on the WCML and wider network in addition to those that are expected to be generated by the DIRFT 3, East Midlands Gateway, Rail Central and Northampton Gateway SRFI developments?</p> <p>(ii) Would the rail freight movements generated by this proposal (of up to 10</p>

	trains per day), either in isolation or in combination with those associated with other consented or proposed SRFI projects, be likely to impinge on the capacity of the WCML and passenger services between Milton Keynes and London (see Doc [AS-012]?)
Network Rail's response:	<p>The PRA Operations Planning capacity study covers a large rail geography and identifies some capacity constraints in the Crewe area and on the south end of the WCML.</p> <p>However, capacity has been released by the fall in traditional rail traffics such as coal and steel. Capacity improvements are planned, underway or completed on key routes to and from the ports, for example routes between Southampton and WCML, and between Felixstowe and Nuneaton. While each SRFI will need to address capacity on their approaches, it is a matter of policy that a network of SRFIs is created, and paths will be secured for trains serving this network through the normal timetabling process.</p>
1.2.14.	<p>Paragraph 3.3.11 of the Rail Operations Report [APP-256] refers to the Applicant and NR having worked on two separate timetable studies to consider how trains to and from the Proposed Development could be scheduled around existing passenger and freight services. These are also mentioned in the SoCG between the Applicant and NR.</p> <p>(i) If worked on jointly by the Applicant and NR to what extent were these "independent studies" as asserted in that paragraph?</p> <p>(ii) Is it intended that these studies be put into the examination and, if not, what are the reasons for this?</p>
Network Rail's response:	<p>(i) NR's involvement has been to assure the outputs of the reports, and we are satisfied they are appropriate.</p> <p>(ii).It will be for the Applicant to decide if the studies are made available to the examination</p>
1.2.15.	What progress has been made with the 'Capacity Plus (Phase 1 WCML)' process?
Network Rail's response:	<p>Network Rail West Coast Main Line Capacity Plus [unpublished document]: NR produced this draft document but it was not completed or formally published. The conclusions reached in it are not up to date and cannot be relied upon by the ExA. In answer to the ExA's Question, therefore, NR confirms that this document has not been taken into consideration or reviewed.</p>
1.2.28.	In response to comments made at the Open Floor Hearing what is the scope for the provision of a new passenger station on the WCML in close proximity to the Site to help facilitation sustainable transport options for future employees of the proposed development?
Network Rail's response:	<p>Network Rail is unaware of any proposal to develop a new passenger station on the WCML in close proximity to the Site.</p> <p>Given the proximity of Penkridge station, the entrances and exits to the proposed SRFI, as well as the presence of Four Ashes Loop, the physical presence of a station at Four Ashes would present real operational challenges. It would be a costly change, involving probable changes to the track layout, the signalling system and the overhead electrification. The proposal would need to be fully funded by third parties, with capital cost in the tens of millions of pounds, and the need to have a train operator prepared to stop there against a background of business pressures to accelerate train schedules, not to slow them down.</p>

<p>1.9.7.</p>	<p>The change in noise level resulting from increased train movements has been calculated for a notional receptor set 25m back from the nearside rail (paragraph 13.337).</p> <p>Is this agreed to be representative of the position of the nearest noise and vibration sensitive receptors along the WCML corridor to the north and south of the site?</p>
<p>Network Rail's response:</p>	<p>The distance 25m from the nearside rail is a standard distance at which noise calculations are made. If a change in noise is negligible (for example) at this distance, then it is likely to be negligible at all other distances.</p> <p>An assessment at 25m could be used to understand if there was going to be any perceptible changes in noise. If there were, further assessment would be undertaken at specific receptors or locations, with the calculations corrected to take account of actual distance from the track and the ground cover and any screening between the receptor and the track.</p> <p>If there were no perceptible changes identified along sections of track from the 25m calculation, further assessment might not be necessary. There might still be a need to assess maximum noise levels, night-time absolute levels and changes in track position and/or train movements.</p>

A number of questions are not asked of Network Rail but we would wish to comment on:

<p>1.13.3</p>	<p>(i) In relation to the "special provisions" (section 9.3 of the Drainage Strategy) required to implement the drainage strategy would the construction of new drainage beneath the WCML and the S&WC be authorised by the dDCO as drafted?</p> <p>(ii) If not, is there a need for some additional wording to the 'Works' descriptions to include these?</p>
<p>Network Rail's response:</p>	<p>We do not think this is in the DCO works, In any event the proposals would need to be taken through Network Rail's full asset protection processes. No Asset Protection Agreement is currently in place. Further, Network Rail requires that the appropriate property agreements are entered into by the Applicant in respect of any rights required as part of the construction of new drainage beneath the WCML.</p>
<p>1.16.6</p>	<p>In relation to LP21 the SoR states (page 18) that the CA of all interests in the plot is required to accommodate the removal of the masonry bridge (part of Gravelly Way) over the WCML.</p> <p>(i) Is the CA of all interests in this LP necessary and proportionate?</p> <p>(ii) Why could the necessary objective be secured by TP powers or other temporary means?</p>
<p>Network Rail's response:</p>	<p>Apart from the powers mentioned in the question, Network Rail's permission and the prior entering-in to an Asset Protection Agreement or an Implementation Agreement would be needed before the bridge could be demolished.</p>

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