

[XX] No. [XX]

INFRASTRUCTURE PLANNING

**The West Midlands Rail Freight Interchange (Amendment No.3)
Order [2026]**

Made - - - -

Coming into force

An application has been made under paragraph 2 of Schedule 6 to the Planning Act 2008 (a), and in accordance with Part 1 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (b) for a non-material change to the West Midlands Rail Freight Interchange Order 2020 (c).

The Secretary of State, having considered the application and the responses to the publicity and consultation carried out in accordance with regulations 6 and 7 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, has decided to make this Order amending the West Midlands Rail Freight Interchange Order 2020.

The Secretary of State, in exercise of the powers conferred by paragraph 2 of Schedule 6 to the Planning Act 2008, makes the following Order—

Citation and Commencement

1.—(1) This Order may be cited as The West Midlands Rail Freight Interchange (Amendment No.3) Order [2026] and comes into force on the day after the day on which it is made.

(2) In this Order, “the 2020 Order” means the West Midlands Rail Freight Interchange Order 2020 (c).

Amendment of the 2020 Order

2.— (1) article 44 (Disapplication, application and modification of legislative provisions) of the 2020 Order is amended as follows:

- (a) article 44(3) is deleted;
- (b) article 44(4) becomes article 44(3);
- (c) article 44(5) becomes article 44(4);
- (d) new articles 44(5), (6), (7) and (8) are inserted, as follows:

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- (a) 2008 c. 29; paragraph 2 of Schedule 6 was amended by paragraph 4(6)(a) of Schedule 8 to the Marine and Coastal Access Act 2009 (c. 23), by paragraph 72(3) to (7) of Schedule 13, and by Part 20 of Schedule 25, to the Localism Act 2011 (c. 20), by section 28(2) of the Infrastructure Act 2015 (c. 7), and by section 128 of the Levelling-up and Regeneration Act 2023 (c. 55).
 - (b) S.I. 2011/2055; relevant amending instruments are S.I. 2012/635, 2015/760 and 2020/1534.
 - (c) S.I. 2020/511; amended by S.I. 2020/1163, S.I. 2023/1132 and S.I. 2025/481

“(5) If planning permission is granted under the powers conferred by the 1990 Act for development any part of which is within the Order limits following the coming into force of this Order that is—

(a) not itself a nationally significant infrastructure project under the 2008 Act or part of such a project; or

(b) required to complete or enable the use or operation of any part of the development authorised by this Order,

then the construction, maintenance, use or operation of that development under the terms of the planning permission does not constitute a breach of the terms of this Order.

(6) To the extent any development carried out or used pursuant to a planning permission granted under section 57 (a) (requirement of planning permission) of the 1990 Act or compliance with any conditions of that permission is inconsistent with the exercise of any power, right or obligation under this Order or the authorised development—

(a) that inconsistency is to be disregarded for the purposes of establishing whether any development which is the subject matter of that planning permission is capable of physical implementation; and

(b) in respect of that inconsistency, no enforcement action under the 1990 Act may be taken in relation to development carried out or used pursuant to that planning permission, or compliance with any conditions of that permission, whether inside or outside the Order limits.

(7) Any development or any part of a development within the Order limits which is constructed or used under the authority of a permission granted under section 57 of the 1990 Act including permissions falling under paragraphs (5) or (6), is deemed not to be a breach of, or inconsistent with, this Order and does not prevent the authorised development being carried out or used or any other power or right under this Order being exercised.

(8) In paragraph (6), “enforcement action” means any enforcement action provided for under Part 7 of the 1990 Act.”

(2) In requirement 25 of Schedule 2 of the 2020 Order the table is amended to read:

<i>(1) Item as identified on the highway general arrangement key plan / highways masterplan</i>	<i>(2) Description</i>	<i>(3) Stage of Authorised Development</i>	<i>(4) Relevant Body</i>
(i)	A5 Access Roundabout, including works to Avenue Cottages junction	To be completed prior to the occupation of first warehouse to be occupied (with the exception of any warehouse floorspace accessed from the Vicarage Road Access Roundabout (item (iii))).	Highways England/ Staffordshire County Council

(a) Section 57 was amended by paragraphs 34 and 35 of Schedule 2 to the Planning Act 2008, paragraphs 1 and 3 of Schedule 2 to the Localism Act 2011 (c. 20) and paragraphs 2 and 4 of Part 2 of Schedule 4 to the Infrastructure Act 2015.

<i>(1) Item as identified on the highway general arrangement key plan / highways masterplan</i>	<i>(2) Description</i>	<i>(3) Stage of Authorised Development</i>	<i>(4) Relevant Body</i>
(ii)	A5 – A449 link road	To be completed prior to occupation of more than 186,000 square metres (gross internal area) of warehouse floorspace served via either the A5 roundabout (item (i)) or the Vicarage Road Access Roundabout (item (iii)) or a combination of both, or within five years of the occupation of more than 150,000 square metres (gross internal area) of warehouse floorspace, whichever is sooner.	Highways England/ Staffordshire County Council
(iii)	Vicarage Road Access Roundabout	To be completed prior to the occupation of any warehouse floorspace to accessed from the Vicarage Road Access Roundabout.	Staffordshire County Council
(iv)	Right turn ban and associated works at A449 / Station Drive junction	Not to be in force until such time as the A449 Roundabout (item xiv) has been completed.	Highways England
(v)	Crateford Lane closed to westbound traffic	To be completed on or before completion of the A449 Roundabout works (item (xiv))	Staffordshire County Council
(vi)	Improved footway links along the A5 between Gailey Roundabout and the A5 Access Roundabout	To be completed within 6 months of opening the A5 Access Roundabout.	Highways England

<i>(1) Item as identified on the highway general arrangement key plan / highways masterplan</i>	<i>(2) Description</i>	<i>(3) Stage of Authorised Development</i>	<i>(4) Relevant Body</i>
(vii)	Upgraded footway / cycleway on the A449 between Station Drive and Gailey Roundabout	To be completed within 6 months of opening the A449 Access Roundabout.	Highways England
(viii)	Provide HGV turning area on Station Drive to the west of the rail bridge	To be completed within 9 months of the occupation of any warehouse served via the Vicarage Road Roundabout (item iii)	Staffordshire County Council
(ix)	Provide relocated A449 laybys to include closure of existing gaps in A449 Central Reservation and field accesses	To be completed prior to completion of the A5 Access Roundabout or prior to commencement of any works for the construction of the A5 Access Roundabout that would prevent use of the existing A5 laybys by the travelling public, whichever happens earlier.	Highways England
(x)	Improved visibility splay at Vicarage Road / Straight Mile Priority Junction	To be completed prior to opening of Vicarage Road Roundabout.	Staffordshire County Council
(xi)	Provide footway and crossing improvements at Straight Mile / Kings Road / Woodlands Lane	To be completed prior to opening of network of permissive paths / community parks.	Staffordshire County Council
(xii)	Provide pedestrian crossing facilities at Straight Mile	To be completed prior to opening of network of permissive paths / community parks.	Staffordshire County Council
(xiii)	Provide new Cycleway on Vicarage Road	To be completed within 6 months of completing the Vicarage Road Access Roundabout.	Staffordshire County Council

<i>(1) Item as identified on the highway general arrangement key plan / highways masterplan</i>	<i>(2) Description</i>	<i>(3) Stage of Authorised Development</i>	<i>(4) Relevant Body</i>
(xiv)	A449 Roundabout	To be completed prior to occupation of more than 186,000 square metres (gross internal area) of warehouse floorspace served via either the A5 roundabout (item (i)) or the Vicarage Road Access Roundabout (item (iii)) or a combination of both or within five years of the occupation of more than 150,000 square metres (gross internal area) of warehouse floorspace, whichever is sooner.	Highways England

(3) In requirement 34 of Schedule 2 of the 2020 Order substitute “150,000” for “47,000”.

(4) In requirement 35 (Rail Infrastructure) of Schedule 2 of the 2020 Order, for sub-paragraph (b) substitute—

“(b) the fifth anniversary of the first occupation of more than 150,000 square metres of warehousing.”

Signed by authority of the Secretary of State for Transport

Date

Name
Title
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

The West Midlands Rail Freight Interchange Order 2020 (S.I. 2020/511) as amended by the West Midlands Rail Freight Interchange (Correction) Order 2020 (S.I. 2020/1163), the West Midlands Rail Freight Interchange (Amendment) Order 2023 (S.I. 2023/1132) and the West Midlands Rail Freight Interchange (Amendment No.2) Order 2025 (S.I. 2025/481) (“the 2020 Order”) granted development consent within the meaning of the Planning Act 2008 (“the Act”).

This Order follows an application under paragraph 2 of Schedule 6 to the Act to make the following non-material changes to the 2020 Order—

- (a) the provisions in article 44(3) are replaced by the provisions in article 44(5) to (8) with wording to clarify the position relating to the use of future planning permissions under the 1990 Act and the impact on any future planning permissions on that development and on the authorised development;
- (b) the table in requirement 25 is replaced to reflect the updated table as agreed with the relevant bodies and including further changes to items (ii) and (xiv);
- (c) the timeframe and occupational triggers for the deliver of the rail terminal works in requirement 35(b) are amended to allow for a greater amount of warehousing to trigger the need for the rail terminal works but a shorter period of time in which to deliver them once the occupation trigger is passed. Requirement 34 is also amended to ensure the notification provisions reflect the updated trigger in requirement 35(b).