CD-D33

Appeal: Land NE J10 M42, Tamworth

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Proof of Evidence of Michael A Hatfield BSc MSc

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MDS Transmodal

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1. INTRODUCTION

1.1 My name is Michael Austin Hatfield. I have a BSc (Hons) in *Geography* from the *University of Durham* and a MSc post-graduate qualification in *International Transport* from the *University of Wales (Cardiff)*. I am a Director of *MDS Transmodal Ltd*, a transport and economics consultancy that specialises in the logistics and freight transport sector.

1.2 I have worked for MDS Transmodal for 25 years and have been a Director of the company since 2020. Prior to that, I worked in the logistics sector for 4 years (for a major third party logistics provider) in both operational and project based roles. I have a Certificate of Professional Competence (CPC) in road transport operations. Since joining MDS Transmodal, I have advised clients in both the public and private sectors, mainly covering logistics (road haulage and rail freight sectors), transport economics, freight policy and planning matters.

1.3 For example, in 2023 I advised *Cotswold District Council* on the development of an overnight lorry park near Cirencester. The proposed facility was located adjacent to the A417 dual-carriageway, and was planned to provide parking for 75 HGVs alongside toilet and refreshment facilities. However, the site is located within the Cotswold Area of Outstanding Natural Beauty (AONB). I presented expert witness evidence at a public inquiry on behalf of the Council, demonstrating that more appropriate sites existed outside of the AONB which could meet the local need.

1.4 I have also previously advised *Bradford City MBC* on HGV parking matters, including the production of a study on lorry parking issues in the city. This identified existing parking capacity, quantified the likely demand for HGV parking and recommended a number of potential locations for new facilities using a criteria based approach.

1.5 I have previously managed or provided inputs into a number of major research studies for planning authorities on strategic logistics issues, including in Leicestershire, Liverpool City region and the southern East Midlands. Specifically in relation to the West Midlands, I provided technical inputs into the *Coventry and Warwickshire Housing and Economic Development Needs Assessment (HEDNA, 2021)* and the soon to be published *West Midlands Strategic Employment Sites Study (WMSESS, 2024)*. These studies included producing forecasts of likely future long-term demand for large-scale warehousing (using the *GB Freight Model* – see below), estimating the consequent implications with respect to new land that will need to be brought forward in local plans and assessing the locational requirements in land use planning and policy terms.

1.6 I am currently advising *Transport for Greater Manchester* and *Transport for the North* on rail freight operations across the north of England. This important study has explained the current demand for rail freight services in the north of England and why particular routes are utilised.

It has also identified where infrastructure capacity constraints are likely to suppress future rail freight growth in the absence of any interventions. I have also previously managed and provided inputs into a similar project for *Midlands Connect*. Forecasts of future rail freight demand were generated, alongside identifying where capacity constraints are likely to suppress growth. A number of potential interventions were subsequently tested with respect to their impact on future growth. I also advised *England's Economic Heartlands* with respect to their submission to the long-term rail freight growth target 'call for evidence'. I am currently advising *Cheshire West and Chester Council* on rail freight development in north Cheshire, and *Network Rail* on the business case for upgrading the loading gauge between the Channel Tunnel and London (Wembley).

1.7 I have advised the *Department for Transport (DfT)* on a number of matters. I am currently part of a multi-disciplinary team advising the DfT on the future of the Mode Shift Revenue Support grants scheme (provides grants to users of rail freight). I contributed to the research which informed the decision to allow a trial of longer articulated semi-trailers on British roads (including assessing the impact of longer semi-trailers on domestic rail freight markets). I also managed a project which identified cost and operational data held by the rail freight operators and logistics companies which use rail freight, and how this data might be shared with the DfT to inform their future long-term planning (including decarbonising the freight railway).

1.8 My company has been heavily engaged in modelling and forecasting freight demand, both domestically and internationally. MDS Transmodal developed and operates the *Great Britain Freight Model*, a comprehensive model for analysing current and forecasting future freight demand. It has informed a number of major projects and studies in both the public and private sectors. My company has produced freight demand forecasts for Network Rail since 2013, and before that for various other bodies. The most recent forecast iterations have been used by Network Rail to inform the ORR's periodic review (2024-2029) of freight track access charges, and also the development of the long-term rail freight growth target (announced in December 2023 by the DfT).

1.9 My company has previously been involved in advising the developers of major logistics and distribution parks. This has included Hams Hall, Daventry International Rail Freight Terminal (DIRFT) and Wakefield. We are currently retained by Peel Ports to advise on the development of Port Salford Strategic Rail Freight Interchange and rail freight issues related to the Port of Liverpool.

1.10 I am aware that my duty is to the inquiry to provide my untrammelled and objective expert opinion. To that end, I can confirm that the evidence provided in this Proof is true and that the opinions expressed are my professional opinion, irrespective of by whom I am instructed.

2. SCOPE OF EVIDENCE

2.1 This Proof of Evidence considers three issues related to the appellant's proposals for Land NE J10 M42, namely:

- The urgent need for additional high quality HGV parking capacity in Tamworth area, particularly along the A5 corridor, as well as the identified 'hotspot' from Hams Hall to Dordon (around Birch Coppice), which the appellant's plans for a new secure overnight HGV parking facility are intended to address;
- The warehousing element of the proposals and the connectivity with the intermodal rail terminal facilities at Birch Coppice Business Park; and
- The transition to zero-emission road goods vehicles and the site's ability to accommodate which ever emerging technology or technologies eventually becomes the long-term solution.

2.2 *MDS Transmodal (MDST)* have previously prepared a number of documents relating to the appellant's proposals, namely:

- HGV Parking Facility Need Assessment (CD-A15);
- Rail Terminal Connectivity Statement (CD-A14);
- Rail Terminal Connectivity Statement – Technical Addendum (CD-B27); and
- Zero Emission Goods Vehicle Statement (CD-B44).

2.3 More recently, two further Technical Addendum documents have also been prepared which contain updated data and new information that was not published at the time the original documents listed above were produced. These are appended to this Proof (Appendices 5 and 6). All of these documents contain the detailed data, analysis and information which is material to this appeal. In order to avoid unnecessary duplication, the evidence presented in this Proof primarily summarises the contents of these documents, with references subsequently provided to the relevant sections.

HGV Parking Facility

2.4 I shall outline the operational need for HGV parking facilities (the requirement for HGVs to park while operating away from their home depot), including describing the legal requirement upon HGV drivers to undertake break/rest periods, and the need for drivers to access amenities/welfare facilities.

2.5 I shall describe current transport and planning policy (including a number of Ministerial statements) which promotes the provision of new parking facilities in areas where there is a clear shortage of capacity, including the Department for Transport's latest advice (DfT Circular

01/2022 – *CD-H3*) with respect to the maximum distance/driving times between HGV parking facilities.

2.6 I shall present a number of quantitative and qualitative data sources and analysis which demonstrates significant demand for lorry parking, while also showing a clear short-fall in appropriate HGV parking capacity in the Tamworth area, particularly along the A5 corridor. This includes the DfT's national survey and data collated via a parking beat survey in the immediate hinterland of the appeal site.

2.7 Derived from the logistics sector's specific operational needs for HGV parking facilities, I shall define the criteria which enables suitable locations for accommodating new HGV parking facilities to be identified. I shall then demonstrate that the proposed development meets all the criteria to a high level, being co-located on the strategic road network and adjacent to distribution centres, and that the planned parking facilities are those required by road haulage operators and drivers. I shall also show that a parking facility at the appeal site would conform with the Government's latest official advice with respect to driving time spacing between HGV parking facilities.

2.8 I therefore conclude that the appellant's proposed development is an exceptional scheme, providing much needed secure HGV parking capacity at the best location in the Tamworth area where a clear need has been identified, alongside high quality driver amenities.

Birch Coppice and Rail Terminal Connectivity

2.9 I shall describe current policy support for rail freight growth and rail-served logistics facilities, due to the economic and sustainability benefits it generates. In particular, I shall outline the Government's recent rail freight growth target which aims to secure a 75% up-lift in the volume of rail freight moved by 2050.

2.10 Rail freight as a transport option will only be attractive to shippers when it can offer a cost competitive and convenient alternative to road haulage. I shall explain that one of the main factors which renders rail freight cost competitive against road haulage is the ability to locate distribution centres at rail-served locations (when compared with warehouses located distant from a rail terminal).

2.11 I will demonstrate that due to its close proximity to *Birch Coppice Business Park*, the appellant's proposed warehouse development should in practice be classified as rail-served. The planned facility will be able to access Birch Coppice's intermodal rail facilities on the same basis as those currently located within the business park, thereby generating direct financial benefits to shippers and occupiers (lower transport costs), and wider societal benefits that are generated

through modal shift to rail. I therefore conclude that the planned scheme will support the Government's desire to grow the rail freight sector, as recently evidenced by the publication of a long-term growth target.

Net-Zero Road Goods Vehicles

2.12 I shall describe the technological solutions which are emerging as potential zero-emission replacements for diesel/petrol engine freight vehicles. These have been identified in various recent policy documents and reports, which I shall summarise.

2.13 I will show that the appellant's planned scheme will be able to readily accommodate zero-emission goods vehicles, which ever emerging technology or technologies eventually becomes the long-term solution. It is therefore 'net-zero ready' and will contribute to the process of decarbonising the road transport sector.

Summary and Conclusions

2.14 I conclude that the appellant's proposals are an exceptional development opportunity. It will help deliver three key Government policies, namely providing much needed secure overnight HGV parking capacity in an area where there is a recognised short-fall in appropriate facilities, provide access to a modern intermodal rail terminal (thereby encouraging modal shift) and support the transition to net-zero road haulage. It will also be funded entirely by the private sector. In my 25 years consultancy career (and 29 years overall experience in the logistics sector), I consider the proposals at Land NE J10 M42 to be one of the best schemes I have provided with advice and support.

3. HGV PARKING FACILITY

3.1 The overall case for the proposed HGV parking facility is summarised as follows:

- There is a requirement for drivers to park HGVs while operating away from their home operating depots;
- Parking at locations not specifically designed for HGVs can generate serious environmental impacts, has implications for the welfare of drivers and can attract criminal behaviour;
- While there is significant demand for lorry parking in the immediate hinterland of the appeal site, there is currently a clear serious short-fall in appropriate HGV parking capacity in the Tamworth area, particularly along the A5 corridor; and
- The site meets the criteria defining a suitable location for HGV parking to a high level and the planned parking facilities are those required by road haulage operators and drivers.

3.2 The aim of this section is to summarise and reference the detailed evidence which underpins the case for the proposed HGV parking facility, as outlined above.

3.3 Section 3 of the *HGV Parking Facility Need Assessment (CD-A15)* sets out in detail why HGVs need to park at suitable and appropriate parking facilities. These are:

- The need for drivers to undertake statutory (legally required) driving break or rest periods;
- While awaiting allocated delivery/collection time-windows at factories and distribution centres (drivers will seek to park a short distance away from the delivery/collection location and wait until their allotted delivery times); and
- The need for drivers to access amenities. As with all employees, HGV drivers are entitled to a healthy and safe working environment. This includes the ability to undertake break and rest periods away from the point of work (i.e. driving cab), and to access basic amenities such toilets and washing facilities and food and drink refreshments.

3.4 While drivers are out on the road, this clearly implies a requirement for some form of purposely designed 'parking facility' connected to but located off the public highway, where HGVs can be parked in an appropriate manner whilst providing drivers with access to suitable amenity facilities.

3.5 Paragraphs 3.20 to 3.34 of the *HGV Parking Facility Need Assessment (CD-A15)* addresses the consequences of parking at inappropriate locations where sufficient HGV parking capacity is not available. In addition to the environmental impacts of parking at unsuitable locations, the implications for the general working environment of HGV drivers and their welfare is discussed, with a particular emphasis on recruitment into a sector which is experiencing a shortage of qualified personnel. The issue of so called 'lorry crime' is also addressed; the provision of off-

road lorry parks with security measures in place are seen as a major weapon in the fight against such criminal activity.

3.6 Section 4 of the *HGV Parking Facility Need Assessment (CD-A15)* considers current planning policy and Government support for the development of new HGV parking facilities. While Mr Hann has been retained to consider planning matters related to the appeal as a whole, a number of policy documents which relate directly to HGV parking need are material and are therefore worth referencing briefly in this Proof (noting these may also have been cited by Mr Hann in his Proof of Evidence). In particular, Section 4 references Paragraph 109[1] of the NPPF (from 2021) which addresses the need for new HGV parking facilities. It states that:

> *"Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use."*

3.7 This paragraph notes that the provision of parking facilities is important, particularly in areas where there is currently a shortage of capacity, to reduce the negative impacts of inappropriate parking. It also expects new large-scale warehousing schemes to provide an appropriate level of parking for HGVs as integral components of such schemes, principally to accommodate the waiting periods before and after cargo collections/deliveries have taken place. This is so that they do not exacerbate pre-existing problems of inappropriate lorry parking.

3.8 Section 4 also references Policy LP34 of the *North Warwickshire Local Plan (CD-F1)*, adopted in September 2021, which sets out the planning authority's position on parking provision for road going vehicles. With respect to lorry parking, the relevant paragraph of Policy LP34 states:

> *"Proposals which reduce lorry parking (either informal or formal parking areas) should be accompanied by evidence to support its loss and explore opportunities for alternative provision. In recognition of the Borough's strategic location and demand for lorry parking, the Council will give weight to lorry parking provision and facilities, and opportunities for alternative provision and for improved management in decision-taking."*

3.9 A number of other key Government statements of support for an expansion of lorry parking are also referenced in Section 4 of the *HGV Parking Facility Need Assessment (CD-A15)*. A number of other important and highly relevant policy documents and studies have been published since the preparation of the initial HGV Parking Facility Need Assessment. These are referenced and

[1] CD-F11. This became Paragraph 113 of the 2023 update, albeit the text remains as per the 2021 document.

described in the *HGV Parking Facility Need Assessment – Technical Addendum* document which is appended to this Proof (Appendix 5). These recent documents include:

- The *Warwickshire Local Transport Plan (LTP4)(CD-H6)* which was adopted by Warwickshire County Council in July 2023. Noting the high concentration of logistics activity in the County, particularly along the 'A5 Midlands Logistics Corridor, LTP4 states that "*Inbound freight from ports in the south east of England leads to elevated demand for lorry parking in Warwickshire*".
- The *A5: The Economic Backbone of the Midlands (CD-I75)* – a report published by the A5 Partnership. It notes the need for additional lorry parking provided on or near the A5, including better facilities for drivers, as well as information and signage; and
- *Route Strategy Initial Overview Report: South Midlands Route*, *May 2023 (CD-I74)*. Published by National Highways, it notes the need to improve driver welfare facilities in an area where utilisation rates at existing facilities have reached critical levels.

3.10 A quantitative assessment of the need for the parking facility is addressed in the *HGV Parking Facility Need Assessment (CD-A15)*. Firstly, Section 4 summarises the outputs from the DfT's *National Survey of Lorry Parking 2017 (CD-I9).* This was commissioned to provide a clear picture of the demand for lorry parking, including the capacity and utilisation of existing officially recognised lorry parks, and HGV parking in lay-bys and industrial/retail estates.

3.11 For the West Midlands region, the 2017 survey reported that official 'on-site' parking facilities had a total capacity of 1,906 HGV spaces and that on average 1,663 spaces (87%) were occupied on a nightly basis. In particular, it recorded that Tamworth MSA had an average nightly utilisation rate of 92%. In total, the survey reported that an average of 2,519 HGVs were parked each night, representing a daily excess demand over capacity of 613. It also noted high levels of 'off-site parking' were recorded along the M6 and A5 corridors, with Hams Hall to Dordon (around Birch Coppice) specifically identified as one of seven parking 'hotspots' nationally.

3.12 The National Survey of Lorry Parking was refreshed in 2022 (CD-I10), and the outputs are summarised in the afore-mentioned *HGV Parking Facility Need Assessment – Technical addendum* document (Appendix 5). The tables below summarise the outputs from the 2017 and 2022 surveys for the West Midlands region.

Table 3.1: Summary Results of National Lorry Parking Surveys (2017 and 2022) – West Midlands

Number of on-site and off-site parking locations	2017	2022
On-site	38	36
Off-site – Lay-bys	362	287
Off-site – Industrial Estates	86	68

Capacity and utilisation at on-site parking locations	2017	2022
On-site capacity	1,906	2,228
Average nightly utilisation	87%	84%

Average number HGVs parked each night	2017	2022
On-site	1,663	1,871
Off-site – Lay-bys	504	377
Off-site – Industrial Estates	352	438
Sub-total off-site	*856*	*815*
Total on-site and off-site	**2,519**	**2,686**
*Excess vehicles parking**	*613*	*458*
% parking off-site	34%	30%

* *Total number HGVs parking at on-site and off-site locations minus on-site capacity*

Source: National Survey of Lorry Parking 2017 and 2022 Part 1

3.13 While the picture has improved marginally since 2017 as a result of the growth in logistics development in this region, the outputs still show significant regional need given high utilisation rates at official 'on-site' facilities and high levels of parking at 'off-site' locations. A significant shortage of 'on-site' parking capacity is continues to be identified across the West Midlands region, with the average total number of HGVs parking each night being well in excess of the installed on-site capacity (458 in 2022).

3.14 The *HGV Parking Facility Need Assessment (CD-A15, Section 6)* included the results of a 'parking beat' survey undertaken each evening on 12, 13 and 14 October 2021. The aim of the survey was to identify excess and unmet HGV parking demand at known and potential inappropriate non truck-stop locations in the immediate hinterland of the appeal site. The methodology

adopted and the area survey are described in Appendix 14 of the *HGV Parking Facility Need Assessment (CD-A15)*, albeit in summary the area of survey covered the A5 corridor from the western side of Tamworth to Atherstone. During December 2023, the parking beat survey was re-run to ascertain whether there has been any significant changes to the level of inappropriate parking observed two years earlier. Undertaken over the consecutive evenings/nights of 12, 13 and 14 December 2023, the same methodology adopted in October 2021 was followed. The exercise and the outputs recorded are reported in the *HGV Parking Facility Need Assessment – Technical Addendum* document (Appendix 5). The table compares the two parking beat survey results.

Table 3.2: Comparison of October 2021 and December 2023 Parking Beat Survey

	Day 1		Day 2		Day 3	
	Lap 1	Lap 2	Lap 1	Lap 2	Lap 1	Lap 2
December 2023	115	123	NA	NA	101	127
October 2021	98	113	116	126	107	121
December 2023						
Average: lap		119		NA		114
Average: per day				***117***		
October 2021						
Average: lap		106		121		114
Average: per day				***114***		

3.15 For the December 2023 survey, averaging the laps and then the two evening/nights being considered indicates that around 117 HGVs were parking at inappropriate non-truck stop locations each night. This is slightly higher than the figure recorded in October 2021. The increase is also consistent with the overall higher demand for parking recorded by the 2022 National Survey of Lorry Parking (compared with 2017 National Survey).

3.16 Section 6 of the *HGV Parking Facility Need Assessment (CD-A15)* also includes estimates of likely 'passing trade' based on warehouse floor space in the immediate hinterland and HGV vehicle flow on the A5 and M42. The exercises demonstrate that there is a significant level of inbound HGV activity into the area immediately surrounding the proposed HGV parking facility, meaning one should expect a reasonable proportion of these trips to be attracted to and seek to use the capacity at the planned parking HGV facility.

3.17 The *HGV Parking Facility Need Assessment – Technical addendum* document (Appendix 5) also reports on the more recent *Lorry Parking Demand Assessment 2023 (CD-I3)*, which was

produced by National Highways. This document undertakes a detailed assessment of supply and demand issues, derived from data gathered for the National Survey of Lorry Parking 2022 (CD-I10, as described above). Section 4 of the document provides a more detailed analysis of parking 'hotspots' which have high unmet demand. A total of four 'hotspot' corridor are identified, including the Midlands logistics hub. It states that this is the part of the UK where logistics activity is most concentrated and is considered a prime location for National Distribution hubs. However, it concludes that *"although numerous warehouses were built there was insufficient attention given to providing space for the HGVs involved in this activity"*.

3.18 *Map 4-1* from the *Lorry Parking Demand Assessment 2023 (CD-I3)* clearly identifies Tamworth MSA, showing it as having a utilisation rate between 85% and 100%. This up-to-date position from 2022 is the same at that identified from the 2017 National Survey of Lorry Parking (see *HGV Parking Facility Need Assessment (CD-A15, Section 4))*, clearly indicating that the position has not improved since 2017 with respect to parking supply at this facility. It is worth re-iterating that a utilisation rate greater than 85% is defined as 'critical', this being the rate where it is "very difficult for additional drivers to find parking spaces". Overall, there is nothing in the analysis presented in the Lorry Parking Demand Assessment 2023 which contradicts all the other demand-supply assessments (both quantitative and qualitative) that have been undertaken.

3.19 Finally, Section 2 of the *HGV Parking Facility Need Assessment – Technical Addendum* (Appendix 5) reported on the policy paper *Strategic Road Network and the Delivery of Sustainable Development,* published by the DfT on 23 December 2022 (commonly referred to as *DfT Circular 01/2022 – CD-H3*). It is the policy of the Secretary of State for Transport in relation to the Strategic Road Network (SRN). In particular, it addresses the provision of roadside facilities on the SRN and the recommended distance/time spacing between parking areas for HGVs. It states that local planning authorities should have regard to the following spacing requirements:

- The maximum distance between motorway facilities providing HGV parking should be no more than 23km (14 miles); and
- The maximum distance between all-purpose trunk road facilities providing HGV parking should be the equivalent of 20 minutes driving (Paragraph 81).

3.20 Derived from these requirements, an assessment of the location of MSAs and official overnight truck parks in the Midlands to the east of Birmingham was undertaken in relation to the appeal site. This is also presented in Section 2 of the *HGV Parking Facility Need Assessment – Technical Addendum* (Appendix 5). It concludes that an additional HGV park at/close to J10 M42 would create a 'chain' of facilities which broadly conforms with the requirements set out in Circular 01/2022. Without a facility at that location, driving times and distances between HGV parking facilities would be significantly in excess of the distances set out in the Circular.

3.21 I am mindful that there is already HGV parking available at the Tamworth MSA adjacent to J10 M42. However, that parking area has been consistently found to be full (e.g. National Survey of Lorry Parking 2017 and National Highways Lorry Parking Demand Assessment 2023) and the parking beat surveys demonstrate that inappropriate parking at off-site locations locally is rife. There is also a considerable amount of evidence to show that HGV drivers themselves would much prefer to park at dedicated truck stops rather than MSAs, as they offer a significantly higher level of security and amenities. This is reflected in Section 6 of the *National Survey of Lorry Parking 2022 (CD-I10)* and the professional opinion letter from Ms Christine Rampley (see below and Appendix 8). Tamworth MSA is therefore not able to fulfil this role in relation the spacing of HGV facilities.

3.22 Section 6 of the *HGV Parking Facility Need Assessment – Technical Addendum* (Appendix 5) also provides a summary of two recent planning appeal decisions covering the development of potential lorry parking facilities at Cirencester (CD-K7) and Hams Hall Roundabout (CD-K3). Key conclusions from the decision notices are referenced, in particular:

- The Cirencester decision notes the benefits of developing facilities which cater for both driving break/rest periods and awaiting time-windows at distribution centres – *"…it would be an efficient use of land and support productivity, to ensure that larger truck stops are located close to distribution centres and the Strategic Road Network";* and
- The Hams Hall decision concludes that there is *"compelling evidence of need for additional HGV parking and driver facilities, the provision of which would help to address a national shortage of HGV parking, improve driver welfare, would support the distribution sector generally and would have wider public benefits in reducing the levels of roadside parking"*.

3.23 Ms Christine Rampley, formerly of the *Road Haulage Association (RHA)* but also with significant industry experience, has prepared a profession opinion note on the overall qualitative need for dedicated HGV parking facilities. It is attached to this Proof of Evidence at *Appendix 8*. In summary, Ms Rampley makes a number of important points, including:

- The conclusions with respect to need set out in the National Survey of Lorry Parking 2017, including the situation at Tamworth services being 'critical' and the site being within the parking hotspot of Hams Hall to Dordon (Birch Coppice);
- The 2022 update confirms the continuing high levels of demand and utilisation rates within the West Midlands;
- A clear preference for dedicated truck stops over MSAs, which suffer from issues such as poor management and security;
- The proposals at the appeal site would, if granted consent, meet the highest accreditation level for security. In contrast, The Lorry Parking Demand Assessment (CD-I42) undertaken

by National Highways (then Highways England) in 2019 identified the existing facilities at M42 J10 as being 'Cheap and Cheerful', the lowest level assessed;

- The important role that dedicated parking facilities can play in the recruitment and retention of qualified HGV drivers, particularly given that the sector suffers from a shortage of suitably qualified personnel;
- The issue of lorry crime and the important role that secure parking can play in combatting criminal activity. In particular, it notes that will it only be through the provision of new highly-secured lorry parks that operators of existing facilities will be induced to improve security measures; and
- It is not the case that HGV parking facilities are crime 'hotspots', which is a common misconception.

3.24 Overall, Ms Rampley considers the proposal for the appeal site to be 'nationally significant' given the level/quality of the facilities being planned.

3.25 Based on the qualitative and quantitative evidence referenced above, it is impossible not to conclude that there is a significant demand for HGV parking in the area surrounding the appeal site, albeit there is currently a significant short fall in capacity at appropriate sites.

3.26 To complete the picture with respect to need/demand for such facilities, I have appended a number of other qualitative sources of information to this Proof. These are:

- A series of letters of support from important stakeholders *(Appendix 9)*, including Logistics UK, the Road Haulage Association, NaVCIS and Warwickshire Police. A common thread running through the letters is a need to provide high quality secure parking/amenity facilities in order to attract and retain qualified HGV drivers in a sector where there is a recognised shortage of personnel, and for secure parking to deter lorry crime.
- Two news articles from 'Birmingham Live' (April 2021 and March 2022, *Appendix 10*) reporting on problems associated with the parking of HGV at inappropriate locations; and
- A series of photographs of the existing lay-bys on the A5 which are used extensively by HGVs and the environmental problems which are generated e.g. litter etc.. *(Appendix 11).*

3.27 I am also advised that at the CMC, local residents raised the issue of HGVs travelling along inappropriate roads locally as a concern. Whilst one cannot be certain, one plausible reason why this might occur could be drivers looking for locations to park overnight where official parking is full

3.28 Having identified an overall need for additional HGV parking capacity, Section 7 of the *HGV Parking Facility Need Assessment (CD-A15)* addressed the following, namely:

- The key criteria, along with the rationale, that sites should meet if they are to be considered suitable locations for hosting HGV parking facilities;
- To appraise, using the identified criteria, the appeal site as a proposed HGV parking facility, and consequently determine (or otherwise) its overall suitability; and
- To consider potential alternative sites and proposals in the immediate vicinity.

3.29 Two of the parking need requirements, namely undertaking statutory break/rest periods and waiting for delivery time-windows, could in the first instance suggest two different locational characteristics. Drivers needing to park in order to comply with driving break/rest period requirements will normally require parking facilities either located on or close to the strategic highway network (such as the A5 or M42). This consequently ensures that any 'diversion' away from the strategic highway network is minimised and facilities can effectively intercept 'passing trade'.

3.30 Conversely, drivers arriving early ahead of an allotted distribution centre or factory time-window will require parking facilities within a few minutes' drive of their delivery or collection location. This implies a need for parking facilities located close to or within major freight generating locations, such as an industrial estate or logistics park (as per NPPF Paragraph 109).

3.31 The third category of parking need requirement, namely the ability to access to amenities, can therefore be considered non-locational in nature, and is linked to the other requirements described. Drivers parking for the other two reasons outlined would then have the ability to access amenities. The level of amenity provision could then be related to whether the parking facility is providing short-term or long-term parking need. Short-term parking (i.e. up to an hour, for breaks and waiting for time windows) should, as a minimum requirement, be provided with a safe parking area incorporating toilet facilities, and ideally light food and drink refreshments also being available. Long-term parking (overnight rest) require access to a higher level of amenities, including the use of toilet and shower facilities and the ability to obtain a hot evening meal and breakfast.

3.32 However, it is the case that many major freight generators (particularly large-scale distribution and manufacturing sites) are also located close to junctions on the strategic highway network (purposely located for ease of access to the highway network by large numbers of HGVs). This is the case in the area surrounding the appeal site. Specifically, Birch Coppice Business Park and Core 42 now accommodates over 0.5 million sqm of large-scale warehouse floor space, not to mention Centurion Park, Relay Park and Tamworth Logistics Park located at J10 M42.

3.33 An appropriately cited freight vehicle parking facility is therefore one which is located a short distance from the strategic highway network AND where it is able to serve a nearby major freight generator. Such a facility would be able cater for all parking need requirements

simultaneously; it would be able to intercept 'passing trade' on the strategic highway network (breaks and rest needs) and provide parking areas to wait ahead of time-windows at nearby freight generators. Driver/vehicle throughput would also be maximised, which is important as HGV parking facilities are generally operated on a commercial basis (even basic facilities will have costs to cover, such as cleaning toilets and removing waste). In land-use planning terms, it is also a more efficient use of land (only one site needs to be developed).

3.34 The assessment undertaken in Section 7 of the *HGV Parking Facility Need Assessment (CD-A15)* demonstrates that the appeal site meets all the criteria to a high level. An overall need for additional HGV parking capacity in the West Midlands region has been clearly identified, as set out in the National Lorry Parking Survey (2017 and 2022), the parking beat survey and the various other documents referenced. There is also a specific requirement for facilities close to Junction 10; there are significant daily HGV trips into the area surrounding the M42/A5 corridor and passing on the A5 and M42.

3.35 There is also a significant quantum of large-scale warehouse floor space within the immediate hinterland of the appeal site. The proposed facility will therefore also be able to provide appropriate parking while drivers wait ahead of time-windows at the nearby warehousing (including the appeal site itself and Birch Coppice). The facility therefore conforms with the policy set out in the NPPF. I have therefore concluded the that the appeal site should be considered a suitable location for hosting HGV parking facilities providing both short-term and long-term requirements. It will be an efficient use of land as the planned facility would be able to intercept 'passing trade' on the strategic highway network (breaks and rest needs) and provide parking areas to wait ahead of time-windows at nearby freight generators from the same location.

3.36 To conclude, there are two further issues worth considering. Firstly, as detailed in Section 6 of the *HGV Parking Facility Need Assessment – Technical Addendum* (Appendix 5), planning consent was granted by North Warwickshire in November 2020 (PAP/2020/0224) to extend the HGV parking capacity at Tamworth MSA. To date, the consented development appears not to have been implemented, and neither is there any evidence that construction of the planned expansion has begun or that any preliminary works are being undertaken/about to commence. As a condition, construction work should have commenced within three years of the consent being granted. It would therefore appear that the consent has lapsed and a fresh application would need to be secured to deliver the scheme.

3.37 However, the National Survey of Lorry Parking 2017 identified Tamworth MSA as having an average nightly utilisation rate of 92% (which it ranked 'critical'), and with Hams Hall to Dordon (around Birch Coppice) specifically identified as one of seven parking 'hotspots' nationally. The parking beat surveys conducted since that date (as described) have merely reinforced the

conclusions reached by the National Survey of Lorry Parking. To date, no new parking capacity has been added to the 'hotspot' and the consent granted has not been implemented (and it appears has lapsed). The severe need in this area therefore remains, and one scheme that could have partly addressed it has not been delivered. It may be that that operators of HGV parking facilities will only improve them if induced to do so via competition from competing sites.

3.38 Secondly, the issue of driver and lorry security (lorry crime) is currently a key issue, as has already been noted above (and in the *HGV Parking Need Assessment – CD-A15*), in Section 6 of the National Survey of Lorry Parking 2022 (CD-I10), the opinion note from Christine Rampley and the letter of support from NaVCIS. As with all employees, HGV drivers have a right to work in a safe and secure environment, while cargo loads can often be valued in millions of pounds.

3.39 By their nature, MSAs require 'free flowing' entry and exit for all road vehicles, meaning that the designated HGV parking areas can be accessed freely 24/7. The presence of lighting, CCTV and occasional security patrols therefore render them relatively 'safe' environments, albeit they cannot be considered 'secure'. In contrast, dedicated truck stops (such as that proposed for the appeal site) are completely surrounded by security fencing, and are also equipped with barrier controlled entry and ANPR recording. They can therefore be classed as a 'secure' environment, and HGV drivers are known to prefer parking overnight at such facilities.

4. BIRCH COPPICE AND RAIL TERMINAL CONNECTIVITY

4.1 The overall case for rail freight is based on the following two key benefits:

- Under certain circumstances, rail freight offers a more cost competitive transport option when compared with other modes, principally road haulage. Shippers (i.e. those who ultimately pay for transport services) consequently pay less for their transport requirements, thereby contributing towards better national economic productivity and competitiveness. These are often termed 'user benefits'; and
- Rail freight is recognised as being a substantially more sustainable mode of transport, which generates wider societal benefits when compared with road haulage. Emissions of greenhouse gases (GHG), for example, are significantly lower on tonne-km basis, which is particularly important given internationally binding national commitments to reduce and ultimately become a net-zero GHG emitter. Other wider societal benefits cover improved air quality, lower congestion, less damage to infrastructure, lower noise and fewer accidents. Collectively, these are often termed 'non-user benefits'.

4.2 One of the main factors which renders rail freight cost competitive against road haulage, thereby generating user benefits, is the ability to locate distribution centres at rail-served locations (when compared with warehouses located distant from a rail terminal). If rail freight is to both thrive and ultimately grow (as shall be shown below, there is significant support from Government for this to occur), then an expansion in the quantum of rail-served warehouse capacity nationally is a pre-requisite.

4.3 The appellant's scheme has been planned from the outset to operate successfully as a standalone road-based logistics warehousing facility. The logic for locating the facility in this particular location is clear, being situated next to J10 of the M42 motorway and the A5 trunk road, both major freight corridors, as well as its close proximity to Birmingham Intermodal Freight Terminal (BIFT) at Birch Coppice Business Park (around 500m) and Hams Hall Rail Freight Terminal (15km).

4.4 Notwithstanding this position, due to its close proximity to Birch Coppice Business Park, I shall demonstrate that the appellant's proposed warehouse development can also in practice be classified as rail-served, thereby helping to expand the stock of such warehousing. Occupiers will be able to access the BIFT facilities on the same basis as those currently located within the business park. I will explain how this position should encourage modal shift, thereby generating both user and non-user benefits (and therefore contributing towards the Government's policy aim of growing rail freight).

4.5 Section 2 of the *Rail Terminal Connectivity Statement (CD-A14)* considers planning policy and Government support for the development of new rail freight facilities. Again, while Mr Hann has considered planning matters related to the appeal as a whole, a number of policy documents relate directly to rail freight, are therefore material, and are worth referencing at this point.

4.6 The *NPPF* includes a suite of policies to promote sustainable transport, including encouraging development at locations which offer a choice of transport modes. The *National Planning Statement for National Networks (NPSNN, CD-I73),* originally published by the DfT in 2014, set out the Government's plans to further the development of rail-served warehousing and logistics facilities. In particular, it states that they are a key element in reducing the cost of moving freight by rail and are therefore an important element in facilitating modal shift, thereby reducing HGV movements (Paragraph 2.44). It concludes that they are a "key element in aiding the transfer of freight from road to rail, supporting sustainable distribution and rail freight growth and meeting the changing needs of the logistics industry, especially the ports and retail sector" (Paragraph 2.47).

4.7 The *Rail Terminal Connectivity Statement – Second Technical Addendum* (Appendix 6 of this document), provides the most up to date position with respect to current policy support for rail freight growth and rail-served logistics facilities. Section 3 describes the revised and updated NPSNN, which was published for consultation in March 2023. The final version was subsequently published and presented to Parliament in March 2024 (as required by the Planning Act 2008) (CD-I73). Overall, the revised NPSNN reaches the same conclusions as the 2015 document. It reiterates the Government's commitment to growing the sector, referencing both the Plan for Rail and the long-term growth target (described below), stating that it is committed to meeting this figure. To be able to successfully achieve that growth target, it notes that the right infrastructure needs to be in place, providing the necessary capacity and capability to support growth. SRFIs are therefore crucial to rail freight growth.

4.8 As per the 2015 document, the revised NPSNN concludes that to facilitate modal shift, a network of SRFIs is needed across a broad range of regions, to serve regional, sub-regional and cross-regional markets (Paragraph 3.100). A list of potential alternatives is provided, including a continued reliance on road based haulage, but all are dismissed as being neither viable or desirable. Paragraph 1.103 concludes by stating that that there is a "compelling need for an expanded network of SRFIs" throughout the country. This again reiterates the conclusions of the 2015 NPSNN.

4.9 While the appellant's proposed warehouse scheme is not considered to be an SRFI in its own right, Birch Coppice Business Park is an existing SRFI (served by Maritime's BIFT facility). As the proposed warehouse scheme will in practice be classified as rail-served (as I shall demonstrate),

it will effectively be an expansion of the existing SRFI. It therefore clearly accords with the policy set out in the NPSNN.

4.10 Section 2 of the *Rail Terminal Connectivity Statement – Second Technical Addendum* (Appendix 6) summarises the Government's *long-term rail freight growth target*. Promised as part of the *Plan for Rail (CD-H9)*, the purpose of the growth target is to strengthen the place of rail freight on the network, to help create new opportunities for investment (both public and private sector), and to give confidence to the sector's customers and investors. The Government considers the rail freight growth target as a signal of support for and confidence in rail freight.

4.11 The long-term rail freight growth target was published in December 2024 (CD-I72), setting a target for rail freight to grow by at least *75% in terms of freight moved by 2050*. This equates to an annual growth of around 2.3% on a compound basis. The target is not viewed as a ceiling; stakeholders are expected to be ambitious and seek growth beyond the target. The target was derived from a 'call for evidence' exercise conducted with the logistics sector in 2022, alongside the commissioning of detailed long-term rail freight forecasts. The forecasts were produced by MDS Transmodal using its GB Freight Model. A range of market scenarios were forecast to frame the potential size of the freight sector by 2050.

4.12 Section 3 of the *Rail Terminal Connectivity Statement (CD-A14)* describes the two methods by which warehousing can be considered 'rail-served'. The most common type is where warehouses are located within close proximity to an intermodal terminal, and connected to the terminal by 'internal' roads which tend to be privately owned and maintained. This is the case at Birch Coppice and other SRFIs such as East Midlands Gateway (although not at other examples such as Daventry International Rail Freight Terminal (DIRFT) or Hams Hall where site roads are public highway).

4.13 Goods conveyed in intermodal units arrive by train at the terminal, from where they are subsequently transferred to the warehousing by means of a short distance shunt via the internal roads using yard tractors and skeletal semi-trailer equipment. Yard tractors are designed to haul semi-trailers away from the public road network, such as within port estates, at large distribution centres and rail terminals. They can therefore be operated within SRFIs such as Birch Coppice where the roads are privately owned and maintained. I explain below why this is of relevance to the appeal scheme which is less than 1km away from the main Birch Coppice site.

4.14 By means of worked examples, Section 4 of the *Rail Terminal Connectivity Statement* (CD-A14) demonstrates that these internal road movements using yard tractors and skeletal semi-trailer equipment provide substantially lower rail terminal-warehousing transfer costs when compared with serving an 'off-site' warehouse using road-legal HGV equipment. These savings

are generated due to their lower operating costs when compared with road-legal HGVs. In particular, yard tractor equipment is cheaper to lease when compared with road-legal HGVs, drivers of yard tractors do not need to be fully qualified HGV licence holders (though operators would need to provide training), meaning wage rates are generally lower, and the equipment can be used more intensively. It also means operators are not impacted by the current significant shortage of HGV drivers. Furthermore, given the short distance journeys, the work load involved allows the yard tractors to be adapted to low carbon technologies, such as fully electric (EVs) or hybrid electric vehicles, which have a limited range at present.

4.15 The terminal-warehouse transfer costs worked examples in Section 4 (CD-A14) are then applied to a typical intermodal rail operation, in this case moving a container from the Port of Southampton to a distribution centre in the Tamworth area. The shipper would have the option of using intermodal rail freight (via BIFT) or road haulage direct from the port to the warehouse. In the costed example, rates to a rail-served warehouse within the Birch Coppice SRFI from Southampton were estimated to be around £80 per container less when compared with road haulage. However, for a warehouse located away from the rail-served site, the road haulage and rail freight rates are broadly comparable. This analysis demonstrates that one of the main factors which reduces the cost of using rail freight, and thereby renders it cost competitive against road haulage, is the ability to locate distribution centres in rail-served locations (as referenced in the NPSNN).

4.16 I am obviously aware that the appeal site is not located immediately adjacent to the existing Birch Coppice. However the fact that it is so close means that it will be treated as being rail served due to the way in which the *Road Vehicles (Construction and Use) Regulations 1986* are applied in practice at rail served locations where there is a need to drive a short distance on the public highway. Yard tractors are designed to haul semi-trailers on private land (as described, including between intermodal terminals and warehousing within SRFIs), but under limited circumstances they also permitted to be operated on the adopted public highway (roads maintained at public expense). In these situations, they are classed as *'works trucks'* and are defined under the Construction and Use Regulations as:

> *"A motor vehicle (other than a straddle carrier) designed for use in private premises and used on a road only in delivering goods from or to such premises, to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such premises to another or* ***to other private premises in the immediate neighbourhood****"* (emphasis added).

4.17 When operated on the public highway, a works truck needs to be licenced with the DVLA and must pay Vehicle Excise Duty (VED). While certain derogations exist for 'works trucks', in general they are required to conform to the requirements of the Construction and Use Regulations when operating on the public highway. Importantly, works trucks can be legally

driven on a standard Category B 'car' driving licence when on the public highway. Drivers of road-legal HGVs must hold a vocational driving licence (Category C+E for articulated HGVs) and possess a Driver Certificate of Professional Competence (Driver CPC) qualification. Consequently, wage rates for fully qualified HGV drivers are significantly higher than for yard tractor operatives. Other than paying VED, the lower operating costs for yard tractors when operating within SRFIs consequently extends to their use under 'works truck' conditions on the public road network.

4.18 The term 'immediate neighbourhood' in the works truck description is not defined in the regulations, but rather is regarded as a matter of judgement for the operator and ultimately would be for a Court to determine. However, given the location of the appeal site on the opposite side of the A5 to Birch Coppice (gate-to-gate around 500m) and that Revenue and Customs previously adopted 1km when the use of rebated fuels on public roads was permitted[2], the proposed warehouse development clearly falls within the description of the term 'immediate neighbourhood'.

4.19 Given the above and based upon practice elsewhere, I am firmly of the view that yard tractors operating internally within the Birch Coppice Business Park (to/from BIFT) are permitted to access the appeal site on the same terms (under the works truck conditions). Lower transfer costs will therefore accrue when compared with the use of road-legal HGVs. The proposed warehouse development should in practice be considered to be rail-served, and occupiers will be able to access the *BIFT* facilities on the same basis as those currently located within the business park, including being able to accrue the consequent user benefits.

4.20 It is worth noting that in the May 2024 letter of support from *Maritime Transport* (Appendix 7 of this document), they intend to utilise 'works trucks' to serve potential new customers at the appeal site (subject to meeting necessary pre-requisites). The letter also references their successful use of 'works truck' equipment within the Daventry International Rail Freight Terminal (DIRFT), where the interconnecting roads are adopted highways. It is understood that the distance covered on the public highway at DIRFT is around 700m, including along the A428 (dual carriageway, the key route from M1 J18 to Rugby) and the A5 trunk road (which is also dualled in this location). Simply put, the same intermodal freight operator has confirmed it would look to use works trucks to serve the site in the same manner as DIRFT via the same road under the same conditions – the site is unequivocally 'rail-served' therefore. I note that NWBC disputes this position, as set out at Paragraph 52 of the SoCG with Hodgetts Estates (CD-D15). However, to date no evidence has been put forward to substantiate the claim. The letter also

[2] Prior to April 2022, works trucks could operate on rebated (red) diesel on private land/roads, and when operating between two private sites on the public highway and the distance was under 1km. This exemption was removed for all operations in order to encourage the take-up of zero emissions equipment.

notes that the operation of works trucks in this manner helps significantly in improving the operational and commercial efficiency of the SRFI.

4.21 As further examples, at *DP World London Gateway* container port, yard tractors are used to deliver shipping containers to the adjacent logistics park in a similar manner. Grocery retailer *Waitrose* also use yard tractors to move semi-trailers between a number of separate distribution centres but located within the same industrial estate in Bracknell.

4.22 Two further points are worth noting with respect to the rail connectivity issue. Firstly, the May 2024 letter of support from Maritime Transport (Appendix 7) notes that across their customer base, there has recently been a significant increase in a need to be located in close proximity of a SRFI ('the closer the better'). An intense focus on decarbonisation is stated as being a key reason for this shift. It concludes by stating that proximity to SRFI (such as Birch Coppice) is now a key factor in determining the specific locational requirements of their customer base. The appeal site proposals are consequently likely to result in very significant interest. This point is mirrored by the letter of support from Rail Freight Group (CD-E52, Appendix 9), which notes that in the context to NPPF Paragraph 83 (now Paragraph 87), 'suitably accessible locations' means as physically close to rail freight infrastructure as possible, in order to maximise future uptake and deliver the consequential benefits to society.

4.23 Section 2 of the *Rail Terminal Connectivity Statement – Technical Addendum (CD-B27)* references the Coventry and Warwickshire HEDNA study (CD-I4). That study subsequently concluded that it was appropriate to bring forward new capacity in locations close to the existing SRFIs, either as extensions to existing sites or at new (satellite) sites (Text Box Page 218/219 below Paragraph 10.14 of the HEDNA final report, though please note the conclusion presented in the final sentence of the second paragraph of the text box is incorrect, as summarised in *Section 2 of the Rail Terminal Connectivity Statement – Technical Addendum*). This is reiterated at Paragraph 11.22 of the HEDNA report which states that *"sites close to existing/planned terminals with capacity should be assessed more positively"*. Then when subsequently recommending key areas/locations where new strategic B8 should be focused the A5 corridor is identified, noting that it includes both the BIFT and Hams Hall rail terminals.

4.24 To complete the picture with respect to rail terminal connectivity, I have appended a series of additional letters of support from important stakeholders, including Logistics UK (CD-E51, Appendix 9) and Maritime Transport (November 2022) (CD-E53, Appendix 7).

4.25 I have therefore concluded that, due to its close proximity to Birch Coppice Business Park, the appellant's proposed warehouse development is very well located to the existing intermodal rail facilities and can in practice be considered to be rail-served. The planned facility will be able to access Birch Coppice's intermodal rail facilities on the same basis as those currently located

within the business park, thereby generating direct financial benefits to shippers and occupiers (lower transport costs), and wider societal benefits that are generated through modal shift to rail. The planned scheme will support the Government's desire to grow the rail freight sector, as recently evidenced by the publication of a long-term growth target and the NPSNN. It also delivers a facility increasingly demanded by the logistics market i.e. a warehouse in close proximity to a SRFI.

4.26 Finally, it is worth referencing Section 4 of the Rail Terminal Connectivity Statement – Second Technical Addendum (Appendix 6). This describes a number of mode-shift funding schemes, namely the DfT's MSRS grant regime and DP World Southampton's Mode Shift Programme (MSP). Importantly, the BIFT terminal at Birch Coppice is located within the MSP incentive hinterland and MSRS grant funding would be available for certain flows also.

5. NET-ZERO ROAD GOODS VEHICLES

5.1 The UK is required by the Climate Change Act and various international treaty obligations to achieve net-zero greenhouse gas (GHG) emissions by 2050. The road haulage sector, as a major emitter of GHG, will therefore need to play a significant role in achieving net-zero. I have therefore considered the following issues:

- The technological solutions which are emerging as potential zero-emission replacements for diesel/petrol engines; and
- The preparedness of the proposals at Land NE J10 M42 for zero-emission goods vehicles.

5.2 Both light goods vehicles (LGVs or vans) and heavy goods vehicles (HGVs) are considered. The use of LGVs to deliver freight has increased as a consequence of the growth of e-commerce retail sales, with a consequent need for new distribution buildings to handle the transfer of goods from HGVs to LGVs.

5.3 *'Zero-emission goods vehicles'* is generally recognised to be those vehicles which do not generate GHG emissions directly 'from the tailpipe' when being driven on the road network or within yards and depots. However, the replacement energy source (electricity) may still produce GHG emissions as part of its production and distribution process, which will need to be off-set against a carbon-negative activity to ensure net-zero is achieved. I have not considered this issue.

5.4 The technological solutions which are emerging as potential zero-emission replacements for diesel/petrol engine freight vehicles are identified in various recent policy documents and reports. These provide insight into current Government and industry thinking and expectations. Section 2 of the *Zero Emission Goods Vehicle Statement (CD-B44)* summarises these documents and they include:

- Better Delivery – the Challenge for Freight (National Infrastructure Commission, 2019) (CD-I78);
- Transport Decarbonisation Plan (DfT, 2021) (CD-I79);
- UK Hydrogen Strategy (BEIS, 2021) (CD-I88);
- The Electric Vehicle Infrastructure Strategy (DfT, 2022) (CD-I81);
- Future of Freight Plan (DfT, 2022) (CD-I13);
- Fuelling the Future (HoC Transport Select Committee, 2023) (CD-I82); and
- Zero Emissions Vehicle Mandate (DfT, 2023) (CD-I84).

5.5 The emerging technological solutions are:

- Battery-electric – vehicles using electric motors for traction, with the electricity sourced from on-board batteries. The batteries are re-charged during periods of down-time, such as when parked overnight or during a driver's break period;
- Hydrogen – again vehicles using electric motors for traction, albeit with the electricity sourced from on-board hydrogen fuel-cells. Hydrogen is stored within the vehicle in special high-pressure tanks, with rapid refuelling from bunkers at depots or en-route at HGV parks (in much the same manner as existing vehicles re-fuel with diesel or petrol); and
- E-highways (aka the electric road system) – likewise vehicles using electric motors for traction, albeit with the electricity supplied via overhead live contact wires (supported by catenary/masts) to the HGV via a roof-mounted pantograph (similar to electrified railways).

5.6 The emerging consensus is that zero-emission LGVs will utilise battery-electric technology, supported by an expanded fast-charging network. The NIC report (from 2019) noted that choice and travel range was improving; recent desk-top research indicates that the major vehicle manufacturers now offer battery-electric versions of their LGV models with a range of 250-300km between charging. Operations in this road transport sector also tend to be during the daytime (morning through to mid-evening), meaning recharging can be undertaken overnight when vehicles are not in use.

5.7 It will therefore be essential that new warehouse developments likely to support e-commerce deliveries are located where existing grid capacity is sufficient or could be upgraded (network reinforcement), and that the loading docks are equipped with rapid-charging points from new or can be retro-fitted at a later date, thereby enabling vans to recharge while cargo is loaded. Likewise, roadside parking facilities designed for LGVs will also need to be equipped with rapid-charging points, thereby enabling vans to top-up while drivers undertake break periods.

5.8 In contrast, as detailed in the *Zero Emission Goods Vehicle Statement (CD-B44),* there is currently a significant degree of uncertainty with respect to the long-term solution for HGVs. No single reliable technological solution (or multiple solutions) has yet to emerge which has the necessary 'buy-in' from both Government and industry. Therefore, as described in Section 2 of the *Zero Emission Goods Vehicle Statement (CD-B44)*, the Government is currently investing £200 million in the Zero Emission Road Freight Demonstrator programme in order to determine which technology is best suited to HGVs.

5.9 It is worth noting that in the May 2024 letter of support from *Maritime Transport* (Appendix 7), the afore-mentioned Freight Demonstrator programme is referenced. It states that Maritime have agreed to trial up to 50 battery-electric HGV tractor units, 20 of which will be based at their BIFT terminal (Birch Coppice), as part of the Government backed trial. It concludes that, given the trial being successful, they will look to increase the provision of battery-electric HGV provision across their portfolio of UK sites. It is worth noting that these battery-electric tractor

units are intended to 'replace' their exist fleet of road-legal diesel HGVs which serve more distance off-site customers, and not the yard tractor equipment. Given the current high capital costs, they will not have any cost savings over the use of yard tractors (as described).

5.10 It may be that battery-electric is therefore emerging as the long-term solution for HGVs too. However, while there is still uncertainty, this would suggest that appropriate new-build large-scale warehouse developments and overnight lorry parking facilities will be those which have the following characteristics:

- Located close to an electric grid connection which has sufficient capacity to support the requisite rapid-charging equipment (or is capable of network reinforcement relatively easily and at a reasonable cost);
- For warehousing, a proportion of the loading docks are equipped with rapid-chargers from the outset, with other remaining loading docks being capable of retro-fitment at a later date.
- At truck parks, a number of the parking spaces are equipped with rapid-chargers from the outset, with other remaining spaces being capable of retro-fitment at a later date;
- There is sufficient space available within the yard/depot or parking facility estate for hydrogen storage bunkers (and associated parking when re-fuelling);
- Is located close to a modern high pressure gas main (which could be re-purposed for direct hydrogen supply to the storage bunkers) and/or located close to a site likely to host hydrogen storage facilities serving a cluster of large demand users in the immediate vicinity (road service); and
- Served from or located close to that part of the strategic highway network which will potentially form part of the electric road system.

5.11 As demonstrated in Section 3 of the *Zero Emission Goods Vehicle Statement (CD-B44)*, the appeal site will be able to meet all of the above characteristics. In particular, a significant level of battery-electric charging points will be installed initially, with provision made for expansion at a later date e.g. ducting to parking spaces and loading docks. National Grid has confirmed there is sufficient power supply from nearby Switchroom(s) to serve the site with limited upgrades required. Power is both 'readily available and viable' therefore.

5.12 Taken together, the measures outlined within *Section 3 the Zero Emission Goods Vehicle Statement (CD-B44)* mean the scheme has the potential to be 'all-electric', with connected battery technology serving SMART-EV charging and rapid charging points, and up to 100% electricity generated from maximum solar PV coverage.

5.13 Section 5 of the *HGV Parking Facility Need Assessment (CD-A15)* also makes reference to National Highway's *Route Strategy Initial Overview Report, South Midlands Route (CD-I74, May*

2023), primarily in relation to HGV parking. However, it also makes a number of points in relation to the need for better roadside refuelling facilities for alternative fuel vehicles. At Page 104, when specifically addressing the A5 corridor from Hinckley to Tamworth, the document states that "there is limited **information** for road users and **roadside refuelling facilities** for alternative fuel vehicles on this section of the A5" (emphasis from the report itself). In other words, the National Highways report has concluded that between Tamworth and Hinckley there is a shortage of such facilities. The proposals for the appeal site would therefore address this identified shortage. A similar conclusion is reached in the *Warwickshire Local Transport Plan (LTP4, CD-H6)*, with the freight policy F2 stating that "Warwickshire County Council will work with partners to help provide a network of recharging and refuelling stations"

5.14 The site will be 'hydrogen ready', with the ability to receive (via re-purposed gas mains) and bunker hydrogen if required. Interestingly, the *Essar* oil refinery at Stanlow (Cheshire) is currently earmarked for conversion to a blue hydrogen production facility as part of the *Hynet* project. Kingsbury Oil Terminal (a short distance from Land NE J10 M42) is also operated by *Essar* and stores petroleum products produced at Stanlow and transported to the terminal by pipeline. Should the electric road system (e-highways) emerge as the replacement technology for HGVs, it is more than likely that the M42 and A5 would be included given that they form part of the long-distance strategic highway network.

5.15 I have therefore concluded that the scheme has been carefully designed so as to be able to accommodate zero-emission goods vehicles (both LGVs and HGVs), which ever emerging technology or technologies eventually becomes the long-term solution. It meets the spatial characteristics set out in the *Zero Emission Goods Vehicle Statement (CD-B44)* with regards to what can be considered an appropriate site for new-build warehousing and HGV parking. It is therefore 'net-zero ready' and will contribute to the process of decarbonising the road transport sector.

6. SUMMARY AND CONCLUSIONS

6.1 This Proof of Evidence has considered three issues related to the appellant's proposals for Land NE J10 M42, namely:

- The urgent need for additional high quality HGV parking capacity in Tamworth area, particularly along the A5 corridor, as well as the identified 'hotspot' from Hams Hall to Dordon (around Birch Coppice), which the appellant's plans for a new secure overnight HGV parking facility are intended to address;
- The warehousing element of the proposals and the connectivity with the intermodal rail terminal facilities at Birch Coppice Business Park; and
- The transition to zero-emission road goods vehicles and the site's ability to accommodate which ever emerging technology or technologies eventually becomes the long-term solution.

HGV Parking Facility

6.2 The reasons why HGVs need to park at suitable and appropriate parking facilities has been described. These are:

- The need for drivers to undertake statutory (legally required) driving break or rest periods;
- While awaiting allocated delivery/collection time-windows at factories and distribution centres; and
- The need for drivers to access amenities.

6.3 Current transport and planning policy, including a number of Ministerial statements, has been established. These promotes the provision of new parking facilities in areas where there is a short fall in the provision of suitable parking capacity.

6.4 There is a wealth of quantitative and qualitative evidence which demonstrates significant demand for lorry parking, while also showing a clear short-fall in appropriate HGV parking capacity in the Tamworth area, particularly along the A5 corridor, as well as the identified 'hotspot' from Hams Hall to Dordon (the majority of which lies within the West Midlands Green Belt). The DfT's National Survey of Lorry Parking (2022) identifies a shortage of 'on-site' parking capacity across the West Midlands region, with the average total number of HGVs parking each night being well in excess of the installed on-site capacity (458 in 2022). The December 2023 parking beat survey indicates that around 117 HGVs were parking at inappropriate non-truck stop locations each night.

6.5 Derived from the logistics sector's specific operational needs for HGV parking facilities, the criteria which enables suitable locations for accommodating new HGV parking facilities to be identified were defined. It was consequently demonstrated that the proposed development meets all the criteria to a high level, being co-located on the strategic road network and adjacent to distribution centres, and that the planned secure parking facilities are those required by road haulage operators and drivers. A parking facility at the appeal site would conform with the Government's latest official advice with respect to driving time spacing between HGV parking facilities (DfT Circular 01/2022 – CD-H3).

6.6 I have therefore concluded that the appellant's proposed development is an exceptional scheme, providing much needed HGV parking capacity at the best location in immediate hinterland, alongside high quality driver amenities.

Birch Coppice and Rail Connectivity

6.7 The overall case for rail freight is based on the following two key benefits:

- Under certain circumstances, rail freight offers a more cost competitive transport option when compared with other modes, principally road haulage. These are often termed 'user benefits'; and
- Rail freight is recognised as being a substantially more sustainable mode of transport, which generates wider societal benefits when compared with road haulage. These are often termed 'non-user benefits'.

6.8 One of the main factors which renders rail freight cost competitive against road haulage, thereby generating user benefits, is the ability to locate distribution centres at rail-served locations (when compared with warehouses located distant from a rail terminal). If rail freight is to both thrive and ultimately grow, then an expansion in the quantum of rail-served warehouse capacity nationally is a pre-requisite.

6.9 It was demonstrated that due to its close proximity to Birch Coppice Business Park, the appellant's proposed warehouse development can also in practice be classified as rail-served. The planned facility will be able to access Birch Coppice's intermodal rail facilities on the same basis as those currently located within the business park, thereby generating direct financial benefits to shippers and occupiers (lower transport costs), and wider societal benefits that are generated through modal shift to rail. I therefore concluded that the planned scheme will support the Government's desire to grow the rail freight sector, as recently evidenced by the publication of a long-term growth target.

Net-Zero Road Goods Vehicles

6.10 The technological solutions which are emerging as potential zero-emission replacements for diesel/petrol engine freight vehicles were described. These are:

- Battery-electric – vehicles using electric motors for traction, with the electricity sourced from on-board batteries;
- Hydrogen – again vehicles using electric motors for traction, albeit with the electricity sourced from on-board hydrogen fuel-cells; and
- E-highways (aka the electric road system) – likewise vehicles using electric motors for traction, albeit with the electricity supplied via overhead live contact wires.

6.11 The emerging consensus is that zero-emission LGVs will utilise battery-electric technology, supported by an expanded fast-charging network. In contrast, there is currently a significant degree of uncertainty with respect to the long-term solution for HGVs. No single reliable technological solution (or multiple solutions) has yet to emerge which has the necessary 'buy-in' from both Government and industry. However, the planned scheme will include fast-charging points (and the ability to retro-fit additional points at a later date), could support the receipt and storage of hydrogen and, should the electric road system emerge as a suitable alternative, it is more than likely that the M42 and A5 would be included given that they form part of the long-distance strategic highway network.

6.12 I have therefore concluded that the scheme as planned would be able to accommodate zero-emission goods vehicles (both LGVs and HGVs), which ever emerging technology or technologies eventually becomes the long-term solution. It is therefore 'net-zero ready' and will contribute to the process of decarbonising the road transport sector.

Overall Conclusion

6.13 I have therefore concluded that the appellant's proposals are an exceptional development. It will help deliver three key Government policies, namely providing much needed overnight HGV parking capacity in an area where there is a recognised short-fall in appropriate facilities, provide access to a modern intermodal rail terminal (thereby encouraging modal shift) and support the transition to net-zero road haulage. It will also be funded entirely by the private sector. In my 25 years consultancy career (and 29 years overall experience in the logistics sector), I consider the proposals at Land NE J10 M42 to be one of the best schemes I have provided with advice and support.