



Department for Transport

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31 July 2026

██████████ ██████████
CBRE National Planning and Development
1st Floor, 3 Chamberlain Square
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Dear ██████████

Planning Act 2008

Regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent; Orders) Regulations 2011 (as amended)

Proposed non-material change to the West Midlands Rail Freight Interchange Order 2020 - written consent from the Secretary of State for not consulting a person or authority

1. Thank you for your letter of 13 July 2026 and attached documents, providing details of the proposed application to amend the West Midlands Rail Freight Interchange Order 2020 as previously amended by the West Midlands Rail Freight Interchange Amendment No. 2 Order 2020 ("the Order") and about your intended approach to consultation. The Secretary of State notes that the amendments that will be sought through the proposed application include:

- Amendment to article 44 (Disapplication, application and modification of legislative provisions) to make it clear that planning permissions granted by the local authority and approvals under the Order can both be used, to avoid any legal confusion over which can proceed. This follows the 'Hillside Parks Ltd v Snowdonia National Park Authority [2022] UKSC 30' judgement;
- Amendment to requirements 34 & 35(b), to allow an increase in warehouse space from 47,000 sqm to 150,000 sqm to be occupied before the rail terminal must be finished, and to shorten the time allowed to complete the terminal from six years to five years, once that threshold is reached and to make

corresponding changes regarding notification to the local planning authority;
and

- Amendments to the Order, specifically at requirement 25, to reflect agreements made with the local [highway] authority in relation to when some highway works/improvements need to be completed.
2. The Secretary of State has considered your request under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent; Orders) Regulations 2011 (as amended) (“the 2011 Regulations”) and, with the following exception, is content that the proposed consultees accurately represent those which should be consulted. The Secretary of State considers that in addition to those parties not ‘excluded’ at Table 1 of your letter and those listed in Appendix 1, that the Environment Agency (“EA”) should also be consulted on the proposed amendments to the Order. The Secretary of State has noted the explanation provided but takes the view that the EA should be made aware of this application to ensure that there are no unforeseen impacts arising from it. She therefore does not agree that consultation with the EA only in the event of future planning applications, is sufficient.
 3. With the inclusion of the EA, the Secretary of State agrees that you have demonstrated that no other consultees would be directly affected, either because the proposed amendments will not affect their interests or because their interests lie outside the geographical boundaries of the proposed changes.
 4. Accordingly, the Secretary of State gives written consent for the consultation to proceed in accordance with the details set out above, under regulation 7(3) of the 2011 Regulations. In reaching this decision, the Secretary of State notes that while those persons not proposed to be consulted will not be contacted directly, the application will be publicised in accordance with regulation 6 of the 2011 Regulations and will be available on the Planning Inspectorate’s National Infrastructure Planning website. It would therefore be open to members of the public to submit representations by this route.
 5. Finally, the Secretary of State’s written consent in this matter should not be taken as indicating approval for any aspects of the proposed changes to the Order which fall to her for consideration and determination, or whether the proposed changes will be regarded as material or not.

Yours sincerely,

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Head of the Transport Infrastructure Planning Casework Unit