

**Public Inquiry into Appeal by Helioslough Ltd into a
proposed Strategic Rail Freight Interchange on land in
and around Former Aerodrome, North Orbital Road,
Upper Colne Valley, Hertfordshire**

APPENDICES

to

Proof of Evidence by Jim Morgan

on behalf of

First Capital Connect

Passenger Train Operations

**Public Inquiry into Appeal by Helioslough Ltd into a
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APPENDIX 1

to

Proof of Evidence by Jim Morgan

on behalf of

First Capital Connect

Passenger Train Operations

Robin Booth
Planning and Building Control
St Albans City and District
District Council Offices
St Peter's Street
St Albans
AL1 3JE

www.firstcapitalconnect.co.uk

6 July 2009

Dear Mr Booth

**Application Ref 5/2009/0708
Proposed Strategic Rail Freight Interchange**

First Capital Connect wishes to lodge a strong objection to the above proposed development. Our grounds for this objection are as follows:

The £5.5 billion Thameslink Programme was authorised by Government in July 2007, after Helioslough's previous planning application had been refused (on 20 February 2007) and their appeal had been lodged.

When completed, the Thameslink Programme will provide significant additional capacity for passenger train services on the Thameslink route, currently operated by First Capital Connect, between Bedford and Brighton.

The Thameslink Programme will increase the current Thameslink off-peak frequency south of St Albans to 10 trains per hour from 2015 (6 slow line and 4 fast line, compared with 4 slow line and 4 fast line currently). In addition 5 trains per hour operated by East Midland Trains will run on the fast line, as now.) The mix of speeds and stopping patterns – let alone crossing movements between fast and slow lines at Harpenden, Radlett, West Hampstead South and Carlton Road junctions – will make the robust pathing of additional freight trains extremely difficult, particularly given the existing aspirations for 2,500 ton trains in the future.

Additionally the faster acceleration and deceleration of the new Thameslink trains shortly to be procured will make it far more difficult to path more freight trains into the gaps between passenger trains. Any modelling that might now be undertaken could only be based on a notional timetable that might have little bearing on what the final Thameslink route timetable might look like.

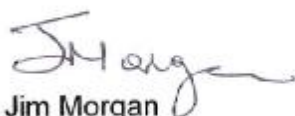
We are surprised that Network Rail have supported Helioslough's planning application, particularly as Network Rail have been unable to demonstrate that they have completed the investigation and modelling to show that:

- that there will be sufficient paths on the Midland Mainline to allow 12 trains a day in and out of the freight interchange;
- how these freight trains could access the freight interchange without affecting existing and planned passenger and freight paths;
- what disruptive impact the construction of a dive-under access to the freight interchange would have on passenger services;
- that there would be train paths available from deep sea container ports to connect with the Midland Mainline;
- that there would be train paths available from High Speed 1 (Channel Tunnel) to connect with the Midland Mainline;
- what infrastructure upgrades would be needed to enhance the gauge to enable larger containers (9ft 6ins high) to be carried to Radlett by rail;
- what disruptive impact necessary gauge enhancements (e.g. in the Belsize, Elstree and Ampthill tunnels) would have on passenger services and for how long;
- how they would ensure that any such gauge enhancements would be funded by the developer.

Network Rail need to be able to demonstrate that it is capable of pathing all train services planned for Thameslink Programme Key Output 2 in 2015. Additionally, should there be an appeal by Helioslough against a planning decision made by St Albans City and District Council, we believe that Network Rail should provide a witness who can be cross-examined at that appeal.

Our view is that the location of a strategic rail freight interchange on the Thameslink route between Bedford and London would be incompatible with the Thameslink Programme's planned increase in passenger services and would compromise our performance.

Yours sincerely



Jim Morgan
Managing Director
First Capital Connect

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APPENDIX 2

to

Proof of Evidence by Jim Morgan

on behalf of

First Capital Connect

Passenger Train Operations

Charles Turner
Principal Solicitor
St Albans City and District Council
District Council Offices
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11 August 2009

Dear Mr Turner

Further to your email dated 5 August and my acknowledgement of the same date, I am now able to give you a full response.

1. First Capital Connect will indeed wish to appear at the enquiry.
2. Reason for Refusal 6 was as follows:

"The applicant has failed to demonstrate that there are adequate paths in the wider national rail network to support the number of freight trains that the facility is intended to serve, and that the Midland Mainline timetable can accommodate the level of services anticipated. The viability of the rail connection has not been demonstrated and there is no evidence that gauge improvements to W9 and W10 standard can be delivered between Radlett and points on the rail network with gauge to these standards. No demand has been shown for rail freight or an SRFI in the north west sector of London. The proposal is therefore contrary to the requirement that priority should be given to the objectives of the Regional Transport Strategy regarding the sustainable movement of freight set out in Policies T1 and T10 of the East of England Plan and the advice in PPS1 regarding sustainable development."

Helioslough's response as Ground of Appeal 6 is:

"Both the Inspector and Secretary of State concluded (para 33) that there was no reason to refuse the application on grounds of the rail network and the availability of rail paths and further that freight trains to and from the SRFI would not prejudice the ability of the MML to carry passengers and to accommodate growth in passenger numbers."

"The Secretary of State clearly concludes that there is a need for SRFI's to serve London and the South East and that this is a material consideration of very considerable weight. The Secretary of State also concluded that the North West quadrant of the M25 is the correct area of search for the alternative sites (Para 42)."

"There is therefore no basis for the inquiry to reconsider the matters referred to in reason for refusal 6."

First Capital Connect disagrees with Helioslough's perceived "grounds for appeal". As stated in our letter of objection dated 6 July 2009, the £5.5 billion Thameslink Programme was authorised by Government in July 2007, **after** Helioslough's previous planning application had been refused (on 20 February 2007) and their appeal had been lodged.

The Thameslink Programme will increase the current Thameslink off-peak frequency south of St Albans to 10 trains per hour from 2015 compared with eight currently. This is an entirely new situation and it is clearly vital that the massive investment in much needed additional passenger capacity and improved performance on the Midland Mainline's Thameslink route between Bedford and London should not be put at risk.

3. Additionally, again as stated in that same letter, Network Rail have not completed the investigation and modelling to show that it is capable of pathing all train services planned for Thameslink Programme Key Output 2 in 2015 plus up to 12 freight trains a day in and out of the proposed freight interchange (i.e. 24 freight train movements per day).

In Network Rail's submission to the Planning Department, shown in the Report to the Planning Referrals Committee dated 20 July 2009, they say:

6.11.1 ".....However we should point out that ***there does remain a very significant level of work to be carried out in terms of rail capacity on the Midland Mainline*** although initial indications are that the ***capacity may exist*** to build up to the programmed 12 trains per day. ***This can be confirmed in due course after further modelling.***"

6.11.2 "..... We would envisage that, until the Midland Mainline is upgraded in terms of its gauge capacity through other industry initiatives, all trains would need to arrive at and depart to and from the south, gaining access to the West Coast mainline (with its enhanced loading gauge) via a cross London route."

First Capital Connect believes that no timescale for the planning appeal should be set until Network Rail have completed the outstanding "significant level of work" and the "further modelling" to which they refer. The planning appeal should not go ahead without that essential information and Network Rail should be required to produce it by an agreed date, following which the appeal timetable could be agreed.

4. As stated in our submission to St Albans City and District's Planning Department, we believe it essential that Network Rail should provide a witness who can be cross-examined at the appeal.

Yours sincerely

Larry Heyman
Integration and Partnership Manager
First Capital Connect

cc Jim Morgan
Managing Director, First Capital Connect

