

Helioslough Ltd.

APP/B1930/A/09/2109433/NWF

Nick Gallop
Rail
Rebuttal

Radlett

Strategic Rail Freight Interchange



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1 Introduction

- 1.1 This Rebuttal Statement addresses several of the rail issues raised in the Proof of Mr B Wilson for St Albans District Council (SADC), and Mr D Hirst for STRIFE.
- 1.2 In addressing these Proofs of Evidence, the background context is reiterated in relation to:
 - a) the Secretary of State's decision and Inspector's conclusions from the previous Public Inquiry;
 - b) the position of the Department for Transport, which has restated its support for development of SRFIs around the M25, in connection with the development of its Strategic Freight Network, whose scope encompasses the Midland Main Line;
 - c) the position of Network Rail, as the guardian of the rail network infrastructure and the traffic that passes across it, which has again stated its support in principle for the Radlett SRFI proposals, as has:
 - d) DB Schenker, Europe's largest rail freight and logistics operator, who has made an unsolicited approach to provide rail freight and related services on site;
- 1.3 Any debate about the merits of the proposed site, its location and the capability or capacity of the rail network to accommodate the proposed development therefore needs to be considered within this context of the professional view of the above individuals and organisations.
- 1.4 In summary, my rebuttal will concern that evidence submitted by the Council and StriFE, which reiterates arguments on rail matters which were previously and exhaustively covered by the previous Inquiry (and documented extensively in the Inspector's Report). This stance is compounded by only passing (and at times dismissive) references to the above context, in particular the assessment of the previous Inspector's conclusions.
- 1.5 The evidence which I have prepared and provide for this appeal reference APP/B1930/A/09/2109433/NWF in this Rebuttal Proof and in my original Proof is true and I confirm that the opinions expressed are my true and professional opinions.

- 1.6 In this regard, the last Inquiry considered at length and agreed the following rail-related points:
- a) Suitability of location for an SRFI;
 - b) Ability to achieve a main line connection;
 - c) Availability of capacity on the national rail network;
 - d) Ability to achieve a loading gauge solution;
 - e) Proposed conditions on the development.
- 1.7 The only changes which have been identified in my evidence between the end of the last Inquiry and the start of the current Inquiry are either neutral or positive. The only exception to this arises as a consequence of the Council's evidence on rail matters being different at this Inquiry, the council having instructed a new rail consultant with apparent disagreement with the points agreed at the previous Inquiry on the evidence of the previous rail consultant.

2 Proof of Evidence Mr B Wilson (LPA2.2)

Evidence of previous rail witness for the Council

- 2.1 Mr Wilson notes in paragraph 2.2 that he did not provide evidence to the previous Public Inquiry. This role was filled by Mr Thorne from Atkins Rail on behalf of the Council.
- 2.2 Mr Thorne summarised his evidence as follows:

13.1 There is no case for an SRFI to be located at Radlett on the Midland Main Line to the north of London. There is no evidence of a demand need specifically for the north of London. Radlett would therefore be an unsatisfactory strategic location to encourage the use of rail for intermodal distribution.

13.2 To reach the volumes suggested, an SRFI at Radlett would need to deliver traffic by road extensively to all parts of London and the south east. A terminal to the north of London would be wrongly placed strategically to serve many parts of the south east region. This would be detrimental to sustainable transport objectives.

13.3 Distribution centres better placed strategically for London would reduce rail and road costs. The proposed terminal on the MML to the north of London is more likely to become a predominantly road based facility with rail services providing only a minor role.

13.4 There are potential alternative sites for SRFIs in the London area which would be better strategically placed. These included Barking/ Dagenham, Colnbrook and London Gateway.

13.5 Traffic will arise largely from the south and east of London and rail services would require to cross London to reach Radlett. Traffic would then need to be brought back by road to London and the South East. This is likely to increase the use of road vehicles and make rail less competitive overall..

13.6 An SRFI proposal for Howbury Park which could serve south east London is awaiting the Secretary of State's decision. A further site at Alconbury has been approved for development but not yet implemented. This site will serve the region to the north and east of London.

13.7 All rail traffic would need to cross London to reach Radlett. It is not proven that sufficient freight paths will be available across London to meet the needs of additional freight trains for Radlett. No pathing or capacity analysis has been provided for cross London freight services to take into account future demand or the impact of Thameslink or Crossrail implementation.

13.8 The MML is not a core freight route for intermodal traffic. Gauge enhancement will be required south of Radlett and it is not planned, at least initially, to provide a north facing connection. The unsuitability of the strategic location and rail network constraints will reduce the economic viability of using rail for traffic to the terminal.

13.9 Most freight services proposed for Radlett, those from the Channel Tunnel, Solent Ports and UK Regions will still be subject to gauge constraints even if the applicants fund gauge enhancement at the southern end of the Midland Main Line.

13.10 Trunk haul rail and road costs for the movement of containers to Radlett are similar. Therefore any increase in rail costs arising from gauge or pathing constraints will adversely affect the competitive position of rail against road. A distribution terminal at Radlett is therefore likely to be used predominantly for traffic brought in and distributed by road if rail costs are unable to be competitive.

13.11 The grade separated junction and gauge enhancement proposed for the rail connection at Radlett are likely to be expensive raising questions about the economic viability of the rail facility.

- 2.3 The Inspectors' review of the rail evidence included the following (the references from Section 6 are from the Inspectors summary of the Helioslough case and are included to illustrate the breadth of the debate):

Para 6.82 - The Councils' rail witness, Mr Thorne, said in cross-examination that he did not dispute the need for three or four SRFI to serve London and the South East, and that, if the Government's aim of transferring freight from road to rail was to be achieved, the provision of these facilities was "essential."

Para 6.84 - Mr Thorne accepted that the current proposal fell within the scale set out in the SRFI Policy (40 to 400ha).

Para 6.85 - Mr Thorne accepted in cross-examination that the SRFI Policy expressly states that, in order to work, a SRFI must have road and rail traffic and it cannot be an objection to a SRFI that a significant proportion of its traffic will be road-based.

Para 6.96 - In view of this categorical support [from Network Rail], Mr Thorne and First Capital Connect (FCC) were left making the rather lame argument that future paths could not be guaranteed, a specific example being the impact of Crossrail. This argument merits no weight, because as Mr Thorne himself accepted, future paths can never be proved to exist for any proposal, anywhere. If accepted as a valid argument, lack of guaranteed future paths would put a stop to the development of any SRFI. As Mr Thorne accepted, all that can be done at present is to eliminate 'show stoppers'. In respect of Crossrail, the highest Mr Thorne could put it was that it "could be a show stopper – whether it will be we don't know". In any event, such an argument, if accepted, would dictate refusal for any SRFI which relies on traffic coming through London.

Para 6.98 - Forced to accept that there were no technical, physical or engineering reasons why Radlett would not work, and unable to argue against the fact that the guardian of the network had concluded that there was sufficient capacity and paths, Mr Thorne decided to float a different argument: that Radlett would not be attractive to the rail freight market because "there are better locations." Not only does this opinion conflict with the opinion of all the other bodies who have long recognised the potential of Radlett, but it was also based on very confused thinking, as became clear during the course of cross-examination.

Para 6.99 - So, for example, Mr Thorne at one point suggested that the need could be met by London Gateway. Asked whether he thought it sensible to serve the north-west of London from London Gateway, he replied "not solely but with others." Asked to identify the others, he put forward two candidates: Colnbrook and Alconbury.

Para 6.100 - As regards Colnbrook, to put this site forward is affirmation itself that if one is to serve the north west sector one needs to locate one of the SRFIs in this sector. In any event, the credibility of Colnbrook as an alternative was undermined by Mr Thorne's later answer to the Inspector that the Great Western Main Line was congested, and that rail capacity issues would need to be taken into account. That answer should be seen together with his answer in cross-examination that he had

no evidence in respect of any of the alternative sites that paths were or would become available. In contrast, he confirmed to the Inspector that he was relaxed about capacity on the MML. He could hardly argue otherwise, given Network Rail's position, re-emphasised in their latest letter, that the line has significant spare freight capacity (INQ/2.6, p11). In this regard, it is also appropriate to note that in their Hertfordshire Rail Strategy, the County Council stated that its position on the Radlett proposal would be "likely to be influenced by planning and environmental issues" (CD/6.9 p16). It did not suggest that capacity issues or appropriateness for a freight terminal in rail terms were significant factors likely to influence the County's position.

Para 6.101 - Turning to Alconbury, on closer examination it became clear that Mr Thorne's position was that it could not serve the north-west of London, but it could serve the north-east of London. Asked whether it was sensible to back haul all the way from Alconbury to London, he said he was not saying it could serve London inside the M25. This gave rise to the question, asked by the Inspector, "Do you see Alconbury as one of the three or four SRFIs needed to serve London?" to which he replied "No." One is left wondering how putting forward a site which cannot meet the identified need takes the debate any further forward.

Para 6.102 - The appeal proposal is deliverable in operational and technical terms, and measures up very well against the criteria identified by the SRA in its SRFI Policy. None of the independent, objective bodies who have considered the proposal have ever suggested that it does not meet the criteria, or that it would not assist in meeting the urgent, identified need to have three or four SRFIs to serve London and the South East. In terms of meeting the criteria, even Mr Thorne, when taken to it, agreed that Radlett was "just such a location" and that the site "qualifies under those terms."

Para 6.127 – bullet ii) Willesden: The Council's rail expert Mr Thorne accepted that this site is too small to function as a SRFI.

Para 6.127 – bullet iii) Barking, Dagenham, Alconbury and Shellhaven: None of these locations are appropriate to serve the NW sector and, against the backdrop of a policy that requires three to four SRFI around London, it makes no sense to reject Radlett in favour of such locations. Alconbury, moreover, has not come forward, and at present there is no evidence to suggest that it will; indeed the site is now being

promoted as an eco-village. Also Mr Thorne accepted, as noted above, that Alconbury could not function as one of the three to four SRFI needed for London.

Para 7.239 - For his part, Mr Thorne indicated that the [Sundon] site was equally placed in rail terms to the appeal site.

Para 16.125 - The Council's rail witness, Mr Thorne, conceded that it would not be sensible to serve the north west sector of London from London Gateway [6.99]. Equally, he agreed that a site at Alconbury would not effectively serve north-west London [6.101].

Para 16.156 - As to the relative economics of road haulage and rail haulage, I accept that where trips are relatively short, road haulage costs are likely to be lower than haulage by rail [7.277]. My understanding, however, is that the position is far more complex than assumed by Mr Thorne's calculations.¹

Section 3 – Conclusions and changes in circumstances following the 2007 inquiry

- 2.4 Paragraph 3.2 sets out a number of suggested changes in circumstances, although no indication is given in this section as to whether these are “material” in altering the previous conclusions of the Inspector or the decision of the Secretary of State. Against the list set out, the following comments are made:
- a) Draft East Midlands RUS – this is a draft document, reiterates the pre-existing Thameslink programme and does not suggest any dilution of freight capacity on the MML, so in this regard cannot be considered to materially alter the previous position. However, the document refers to the scope for further significant enhancement of the MML as a core freight route, arising from the Route Utilisation Strategy, Strategic Freight Network, Freight Routes to the North and electrification proposals, so in this regard is of material benefit to the Radlett SRFI proposals;
 - b) Strategic Business Case for New Lines – this report (carried out for Network Rail by SDG) confirms that all radial routes out of West and North London are likely to be operating at capacity by 2020, hence justifying the need for new high-speed lines (a campaign for which is being led by SDG Director Jim Steer²). This high-level scoping

¹ 9/CD/8.2, paragraphs as shown

² <http://www.greengauge21.net/about-greengauge21.html>

report serves to confirm the Government's policy stance on the railways, which acknowledges the success in attracting more passenger and freight traffic to the rail network, and the aim to deliver a railway capable of carrying twice as much traffic by 2030, so does not in itself represent a material change in policy;

- c) Strategic Rail Freight Network – the Longer Term Vision – this document has set out Government policy for the SFN (which already has £200m committed by Government), and acknowledges the MML as a core route for upgrading as part of the SFN development. Furthermore, the document sets out the Government's policy on SRFI, and uniquely cites the opportunity to clear the MML to continental loading gauge, linked to High Speed 1. This represents a material enhancement of the Government's position on the MML status as a core freight route, and the promotion of SRFI policy beyond the guidance inherited from the former SRA;
- d) Implementation of the Thameslink programme – this is merely a continuation of the same programme committed to by Government in July 2007 the potential impact of which was exhaustively discussed at the earlier Inquiry;
- e) New East Midlands Trains franchise – I am not aware of any substantive impact on the Thameslink service as implied by Mr Wilson;
- f) Howbury Park consent – this should be considered a positive material change, as the Inspector to the previous Inquiry noted that this would strengthen the case for a second SRFI serving London being located elsewhere³;
- g) The KIG Appeal relates to a planning application for an SRFI in Kent, which has yet to be concluded and in any case is not intended by the applicants to form one of the 3 or 4 SRFI around the M25;
- h) The anticipation of a planning application for SIFE does not constitute a material change, given that the site was known about at the time of the last Inquiry, and the view of the Appellant (and DB Schenker) is that the sites have the potential to be complementary;
- i) The extent to which consent for London Gateway should be taken as a material change in the context of the Radlett SRFI proposals can be drawn from the conclusions of the Inspector to the previous Inquiry which show quite clearly that the site was considered and, where the previous rail adviser to the Council conceded that

³ 9/CD/8.2 paragraph 16.126

it would not be sensible to service the north west sector of London from London Gateway⁴;

- j) Notwithstanding that no evidence is submitted to support the claim of significant declines in intermodal rail traffic, a joint rail industry report from May 2009 states that despite the current economic situation, demand for passenger and rail freight services is still expected to double over the next 30 years and possibly triple beyond that;⁵
- k) Implementation of the Gospel Oak – Barking and Southampton – West Midlands enhancement projects will be of material benefit to Radlett, either to open up new paths for trains across London to and from Radlett, and/or to transfer trains from other cross-London routes;
- l) Implementation of the North London Line enhancement works will likewise be of material benefit to Radlett for similar reasons as described above.

Section 5 – Helioslough Proposed Conditions

- 2.5 Paragraph 5.2 considers that acceptance of the proposed rail conditions carries a significant risk. Neither the Councils (see below) or the Inspector or the Secretary of State at the previous Inquiry shared these concerns.⁶
- 2.6 Paragraph 5.5 considers that the conditions should be strengthened, to include:
 - a) A full Network Rail GRIP 4 Feasibility Study – Network Rail has noted if consent is granted, such a study would be progressed in any case through the normal Development Service Agreement (DSA) process;
 - b) A Development Timetable in accordance with GRIP 4 procedures – my comments are as at a) above;
 - c) A Network Change Notice – see Mr Smith’s rebuttal;
 - d) A signed Implementation Agreement – again as at a) above.
- 2.7 Again, no such conditions were proposed by the Council or the Inspector at the previous Inquiry, the Secretary of State makes no mention of them being required.

⁴ 9/CD/8.2 paragraph 16.125

⁵ 9/HS2.1, paragraph 4.8

⁶ 9/HS2.1, paragraph 8.2

Indeed, the Inspector’s report notes that the Councils agreed all the rail-related conditions⁷, as they have agreed the conditions for the current application.

Section 6 – Policy Context

- 2.8 Mr Tilley’s rebuttal deals with most of the points made by Mr Wilson on policy context.
- 2.9 Paragraph 6.10 suggests that the recent economic downturn will have pushed back the time horizon over which the original SRA growth forecasts will be realised. Again, the Secretary of State for Transport clearly notes that there is no target or ceiling on how much (or by when) rail-linked floorspace is required, other than to reiterate the significant under-provision (see also Appendix D of my Proof of Evidence).
- 2.10 Paragraph 6.11 makes a robust defence of London Gateway as being an SRFI and that as such can serve the needs of the East of England. In terms of the extent to which London Gateway would better service Radlett than a site in Radlett, it should be borne in mind that the former would involve a road journey as long (90km each way) as serving the same area from DIRFT. This response implies a lack of understanding of the objectives of Government policy on SRFI as indicated in the Secretary of State’s letter, and fails to acknowledge the conclusions of the Inspector and the previous rail adviser to the Council at the previous Inquiry.⁸
- 2.11 Paragraph 6.13 first acknowledges that there should be no ceiling on the quantity of rail-linked floorspace provided, but then contradicts this by suggesting that no further floorspace is needed as London Gateway and Howbury Park would provide for the needs of the region(s) for the next 11 years. Again this fails to acknowledge the thrust of the Secretary of State’s decision letter, the recent letter from the Secretary of State for Transport, and the Inspector’s conclusions from the last Inquiry on the issue of prematurity, where he states:

To my mind, refusing planning permission for the appeal proposal on prematurity grounds in the circumstances noted above would inevitably lead to a substantial delay in providing further SRFIs to serve London and the South East. Such an outcome would be contrary to the Government’s declared aim of increasing the proportion of freight moved by rail and the emerging regional policy. I therefore

⁷ 9/CD/8.2, Appendix 8, pages 229-230, paragraphs 10.1 to 11.2

⁸ 9/CD/8.2, paragraph 16.125

conclude that the Councils' case for refusing planning permission on prematurity grounds should not be supported.⁹

2.12 Paragraph 6.14 suggests that despite the conclusions of the Inspector at the previous Inquiry, the latest correspondence from the Secretary of State for Transport is used to infer that one or two large sites could fulfil the policy objective for the 3 or 4 sites, as long as they met the objective of serving the region as a whole. The Secretary of State made no reference or inference to support such a suggestion, clearing restating the Government's position regarding the 3-4 SRFI. The Inspector to the previous Inquiry likewise made his position very clear as set out below (my highlighting):

*In relation to this matter, there is no indication in the SRA's SRFI Policy as to where the three or four SRFIs required to serve London should be located [7.201]. Notwithstanding this, **it is plain to me that the SRA's conclusion was that (i) three or four SRFIs would be required (as opposed to, say, a fewer number of larger facilities or a larger number of smaller facilities), (ii) that they would need to be sensibly located to serve both London and the wider region, and (iii) that they would have to be suitably located relative to the freight rail routes and the motorway, primary and trunk road network.**¹⁰*

Section 7 – Potential Rail Freight Market in London and the South East

2.13 The previous Inquiry debated this issue at length.

2.14 Mr Thorne considered that there was no evidence of a demand / need specifically for the north of London, and that a terminal to the north of London would be wrongly placed strategically to serve many parts of the south east region. Potential alternative sites for SRFIs in the London area which would be better strategically placed included Barking/ Dagenham, Colnbrook and London Gateway. An SRFI proposal for Howbury Park could serve south east London and a further site at Alconbury would serve the region to the north and east of London.

2.15 In contrast, Network Rail stated:

⁹ 9/CD/8.2, paragraph 16.114

¹⁰ 9/CD/8.2, paragraph 16.118

September 2007 - Helioslough's proposal for Radlett will enable both the growth of rail freight and mode shift from road to rail, which is entirely consistent with both Network Rail and Government objectives and we are delighted to affirm our support to working closely with you on the development of Strategic Rail Freight Interchanges at Radlett and elsewhere.¹¹

October 2007 - as the freight manager for the route in question I support Radlett and clearly believe it will benefit rail freight... Radlett would be better located than Alconbury to serve the market north and east of London and could be delivered in a shorter timescale.¹²

- 2.16 As the previous Inquiry (paragraph 2.1 above) Mr Thorne conceded that Radlett was a suitable location, did meet the criteria, and that sites such as Alconbury and London Gateway could not be considered as suitable alternatives or replacements. The Inspector then concluded that:

There is to my mind no reason to suppose that, if the Secretary of State were to grant permission for the proposed SRFI, it would become an essentially road-based operation or otherwise fail to operate as a SRFI.¹³

- 2.17 Paragraph 7.5 infers that the Helioslough and/or the Radlett site will not be addressing the non-bulk domestic market. To suggest that somehow a site would not be marketed to, or accept traffic from, a particular segment of the non-bulk freight market reveals a significant lack of understanding as to the nature of these sites, driven as they are by those who occupy the units and use the rail facilities, rather than by a prescribed view from the developer.
- 2.18 It is acknowledged that the rail traffic mix through an SRFI may not align with original forecasts, as evidenced by DIRFT, which whilst originally intended to be primarily used by Channel Tunnel rail freight traffic, now has a mix of deepsea, European and domestic rail freight traffic, in both intermodal and conventional wagon services (in contrast to Mr Wilson's evidence). Technical Report 4 to the application referred to "working assumptions on Radlett rail traffic at maturity", as it would clearly be

¹¹ Letter from Network Rail to Helioslough, September 2007

¹² Letter from Network Rail to the Inquiry, October 2007

¹³ 9/CD/8.2 paragraph 16.157.

impossible to forecast the exact distribution of future types of rail freight traffic through the site, hence the use of a range of inputs to provide as informed a view as possible.

- 2.19 This indicates a lack of understanding about the operation of rail freight services and interchanges, which do not operate in the same way as passenger services. Whilst passenger services operate within the terms of the franchise as prescribed by Government (in terms of forecast demand, routes, stations served and timetables), freight services are ultimately determined by demand from freight customers, in conjunction with the freight train operating companies.
- 2.20 In this regard, reference should also be made to Mr Smith’s evidence and rebuttal, and my Proof of Evidence on rail freight growth forecasts¹⁴.

Section 8 – accuracy of Helioslough Market Assessment

- 2.21 Similar comments apply to this section as to those made above, in terms of the apparent confusion between working assumptions made in the Appellant’s documentation (and stated as such) and the “hard-wired” forecasts which Mr Wilson seems to suggest would apply (or not) at Radlett.
- 2.22 In terms of the extent to which the Helioslough approach is “flawed”, the evidence provided in the Mr Wilson’s market survey (section 10) is based on a sample of 14 companies. This appears to me to be a limited sample both in terms of quantity and the potential range of end users which might be expected to use an SRFI, and contrasts with the position of DB Schenker towards the Radlett SRFI proposals, based on its own extensive customer base and knowledge of market requirements (see Mr Smith’s evidence).
- 2.23 Paragraph 8.9 raises concerns about breakeven distances by rail, a subject covered extensively by the Inspector to the previous Inquiry (see paragraph 2.1 above), to which no reference is made. Reference is made to the 300km figure quoted in the East of England Freight Strategy, produced by SDG. Notwithstanding the Appellant’s view as a consultee that there was “much to commend” in the Strategy, the Department of Transport raised a series of concerns on the Strategy, as listed in the Appendix to the document, one of which related to breakeven distance, stating:

¹⁴ 9/HS2.1 paragraphs 4.6 to 4.10

...Para B1.10 The statement in the 1st bullet point that "300km is a good figure to hold in mind as a breakeven point vs. road freight" is rather misleading – in practice there is no such standard figure. Having sufficient volume is far more important than distance in assessing a break-even point for any particular flow...¹⁵

2.24 Mr Wilson's market survey findings considered the minimum distance that companies would consider for transporting freight by rail. 57% of the respondents would be prepared to transport freight by rail over distances of 200 miles (321km) or less¹⁶. In terms of the minimum distance companies would be prepared to consider transporting deep sea containers by rail from a port to an intermodal terminal ranged from no minimum distance (1), 10-60 miles (3), to 150 miles (1). One respondent noted that:

The concentration of demand, such as at an SRFI, may make it economic to move freight by rail over short distances, depending on geographic factors.¹⁷

2.25 Mr Smith's rebuttal further addresses market issues relevant to Radlett from the perspective and experience of Europe's leading rail freight and logistics provider, DB Schenker, which works daily with leading retailers, manufacturers and distributors.

Section 9 – Ability to Function as an SRFI – Commercial Issues

2.26 To reiterate paragraph 2.16, the Inspector to the previous Inquiry concluded that there was no reason to suppose that, if the Secretary of State were to grant permission for the proposed SRFI, it would become an essentially road-based operation or otherwise fail to operate as a SRFI.

2.27 The approach taken by Mr Wilson to this section again appears to assume that the operation of an SRFI is somehow prescribed by the Appellant, in a specified network of routes and service frequencies, akin to a franchised passenger rail service (paragraph 2.19 above).

2.28 Paragraph 9.1 of Mr Wilson's Proof of Evidence acknowledges the SRA's policy stance that provision of rail connections at a logistics park is not necessarily to address any particular market need – but then immediately contradicts this in

¹⁵ East of England Regional Freight Strategy, SDG for EERA November 2008, Appendix

¹⁶ CD 9/LPA/2.3 Appendix E Figure 4.12

¹⁷ CD 9/LPA/2.3 Appendix E paragraph 4.66

paragraph 9.2 by stating that it is essential to understand (ie determine) which particular markets that the Radlett SRFI would address. This may again reflect a misunderstanding about how SRFI operate, ie reflecting daily end customer requirements rather than any prescribed timetable.

- 2.29 Section 9 then repeats the discussion from Section 8 about breakeven distance, which to reiterate was covered extensively at the last Inquiry, with the position further enhanced by the commercial and operational experience of Mr Smith’s rebuttal for DB Schenker.
- 2.30 Paragraph 9.8 incorrectly states that DIRFT has no trains from Southampton or Felixstowe, when in fact Freightliner’s online timetable shows a daily service from both ports to DIRFT.
- 2.31 Paragraph 9.14 suggests that Radlett is not readily accessible from the North West and the Midlands and as such would have no time saving by rail from Willesden over Howbury Park. The fact that both sites are on either side of London (ie focus on different parts of the market), but have always been considered to be complimentary by their respective developers, questions the point of this statement.
- 2.32 Paragraph 9.16 infers that the spur between Carlton Road Junction and Junction Road Junction would be the (ie only) connection for traffic to the Felixstowe or Thames ports. As my proof of evidence shows (Appendix C) this is not the case.
- 2.33 Paragraph 9.22 suggests that low-platform and pocket wagons are “uneconomic”. If this were so, one would then question why DB Schenker and Freightliner between them operate a fleet of more than 300 very low-platform flat, well and pocket wagons (deck heights below 730mm) and several thousand low-platform flat wagons (deck heights between 825 and 945mm), in daily commercial services, if they were uneconomic. This is another issue that was covered exhaustively at both the last Inquiry on Radlett and the previous Inquiry on Howbury Park (see my evidence paragraph 8.9). In this regard, Network Rail’s Freight Route Utilisation Strategy also notes that:

if W10 gauge clearance is achieved on the highest priority routes....in the next few years, a considerable fleet of well wagons, lowliners and Megafrets will be available

to operators to service other core routes where gauge clearance may not yet have proved value for money.¹⁸

- 2.34 Paragraph 9.22 suggests that the Appellant’s stance on loading gauge enhancement would only extend to W10 gauge and exclude the wider W9 gauge. The position on gauge enhancement works was set out clearly at the last Inquiry to the effect that these will provide for a W10 gauge link to the Haven and North Thames-side ports and the West Coast Main Line, a W9 gauge link to the Channel Tunnel via Acton and Kew, and a W8 gauge link to Southampton and Thamesport. Should W10 gauge enhancement be delivered in due course by Network Rail along the Great Western Main Line, then this would in turn then create a W10 gauge link from Radlett to Southampton via Acton and Reading.
- 2.35 Paragraph 9.25 again attempts to inappropriately compare Radlett, Howbury Park and London Gateway as competing facilities for an exclusive market, in the context for Channel Tunnel traffic, without any regard to the Inspector’s or the Secretary of State’s conclusions on the previous Inquiry.
- 2.36 Paragraph 9.28 states that the only way for trains to travel from Radlett to and from the West Coast Main Line would be by using “run round” manoeuvres en route. This is not the case, as using the Dudding Hill and West London Lines would enable a train to travel from Radlett to and from the West Coast Main Line without requiring any run-rounds en route. But even where such manoeuvres are required, this is a common practice which does not affect the reliability or viability of rail freight services (see also Mr Smith’s rebuttal).

Section 10 – The North West Sector

- 2.37 Mr Wilson commences this section by acknowledging (paragraph 10.3) the previous Inspector’s view that the use of a sectorised approach was accepted as a pragmatic way forward – but then takes issue with this stance by suggesting that specific sectorised or sub-market locations are an unnecessarily detailed approach to selecting SRFI locations.

¹⁸ Network Rail Freight Route Utilisation Strategy 2007, page 62

- 2.38 Paragraph 10.12 makes reference to a market survey involving 14 companies. Despite the small sample size, the information provided in Appendix E contains some interesting results, including:
- a) One third of the sample (5) stated that there was currently demand for rail connected warehousing within their operations;¹⁹
 - b) More than half of the sample (8) were likely to require rail connected warehousing within the next 5 years;²⁰
 - c) The greatest single demand for rail connected warehousing was found to be in London and the South East (3), together with an additional respondent at Hemel Hempstead;²¹
 - d) 70% of the sample (10) had experience of using intermodal rail services, with the remaining companies stating that they would consider using such services over the next 5 years;²²
 - e) The survey showed “high demand amongst respondents” for intermodal facilities;²³
 - f) Comments from respondents included:

Work has been done to investigate utilising the existing rail link from Daventry to Scotland, but the length of the necessary road leg at the southern end contributed to this alternative being more expensive than a comparable road haul. For it to be more cost-effective, the intermodal terminal at the southern end would need to be much closer to our depot, ideally 5-10 miles away.

Rail hubs need to be located close to manufacturing sites or the destination which they currently are not.

Not enough terminals in the right places.

No availability of suitable locations that are a short distance away from current operations.

¹⁹ CD 9/LPA/2.3 Appendix E paragraph 4.17

²⁰ CD 9/LPA/2.3 Appendix E paragraph 4.23

²¹ CD 9/LPA/2.3 Appendix E paragraph 4.19 – 4.20

²² CD 9/LPA/2.3 Appendix E paragraph 4.26

²³ CD 9/LPA/2.3 Appendix E paragraph 4.18

There is no rail head close to our NDC.²⁴

- g) In terms of factors constraining use of rail freight, a lack of intermodal connectivity was considered by more than 90% of the sample to be a very or quite serious constraint;²⁵
- h) On the importance of factors in the decision whether to use a SRFI, proximity to market was considered by around 52% of respondents to be very important, and 48% of respondents considered to be important;²⁶
- i) The main types of distribution facility that companies would wish to locate at or near to an SRFI were mainly national distribution centres (50%) or regional distribution centres (57%);²⁷
- j) In terms of the importance of factors in decisions on where to locate a regional distribution centre. respondents were asked to score against a list of factors, with responses including proximity to commercial customers (71% very important, 21% important), proximity to existing freight flows (46% very important, 54% important), and suitable rail access (29% important, 21% important).²⁸

2.39 These results from Mr Wilson’s research support the position of the Inspector at the previous Inquiry, and the recent letter from the Secretary of State for Transport, regarding the need to locate SRFI in such a way as to be close to points of consumption as possible, minimizing local collection and delivery mileage by road. This contradicts the position taken by Mr Wilson later in paragraph 10.39 (see below)

2.40 Paragraph 4.38 and Table 4-16 of Appendix E provide supporting evidence to the factors encouraging greater use of rail for freight movement, and validate the conclusions of the Inspector at the previous Inquiry, which stated:

In the longer term, fuel price and congestion trends may also adversely affect road haulage costs. Also, the ‘green agenda’, which is increasingly being embraced by commercial organisations as well as Government, favours haulage by rail.²⁹

²⁴ CD 9/LPA/2.3 Appendix E paragraph 4.21 and Table 4-15

²⁵ CD 9/LPA/2.3 Appendix E paragraph 4.30 and Figure 4.5

²⁶ CD 9/LPA/2.3 Appendix E Figure 4.7

²⁷ CD 9/LPA/2.3 Appendix E Figure 4.9

²⁸ CD 9/LPA/2.3 Appendix E Figure 4.11

²⁹ 9/CD/8.2, paragraph 16.156

2.41 Table 10.1 suggests journey times from “freight centres” in the South East to Willesden Junction, and it is worth noting the profile of these sites in the context of SRFI addressing the non-bulk freight market:

- a) Hither Green – stabling yard with no interchange facilities;
- b) Harlow – aggregates terminal. *Not in the South East England region as stated;*
- c) Dagenham – handles automotive traffic and refrigerated containers from Spain, with small rail-linked transit shed. *Not in the South East England region as stated;*
- d) Hoo Junction – infrastructure maintenance yard, previously handled bulk steel;
- e) Dollands Moor – Channel Tunnel exchange sidings with no interchange facilities;
- f) London Gateway – proposed port and distribution complex. *Not in the South East England region as stated;*
- g) Calvert – landfill site;
- h) Tilbury – port. *Not in the South East England region as stated;*
- i) Acton – stabling yard and building materials;
- j) Barking (Ripple Lane) – rail-linked warehouse and intermodal terminal. *Not in the South East England region as stated;*
- k) Temple Mills – stabling yard with no interchange facilities. *Not in the South East England region as stated;*
- l) Colnbrook – aggregates and aviation fuel terminals;
- m) Hayes – aggregates terminal;
- n) Ely – rail-linked warehouse and intermodal terminal. *Not in the South East England region as stated.*

2.42 Given that most of these sites are not in the South East, or have any relevance to the non-bulk freight market, I am not entirely sure what point is trying to be made here.

2.43 There also appears to be an error in the Table, as Colnbrook (15 miles from London) is shown with a journey time of 1 hour, whereas Hayes (10 miles from London) is shown with a journey time of 2 hours. We have obtained the latest information from

the online version of the Freightmaster publication as referred to in paragraph 10.36 of Mr Wilson’s proof, from which we derive the following:

- a) Colnbrook to Willesden Junction: train reference 6E38 Colnbrook to Lindsey (which incidentally travels via the Midland Main Line), which takes 1 hour 37 minutes during weekdays to travel from Colnbrook to Willesden Junction, and 1 hour on Saturdays – an average of 1 hour 18 minutes, compared to Table 10.1 figure of 1 hour;
- b) Hayes to Willesden Junction: train reference 6M68 Hayes to Stud Farm (which again travels via the Midland Main Line) which takes 1 hour 55 minutes during weekdays to travel from Hayes to Willesden Junction, and 35 minutes on Saturdays – an average of 1 hour 15 minutes, compared to Table 10.1 figure of 2 hours.

2.44 Given that the average rail freight journey times are much closer than suggested in Table 10.1, this calls into question the validity of the conclusion being made on the basis of the information being presented in Table 10.1.

2.45 Paragraph 10.39 suggests that the lorry distance from any site around the M25 would be broadly similar to any other point within London and the South East. Reference should be made here to the Inspector’s report on the previous Inquiry, where in response to a suggestion by Mr Thorne that Alconbury could serve the north-west of London (thus in part obviating the need for an SRFI at Radlett), the Inspector noted the Appellants summary of the position:

...on closer examination it became clear that Mr Thorne’s position was that it could not serve the north-west of London, but it could serve the north-east of London. Asked whether it was sensible to back haul all the way from Alconbury to London, he said he was not saying it could serve London inside the M25. This gave rise to the question, asked by the Inspector, “Do you see Alconbury as one of the three or four SRFIs needed to serve London?” to which he replied “No.” One is left wondering how putting forward a site which cannot meet the identified need takes the debate any further forward.³⁰

2.46 The same argument could be made about the sustainability of servicing St Albans by road from an SRFI at Howbury Park, as much as servicing Erith from Radlett. The Secretary of State for Transport’s recent letter also clearly emphasizes the need to

³⁰ 9/CD/8.2 paragraph 6.101

locate SRFI as close to the points of consumption as possible, to minimise the final collection and delivery by road.

2.47 This again underlines the lack of understanding regarding the form and function of SRFI outside of their rail operations, or the wider workings of the supply chain, where companies such as the retailers (and their logistics providers) operate a network of distribution centres in and around London to provide suitable coverage and minimise local road collection and delivery mileage, such as:

- c) Asda – distribution centres at Bedford, Dartford (Kent), Erith (Bexley) and Didcot (Oxfordshire);
- d) Marks & Spencer – distribution centres at Hemel Hempstead (Hertfordshire), Faversham (Kent) and Thatcham (Berkshire);
- e) Sainsburys – distribution centres at London Colney (Hertfordshire), Elstree (Hertfordshire), Hoddesdon (Hertfordshire), Waltham Point (Essex), Braintree (Essex), Purfleet (Essex), Allington (Kent), Charlton (Greenwich), Feltham (Middlesex), Basingtoke (Hampshire);
- f) Tesco – distribution centres at Welham Green (Hertfordshire), Harlow (Essex), Thurrock, Weybridge (Surrey), Didcot (Oxfordshire).

2.48 These sites are shown on the map in Appendix 1, which highlights the clusters of retailer distribution centres around the M25, including in the area around the proposed Radlett SRFI.

2.49 These facilities operate as a network for their respective customers, such that the Government's policy on SRFI seeks to mirror this in the creation of a network of SRFIs³¹, as set out by the Inspector to the previous Inquiry in his conclusions:

*The policy on SRFIs seeks to facilitate the development of a network of interchanges, which, in turn, is seen as facilitating the transport of goods by rail (CD/6.1, pp3 and 4).*³²

2.50 In paragraph 10.40 Mr Wilson takes issue with the Inspector's conclusions from the previous Inquiry that an SRFI in one sector supports further SRFIs being elsewhere.

³¹ 9/CD/5.4, Annex D

³² 9/CD/8.2, paragraph 16.154

This stance is curious given the repeated attempts elsewhere in the report to suggest that, on the one hand, London Gateway, Barking and Howbury Park would provide complementary provision of facilities for the surrounding region(s), whereas Colnbrook and Radlett would be expected to compete or otherwise be mutually exclusive. The Appellant's view, like DB Schenkers, is that all these sites potentially have a role to play, an inclusive view which has enabled a modern network of interchanges to flourish in the Midlands – in stark contrast to the situation further south as indicated by the Secretary of State for Transport's recent letter.

- 2.51 In paragraph 10.42 Mr Wilson offers the view that restrictions on location of multiple SRFIs within the same sub-regional area should be related to “local impacts”, such as planning policy, highway impacts and availability of workforce. Given Mr Wilson's concerns about the potential impacts of rail freight services from Radlett on the surrounding rail network and rail services, it is intriguing that such impacts of concern do not extend to consider the cumulative local impact of rail freight traffic from clusters of multiple SRFIs in the same area?

Section 11 – Ability to function as an SRFI – Railway Operations and Technical Issues

- 2.52 The railway issues discussed in this section of Mr Wilson’s evidence were exhaustively debated at the last Inquiry and considered by the Inspector. The Council’s previous rail adviser Mr Thorne’s list of issues are summarised in section 2.2 of this rebuttal and the Inspector’s conclusions on these are set out in his report .
- 2.53 Despite the exhaustive consideration of railway operational issues by the Inspector to the last Inquiry and the continued support and assistance provided by Network Rail throughout as to the ability of the rail network to accommodate the Radlett SRFI proposals, the Council has chosen to commission further work in this area.
- 2.54 To the extent that the matter needs to be addressed, and I question this in the light of the wide ranging debate at the last Inquiry and the Inspectors and Secretary of States conclusions, the rebuttal of the material provided by Mr Wilson is comprehensively covered by Mr Smith, and I have therefore limited my comments to areas not otherwise covered by Mr Smith.
- 2.55 Paragraphs 11.60 to 11.62 refer to advice sought from Mr Christopher Geldard, latterly of ABP, outlining his concerns about the ability of the Radlett site to operate in terms of layout and capacity³³. Mr Geldard starts from the mistaken premise that no daytime paths would be available to access to or from the Radlett SRFI³⁴, for which no evidence is presented and in fact contradicts the evidence presented to the Secretary of State at the last Inquiry³⁵, where Mr Geldard had the opportunity to raise these concerns, but made no such comments. His position was not critical of the scheme.
- 2.56 Paragraphs 11.78 to 11.84 suggest that the support of, and progress achieved to date with Network Rail is of little consequence. Again, this view was not shared by the previous Inspector, who concluded on this matter that:

....there is no doubt that Network Rail are fully supportive of the proposal [4.9, 7.268]. Whilst they did not attend the inquiry and give evidence, their response to the questions put was, to my mind, comprehensive and it seemed to me carefully

³³ 9/LPA/2.9 Appendix G

³⁴ 9/LPA/2.9 Appendix G paragraph 1.3

³⁵ HS2.1 paragraph 5.19

considered. As the guardians of the UK rail network I take the view that their opinions should be given weight.³⁶

2.57 The Secretary of State agreed, noting:

Like the Inspector (IR16.65), the Secretary of State attaches weight to assurances from Network Rail and to their commitment to adopt best operating practices to regulate freight train access onto busy main lines....Like the Inspector (IR16.66), the Secretary of State has again had regard to the view of Network Rail about effecting the main line connection and the gauge enhancement works, and to their general commitment to working with all stakeholders to minimise the impact of possessions.³⁷

2.58 Paragraphs 11.87 to 11.94 relate to engineering works, and refer to additional work commissioned from Mott MacDonald to assess gauge clearances and provide cost estimates. No reference is made to the evidence of the previous rail adviser Mr Thorne, who considered this issue in similar detail, providing an estimate during the Inquiry of £28m for gauge enhancement (Mr Wilson suggests £25m) and £43m for the main line connection and site terminal works (Mr Wilson indicates Mott MacDonald have provided an estimate of £30m but then goes on to suggest that this could be as high as £42m).

2.59 Mr Wilson does not state whether the latest estimates are based on Mr Thorne's previous evidence on behalf of the Council, or represent a duplication of effort in undertaking new research to reach the same conclusions. In any event, the issue of the deliverability of rail engineering works was considered at length by the previous Inquiry, as indicated in the conclusions of the Inspector and Secretary of State as set out above.

2.60 Other points made by Mr Wilson in this section are either repeated from previous sections, or covered by Mr Smith's rebuttal.

³⁶ 9/CD/8.2, paragraphs 16.65 and 16.71

³⁷ 9/CD/8.1, paragraph 33

- 2.61 In summary, the following conclusions can be drawn regarding Mr Wilson’s evidence, compared to his predecessor’s evidence :
- a) Mr Thorne did not dispute the need for three or four SRFI to serve London and the South East, and that, if the Government’s aim of transferring freight from road to rail was to be achieved, the provision of these facilities was “essential.” Mr Wilson disputes the need for three or four, or that this is relevant given the Radlett site’s location;
 - b) *Mr Thorne accepted that the current proposal fell within the scale set out in the SRFI Policy (40 to 400ha). Mr Wilson does not specifically address this issue;*
 - c) *Mr Thorne accepted that the SRFI Policy expressly states that, in order to work, a SRFI must have road and rail traffic and it cannot be an objection to a SRFI that a significant proportion of its traffic will be road-based. Mr Wilson suggests that due to the perceived lack of prominence for handling domestic rail freight traffic, the location and rail network constraints, it is unlikely that any freight train service will ever leave the site;*
 - d) *In view of categorical support [from Network Rail], Mr Thorne and FCC were left making the rather lame argument that future paths could not be guaranteed, a specific example being the impact of Crossrail. This argument merits no weight, because as Mr Thorne himself accepted, future paths can never be proved to exist for any proposal, anywhere. If accepted as a valid argument, lack of guaranteed future paths would put a stop to the development of any SRFI. As Mr Thorne accepted, all that can be done at present is to eliminate ‘show stoppers’. In respect of Crossrail, the highest Mr Thorne could put it was that it “could be a show stopper – whether it will be we don’t know”. In any event, such an argument, if accepted, would dictate refusal for any SRFI which relies on traffic coming through London. Mr Wilson and FCC’s former Managing Director continue to assert that paths to and from Radlett either cannot be identified, or guaranteed;*
 - e) *Forced to accept that there were no technical, physical or engineering reasons why Radlett would not work, and unable to argue against the fact that the guardian of the network had concluded that there was sufficient capacity and paths, Mr Thorne decided to float a different argument: that Radlett would not be attractive to the rail freight market because “there are better locations.” Not only does this opinion conflict with the opinion of all the other bodies who have long recognised the potential of Radlett, but it was also based on very confused thinking, as became clear during the*

course of cross-examination. Mr Wilson believes that there are still technical, physical and engineering reasons why Radlett would not work, and continues to assert that better locations exist;

- f) *Mr Thorne at one point suggested that the need could be met by London Gateway. Asked whether he thought it sensible to serve the north-west of London from London Gateway, he replied “not solely but with others.”* Mr Wilson maintains this view;
- g) *Asked to identify the others, Mr Thorne put forward two candidates: Colnbrook and Alconbury. As regards Colnbrook, to put this site forward is affirmation itself that if one is to serve the north west sector one needs to locate one of the SRFIs in this sector. In any event, the credibility of Colnbrook as an alternative was undermined by Mr Thorne’s later answer to the Inspector that the Great Western Main Line was congested, and that rail capacity issues would need to be taken into account. That answer should be seen together with his answer in cross-examination that he had no evidence in respect of any of the alternative sites that paths were or would become available. In contrast, he confirmed to the Inspector that he was relaxed about capacity on the MML. He could hardly argue otherwise, given Network Rail’s position that the line has significant spare freight capacity. In this regard, it is also appropriate to note that in their Hertfordshire Rail Strategy, the County Council stated that its position on the Radlett proposal would be “likely to be influenced by planning and environmental issues”. It did not suggest that capacity issues or appropriateness for a freight terminal in rail terms were significant factors likely to influence the County’s position.* Mr Wilson contends that such issues are important and that Colnbrook is a suitable alternative site, despite Mr Thorne’s earlier concession that the Great Western Main Line was congested and that rail capacity issues would need to be taken into account;
- h) *Turning to Alconbury, on closer examination it became clear that Mr Thorne’s position was that it could not serve the north-west of London, but it could serve the north-east of London. Asked whether it was sensible to back haul all the way from Alconbury to London, he said he was not saying it could serve London inside the M25. This gave rise to the question, asked by the Inspector, “Do you see Alconbury as one of the three or four SRFIs needed to serve London?” to which he replied “No.”* One is left wondering how putting forward a site which cannot meet the identified need takes the debate any further forward. Mr Wilson does not propose Alconbury as an alternative;

- i) *The appeal proposal is deliverable in operational and technical terms, and measures up very well against the criteria identified by the SRA in its SRFI Policy. None of the independent, objective bodies who have considered the proposal have ever suggested that it does not meet the criteria, or that it would not assist in meeting the urgent, identified need to have three or four SRFIs to serve London and the South East. In terms of meeting the criteria, even Mr Thorne, when taken to it, agreed that Radlett was “just such a location” and that the site “qualifies under those terms.” Mr Wilson does not agree;*
- j) *Mr Thorne accepted that Willesden is too small to function as a SRFI. Mr Wilson does not propose Willesden as an alternative;*
- k) *Mr Thorne indicated that the [Sundon] site was equally placed in rail terms to the appeal site. Mr Wilson’s scoring system (Appendix I Table 3.1) gives Sundon a higher score (2) than Radlett (0);*
- l) *Mr Thorne conceded that it would not be sensible to serve the north west sector of London from London Gateway. Mr Wilson does not agree;*
- m) *As to the relative economics of road haulage and rail haulage, where trips are relatively short, road haulage costs are likely to be lower than haulage by rail. The position is far more complex than assumed by Mr Thorne’s calculations. Mr Wilson maintains the view that Radlett is too close to the deepsea ports to be competitive against road haulage.*

3 Proof of Evidence Mr D Hirst (STRiFE 9/04)

Rail connections

- 3.1 Paragraph 4.2 suggests that as SRFI policy guidance refers to the need for sites to have main line access for full length trains in either direction, the actual permissible lengths of trains operating to and from the proposed Radlett SRFI would be less due to constraints in place on the cross London lines and the Midland Main Line itself.
- 3.2 The SRFI policy guidance states that in the design of SRFI:

*Strategic RFI have quite particular locational requirements in terms of rail connections and ideally should have the capability to handle full length 775 metre trains with appropriately configured on-site infrastructure and layout. The layout should minimise the need for on-site rail shunting and provide for a configuration, which will enable main line access for full length trains from either direction.*³⁸

- 3.3 The guidance then goes on to state:

*Site configuration and infrastructure constraints may not always permit the ideal layout, for example, the site configuration may not permit 775 metre trains to be handled. This need not automatically disqualify otherwise suitable sites, as there may be railway operational solutions.*³⁹

- 3.4 In the case of the Radlett SRFI it is not the site but the main line which constrains the length of train which can be operated. As Mr Hirst correctly indicates, the Midland Main Line is able of accommodating trains of up to 730m in length. Whilst to date trains of this length have tended to be lighter car-carrying trains running between Corby and mainland Europe via the Channel Tunnel, this nevertheless indicates the capabilities of the MML.
- 3.5 In practice, as noted in Technical Report 4 to the Application, rail freight services of the kind anticipated to operate to and from the Radlett SRFI rarely exceed 640m, either due to train length or weight constraints imposed on other parts of the rail network, and/or due to the capability of the locomotive(s) hauling the train. By way of

³⁸ Para 4.31

³⁹ Para 4.33

comparison, Mr Smith’s proof of evidence refers to an existing service to and from Italy which is constrained to 512m⁴⁰. Network Rail’s Freight Route Utilisation Strategy also notes the following regarding the Port of Felixstowe:

The new Felixstowe North rail terminal will be capable of handling regular 650m (30 wagon) container trains. Despite this, a number of obstacles exist en route which mean that lengthening of a significant number of container trains is likely to be only a long-term option. Amongst the key constraints are length limits at Ipswich yard and potential haulage constraints which currently limit trains to 24 wagons [525m].⁴¹

- 3.6 Further evidence is provided by Freightliner’s online timetable, which shows that none of its trains operate with more than 24 wagons.⁴²
- 3.7 The inability for the MML or connecting routes to accommodate trains longer than 730m at present should therefore not be interpreted as a particular constraint on either the MML or the Radlett SRFI. The Government’s proposals for the Strategic Freight Network seek to create a network of core rail routes with enhanced capabilities for freight, including the ability to run at up to 775m length.
- 3.8 Paragraph 4.5 suggests there is no provision for trains to enter or leave directly via the North. The Appellant’s position remains that most of the trains travelling to and from the site are anticipated to come from routes to the south of Radlett, albeit that provision has been made in the design of the rail infrastructure for a future northern connection⁴³. In the interim, DB Schenker has confirmed that its sidings at Cricklewood could be used as a “run-round” facility if required by any trains wishing to access Radlett from the north via the MML⁴⁴, and Mr Smith’s rebuttal further notes that such “run-round” manoeuvres are a regular feature of rail freight services, including existing trains operated by DBS on the MML itself.⁴⁵

⁴⁰ 9/HS3.1, paragraph 22

⁴¹ Freight RUS 2007 page 96

⁴² Freightliner website <http://www.freightliner.co.uk/filelibrary/PDFs/All%20Ports%20Timetable.pdf>

⁴³ 9/HS2.1, paragraph 8.6

⁴⁴ 9/HS3.1, paragraph 18

⁴⁵ REF

- 3.9 Paragraph 4.6 suggests that loading gauge restrictions north of the site prevent a direct route to the north via the MML. As noted in my proof of evidence⁴⁶ and in the latest statement of agreed facts with Network Rail, the route north of the site is already capable of accommodating containers of up to 9'6" high in suitable wagons, as well as all conventional wagons. The Government's proposals for the Strategic Freight Network include the Midland Main Line as a route to be cleared to W10 loading gauge from London through to the Midlands.
- 3.10 To reiterate, these same issues about rail connectivity and loading gauge were considered at length by the previous Inquiry to the satisfaction of the Inspector and the Secretary of State.

Letters from third parties (Appendix 1)

- 3.11 The remainder of Mr Hirst's evidence revisits further issues covered by the previous Inquiry and the Inspector's conclusions, or by Mr Smith's evidence and rebuttal, and I shall therefore focus comments to those third-party submissions appended to Mr Hirst's evidence. I note that the original correspondence from STRiFE to these third parties has not been disclosed, therefore it is not possible to determine the original context against which responses were sought.
- 3.12 The Transport for London (TfL) letter of June 2009 in Appendix 1.1 confirms:
- a) TfL is aware of the Radlett SRFI proposals;
 - a) The lack of alternative sites is a major issue for rail freight;
 - b) The extremely limited number of rail freight interchange sites around London;
 - c) The intersection of railway lines and the M25 is the ideal location for this type of facility;
 - d) Rail freight can play an increased role that would take lorries off the roads and reduce carbon emissions, particularly for the transport of manufactured and consumer goods, but that this requires interchange facilities;
 - e) Analysis shows there is a latent demand to move goods between such sites;
 - f) Such facilities should be supported, subject to assessment of detailed impacts;

⁴⁶ REF

- g) Network Rail has concluded that there will be sufficient capacity on the MML and possessions of the line during the construction will not be excessive, as endorsed by the previous Inspector;
- h) Concerned that trains are expected to be routed mainly from the south through the congested London network and will be asking the promoters to provide evidence that there is sufficient capacity;
- i) The site should be available for trains from the north and south and welcome the addition of passive provision for a connection from the north, which should be completed when required, although in TfL's view this should be built as part of the first phase;
- j) Plans for electrification and a potential High Speed route for the north may have an impact on the development of the MML as a strategic freight route, which could potentially involve gauge clearing the entire route to W12 gauge, adds to the case for a freight terminal at Radlett;
- k) Clarification on rail modal share for the site and a planning condition in support;
- l) It is unlikely that the site will be used simply as a road-based terminal, given the substantial level of investment that will be required to connect it to the rail network;
- m) Rail traffic will not commence at 12 trains per day but will build up gradually to that level, by which time the capacity requirements on various lines may have significantly changed;
- n) Securing detailed information about operational issues such as possessions required for engineering works and capacity issues may be more productive through Network Rail.

3.13 I can see little to suggest that the response from TfL offers anything other than constructive or supportive comments towards the proposed Radlett SRFI. The comments relating to conditions were covered by the previous Inquiry in which both Councils agreed the proposed rail-related conditions (as they have again agreed for the current Application).

- 3.14 The East Midlands Trains (EMT) letter of October 2009 in Appendix 1.2 confirms:
- a) EMT is aware of the Radlett SRFI proposals;
 - b) In principle support of freight on rail and associated developments;
 - c) Decisions on main line capacity or engineering works are ultimately the responsibility of Network Rail with the Office of Rail Regulation (ORR) acting as independent regulator;
 - d) The nature of the proposed Thameslink services that have been outlined by the Department for Transport will require a high level of punctuality to integrate effectively with trains from a much wider geographical area than today;
 - e) A great deal of work is required to ensure that EMT's long-distance services will be compatible with the Thameslink scheme. To add a further complication at this time seems unwise;
 - f) EMT's additional track access rights for the December 2008 timetable was approved for a limited period, principally due to objections from freight operators. A process to convert these temporary rights into permanent rights is underway with the ORR;
 - g) EMT is focussed on reducing journey times to longer-distance destinations, and is working with Network Rail to enhance track speeds on the Fast Lines north of St Albans to allow 125mph running, which generates the challenge to accommodate additional Thameslink services;
 - h) Clearly, major work inevitably impacts the passenger service in the short term, however Network Rail have good credentials in the delivery of schemes such as those mentioned;
 - i) There is great potential to encourage the transfer of freight from road to rail with significant environmental benefits;
 - j) The challenge is to ensure that the proposal is delivered in a manner that supports the much-needed Thameslink capacity and reduced journey times for EMT's customers;
 - k) EMT is unaware how this proposal fits in with the DfT's proposal for a Strategic Freight Network.

- 3.15 Again, EMT's comments to STRiFE on the Radlett proposals are welcomed and acknowledged, not least as despite EMT having no affiliations with any rail freight operating company, positive and supportive comments are made about encouraging rail freight.
- 3.16 EMT notes up front that railway operational and engineering challenges are ultimately for Network Rail and the ORR to determine, and in this regard neither organisation would seek to introduce additional rail services onto the MML which threatened the reliability of existing rail services. Demonstrating this point, EMT note that their additional track access rights have only been granted temporary approval in the light of concerns from freight operators (as noted in my proof of evidence paragraph 5.14), but that a process to resolve these issues is in hand.
- 3.17 In terms of the issue of alignment between the Appellant's proposals for the Radlett SRFI and the DfT's proposals for the Strategic Freight Network, reference should be made to my proof of evidence 4.11 to 4.24 and to Mr Smith's proof of evidence.
- 3.18 The London Overground (LOROL) letter of September 2009 in Appendix 1.3 confirms:
- a) LOROL is on the periphery of the debate as only indirectly affected, in contrast to the Midland Main Line where there will be competing demands on available capacity;
 - b) Already runs over a mixed-traffic route with over 120 freight paths a day, and it is unquestionable that this presents a considerable challenge for all parties;
 - c) There is however very little additional capacity so the paths which would be created for Radlett are most likely to come from existing paths on the LOROL route. The route is therefore likely to see no net increase in freight traffic;
 - d) Wholeheartedly endorse STRiFE's view that rail freight is to be supported, but that it must be as part of a strategy that examines capacity across the country;
 - e) Have found freight companies constructive to work with in improving performance and capacity utilisation and both parties have benefitted enormously as a result;
 - f) At the same time, there are matters approaching (such as Strategic Freight Paths) where we are struggling to balance conflicting requirements and for which a regional strategy would be beneficial.

- 3.19 Once again, LOROL's to STRiFE on the Radlett proposals are welcomed and acknowledged, as like EMT, positive and supportive comments are made about encouraging rail freight and the constructive process of working with freight operators to improve performance and capacity utilisation.
- 3.20 LOROL operates passenger services on behalf of TfL three routes, from Watford Junction to Euston, Gospel Oak to Barking and Richmond to Stratford. In terms of the interface between trains from Radlett and LOROL services, this is likely to be mainly focused on the Gospel Oak – Barking and Richmond – Stratford routes. LOROL note that paths for freight trains from Radlett are most likely to come from existing freight paths, as in the case of the Midland Main Line, so would not displace any LOROL services. The national and regional strategy to which LOROL refers is now developing through the Government's proposals for the Strategic Freight Network and associated workstreams.
- 3.21 The Passenger Focus (PF) letter of September 2009 in Appendix 1.4 confirms:
- a) Important that there is track capacity on the Midland Main Line for operation of the services intended under the Thameslink programme;
 - b) It would clearly be absurd if after all the investment in central London the proposed Thameslink timetable cannot be operated in full;
 - c) PF will be clear in its response to the draft East Midlands RUS that paths to operate the Thameslink timetable must not be jeopardised.
- 3.22 There is no disagreement with any of the points raised by Passenger Focus, and in this regard it should be reiterated that paths for freight trains to and from the Radlett SRFI would be sourced from the existing protected freight paths on the MML, together with other paths at night when passenger services are not operating. Neither Network Rail or the ORR would seek to introduce additional freight services onto the network (whether from Radlett or elsewhere) which jeopardised the Thameslink programme.

3.23 The Freightliner (FL) letter of September 2009 in Appendix 1.5 confirms:

- a) FL is aware of the Radlett SRFI proposals;
- b) Freight cannot be use the railways without suitably located terminals for it to be loaded and unloaded;
- c) Whilst there is rail freight terminal capacity in some parts of the country there is currently no rail freight interchange north of London;
- d) The site at Radlett with its position adjacent to the railway and trunk roads would appear to suit the requirements as a rail freight interchange;
- e) This terminal has the potential to be used by the domestic freight market, which is currently dominated by road hauliers. One of the main barriers that prevent rail freight competing more with road freight in the domestic market is the need to have short road collection and delivery journeys at each end of the trunk rail haul between rail terminals. The cost of the two road journeys plus the rail leg is more expensive than a direct lorry journey from A to B. Proposed rail terminals with warehousing on site such as Radlett can mean than one end of the local road legs is eliminated and rail is therefore better able to compete on price with the direct road service;
- f) The site is not ideally suited to the movement of deepsea containers by rail as traditionally a longer trunk haul is needed from the major ports in order to compete with road haulage. Future changes to sustainable distribution grants or the introduction of lorry road charging may tip the economic balance in favour of rail;
- g) Moving freight by rail can offer many benefits regionally and nationally to the UK (examples cited);
- h) The National Policy Statement will assist local authorities evaluate the benefits of increased rail freight alongside local concerns regarding rail freight interchanges. FL understands the principle of the new policy statements is also supported by the Conservative Party;
- i) The DfT Strategic Freight Network publication lays out a framework for targeting investment to enable future growth of rail freight, including increasing capacity and the development of SRFIs;
- j) Capacity constraints on the Midland Main Line would have to be addressed to enable an increased freight service to operate alongside planned increased passenger

services. This is a chicken and egg situation and we do not believe the perceived capacity constraint should prevent the freight terminal but rather act as a catalyst to aid the business case to increase capacity on the MML;

- k) Freight services would not operate during peak hours but only off-peak and during the evening and night when demand for passenger services is less;
- l) We do not believe that the constraints are absolute and that there may be timetable solutions;
- m) We note that it is for the independent ORR to assess the validity of the perceived constraints and to allocate capacity to train operators on the rail network after criteria-based evaluation of the merits of different requirements;
- n) A key point is that in order to make the terminal effective for the movement of containers for inland distribution from Radlett the MML would have to be gauge-cleared;
- o) Network Rail has commenced a study which includes examination of gauge clearance on the MML, initial findings are expected by the end of the year, however there are several competing priorities to secure any future funding available.

3.24 Freightliner's comments are welcomed and acknowledged, and can be compared with the letter sent by the company to the local planning authority in connection with the proposed Kent International Gateway (KIG) rail freight interchange proposal, in which the company states:

The position of the proposed terminal is not seen as an advantage to us. It is not of a sufficient distance from a majority of the deep-sea ports that we utilise to make it a viable terminal to introduce into our network, nor is it within any of our current routes. We therefore do not hold an interest in serving the proposed terminal.⁴⁷

3.25 By comparison, Freightliner note in relation to Radlett the lack of rail freight interchange facilities in the local area and the locational strengths of the proposed Radlett site, not least for domestic traffic (despite Mr Wilson's views, Radlett is not seeking to restrict use of the site for handling domestic rail freight).

⁴⁷ Maidstone Borough Council website:
<http://www.maidstone.gov.uk/files/KentGateway/Background%20Committee%20Report%20Documents/KIG%20Logistics%20300409.pdf>, Appendix B

- 3.26 Whilst Freightliner's operations in the deepsea container market have indeed traditionally focused on longer-distance hauls, the company does compete with road haulage over shorter distances below 200 miles, including⁴⁸:
- a) Felixstowe to Tilbury (equivalent 75 miles by road via the A12 and M25 - the 100-mile rail service has operated with a locomotive at each end due to the need for the train to change direction en route between the Great Eastern Main Line and the London, Tilbury & Southend Line);
 - b) Tilbury to Daventry (equivalent 110 miles by road via the M25, M1)
 - c) Southampton to Daventry (equivalent 120 miles by road via M3, A34, M40, A45, M1);
 - d) Southampton to Cardiff (equivalent 130 miles by road via M3, M25, M4);
 - e) Felixstowe to Daventry (equivalent 130 miles by road via A14 and M1);
 - f) Southampton to Hams Hall (135 miles by road via M3, A34, M40, M42);
- 3.27 Notably, Freightliner does not rule out being able to operate deepsea container services to Radlett, and Mr Smith's evidence for DB Schenker sets out how the company would exploit Radlett's location to connect with the deepsea ports.
- 3.28 Freightliner confirms the Government's proposals for the National Policy Statement and Strategic Freight Network, and then correctly sets out the position regarding capacity on the MML and the process by which paths would be sought for sites such as Radlett.
- 3.29 Freightliner makes a valid and welcome point that the perceived capacity constraint should not be used to prevent the Radlett SRFI from being developed but rather act as a catalyst to aid the business case to increase capacity on the MML.
- 3.30 Finally, Freightliner notes the need to gauge clear the MML, which in the short term would be addressed by the proposed conditions for the Radlett SRFI as agreed with the Councils, the previous Inspector and the Secretary of State, and in the longer term by Government and Network Rail through the Strategic Freight Network workstreams.

⁴⁸ Freightliner and Freightmaster websites

- 3.31 The Department for Transport (DfT) letter of June 2009 in Appendix 1.6 confirms:
- a) DfT is aware of the Radlett SRFI proposals but would not be appropriate for DfT to comment on any proposal currently being dealt with in the planning system;
 - b) Government policy is to support and encourage the development of SRFIs in the regions as part of Government's desire to see rail freight grow and encourage mode shift for freight from road to rail where it is economic and sustainable to do so;
 - c) Concerns about rail network capacity, gauge clearance and disruption to passenger services on the MML are operational matters for Network Rail and the DfT would rely on their judgement with regard to the ability of the rail network to cater for freight and passenger growth, and the nature of the work required to deliver enhancements and manage any operational issues arising;
 - d) The National Policy Statements will set out the case for the establishment of a network of SRFIs in the regions and will supercede the SRA policy;
 - e) Further information on the Government's rail freight policy is to be found in the Strategic Freight Network – the Longer-Term Vision published on the DfT website.
- 3.32 The comments are self-explanatory, aligning with the conclusions of the previous Inspector and the Secretary of State for Communities and Local Government, and should be read in conjunction with the recent letter from the Secretary of State for Transport as referenced in my proof of evidence.
- 3.33 An additional document has been submitted by STRiFE (9/10) which sets out proof of evidence of Jim Morgan on behalf of First Capital Connect (FCC). Mr Morgan is introduced as Managing Director of FCC, although I understand this position has now changed according to a railway industry news website, which states:

First Capital Connect has halved the Thameslink service, as drivers continue to refuse overtime and rest day working in protest at the company's pay offer. ASLEF has announced a strike ballot, while FCC has warned that the emergency timetable will continue until further notice. FCC managing director Jim Morgan has been replaced by the head of the FirstGroup Rail Division, Mary Grant.

Railnews has been told that the number of Thameslink drivers is down by 30, or almost 10 per cent, and that normal services were only being maintained by a large

amount of overtime and rest day working. The drivers started to refuse extra hours almost three weeks ago, and FCC services have been increasingly affected.

First Capital Connect introduced an emergency timetable on Wednesday which effectively halves the Thameslink service. There are only two off-peak trains each hour from Bedford, and three from Luton. FCC has warned that even this timetable may not be maintained throughout.

Meanwhile, FCC managing director Jim Morgan has stepped down, to be replaced for the time being by the head of First Group Rail Division, Mary Grant, [who] now has the task of negotiating a settlement and restoring full services on one of London's busiest commuter routes as soon as possible.⁴⁹

- 3.34 Mr Morgan's relatively brief submission reiterates points raised and considered by the previous Inquiry. As I have indicated above the previous inquiry considered at length the Thameslink programme and the implications of it. It seems that in any event it may now be somewhat scaled back.

⁴⁹ Thameslink in tatters, as ASLEF ballots for strike and MD is replaced – Railnews website <http://www.railnews.co.uk/news/general/2009/11/12-thameslink-in-tatters-as-drivers.html>

Appendix A – map of retailer distribution centres

