

Rail freight growth and the land-use planning system.

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ABSTRACT

After several decades of decline the British rail freight industry has begun to increase the volumes of freight carried. This presents a challenge for the planning system as after being primarily concerned with issues arising from the decline, such as the disposal of derelict land, the industry is now looking to the planning system to help it deliver growth. This involves such land development matters as securing rail freight terminal developments in association with freight generating land uses and extending the railway network itself. This article reviews research which looked at how the planning system is responding in terms of policy development and development control practice and concludes with recommendations as to how the role of planning can be developed.

Introduction.

In the early 1950s rail was moving 37 billion tonne kilometres of freight and had 42 per cent market share. By 1994 these had fallen to 13 billion and 6 per cent respectively, whereas the total amount of goods moved by all modes had increased from 88 to 220.5 billion tonne kilometres, with road haulage being dominant (Department of Transport (DoT), 1995). Until 1996 it looked like rail freight would continue to decline but, as a result of privatisation and other favourable factors, the traffic curve began to point upwards: in 1997-98 tonne kilometres increased by 12 per cent.

Most of the British Rail (BR) freight businesses were purchased outright in 1996 (not franchised like the passenger businesses (Harris and Godward, 1997)) by a company now operating as English Welsh and Scottish Railway (EWS). EWS is investing heavily and is committed to growth through reclaiming trainload traffic¹, but also by winning new traffic, including wagonload², inter-modal and time-sensitive business. Freightliner, the other major operator, is also committed to growth, albeit a smaller business focused on movement of inter-modal containers between inland terminals and the ports. Privatisation has produced complications over investing for freight. The fixed infrastructure is owned by Railtrack and trains are run by train operating companies (TOCs). TOCs pay 'track access charges' to Railtrack to run their trains and freight companies compete for network access with the passenger TOCs, but most of Railtrack's income comes from the latter. There is intense debate over freight costs, what is viable and who should pay (Berkeley, 1999; Corbett,

¹ 'Trainload' is where all the wagons in a train have the same origin and destination with, typically, the load belonging to a single customer.

² 'Wagonload' is where wagons on a train carry goods for different customers and have different origins and destinations so that marshalling, and possibly re-marshalling, of the train may be necessary en route.

2000; Henke, 2000). With regard to terminals this raises questions such as whether Railtrack should pay, or rail freight operators, or logistics companies, or property developers: this can raise problems for the planning system as will be shown.

Rail freight growth can serve the public interest by reducing road traffic congestion and the overall environmental impacts of freight haulage. In their transport White Paper (Department of the Environment Transport and Regions (DETR), 1998a), the Government endorsed the industry's growth targets and reinforced this in the 'daughter document' on 'Sustainable Distribution' (DETR, 1999a). Financial mechanisms whereby Government can facilitate modal shift to rail were retained under the 1993 Railways Act: 'freight facilities grants' for terminals and 'track access grants' which pay access costs if traffic would otherwise go by road. The Government increased the overall budget for these grants for 1998/99 by £10 million to £40 million. In addition, from 1994 until 2001, 44 tonne lorries were permitted on British roads only if they were taking loads to or from a rail terminal, the aim being to give inter-modal services a competitive edge over 'road throughout' haulage. The fuel duty escalator, whereby the level of duty on diesel was annually increased by at least 6% above inflation, was also intended to benefit rail.

Growth means demand for new terminals and increased network capacity which presents a challenge for the planning system as it is a reversal of the process of decline and land disposal. This article reviews the results of recent research (Greensmith and Haywood, 1999) which explored the implications for the planning system, identified problems which the planning system throws up for the rail freight industry, and developed a critique of planning practice for dissemination.

The methodology comprised the following steps:

1. a literature review to identify the ways in which the planning system has engaged with the rail freight industry, and to identify key issues;
2. a critical review of the policy stance of the planning system towards rail freight as set out in national and regional policy guidance;
3. two postal questionnaires to all mainland local planning authorities to explore policy and practice on rail freight;
4. two in depth case studies of specific planning applications for rail freight facilities;
5. conclusions identifying how planning policy and practice can be improved and co-ordinated to secure the successful development of more rail freight facilities.

Literature review: identifying the issues.

In 1948 Atlee's Labour government nationalised the railways and road haulage industry, but the latter was promptly denationalised by the Conservatives in 1953 and soon became the dominant mode. BR responded with a Modernisation Plan (British Transport Commission, 1955) to speed up wagonload traffic which was the core business. This involved closure of 150 marshalling yards and their replacement by 55 new and/or reconstructed yards.

This strategy was unsuccessful and the response was quite different: Beeching's Reshaping Report (British Railways Board, 1963) led to abandonment of much of the wagonload business with closure of goods yards and terminals. The railway network was cut by around a third. By 1970 rail freight had contracted towards its 'natural'

core of high bulk, low value commodities and there was very little involvement in the supply chains of manufacturing industry. Despite this the industry innovated and new trainload services included: Freightliner for fast haulage of containers between dedicated terminals; haulage of petroleum products in high capacity tanks; and merry-go-round trains for delivering coal to power stations (British Railways Board, 1965; Allen, 1966; Fiennes, 1967; White and Senior, 1983).

Government concerns over the environmental impacts of road haulage led to section 8 of the 1974 Transport Act which introduced 'freight facilities grants'. These were available to customers to develop rail terminals, the amount of grant relating to lorry mileage diverted off the road network. In the following twenty years some 200 grants were awarded, although there was a tendency by the DoT to under-spend their allocation (National Audit Office, 1996). An unfortunate aspect of the grant regime was that if rail haulage was a condition of a planning consent the facility would not be eligible because there would be no lorry traffic to divert to rail.

Despite section 8 grants Government did not see much potential for rail outside its traditional markets (DoT et al, 1977), but the onset of Thatcherism stimulated the 'sectorisation' of BR producing customer focused freight businesses and this was beneficial. However, the rundown of the coal mining industry damaged the most profitable sector and brought more closures. In the run up to privatisation 'marginal flows' were priced off rail and more customers, such as cement manufacturers and ports, closed their rail links.

Contraction produced the strongest element of the relationship between planning and the railways: the reclamation and disposal of surplus land. Derelict railway land totalled 6,400 hectares in 1974, 6,000 hectares in 1982 and, despite reclamation, still 5,000 hectares in 1988 (Department of the Environment (DoE), 1991a). Although network 'deconstruction' was a product of centrally-made decisions, there was no national strategy to safeguard a core network for a potential return to rail, or for other transport use. There were ad hoc attempts by local authorities to protect specific routes, predominantly for walking and cycling. The resurgence has led to rail reopening proposals which have produced conflict with walking and cycling interests as, for example, on the Bodmin-Wenford Bridge route (Heaps, 1997; Jones, 1998)³. The research aimed to explore the planning stance towards disused railway land.

Land allocation was also a significant aspect of the relationship between planning and rail freight. Authorities zoned land for industrial and distribution facilities adjacent to motorways with no rail connection and no potential for one. Two of the most striking examples were at Milton Keynes and Warrington new towns. Magna Park on the M1 motorway at Lutterworth is a more recent example. Positive relationships between planning and rail freight developed with regard to mining, quarrying and landfill activities, where the large flows made rail viable and environmentally desirable. Planning authorities often took the initiative and examples were widespread from Scotland to Cornwall. Where an operator did not want to apply for a rail freight grant, planning authorities used planning conditions specifying rail haulage: in some cases they used 'planning agreements' which explicitly constrained lorry movements. In cases where developers wished to apply for a freight grant, authorities had to rely on 'gentlemen's agreements' to secure rail haulage as a result of modal shift, following a subsequent grant application.

³ There are interesting parallels in the work of the Port of London Authority (PLA) to safeguard 32 Thameside wharves for freight operations (PLA, 1998)

Despite this positive experience, terminal developers continue to have difficulties with the planning system. A complicating factor arises because of the marginal viability of many rail freight facilities which means that operators need to offer 'value added' activities to the goods flowing through their sites. Although these may be benign, as in the packaging of inert goods, they may be intrusive by means of noise, dust, visual intrusion, ground and atmospheric pollution. These matters receive close scrutiny and attract the attention of occupiers of adjoining land, particularly residents. A significant example was a proposal for a coated roadstone plant at Bamber Bridge, Preston, which was refused permission at the end of a lengthy process. This was selected for case study research as it had wider relevance because, superficially, it looked straightforward as it was a reactivation of a former rail freight site where similar plants in the area relied wholly on road haulage.

The Channel Tunnel terminals.

Following the 1987 Channel Tunnel Act, a network of inter-modal terminals and freight villages was developed to increase rail's share of the international traffic. The site requirements were large areas of land at points where the railway network conjoined with the trunk road network, usually in or near to major conurbations. BR took the lead but local authorities and developers were involved too. For example, Wakefield Europort was jointly promoted by BR, Wakefield Metropolitan District Council, and AMEC Developments, on a site adjoining junction 31 of the M62. The rail terminal was only a small part of the overall 140 hectares (350 acres) of land to be developed, most of which was green belt. This proposal was 'called in' by the Secretary of State and was only granted planning permission on inquiry because of the strategic significance of the rail terminal. Although the permission contained a condition requiring the terminal to be built first, and profits from the wider development were to finance it, this associated development was not conditional on its use of rail. A similar outcome occurred at Hams Hall, near Birmingham. There was another proposal for a site at Toton, near Nottingham, where the outcome was quite different with four abortive planning applications. Toton was also selected as a case study as it demonstrated the complications which arise in situations where the economics of terminal development are marginal.

The origins of Daventry International Rail Freight Terminal (DIRFT) were less controversial: although located in open countryside, this was not green belt. The strategic significance of the location for distribution can be traced back through supportive regional planning guidance and amendment of the relevant local plan to incorporate the terminal and freight village (Daventry District Council, 1993). This preparation meant that the subsequent planning application was not 'called in' and enjoyed a relatively smooth ride. The developers and the council then jointly produced a 'design guide' to ensure quality in implementation (Daventry District Council and Abbcott Estates, 1996). Historically rail freight has been associated with visually intrusive activities and it was important to demonstrate that it can be compatible with high quality projects.

In all these cases there was a questionable relationship between the rail terminals and the associated development. The developers' priority was to secure a commercial return, not promotion of rail freight⁴. Planning authorities have not been willing or able to insist on the associated developments using rail. Without wishing to

⁴ Unusually, at Daventry there is a commitment to further the utilisation of rail beyond the inter-modal terminal and two adjoining rail served warehouses have been built by the terminal operator, Tibbett and Britten.

underplay the obstacles which were overcome in getting the terminals built, from the planning policy point of view there are grounds for concern. Large incursions were made into green belt and/or open countryside by development which currently has a very loose, and in many cases non-existent, functional relationship with the adjacent terminal. These developments showed that the commercial property market had become aware of the potential to use rail access to major developments as a counter to planning policy concerns about their appropriateness. This has led to a nervousness by authorities about such schemes and increased the adversarial character of the planning process, reinforcing the likelihood of refusal. An example is the London International Freight Exchange (LIFE) proposed by developers Argent on green belt land near Heathrow. This is the sort of facility needed around London if rail is to gain new markets, but it was subject to a protracted (April-September 2000) public inquiry after refusal by Slough District Council in 1999.

On the other hand these developments raised the profile of rail freight and some authorities have been able to work with the industry on the Daventry model. Aberdeen City Council's draft local plan (Aberdeen City Council, 1998) incorporated the relocation of the city's rail freight facility from Guild Street in the city centre to a new location at Dyce, towards the northern periphery. In the Far North of Scotland, the Highland Rail Partnership employed a member of staff specifically to work to achieve modal shift targets, using the partnership approach as a basis for bidding for grant aid for rail terminals (Roach, 1999). In England, Norfolk County Council carried out an audit of all potential rail freight sites, identified those with potential, and then lobbied district councils to protect them in their local plans (Norfolk County Council, 1998).

Literature review: conclusions on the implications of rail freight growth for the planning system.

Currently there are 1311 active freight terminals on the network, this number having increased from 1288 in 1999 (Railtrack, 2000). The growth of the rail freight industry is partially dependent upon the provision of more terminals, often in association with other development, as well as land for expansion of the network itself. These are the crucial links with the planning system. The resurgence of the industry will reinforce demand for terminals for bulk commodities, but the drive to increase modal share is generating demand for different kinds of facilities such as: inter-modal terminals with freight villages; various kinds of medium size terminals; quite small operations which might be just a siding and a loading pad; and retro-fitting links into existing distribution and industrial complexes.

It has been shown that rail freight projects are complicated and the planning process can crucially affect the potential for growth to the extent that it:

- encourages industrial and distribution activity on rail connected or rail-connectable sites, and discourages such activities where there is no rail access and no potential for it;
- identifies and secures for rail freight use suitable sites for single-user and multi-user terminals;
- prevents the disposal of existing rail-connected or rail-connectable sites for non-rail uses;
- permits development and efficient operation of rail freight terminals together with associated 'value added' activities;
- gives priority and support to improving road accessibility of rail freight sites;
- facilitates enhancement of the network (Rail Freight Group, 1998)

These are the matters which the research sought to explore.

The strategic policy context.

During the 1980s there was little encouragement for modal shift from road to rail by a Government which became committed to massive expansion of the trunk road network (DoT, 1989). This situation began to change when the development boom produced a political backlash and one response was the development of planning policy guidance (PPG), mineral planning guidance (MPG), and regional planning guidance (RPG), and the content was supportive. For example PPG 4 (DoE, 1992) encouraged local planning authorities to work with the then BR Property Board to identify industrial sites next to existing and disused railways, and to prioritise their development for rail related use. The location of distribution facilities next to railways was particularly encouraged.

The most significant policy innovation was publication of the amended version of PPG 13 (DoE, DoT, 1994). This stated that local authorities should encourage modal shift to rail by designating distribution sites next to railways and protecting rail connected or rail connectable sites, although this was qualified as it was with particular reference to 'bulk goods'. However PPG 24 (DoE, 1994a) set out various 'administrative' measures to ameliorate noise, such as restrictions on hours of operation. These are inimical to operation of rail terminals because much rail freight movement takes place overnight, and they may constrain 'value added' activities.

MPG was generally supportive of rail freight: for example, '...the Government would like to see as much freight as possible carried by rail or waterway rather than road wherever possible' (DoE, 1996a, para. 64). MPG3 stated that: 'Clearly it is desirable wherever practicable for the movement of coal and colliery spoil to be by means other than public roads' (DoE, 1994b, para. D34). MPG 6 on aggregates (DoE, 1994c) identified the fact that 'problems may arise in the local area surrounding rail distribution depots', but encouraged planning authorities to safeguard existing railheads. MPG 10 on the cement industry contained hard information about transportation: it listed the major production sites and gave data on the percentage of the finished product moved by rail (DoE, 1991b).

Prior to 1993 there was little or no reference to rail freight in RPG, but subsequent revisions and additions saw it come on to the policy agenda under a range of headings (Table 1). However, the limitations were illustrated by the draft update for the South East: this encouraged rail freight and advised planning authorities to safeguard sites but, generally, their role was perceived as reactive, '...in giving sympathetic consideration to proposals for rail freight depot sites and interchange facilities' (Serplan, 1998, 104). If rail freight is to grow there is a need for at least three new inter-modal facilities like the LIFE scheme around greater London's M25 ring. RPG falls well short of taking a lead in facilitating their selection and development.

In conclusion it can be stated that the strategic policy context for rail freight, as it existed in early 1999, was more thoroughly articulated and more broadly supportive of rail freight than it had ever been. However the key words were 'broadly supportive': planning's role was generally 'enabling' rather than proactive and prescriptive. There was a tendency to underplay the need for local planning authorities and strategic planning agencies to work as partners with the rail freight industry in developing policies and projects.

The national surveys.

The literature review threw up key issues which could be grouped according to whether they related to policy or development control. As these were likely to be the responsibility of different people in planning departments, it seemed sensible to utilise a two stage survey process.

The questionnaire on policy was sent to 448 planning authorities (counties and districts) and achieved an 83.9 per cent response rate. The results showed that nearly 90 per cent of planning authorities agreed that planning issues were becoming more important to the rail freight industry, but only 15.7 per cent had a designated officer to serve as a point of contact for rail freight enquiries. Significantly, this rose to nearly 42 per cent of county authorities. Little consultation with the industry took place outside of processing planning applications, with 27 per cent of authorities replying that they never contacted the rail freight industry. Given the importance of dialogue between planning authorities and the rail freight industry, it was significant that only 5.6 per cent of authorities were members of rail freight forums, with a further 12.2 per cent being members of general rail forums.

57.2 per cent of authorities had specific policies to support rail freight in their statutory plans, with 54.3 per cent having policies which explicitly supported modal shift to rail: no authorities had numeric modal shift targets. Generally, involvement with the industry and the presence of supportive policies was more strongly associated with county councils than district councils.

Nearly 27 per cent of authorities had *general* policies to protect rail accessible sites for industrial/distribution developments, but 56.4 per cent had policies to protect *specific* sites. Just over 80 per cent of authorities reported that they had disused railway trackbeds (parts of railway routes as opposed to former sidings/yards) in their area, but only 30 per cent protected them for future rail use in a statutory plan. Table two showed that county councils and the metropolitan boroughs were the most likely to have such safeguarding policies and that they were very rare in London, probably because not many railway lines have been closed in London. Nearly 74 per cent of authorities had areas of disused sidings/yards, but only 24.5 per cent protected them for rail use in a statutory plan. Table 3 shows that the counties again scored highest followed, in this case, by the new unitaries: the latter point was encouraging as these authorities had only recently been created and were based on previous district councils which did not have transportation powers. Although still low at 11.5 per cent, the proportion of London boroughs having policies safeguarding disused sidings/yards was significantly higher than the proportion safeguarding trackbeds.

Nearly 30 per cent of authorities had *general* policies for the protection of rail-connected sites for industrial/distribution developments. A bigger proportion of authorities, 56.4 per cent, protected *specific* rail-connected sites. The highest rate of general protection was among Scottish unitary authorities at 52.2 per cent, followed by county councils at 48.4 per cent. The highest rate of site specific protection was among the new unitaries at 78.8 per cent, followed by the metropolitan boroughs at 71 per cent. It was encouraging for the industry that authorities were taking the initiative in this way. Regionally, the lowest general and site specific protection was in the South East

Just over half of the authorities found current policy for rail freight in PPG and RPG to be 'poor' or 'very poor'. There was not scope within the survey to explore the reasons why so many were dissatisfied, but anecdotal evidence pointed to the lack of comprehensive, supportive strategic policies giving clear guidance to local authorities across the range of issues covered in the research.

The questionnaire on development control was sent to the same 448 local planning authorities and 280 returned a completed questionnaire, giving a response rate of 62.5 per cent. This questionnaire was designed to discover how planning applications received in the three years to the end of 1998 for rail-related developments were dealt with.

Only 20 per cent of authorities had received at least one planning application for a rail freight facility of some sort and there was a tendency for these to be clustered in those regions traditionally associated with rail freight. The vast majority of authorities had no experience of working with the rail freight industry. Of the 81 applications identified by the research, only 10 were in London and the South East. Along with the results from the first survey this showed that, despite this area having the largest potential with regard to the new rail freight markets, little was happening on the ground.

Table 4 shows that the most commonly used conditions on consents were those associated with environmental protection measures and control of road traffic; rail operations were not of themselves a major problem.

There was some evidence that the approval rate for rail freight projects was low. 56.8 per cent of the identified applications had received approval but 25.9 per cent were still awaiting a decision. If all of these were later approved, which seems unlikely, this would amount to an overall approval rate of 82.7 per cent. This is below that for major developments as a whole as cited in DETR statistics: 88 per cent for major developments in third quarter of 1998. Table 5 shows that protection of local amenity and concern over road traffic were the most common reasons for refusal. It was notable that concern over the impact of rail operation itself was not cited as a reason for refusal.

The research identified 206 planning applications for non-rail developments on disused railway land and around 68 per cent of these were approved, thereby making a return to rail use much more difficult, if not impossible. Authorities were asked to give reasons why such permissions were granted and these included: 'lack of protection in a statutory plan'; 'length of time the railway land has been disused'; 'lack of interest from Railtrack in re-use of the trackbed'; 'no realistic prospect of future rail use'; and 'pressure for use of brownfield sites for other purposes'. These remarks emphasised the need for an urgent review of this land and more robust safeguarding of that which has potential for a return to rail use.

Case Studies

The aim of this element of the research was to explore the progress of the two selected proposals through the planning system in order to identify strategic problems, pitfalls which others might avoid and good practice. The approach was to define the proposal, set out the policy context, map out a chronology of events, and identify key actors and key issues. This was followed by in-depth interviews with key actors to identify their perceptions of the issues, events and one another and how these had influenced the outcome.

Bamber Bridge.

The site was approximately 2.1 hectares and comprised rarely used railway sidings and associated land. It was bound on its southern boundary by the Preston-Blackburn railway, by a factory to the east and a football ground to the west. To the north was Browndge Road, on the opposite side of which was a residential area (figure 1). Tilcon's intention was to bring aggregate by rail from Swinden (Skipton) and to treat it on site with asphalt: all material for final delivery would go out by road.

Lancashire County Council's (LCC) Structure Plan (LCC, 1997a) and Minerals and Waste Local Plan (LCC, 1997b) supported the development of rail to achieve modal shift and were explicitly supportive of minerals terminals. On the other hand the site was zoned as within the 'existing urban area' in the South Ribble Borough (SRB) Local Plan (SRB, 1995) which had no rail freight policies.

Chronology

The first, detail planning application was submitted in March 1997 to SRB. Once it was realised by officers at LCC that the application was, in fact, a county matter, it was transferred to LCC. This application included an uncovered manoeuvring area in which mobile shovels were to move stone from receptors into the coating plant. Rail delivery was expected any time, but Tilcon were prepared to accept a 7am-7pm restriction on lorry movements.

The residents contacted their local councillor who sat on the Borough and County Councils, and he sought help from the local MP and together they advised the residents to hold a public meeting to set up a campaigning organisation with an executive committee - this became the Bamber Bridge Residents Association (BBRA). Collection of signatures for a petition was facilitated by the general election on May 1st: the petition contained 3000 signatures and there were 200 letters of opposition. The local MP opposed the scheme. Tilcon withdrew the application in August as it was clear that permission was going to be refused.

Beginning in September, Tilcon worked with LCC to search for an alternative site, and employed planning consultants to help. This reached an unsuccessful conclusion in April 1998 and Tilcon revisited Bamber Bridge. The design of the original proposal was substantially revised and placed the unloading and processing activities inside buildings located as far away as possible from houses, and included a peripheral landscaped mound to screen the development from Browndge Road.

The second planning application was submitted on 10th August 1998, with a presentation to the Planning Committee. Tilcon then carried out a public information exercise which included:

- circulating to 1500 houses in the locality a leaflet explaining the scheme and the measures taken to ameliorate its environmental impacts;
- placing a model of the scheme at a venue agreed with officers of the council - a local leisure centre about a mile from the site – which was on view from August 19th to September 5th.;
- setting up a telephone helpline on which residents could leave a recorded message;
- production of a video showing details of the scheme.

Late in September a public meeting was attended by over 300 people. BBRA researched the background to the application and studied other Tilcon plants, including making a video, using their information to challenge Tilcon and LCC. On the 16th November, the Planning Sub-Committee visited the site, along with the applicant and a large number of local residents. On 9th December 1998, planning permission was refused and the following summarises the reasons:

- the proposal would be detrimental to the amenity of the local community and environment by way of heavy goods vehicles entering and leaving the site in close proximity to residential properties;
- there would be unacceptable levels of noise and dust disturbance;

- the proposal would be detrimental to the highway safety of pedestrians, cyclists and motorists.

Perceptions

At the outset Tilcon felt that there would not be much opposition: using rail was in line with Government policy, the site was operational railway land in an area of mixed use. All existing coated roadstone plants in the Preston area were road fed.

In pre-application discussions Tilcon had asked SRB officers if it would be worth talking to councillors or the public before submission, but were discouraged. Residents only became aware of the proposal after submission when public notices were posted and formed a campaign group. The passing of the application from SRB to LCC was perceived by them as a threat because of their potential loss of influence. The fourteen day period to register objections given in the statutory notices was felt to be too short and to favour Tilcon. BBRA perceived the proposal to be speculative with no local benefit to counter the perceived threat. They were resentful that Tilcon could receive public subsidy for this (rail freight grant).

Tilcon's leaflet alerted the community to the new application. BBRA identified what they saw as inconsistencies in it and considered that this made opposition easier. The committee members saw themselves as acting responsibly, countering alarmist criticism by certain residents, and focusing on relevant planning issues. The exhibition was perceived as half-hearted as the location was inconvenient. The telephone helpline was answered by consultants which was felt to distance Tilcon from the community. The Tilcon employee with whom the residents did have contact was respected by BBRA committee members, but his hands were seen as tied by senior managers. BBRA's response to the revised application was to question why the initial submission had not included the attenuation measures: they felt that these had been added grudgingly.

BBRA invited Tilcon to attend a public meeting but they declined: Tilcon perceived public meetings as confrontational and dominated by the most vociferous individuals. Tilcon invited members of the committee to meet them privately, but BBRA took the view that as Tilcon would not come to their arena they would not go to theirs. The two 'sides' therefore never formally met in a context where deep discussion could take place.

Bamber Bridge: conclusions.

Hindsight shows that this was a contentious proposal likely to meet opposition from residents. Notwithstanding this, the lack of consultation and negotiation with residents and their elected representatives, prior to submission of the first planning application, was instrumental in creating a division between the parties which seriously undermined any subsequent attempts to find common ground. Submission prior to an election increased political sensitivities. Several participants spoke of the need to have 'trust' between the various actors. BBRA did not trust Tilcon and felt that they had been told 'half-truths and lies'. Tilcon felt they were dealing with people who would not be persuaded by rational argument. The conclusions were to draw attention to the need to engage in open dialogue with local communities and their elected representatives during the formative stages of a project, to seek to gain agreement on the facts, and to develop amendments in liaison with those directly affected. Efforts to disseminate information about a project can only pay off in this open context. The wider implications of this case study are that the development control process makes it very difficult to have the strategic benefits of modal shift weighed against local negative impacts, when it is only the latter which attracts

political activism around projects. This suggests that there is a need to stiffen the strategic policy platform for rail freight.

Toton Sidings

The Sidings area (figure 2) was elongated along a north-south axis, with poor connections to the local road network. With the decline of coal traffic a large area of the Sidings, to the east of the Midland main line, fell into disuse. The most immediate access to this was directly off the A52 linking Derby and Nottingham, which runs east-west across the site axis. Creation of such access had been resisted by the Highways Agency, owing to the proximity to the west of junction 25 of the M1. One of the few alternatives means of providing segregated (ie. not directly off the A52) access was through a narrow finger of green belt land owned by Peveril Estates which lies to the east, currently in agricultural use.

In the late 1980s Toton was viewed by BR as a potential Channel Tunnel terminal site. More recently, EWS saw its role as a regional depot for UK traffic, particularly that associated with the 'Enterprise' wagonload service (Shannon, 1999).

The application which was the subject of the research was jointly submitted to Broxtowe Borough Council by a planning consultant acting as agent on behalf of Peveril Estates, Rail Property (ex BR Property Board) and EWS. The proposed freight interchange would cover 12.5 ha of operational railway land. The B8 warehousing development would cover an additional area to the east of approximately 26 ha and almost 84,000 square metres of floorspace were proposed. Access to the rail freight terminal would be through this adjoining land to Toton Lane and thence the A52.

Toton was earmarked for development as a rail freight terminal in the Nottingham County Structure Plan (Nottinghamshire County Council, 1996) and the local plan for the area (Broxtowe Borough Council, 1994) reinforced this, but allocated the Sidings and the agricultural land as part of the green belt. A policy on 'Exceptional Circumstances' could be activated if a satisfactory rail terminal proposal came along.

Chronology

In 1990 two planning applications, with different details, were submitted jointly by the BR Property Board and Peveril Estates for a similar development on approximately the same site. When the borough council requested more detailed information both were withdrawn. A third application was submitted in October 1994 by the same agent on behalf of Peveril and the BR Property Board which was refused permission in April 1995. The reasons for refusal centred on the green belt allocation and the loss of open land, and that there was no evidence to show that the warehousing was necessary to the development of the freight interchange.

The fourth application which was the subject of the research was submitted in September 1997 and withdrawn in December 1997.

The view taken by the agent was that the starting point for the fourth application was the reasons for the refusal of the previous submission: the issues of access and the rationale for an exceptional granting of planning permission in the green belt. The agent consulted widely with other key stakeholders, but did not consult local residents as their position was known and steps were taken in the scheme to protect their interests: the focus of debate was seen to be with the policy makers.

On submission of the application Broxtowe Borough Council produced a leaflet for neighbourhood notification purposes.

Perceptions.

As with any major development project the planning application raised many questions, but our research showed that there were three fundamental ones:

1. can the railway industry finance development of a facility at Toton, or is such development dependent on 'planning gain' from development of the adjoining land?
2. is it acceptable to take access to a terminal at Toton directly off the A52 trunk road? If it is not, then the only likely alternative is access off Toton Lane and across the agricultural land owned by Peveril Estates.
3. if the rail freight terminal is dependent on external funding and if direct access can only be gained from Toton Lane, what scale of development on the agricultural land would be necessary to generate the necessary finance and be acceptable to the planning authority?

On point 1, EWS did not consider Toton a priority and could not justify the investment which would be required to build it. A rough cost for even a minimal facility would be £3 million. The initiative in pursuing planning permission had been with Peveril Estates and their agent, EWS saw themselves as playing a fairly passive role.

Peveril Estates and their agent estimated the cost of the terminal and access road as £8-18 millions, depending upon the specification. Any increase in land values resulting from planning permission would be absorbed by this cost - Peveril's commercial interest was in construction. During discussions on the planning application detailed costings were produced and submitted to the council for information. It was not acceptable for these to enter the public domain as they were commercially sensitive.

Broxtowe Borough Council saw the initiative to be with EWS and considered that the terminal should, in itself, be a commercially viable operation, although EWS had been open about the need for external funding. The cost estimates submitted by the agent were disregarded as the council was barred from making the information public and did not want to be accused of making decisions 'behind closed doors'.

On point 2, EWS considered that if access could be gained directly off the A52, the potential for planning gain would fall away so the terminal would not be built. Peveril Estates and their agent considered that the only satisfactory access was across Peveril's land. Broxtowe Borough Council considered that the only potentially acceptable access to the terminal would be directly off the A52.

On point 3, whilst supporting the development of Peveril's land for warehousing, EWS was unhappy with other elements of the application (prestige offices and a filling station) and felt that these were provocative. Peveril Estates and their agent considered that every effort had been made to produce a viable scheme which still left open land as a buffer between the development and adjacent housing. Broxtowe Borough Council supported the terminal but, if it was not commercially viable, then that was a matter for EWS. It did not follow that the council should release additional green belt land to provide finance for a development for which there was not a proven commercial case.

Toton: conclusions.

Given that, *prima facie*, it is desirable to have a rail freight facility at Toton, there are three major conclusions to be drawn from this case study. Firstly, the rail freight industry should identify its priorities and not support projects in a half-hearted fashion, particularly when the planning context is sensitive. Secondly, the reliance on planning gain to subsidise rail freight projects can lead to protracted planning disputes, erode public confidence in rail freight companies, and lead to questioning of the environmental benefits of modal shift to rail. Thirdly, where there is agreement between the rail freight industry and public authorities that it is in the public interest to develop a project, there should be more flexible funding mechanisms than those currently available. These might involve changing the rules for freight facilities grants, or public bodies becoming more directly involved on the Wakefield model.

Conclusions.

The rail freight resurgence is at a crucial point. Statistics (GSS, 2000) show that between 1996/97 and 1999/2000 tonnage lifted grew by only 1 per cent as the industry struggled to attract new cargoes to replace the decline of coal. Freight moved increased by 22 per cent, with a significant element resulting from the haulage of the declining tonnage of coal over longer distances, as much is now imported. Whilst being positive trends, these increases are not evidence of the growth of new markets, especially bearing in mind the modest growth in Channel Tunnel rail traffic which is only 50 per cent higher than that previously carried by the rail ferries (Modern Railways, 1999).

On privatisation, EWS aimed to triple its traffic over ten years and Freightliner's target was to increase the volume of containers carried by 50 per cent over five years (Holley, 1997 and 1998). EWS have reduced their target, now aiming to double traffic in ten years. Government support has wavered, as exemplified by abandonment of the automatic 'fuel duty escalator', and by the decision to permit 44 tonne trucks for *all* journeys from early 2001 on the back of a favourable indication from what was only an *interim* report by the Commission for Integrated Transport (CfIT) (CfIT, 2000). However, in its Ten Year Plan the Government targeted an 80 per cent increase in rail freight (DETR, 2000). Although there are many factors which may affect the achievement of this target, this research has shown that the role of the planning system is significant and that there are several ways in which this can be strengthened.

The first concerns the policy framework. The local, negative impacts of rail freight projects attract most attention in the development control process. To counterbalance this RPG and MPG could articulate the strategic benefits more systematically and emphatically to provide a robust policy framework for local planning authorities to work within, including the identification of strategic projects. As a broad generalisation the research has shown that just over 50 per cent of planning authorities have supportive policies in their development plans: there is also a need to increase this number and to refine the quality of the policies. The strengthening of RPG would be particularly helpful in encouraging this.

The second opportunity for improvement is with regard to dialogue. The research has shown that there was little ongoing liaison between authorities and the rail freight industry, and that the experience of authorities in handling rail freight projects was limited. On the other hand, rail freight projects demand extensive liaison as they are complicated. There is a need, therefore, for the development of more extensive and permanent local liaison mechanisms, such as freight forums or freight quality partnerships. The research has also shown the need to involve communities potentially affected by rail freight projects in this dialogue so that they are aware of the strategic benefits and can take part in the process of refining the location and

design of projects. In this way it should be possible to develop mutual understanding and generate projects which meet commercial requirements whilst being of high quality, thereby achieving a higher rate of planning approvals.

The third opportunity is the special issue of disused railway land and the continuing pressures to develop it for non-rail uses. There is an urgent need for the railway industry to work with planning authorities to identify and safeguard in development plans that which has a reasonable chance of being returned to rail use in the medium term.

Taken together, several Government initiatives provide opportunities to make progress on these matters. The updating of RPG can reinforce their content and the introduction of the 'Examination in Public' provides the focus for the dialogue between the players which is so important to the development of policy. The Government considers that the new RPG should be 'sufficiently prescriptive to determine the general location of regionally or sub-regionally significant development' (DETR, 1998b, 14) and there is a strong case for existing and proposed strategic rail freight facilities being treated in this way. The fact that the new RPG will also embrace a Regional Transport Strategy (RTS) reinforces the need to develop robust regional freight strategies.

The English Regional Development Agencies (RDAs) created in April 1999 have a remit and resources to develop more sustainable regional economies (DETR, 1999b). It will be very important to ensure that the RDAs develop economic strategies which embrace freight transport and that strategic rail freight policies and projects contained therein are tied in with RPG and RTS strategies. RDAs may well become involved in delivering funding and help avoid some of the pitfalls identified in the Toton case study. Research completed since that reported on here has developed rail freight 'policy templates' for RPG and RDA economic strategies (Batty and Haywood, 2000)

At the national level the Government created the Strategic Rail Authority (SRA) owing to the perceived failure of Railtrack's long term planning (Secretary of State, 1998). The SRA provides a locus for planning issues concerning freight as well as being able to help overcome the difficulties in funding. In its shadow form a special body was created to consider surplus railway land (SSRA, 2000), and the Freight Strategy (SRA, 2001) can serve as the basis for developing an input into the strategic planning process, particularly at the regional level. Although Railtrack's Network Management Statements have identified a number of projects to facilitate growth in rail freight, the company has also made clear that many of these would depend upon injections of public money. The SRA's role will be crucial in setting out how far the Government is prepared to go and ensuring that the implications are embedded in the various planning policy documents.

The introduction of Local Transport Plans (LTPs) presented a further opportunity to promote rail freight and integrate its development with land-use strategies. Rail freight was a serious omission from the draft guidance on provisional LTPs (DETR, 1998c), but this was corrected in the revised guidance (DETR, 1999c), and included a sophisticated policy agenda. This was included, in revised form, in the subsequent guidance on full LTPs as shown in table 6 (DETR, 2000). However the chronology for the production of the various tiers of policy documents meant that LTPs were produced in July 2000 in the absence of the SRA strategy, RTS and updated RPG, and there is evidence that the plans need substantial further development (Batty and Haywood, 2001).

Future research can evaluate the degree to which the opportunities provided by these various initiatives have been seized to require and enable planning authorities to play a more effective role in facilitating the developments which will be required to achieve the Government's rail freight growth targets.

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Table 1: Rail Freight Coverage in English Regional Planning Guidance Notes at December 1999

Issues covered	RPG*											
	3	6	7	8	9	10	11	12	13	6*	9*	
modal shift from road to rail												
rail access to new development												
safeguard disused sites												
safeguard disused trackbeds												
development of freight terminals												
lorry movements to/from terminals												
rail mode for minerals and waste												
rail depots for minerals and waste												
Total no. of issues covered	3	1	4	7	1	6	4	5	2	7	6	

Shading shows issue covered in RPG

* Key to RPGs shown below

List of RPGs analysed			
3	London, DOE, 1996b	10	South West, DOE, 1994f
6	East Anglia, DOE, 1991c	11	West Midlands, DOE, 1995a
7	Northern, DOE, 1993	12	Yorkshire & Humberside, DOE, 1995b
8	East Midlands, DOE, 1994d	13	North West, DOE, 1996c
9	South East, DOE, 1994e	6*	Draft East Anglia, SCEALA, 1998
		9*	Draft South East, Serplan, 1998

Table 2: Type of authority by protection of disused/abandoned railway trackbeds in a statutory plan.

Type of Authority	Yes	No
County	48.4	35.5
New Unitary	27.3	18.2
Metro Borough	48.4	41.9
District/Borough	20.3	50.2
London Borough	3.8	34.6
Scottish Unitary	17.4	52.2
Welsh Unitary	41.2	52.9
National Park	25	50
Average	30.5	54

Note: figures do not add up to 100% as some authorities protect for 'other' uses.

Table 3: Type of authority by protection of disused/abandoned railway sidings/goods yards in a statutory plan.

Type of Authority	Yes	No
County	45.2	38.7
New Unitary	30.3	39.4
Metro Borough	12.9	67.7
District/Borough	15	56
London Borough	11.5	61.5
Scottish Unitary	21.7	52.2
Welsh Unitary	17.6	64.7
National Park	0	25
Average	24.5	54

Note: figures do not add up to 100% as some authorities protect for 'other' uses.

Table 4: conditions attached to planning consents for rail freight developments and percentage use by local planning authorities.

Condition	Imposed	Not Imposed
Restricting hours of operation of road traffic to/from the site	31.3	68.7
Restricting hours of operation of rail traffic to/from the site	21.9	78.1
Restricting hours of operation of 'value-added' activities on the site	31.3	68.7
Restricting the number of road vehicle movements to/from the site	21.9	78.1
Ensuring improvements are made to site road access	43.8	56.2
Ensuring improvements are made to road links to the site	46.9	53.1
Ensuring no development takes place before a rail link is in place	19.4	80.6
Allowing a limited amount of development before completion of a rail link	19.4	80.6
Ensuring environmental protection measures are put in place to control emissions of noise, dust, etc.	71.9	28.1

Table 5: Listed reasons for refusal and percentage use by local planning authorities

Reason	Stated	Not Stated
Non-compliance with policies in the statutory development plan	40	60
Non-compliance with zoning in the statutory development plan	20	80
Protection of 'Local Amenity' (general reason)	60	40
Protection of 'Local Amenity' due to disturbance caused by rail operation	0	100
Protection of 'Local Amenity' due to disturbance caused by value-added Activities	20	80
Protection of 'Local Amenity' due to disturbance caused by road vehicle Movements	40	60
Inadequate on-site road access/egress arrangements	40	60
Inadequate local highway network	40	60

Table 6. DETR Guidance on Full Local Transport Plans: Sustainable distribution

Minimum requirements	<ul style="list-style-type: none"> • Description of policy for the development of an integrated, sustainable distribution system which takes into account the dominant role of road freight and the potential for modal transfer to rail or inland waterways • Evidence that the strategic role of freight distribution in the growth or regeneration of the local and regional economy has been assessed • Evidence that efforts have been made to bring freight transport operators, businesses and the local community into the strategic thinking and planning processes • Clear evidence of effective partnership with navigation authorities, rail infrastructure providers and freight operating companies to promote greater use of alternative modes of freight distribution • Evidence that opportunities for the greater use of rail and water freight are being taken into account in land use planning decisions
Characteristics of a Good LTP	<ul style="list-style-type: none"> • Evidence of progress in establishing freight quality partnerships, identifying key organisations and companies involved • Clear strategies to help industry develop and implement best practice • Comprehensive assessments of existing operational and non-operational freight facilities within the area, evidence of consideration of potential for freight grants • Clear strategies and identification of flows that could be transferred to alternative modes, including an assessment of the lorry journeys to be saved • Strategy to balance the requirement for efficient goods distribution with the social and environmental effects, particularly in an urban environment • Clear evidence of lorry routing strategies

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