

11th February 2020

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Department for Transport
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By email only: WMInterchange@planninginspectorate.gov.uk

Dear Mr O'Hanlon,

I have attached for your attention, a submission to your current request for responses. This is:

1. Response from the Stop the WMI Group.

I would ask, on behalf of my constituents, for this response to be given due weight and consideration and I respectfully request the Secretary of State dismiss this Green Belt application.

Yours sincerely

Theo Clarke MP
Member of Parliament for the Stafford Constituency

Enc.

Response from the Stop the WMI Group.

The Stop the WMI Group were disappointed to learn that the applicants had submitted very late information with the purpose of subverting the final decision process for the West Midlands Interchange. The choice of the week prior to Christmas to submit a biased interpretation of the regulations is contemptible. Whereas we were surprised to see it admitted so long after the examination had closed. Kudos to the Dept for Transport for delaying publication until suitably after the festive period., however we are not left with adequate time for a detailed response and analysis.

The gist of Evershed's late entry is to give their beneficial interpretation of the National Network National Policy Statement (officially known as NPS, which they are calling NPSNN) and in particular the three paragraphs 4.83, 4.88, 4.89

The argument revolves around how the word "**should**" is interpreted and what it allows not to be done. Our comments are thus:

(1) Morag Thompson and Eversheds are not new to the 2008 Planning Act or the NPS that expands it. Indeed, both names featured in the 2016 East Midlands Gateway and 2019 Northampton Gateway SRFI applications. (Each time with beneficial late communications involved). A look at Hansard shows the involvement of their clients in the framing of the planning policy. Therefore they had plenty of time to debate the definitions within the examination period.

(2) That the use of the word "**should**" in the legislation logically relates to the broad range of situations and conditions of an SRFI application - not to badly chosen wording.
eg. If prescriptive statements were used for each situation then:
an SRFI proposed in an industrial area next to a railway and major road **should** have sufficient rail connectivity in place, when economically possible;
an SRFI near London **ought** to have connectivity as soon as possible but the Government will accept whatever is on offer;
a site that **may** need to be in the countryside **must** have sufficient rail connectivity in place to justify its location - from the outset;
whereas a site that is proposed in Green Belt better have both damn good reason and an all i's dotted and t's crossed adherence to better-than-the-minimum rail connection and paths requirement before completion of any usable accomodation, to justify that intrusion.

(3) That comments on paragraph 4.89 also seek to subvert the application. The capability of four of more paths requires them to be not just physically capable of being within the proposal site but also **able** to get into the proposal site within the capacity and speed constraints of the rail network. The latter has certainly not been demonstrated and failure to guarantee that for a Green Belt site would be a huge failing.

(4) Examination of the 2011 version of NPS shows some additional qualifications that the applicant assisted in re-drafting:

4.2 Transport Links and Location

The provision of new SRFI (and other RFI) capacity is entirely commercially driven by the private sector. Clearly, developers of SRFI or proposed extensions to existing RFIs will wish to ensure that they are appropriately located relative to the markets they will serve, which will largely focus on major urban centres, or groups of centres, with links to key supply chain routes. This means that SRFI capacity needs to be provided at a wide range of locations, particularly but not exclusively serving London and the South East, to provide the flexibility to match the changing demands of the market, possibly with traffic moving from existing RFI to new larger facilities

(5) Not only is this late representation seeking to add considerable tolerance and flexibility in the case of a consent but suggests that a rail connection is not actually desired by the applicant at all. The possibility of a first phase of road based warehousing before any critical infrastructure propped up only on the promise of a fragile shell company is inconceivable.

(6) We note that this Applicant **must** reinstate each zone of his Quarry to Agricultural Green Belt according to the County Council's Permission - but hasn't bothered - so how could they be trusted with something even more lucrative and destructive.

(7) Primarily the siting of an SRFI at this location is fundamentally wrong, for the reasons that we presented within the examination period (Green Belt , unsuitable & unviable business location, potential chaos for the strategic road network, loss of farmland, loss of woodland, a ridiculous and unsustainable additional HGV traffic burden, no requirement for jobs in the area, current heavy and increasing traffic on an over capacity M6, Smart Motorway hard shoulder danger, HS2 conflict with whatever scenario, etc.).

Additional

Further to the time constraints of the examination period, there have been a number of relevant news items which we take this opportunity to raise:

HS2. The decision may be after this submission so we can only predict.

If HS2 is approved from London to Birmingham but not onwards the required number of paths will not be available. If the complete HS2 system is approved then there will be insufficient capacity for several decades. If the northern link is not approved but investment into the northern rail system is made then significant freight will bypass the Midlands and back feeding from Liverpool / Manchester / Leeds would occur making WMIs position unviable for rail.

New Agriculture Bill (changes EU farm payments from land area basis to an environmental protection basis: trees, water, soil, wildlife and public access)

Bescot sleeper factory (Walsall/Sandwell) was rejected and will now become storage for Passenger rolling stock. This will potentially lose an excellent SRFI location and generate additional train movements on our section on rail.

The **Royal Ordnance Factory** redevelopment application is currently in for planning (nobody has considered rail linking as important in this potential SRFI location).

Andy Street, Mayor of West Midlands, has stood up for **Green Belt** protection in the area and has not offered any support for WMI in the Midlands Connect Strategy and promotes the Midlands Rail Hub in Birmingham.

Midlands Connect's Rail Programme Manager, Richard Mann, has quoted the following *incites Much of our cargo comes from the ports of the South East, Southampton and Felixstowe, where high land values impede the construction of SRFIs. Working to overcome this challenge will benefit freight capacity UK wide.*

Post-Brexit, it may be that multimillion pound investment in the Humber Ports draws traffic away from a congested Dover; we must keep our ears to the ground and be ready for change.

www.transporttimes.co.uk/news.php/It-s-time-to-talk-about-the-future-of-rail-freight-387/

Brexit. We exit the EU as this is returned so food resilience and protection of local environment becomes even more important and a major voter consideration.

Corona virus: The current WHO global health emergency highlights the fragility of global trade, over reliance on Chinese imports and weaknesses in our own manufacturing and food production resilience.

Environment: Recent events and elevation of climate change to global emergency status and environmental pledges already at Davos 2020 and UK hosting of the UN Climate Change Summit COP26 this year puts environmental protection at the forefront of decision making.

The Dept of Transport's letter also has several questions. One regarding Sidings both in practical ability and construction timing that is referred to Network Rail.

Everard's also mention that Shunting ability was not contested during the examination (page 3).

We can point out that the rail connection sidings were commented upon in written representations and that the Northampton Gateway opposition group have recently pointed out failings in the sidings effectiveness of WMI application layout. We do not have rail expertise available at this late stage to analyse the situation further.

Additionally the Dept of Transport's letter refers to the A449 culvert and Highways England's objections to its use by WMI. We also remind the Secretary of State of the increased rainfall that climate change brings us which we feel the proposals surface water drainage and lagoons will not cope with. There is a large (internationally reported underground plume of ground pollution) close to the Four Ashes / A449 junction migrating towards ground water boreholes that does not appear to be adequately reported on. We refer to it in our environmental document.

Based on the above evidence we respectfully request the Secretary of State to dismiss this Green Belt application.