

In response to Ex Q3.1.1

Schedule 2 – Part 2: Rail Requirements – The Flexibility provided for in the draft Requirements

Questions (i) to (v) could lead to a circular but false argument and spurious conclusion: Some warehousing must be built in order to generate commercial interest in, and funding for, the provision of rail infrastructure as required for the site to be a Strategic Rail Freight Interchange (SRFI) and therefore fulfil the description of a Nationally Significant Infrastructure Project (NSIP) necessitating Very Special Circumstances needed to justify [what all parties agree to be] inappropriate development in the Green Belt.

This circular argument can not be used in favour of the development for the following reasons:

A demonstrable local ‘need’ is required to warrant the development of an SRFI. However, this argument suggests no such ‘need’ currently exists. Businesses would not be attracted into the development by the questionable merits of a rail freight facility which did not yet exist. This in turn suggests that any businesses attracted to the site would be quite content to use the existing road freight infrastructure for a period of years or permanently, even if the rail infrastructure came into existence at some undefined future date.

None of the suggestions in favour of ‘flexibility’ relating to when or how the site would become transformed from an ‘inappropriate development in the Green Belt’ to a needed or desirable facility appear to place any legal obligation on the occupiers of the site to use a rail freight facility. Without such an obligation the occupiers may decide for whatever reasons that it is expedient solely to use road freight.

In Conclusion:

Paragraph 1 of 3.1.1 refers to:

‘[...] the Applicant’s commitment to the construction and completion of the rail connection and terminal proposed as part of the WMI development.’

It appears to many who are affected by the proposal (the WMI) that the ‘Applicant’s commitment’ in this context extends no further than that required to secure the Secretary of State’s approval for the development as, ostensibly, an SRFI, because in all other cases permission for such a development would remain unobtainable.