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By first class post and email to christine.symes@communities.gsi.gov.uk

Our Ref A/Strife/731/01
Your Ref APP/B1930/A/09/2109433

14 October 2011

Dear Ms Symes,

RULE 19 TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000
SECTION 78 TOWN AND COUNTRY PLANNING ACT 1990
LAND IN AND AROUND FORMER AERODROME, NORTH ORBITAL ROAD, UPPER COLNE VALLEY,
HERTFORDSHIRE
APPLICATION REF 5/09/07/08

We write on behalf of STRiFE Ltd ("STRiFE") in response to your letter of 15 September 2011 sent under Rule 19 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000. Our representations are limited to those matters set out at paragraph 3(c) of your letter.

Representations on new matters and material changes in circumstances

1. As the Secretary of State will be aware, STRiFE is a campaign organisation which has acted as a channel for the broad-based local opposition which the Claimant's proposed SRFI has engendered. It has limited resources and therefore has not sought to engage in an exhaustive assessment of new matters and material changes in circumstances since the 2009 Inquiry, leaving the majority of such matters to the other parties. However, STRiFE does wish to make representations on two matters.

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2. The first is Network Rail's *London and South East Route Utilisation Strategy*¹ ("the L&SE RUS") which was published in July 2011 and which STRiFE considers to constitute a material change in the circumstances relating to the assessment of the capacity of the Midland Mainline ("MML") to accommodate the predicted number of train movements from the proposed SRFI.
3. The 2009 Inquiry heard much evidence in respect of the MML's capacity to enable the number of train movements Helioslough Ltd ("Helioslough") predicted. The Inspector agreed with Helioslough that adequate train paths were available (IR13.77). In so finding, the Inspector drew support from Network Rail's statement: that between 0900 and 1600 two freight paths per hour in each direction were provisionally allocated to existing freight customers; that not all were used; and that further capacity was available at night.
4. Section 9.5 of the L&SE RUS considers the growth of rail freight due to the London Gateway port development. Paragraph 9.5.2 recognises that, for most traffic flows, it is clearly impractical to avoid traversing London and that trains from London Gateway heading for the Midlands, the north of England and the West Country will therefore need to travel on busy routes around East and North London. Paragraphs 9.5.3 through to 9.5.20 consider various routeing options available. Paragraph 9.5.12 deals with the MML and is repeated below:

"Notwithstanding the general strategy of using the WCML some opportunities for using the MML South section (Carlton Road Junction – Bedford) will continue to be available following the completion of the Thameslink Programme, with two trains per hour freight paths anticipated by the RUS in each off-peak standard hour. However many of these paths are likely to be taken by existing domestic traffic (for example aggregates), so options for London Gateway growth would be extremely limited, even if this were the preferred routeing to the North. The RUS particularly emphasises that the Carlton Road Junction/Kentish Town area is severely constrained due to being located in a narrow deep cutting with tunnels at each end. Given the densely built-up nature of this part of inner London and the amount of property demolition which would be necessary for grade separation the RUS is of the view that such a scheme could only be considered if it were the only option available. Whilst there are potentially smaller scale opportunities to provide additional or higher speed crossovers to reduce to a limited degree the interaction between MML freight and Thameslink services this is not sufficient to change the conclusion that an alternative routeing strategy, generally involving the WCML, is preferred"

5. The L&SE RUS therefore acknowledges that two freight paths in each off-peak hour still exist but concedes that many of these will likely be taken by existing domestic traffic to the extent that any options for absorbing London Gateway growth would be extremely limited. It must therefore follow that the options for growth that incorporates 24 daily train movements for an SRFI at Radlett would be similarly "extremely limited".
6. STRiFE believes that the L&SE RUS undermines the support relied upon by the Inspector at the 2009 Inquiry and confirms that the MML does not have sufficient rail capacity to support Helioslough's proposal. In the light of this, we would ask the Secretary of State to review paragraph 20 of the Decision Letter in respect of whether, in the light of this latest information from Network Rail, he still considers that sufficient paths would be available to access an SRFI at Radlett.
7. The second matter on which STRiFE wishes to make representations is the *Initial Industry Plan (England and Wales) Proposals for Control Period 5 and Beyond*² ("the IIP"), which was published in September 2011 and which STRiFE considers to constitute a material change in the circumstances relating to the comparison between the Colnbrook and Radlett proposals.

¹ Available on the Network Rail website

² Available from the Network Rail website

8. Section 7.5 of the IIP considers the strategic options for rail freight for Control Period 5 and beyond. Section 7.6 goes on to set out a “value for money strategy” which envisages “a combination of measures: more effective use of the existing network (as described in section 7.5), coupled with targeted investments which demonstrate a robust business case”. In relation to the targeted investments, a number of “key candidate schemes” are described, including a proposal to increase the gauge on the Great Western Main Line to W12, which is described as follows:

“Great Western Main Line W12 gauge clearance: This scheme enhances the loading gauge to W12 on the Great Western Main Line between London and Bristol and Cardiff, including the connection to the West Coast Main Line at Acton, enabling the network to accommodate forecast growth in 9’6 containers on flows from the deep sea ports to the west. Gauge clearance also enables freight terminals to be developed at Colnbrook (near Heathrow Airport) and Avonmouth. An opportunity exists in CP5 to minimise disruption to rail users and deliver this scheme efficiently in conjunction with electrification of the Great Western Main Line.”

9. STRiFE considers that this indicates the importance of the Great Western Main Line as a key element in the rail freight network, enabling gauge cleared routes between all major ports, London, the midlands and the north. By contrast, no aspiration is expressed for enhancing the gauge on the MML.
10. That Colnbrook is specifically recognised in the passage quoted above as a potential freight terminal is of particular interest. With the potential rail infrastructure developments now being indicated by Network Rail, Colnbrook would be sited on one of the key national rail freight routes with unfettered access to the major points of entry for freight into the United Kingdom. Further, together with the freight terminal developments at Howbury Park and London Gateway, it would meet the need for SRFIs to serve London and the South East articulated in the Strategic Rail Freight Interchange Policy.
11. For those reasons STRiFE considers that the IIP militates strongly in favour of a Colnbrook location for an SRFI and against a Radlett location.

Other issues

12. STRiFE remains of the view that Helioslough has not demonstrated that there would be no other suitable locations in the North West Sector that would meet the need for an SRFI in the foreseeable future in a significantly less harmful way than its proposal. That view is strengthened by the matters raised in this letter.
13. Although, in the light of the judgment in Helioslough’s section 288 challenge, STRiFE accepts that the strategic gap policy framework does provide an additional policy requirement in respect of development in the strategic gap, it does not accept that this renders the emerging Colnbrook proposal less suitable than the Radlett proposal. On the contrary, the additional strategic gap policy requirement is more than compensated for by the lesser scale of the Colnbrook proposal, its greater efficiency³ and the additional advantages outlined in this letter. In these circumstances, it is not only open to the Secretary of State to dismiss the Helioslough appeal on the basis that the Colnbrook proposal is preferable, but plainly right to do so.
14. Finally, STRiFE considers that the matters set out in this letter may be assessed by the Secretary of State without the need for the inquiry to be re-opened. These are discrete matters which may, in STRiFE’s view, be adequately addressed by way of written representations.

If the Secretary of State requires any further information, please do not hesitate to contact me.

³ See the analysis of Christopher Brown at paragraphs 8-17 of his witness statement in the High Court proceedings (copy enclosed)



Yours faithfully,

Howard Wayne

**Howard Wayne
WAYNE LEIGHTON**