

APPEAL BY KENT INTERNATIONAL GATEWAY LTD ARISING FROM MAIDSTONE BOROUGH COUNCIL'S FAILURE TO DETERMINE AN APPLICATION FOR PLANNING PERMISSION FOR A PROPOSED RAIL/ROAD FREIGHT INTERCHANGE, WAREHOUSING AND OTHER WORKS ON LAND BETWEEN THE M20 AND THE A20, TO THE WEST OF JUNCTON 8 AND EAST OF THURNHAM LANE, MAIDSTONE.

Revised Proof of Evidence on behalf of the Joint Parishes Group (JPG)

Business Case/Failure to Demonstrate Need

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JPG
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1. PERSONAL DETAILS

- 1.1 My name is Peter Titchener and I appear at this public inquiry on behalf of the Joint Parishes Group (JPG). I have been helped in the preparation of this proof of evidence by colleagues within the JPG.
- 1.2 I have been a shipping executive all my working life, both in the Far East and UK/Europe. I was the Managing Director of the shipping and forwarding company within TDG plc. I am a Parish Councillor for, and resident of, Ulcombe.
- 1.3 I am not an expert in planning law or any other technical matter relevant to this public inquiry. I appear as a local resident/Parish Councillor and a member of the JPG.

2. SCOPE OF EVIDENCE

- 2.1 The JPG fully acknowledges the need for Strategic Rail Freight Interchanges (SRFIs) in general, provided that any such SRFI complies with national, regional and local planning policies. We contend that this proposal does not comply, in that it is in the wrong location; too far from markets and too far from London.
- 2.2 The Appellant's Land Registry documentation shows that they have agreed to pay more to the current land owners if it goes ahead without a rail head.

3. JUSTIFICATION OF NEED

- 3.1 The former Strategic Rail Authority's Rail Freight Interchange Policy concluded that 3/4 rail/road interchanges were required in the wider South East (including London and East of England).¹ There is already planning permission for a well sited rail/road interchange at Howbury Park, serving SE London. The need is therefore for 2/3 sites to the SW, NW and NE of London.
- 3.2 The location chosen for the KIG is an extremely environmentally-sensitive area, (Special Landscape Area, bordering an AONB and close to Leeds Castle). The applicant should therefore be obliged to demonstrate a need at this site for a rail/road interchange. This application lacks supporting figures to demonstrate a mid-Kent need and no reason to abandon the South East Plan's assertion that SRFIs should be placed where "key rail and road radials intersect with the M25" (para 8.38) and be situated away from incompatible land uses (para 8.37).
- 3.3 There is the additional problem that the three immediate roads into the Weald of Kent close to Junction 8 have a 7.5 tonne restriction via Ulcombe and via Broomfield , and a

¹ Strategic Rail Freight Interchange Policy (SRA, March 2004)

17.5 tonne restriction via Leeds, which means all southbound traffic has to go via the heavily residential area of Bearsted and Park Wood to reach the Sutton Valence Road.

- 3.4 The applicant also must demonstrate the lack of suitable alternative sites. Our view is that the applicant has also failed to address this adequately.

4. ECONOMIC VIABILITY OF TRANS-SHIPMENT IN MID-KENT

- 4.1 The JPG applauds the wish to get freight off the roads and on to rail. However, business has shown little enthusiasm for such transfers. The rail sidings at the Daventry site are only operating at approximately 20% capacity, after over ten years of operation. Gerald Eve, who are currently acting for the Appellant, rate Kent as having the second lowest need for container-related warehousing need out of 24 UK regions.

- 4.2 In addition, a piece of research commissioned by the Commission for Integrated Transport found that:

“Much of the future growth of freight traffic will be in low-density consignments requiring large amounts of cubic capacity. The relatively low loading gauge restrictions on much of the UK rail network will limit the ability of rail freight operators to attract this traffic.”²

- 4.3 Given that the KIG will be using the Swanley-Ashford line which is only gauge cleared to the W9 loading gauge the KIG may struggle to attract the freight traffic. Furthermore, the presence of a modern high-speed rail line in Kent makes the decision to locate the KIG on the Swanley-Ashford line particularly questionable.

- 4.4 There is no need for a road/rail interchange in the middle of rural Kent.

- 4.5 It makes no commercial sense to transfer continental lorry loads to rail in mid-Kent. Freight trains of appropriate gauge from the continent could and should penetrate much further into the UK before trans-shipping to lorries for local distribution.

- 4.6 Container freight should use the “Motorways of the Sea” by using a range of seaports round the country with road/rail interchanges at each. Kent has the lowest rating for container-related distribution prospects in the UK. There are EU grants to assist the development of transport by sea in order to reduce the more environmentally damaging use of road/rail transport. The UK as a whole would benefit because it would restore the transport hubs to local ports around the country and reduce the reliance on moving everything to the Continent via Kent.

² CO2 Emissions from Freight Transport in the UK, Report prepared for the Climate Change Working Group of the Commission for Integrated Transport. Page 30

4.7 Additional inland road/rail interchanges should be sited close to large population centres to serve SW, NW and NE London and conurbations further north.

5. THERE ARE BETTER ALTERNATIVE SITES

5.1 Preferable alternative sites for road/rail interchanges, having the advantages of a port and not adequately explored in the application, include:

- Barking, Shellhaven, Lowestoft
- The Humber, Tyne, Mersey, Clyde, the Firth of Forth and Southampton

5.2 In addition, the consultancy Jacobs Consulting identified the following sites “all of which perform better than KIG in the appraisal ranking” in its research for Maidstone Borough Council.³

- Barking/Dagenham;
- Colnbrook;
- Howbury Park;
- Radlett;
- Isle of Grain;
- Shell Haven (Thames Gateway);
- Elstow; and
- Bourne Wood (Swanley).

5.3 In our view, other alternative inland sites are shamefully under-explored in this application.

5.4 It is interesting to note that the consultants employed by Maidstone Borough Council to look for alternative sites found a number of options, while those employed by the appellant suggest that there are no other options.

5.5 Of further interest is the fact that in the Howbury Park SRFI planning inquiry the same consultants employed by the Appellant found that there were no alternatives to the Howbury Park location in the South East. This begs the question why they did not identify the site of the KIG as a possible location at the time of the Howbury Park inquiry.

5.6 In its most recent evidence the Appellant acknowledged that “other sites may be valid”. Surely, the potential of these other sites should be fully investigated before building on a Special Landscape Area next to an Area of Outstanding Natural Beauty.

³ Jacobs Consultancy, Rail freight Interchange sites study, April 30th 2009

6. THIS IS A SPECULATIVE APPLICATION

- 6.1 The Rail/Road Interchange element in this application makes little sense at this site, suggesting that the application may just be bait to obtain Planning Consent for an industrial warehousing development. Lord Tony Berkeley, chairman of the Rail Freight Group and secretary of the All-party Parliamentary Rail Group, has said at a meeting with the JPG that he would have expected to see lots of rail sidings in any plans for a genuine intermodal rail/road interchange. We suggest that the rail siding provision in the applicant's plans are decidedly mean.
- 6.2 We have seen a copy of the Land Registry documentation which states that the Appellant will pay one landowner an extra £1.5m if there is no rail head in the development⁴. This makes plain the true intentions of the Appellant which is to obtain permission for a simple industrial warehousing development without any intermodal facility. We should therefore not be surprised if in a few years time the rail interchange is declared unviable and falls into disuse. Such a development is inappropriate for such an environmentally sensitive area.

7. SOUTH EAST TRANSPORT STRATEGY

- 7.1 The South East Plan Transport Strategy forms the Regional Transport Strategy for the South East of England to 2026. One of the five key challenges faced by the region's transport system are understood to be according to the Plan:

"8.2 v. to reduce the impact of the transport system on the environment."⁵

In addition, It sets out a vision for:

"high quality transport system to act as a catalyst for continued economic growth and provide for an improved quality of life for all in a sustainable and socially inclusive manner; a regional transport system that progressively reaches the standard of the best in North West Europe."⁶

- 7.2 We believe this proposal conflicts with this vision.

⁴ Call Option Agreement relating to Part of Woodcut Farm Hollingbourne Near Maidstone Kent; Dated 17th May 2007. Messrs NJ and CR and Mrs VB Leggat (1) Eastern Gateway LP (2) Sun Life Assurance Society plc (3) Sarah Leggat (4). Original seen certified a true copy (with the stamp of SJ Berwin LLP, 10 Queen Street Place, London, EC4R 18E. T:+44(0)20 7111 2222). Ref: 1283/S16156.231/PP:1934180.8/sadf.

⁵ The South East Plan, Page 65

⁶ Ibid., point 8.5, Page 65

7.3 Moreover, the proposal fails to match up to the South East Plans requirements for intermodal interchanges. In particular they must (inter alia) in 8.37 be situated away from incompatible land uses⁷. We submit that an SLA, adjacent to an AONB and right next to residential accommodation is an incompatible land use.

7.4 Is this site well related to rail and road corridors?

Point 8.38 of the plan states that “Suitable sites are likely to be located where the key rail and road radials intersect with the M25 motorway.”⁸

7.5 This site is not on an intersection of the M25. Moreover, there are other alternative sites, notably in the Thames Gateway⁹, that meet this requirement. If a site like KIG is required then it should be closer to the main container ports of Felixstowe and Tilbury to maximise its operational efficiency. Near the M25 and north of the Thames, would satisfy this strategic positioning, and be closer to the majority of the region’s population without being constrained by the Dartford bottleneck. Such a site would also be well placed for Dover via the M2/M20.

7.6 The Appellant claims that the KIG, in terms of site selection criteria for logistics directors, is “close enough” to the M25 to be an intersection, but gives no evidence or support for this claim. Hyde Park is only 30km from the M25 perhaps this would be an ideal place for a SRFI?

8. Conclusion

8.1 This site is not the right site for a rail/road intermodal interchange. If the applicant wants a regional distribution centre, without a rail element, alternative, less sensitive sites are numerous. Even with a rail interchange at least eight other sites are better suited.

8.2 When it comes to planning an integrated transport system for freight distribution, the answer has to be right for the next 50 years, not the next 5 years. Road/rail/port infrastructure throughout the UK has to be planned and coherently co-ordinated to cope with a population rising to 70million over the next few decades with the majority population pressure being in the South East. Kent is a peninsular and a bottleneck – and the strategic thinking should rather be how best to avoid Kent and the consequential congestion and environmental problems which a proposed development like KIG will create over the next 50 years.

⁷ Ibid., point 8.37, Page 74

⁸ Ibid., point 8.37, Page 74

⁹ Thames Gateway Delivery Plan DCLG 2007

8.3 In conclusion, I invite you to consider the adverse aspects of this proposal in arriving at your recommendation. May I suggest the key points to consider in the context of the business case are:

- The lack of economic viability for a intermodal transport interchange in mid-Kent and the Land Registry document showing that the Appellant will pay £1.5m more for this site if they never have to build a rail interchange (a true reflection of their motives perhaps).
- The failure of the Appellant to consider other, more appropriate, sites.
- The failure of the KIG proposal to meet the requirements for intermodal interchange sites as set out in the South East Transport Plan. In particular, the proximity of the site to an AONB and the lack of proximity to the M25 motorway.

Supporting Documents:

CO2 Emissions from Freight Transport in the UK; Report prepared for the Climate Change Working Group of the Commission for Integrated Transport

CO₂ Emissions from Freight Transport in the UK

Report prepared for the Climate Change Working Group
of the Commission for Integrated Transport

Professor Alan McKinnon

Logistics Research Centre
Heriot-Watt University
EDINBURGH

Company Neutral Revenue Support has been used to attract inter-modal container traffic to rail and is estimated in 2005-6 to have removed around 710,000 lorry journeys from UK roads. In April 2007 a new 'mode-neutral' system of government financial support was introduced to promote sustainable distribution, with railfreight likely to be one of the main recipients of this state aid. This financial support, coupled with improvements to rail infrastructure, should help rail to capture an increasing share of the freight market. Worsening traffic congestion on the road network will also give companies a negative incentive to switch traffic to rail.

The Route Utilisation Strategy for freight, published by Network Rail (2006), forecasts a growth of just under 30% in railfreight tonnes by 2014-5, equivalent to an extra 240 freight trains per day (including empty return trips). The main growth is anticipated in deep-sea container traffic. Substantial investment in rail infrastructure (mainly on gauge clearance, loop lengthening and improved signaling) will be required to accommodate this forecast growth.

These optimistic projections of the future growth of railfreight require some qualifications.

1. Given the short average length of haul in the UK, the very low proportion of industrial premises connected to the rail network, the country's industrial mix and the heavy use of our rail network by passenger traffic, it is unlikely that rail will be able to capture more than 10-12% of total freight tonne-kms in the UK in the foreseeable future.
2. In the case of intermodal services, a major growth sector for rail, rail's CO₂ advantage is lower when emissions are measured on a door-to-door basis. The road leg at either end of the rail trunk haul has significantly higher CO₂ emissions per tonne-km and the need to route the consignments via railhead terminals can add significantly to the total distance traveled.
3. Much of the future growth of freight traffic will be in low-density consignments requiring large amounts of cubic capacity. The relatively low loading gauge restrictions on much of the UK rail network will limit the ability of rail freight operators to attract this traffic. In its rail utilization strategy for freight, however, Network Rail plans to expand the loading gauge in key routes such as between Nuneaton and Peterborough and Southampton and the West Coast Mainline.
4. The Department for Transport is currently examining the possibility of longer and heavier lorries being allowed onto UK roads. If permitted, these vehicles could divert traffic from rail. It is likely, however, that the government would only approve this change in regulations if any environmental disbenefit from modal shift would be more than offset by the environmental benefit of load consolidation within the road freight sector.