To: The Secretary of State / Planning Inspectorate Team
From: GAILEY HUB (Local Residents Group)
Date: September 2026

Subject: Representation objecting to the proposed Non-Material Change application - West Midlands Rail Freight Interchange Development Consent Order 2020

Dear Sir or Madam,

Formal representation concerning the proposed amendments to the West Midlands Rail Freight Interchange Order 2020

We are local residents living in or around the West Midlands Rail Freight Interchange (WMI). We want to register our concerns regarding the proposed amendments to Article 44 and Requirements 25, 34 and 35(b) of the Development Consent Order 2020.

Whilst it is recognised that warehouse developments will require some flexibility as occupiers and operational requirements evolve. However, we are concerned that the proposed amendments could erode important safeguards - particularly the relationship between warehouse occupation, delivery of the rail terminal, highway infrastructure and the original development consent.

We request that the Secretary of State scrutinises the proposed changes and does not accept them as non-material issues without a full and transparent assessment of the legal & practical consequences of those changes.

1. Concern regarding the proposed amendment to Article 44

We are concerned that the proposed replacement of Article 44(3) could allow development under separate Town and Country Planning Act 1990 permissions to be implemented without adequately protecting the overall integrity of the development as contained in the original DCO.

The communication explains that the amendment is intended to address the implications of the Supreme Court judgment in *Hillside Parks Ltd v Snowdonia National Park Authority* [2022] UKSC 30.

However, the fact that a legislative clarification may be desirable does not, in itself, demonstrate that the proposed wording preserves all the safeguards of the original consent.

We therefore request clarification of the following considerations:

1. What exact categories of development could be authorised outside the existing DCO development parameters?
2. Could the amendment permit changes to warehouse design, floorspace, building height, servicing arrangements ..... or operational characteristics that would have consequences for traffic, environmental impact or additional infrastructure requirements?
3. What safeguards will ensure that development authorised under separate local planning permissions does not undermine the delivery or operation of the rail freight terminal and its connectivity?

4. How would the cumulative impacts of development under the DCO and separate planning permissions be assessed in total?
5. What opportunities will local residents have to examine and comment on future applications that rely upon the amended Article 44?

We request that any amended wording expressly preserves the enforceability of the DCO's Rail Terminal obligations, environmental mitigation, transport commitments, and highway requirements.

2. Concern regarding the Amendment to Requirement 35(b)

We are particularly concerned over the proposed change to the rail terminal trigger.

Existing Requirement 35(b) requires completion of the rail terminal before the sixth anniversary of the first occupation of more than 47,000 square metres of warehousing, unless the earlier 186,000 square metre occupation trigger applies.

The proposed amendment would instead refer to the fifth anniversary of the first occupation of more than 150,000 square metres of warehousing!

That represents a substantial change to the relationship between warehouse occupation and the deadline for delivery of the rail terminal.

Although the developer states that Requirement 35(a) will remain unchanged, we do not consider that this alone demonstrates that the amendment would have no material practical consequences.

The proposed change could allow a considerably greater amount of warehouse floorspace to be occupied before the time-based completion period begins.

We therefore request:

1. A clear explanation of why the existing 47,000 square metre trigger is no longer considered appropriate.
2. Evidence supporting the proposed 150,000 square metre threshold.
3. A comparison of the rail terminal completion dates under the existing and proposed requirements, using realistic warehouse occupation scenarios.
4. An explanation of the consequences (traffic, suitability of new occupants for future rail connectivity, etc.) if warehouse occupation progresses substantially ahead of rail terminal construction.
5. Confirmation of how the proposed amendment affects the original transport assessment, environmental mitigation and the intended operational relationship between warehousing and rail freight operation.

Our concern is that the proposed changes could weaken the practicality of the original rail terminal delivery timetable. We request that these concerns be fully considered before any amendment is approved.

3. Requirement 34 — notification and monitoring

We request the full proposed wording of Requirement 34 is detailed in comparison with the existing requirement.

Of concern is that changing the floorspace threshold will affect when information about warehouse occupation and rail terminal delivery must be provided.

We therefore request confirmation that any amendments will provide for timely, transparent and enforceable notification of:

- Warehouse occupation and cumulative floorspace.
- Progress towards completion of the rail terminal.
- Any anticipated delays to the rail terminal programme.
- Any relevant changes to the approved development or associated infrastructure.

And notification of how this information will be made available to the public and the relevant authorities.

4. Requirement 25 — Highway Infrastructure and Local Impacts

The consultation refers to amendments of the Requirement 25 table, including further changes being discussed with the relevant highway authorities.

As local residents, we are concerned about the timing of highway improvements and effects on capacity & flow, the implications for HGV movements, traffic congestion and safety.

We request publication of the complete revised table, accompanied by a clear comparison with the currently approved requirements.

We also request confirmation of:

1. Which highway works are proposed to change and why.
2. Whether any highways works are proposed to be altered, delayed, removed or replaced.
3. Whether the proposed changes have been assessed against the anticipated warehouse occupation programme.
4. Whether updated traffic modelling and impact assessments have been undertaken.
5. Which highway authorities have formally agreed to the proposed changes.

We request that no existing highway mitigation or enforceable infrastructure commitment be weakened without a clear demonstration that any revised arrangements adequately consider and protect local residents.

5. Whether the proposed changes are genuinely non-material

The application is described as a Non-Material Change application.

However, we suspect that the combined effect of the proposed amendments could be much more significant than the individual wording changes or Non-Material title would suggest.

In particular, the proposed changes concern the interaction between different types of planning permissions; the timing of rail terminal delivery (which is also influenced by external factors); warehouse occupation thresholds; notification requirements; and overall highway infrastructure.

We would therefore request that the Secretary of State assess the combined practical effect of these changes, not the separate considerations of each amendment.

We ask that the decision-maker consider whether the proposed amendments could:

- Change the timing or practical delivery of the authorised rail freight interchange.
- Alter the relationship between warehouse occupation and rail terminal completion.
- Affect the implementation or effectiveness of environmental and highway mitigation.
- Reduce the transparency or enforceability of existing requirements.
- Lead to consequences for local residents that were not adequately considered in the original consent.

If the proposed changes could materially affect the nature, scale, timing or impacts of the authorised development, we request that the application be considered under the appropriate statutory procedure rather than be accepted as non-material changes.

6. Information requested before determination

We respectfully request that the Secretary of State and the applicant provide:

1. A tracked comparison between the existing & proposed wording of Article 44 and Requirements 25, 34 and 35(b).
2. A supporting statement with the relevant technical assessments.
3. An assessment of the consequences of the revised rail terminal completion trigger.
4. An explanation of the proposed safeguards governing development authorised under separate planning permissions.
5. Details of the Highway Authorities' positions on the proposed Requirement 25 changes.
6. Confirmation that residents' representations have been considered and addressed.

We further request that the application not be determined until the relevant information has been made available and affected residents have had a reasonable opportunity to consider it.

Conclusion

We respectfully request the Secretary of State gives full consideration to the concerns raised in this representation.

Our concern is not that the development should remain unchanged. It is that any amendments should preserve the enforceability of the original consent;

the delivery of the rail terminal and the infrastructure and mitigation measures upon which the development was approved within Green Belt.

We request that the proposed amendments not be accepted as non-material unless it can be clearly demonstrated, that their combined effects will not undermine the original consent or adversely affect the interests of the surrounding community.

We look forward to confirmation that this representation has been received and will be considered as part of the determination.

Yours faithfully,

Gailey Hub, Local Residents Group.