

From: [REDACTED]
To: [West Midlands Interchange](#)
Subject: Deadline 7 - 7 August 2019
Date: 06 August 2019 21:38:19

Dear Sir/Madam

I write in response to your request for a response to written questions as follows.

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

As set out in the documentation circulated the argument for the project being of national importance and satisfying the very special circumstances for release of land from the green belt is that the terminal is rail served and nationally strategic. In that sense there needs to be certainty that the rail terminal is delivered and that any permission does not simply result in a 186,000 sq.m. warehouse park with no rail connection. In my experience of local planning and transport development control the specification and enforcement of thresholds is an extremely difficult area. Economic drivers inevitably mean that having secure permission a developer will manage their investment to avoid excessive costs and extract returns. Similarly once a development has been constructed and occupied it is extremely difficult for a Local Planning Authority to take enforcement action. If it does this will result in further appeals and uncertainty.

I would argue that as the special circumstance relates to the rail terminal and if as the applicant argues there is a demand the rail terminal should be provided within the construction period of the first element of warehousing. Otherwise there is a significant incentive for the developer to work to avoid generating traffic movements and any requirement for the freight terminal. The exceptional national circumstance of this development make this eventuality one which means that the very special circumstances are not proven.

If the Inspectorate does believe that some scope should be permitted the developer should be required to lodge the relevant investment for the rail terminal generated by an early phase in an account that can solely be used to construct the rail element. If this was done pro-rata with the appropriate clauses this would avoid a threshold that could be avoided.

I trust that the above responds to your question.

Regards

Peter Davenport
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