

West Midlands Rail Freight Interchange Order 2020 (as amended)
Network Rail Infrastructure Limited's Response to the Proposed Non-Material Change Application

We act for Network Rail Infrastructure Limited ("**Network Rail**") in this matter.

Network Rail makes the following representation in response to the proposed non-material change application submitted by Four Ashes Limited ("**the Applicant**") in relation to the West Midlands Rail Freight Interchange Order 2020 (S.I. 2020/511), as amended by the West Midlands Rail Freight Interchange (Amendment) Order 2023 and the West Midlands Rail Freight Interchange (Amendment No. 2) Order 2025 (together, the "**Order**").

The Order authorises the development of a Strategic Rail Freight Interchange, including a rail freight terminal with a direct connection to the West Coast Main Line, up to 743,200sqm of rail-served warehousing and associated highway infrastructure.

Requirement 25 (Transport – phasing of highway works)

Requirement 25(1) of the Order provides that the Undertaker must complete the highway works identified in the table accompanying the Requirement by no later than the stage of the authorised development set out in that table, or such alternative later triggers as are agreed by the relevant highway authority. The proposed amendments are set out at Figure 3.3 of the Application Statement (pages 18–19) and in the draft Amendment Order. The amendments of relevance to Network Rail concern Items (ii), (xiv) and (viii) of the table.

Item (ii) – A5-A449 Link Road.

Under the original Order, the A5-A449 Link Road was required to be completed by the earlier of:

- occupation of more than 140,000 sqm of warehouse floorspace served via the A5 and 47,000 sqm served via the Vicarage Road Access Roundabout; or
- five years from the occupation of more than 47,000 sqm of warehouse floorspace.

The proposed amendment would require completion of the Link Road prior to occupation of more than 186,000 sqm of warehouse floorspace served via either the A5 Roundabout or the Vicarage Road Access Roundabout (or a combination of both), or within five years of the occupation of more than 150,000 sqm of warehouse floorspace, whichever is sooner (Application Statement, Figure 3.3, page 18).

Item (xiv) – A449 Roundabout.

Under the original Order, the A449 Roundabout was required to be completed by the earlier of:

- occupation of more than 140,000 sqm of warehouse floorspace; or
- five years from the occupation of more than 47,000 sqm of warehouse floorspace.

The proposed amendment would require completion of the A449 Roundabout prior to occupation of more than 186,000 sqm of warehouse floorspace served via either the A5 Roundabout or the Vicarage Road Access Roundabout (or a combination of both), or within five years of the occupation of more than 150,000 sqm of warehouse floorspace, whichever is sooner (Application Statement, Figure 3.3, pages 18-19).

These two amendments have the effect of deferring the trigger for completion of the A5-A449 Link Road. As noted in the Application Statement, the Link Road is a complex element of infrastructure requiring the installation of four bridges spanning the railway, canal and highway network (paragraph 38, page 10). This includes the proposed replacement bridge crossing the West Coast Main Line.

Network Rail request for clarification

Network Rail therefore seeks clarification from the Applicant as to:

- whether the existing Gravelly Way bridge has been assessed as suitable for continued use under the revised trigger regime;
- whether the existing bridge has been assessed against the forecast traffic volumes, vehicle types and loading likely to arise before the replacement bridge is delivered; and
- whether any mitigation measures are proposed to address any operational or safety implications arising from the delayed delivery of the replacement bridge.

This clarification is sought because the existing bridge is traffic-light controlled, narrow and single-lane in operation, with no vehicle incursion protection on the approach slopes or to the parapet walls, and the proposed amendments may result in increased HGV traffic movements utilising the bridge for a longer period than originally envisaged when the trigger regime in the Order was approved.

Item (viii) – HGV turning area on Station Drive to the west of the rail bridge.

Under the original Order, the HGV turning area on Station Drive was required to be completed within six months of completing the Vicarage Road Access. The proposed amendment would require completion within nine months of the occupation of any warehouse floorspace served by the Vicarage Road Access Roundabout (Application Statement, Figure 3.3, page 19).

The Applicant's transport evidence notes that traffic using Station Drive "*would be limited to light vehicles by virtue of the reduced height Station Drive bridge*" (Technical Note 16, page 2, contained within Appendix C2 of the Application Statement).

Network Rail request for clarification

Network Rail therefore seeks clarification from the Applicant as to:

- what measures will be in place to prevent HGVs from accessing or approaching the Station Drive rail bridge in the period between first occupation of warehouse floorspace served by the Vicarage Road Access Roundabout and completion of the HGV turning area;
- what interim arrangements are proposed for the safe turning of HGVs during that period; and
- how the risk of bridge strikes, and any consequent impact on the operational railway, will be managed during that period.

Requirement 35(b) (Rail terminal works)

Network Rail notes the proposed amendment to Requirement 35(b) of the Order, which would increase the warehouse floorspace occupation threshold from 47,000 sqm to 150,000 sqm and reduce the completion period for the rail terminal works from six years to five years (Application Statement, page 10; article 2(3) of the draft Amendment Order). Network Rail further notes the Applicant's confirmation that there is no proposed amendment to Requirement 35(a), which continues to require completion of the rail terminal works prior to occupation of more than 186,000 sqm of warehousing (Application Statement, paragraph 29, page 8).

Network Rail does not object to the proposed amendment to Requirement 35(b) at this time, but reserves its position in respect of the implications of the revised trigger for the programme and delivery of the rail terminal works.

Article 44 (Interaction with the Town and Country Planning Act 1990)

Network Rail notes the proposed amendment to Article 44 of the Order (Application Statement, paragraphs 13–24, pages 6–8; article 2(1) of the draft Amendment Order). Network Rail has no comments on this amendment.

Conclusion

Network Rail has set out its comments above and reserves its position in respect of the proposed non-material change application, including the right to make further representations should additional information become available.