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Mr D James  
Turley

Your Ref:

Our Ref: TR050004

By email only

Date: 19 October 2018

Dear Mr James,

## **Planning Act 2008 (as amended) – Section 55**

### **Application by Ashfield Land Management Limited and Gazeley GLP Northampton s.a.r.l for an Order Granting Development Consent for the Rail Central Rail Freight Interchange and Highway Works Proposal**

#### **Notification of decision not to accept an application for Examination for an Order Granting Development Consent**

I refer to the above application for an Order granting development consent made under section 37(2) of the Planning Act 2008 (PA2008) and received by the Planning Inspectorate on behalf of the Secretary of State on 21 September 2018.

Under section 55 of PA2008 the Secretary of State considers that the application cannot be accepted as it is not of a standard that the Secretary of State considers satisfactory (s55(3)(f)). The inconsistencies between certain documents and plans, conflicting internal references between and within documents and some inconsistencies between the hard and electronic copy submitted make the application insufficiently clear. The main items identified are as follows:

#### **Limits of deviation**

##### **Works Plans and Draft Development Consent Order (DCO)**

Article 5(1)(a) in the draft DCO refers to the limits of deviation shown on the works plans, however the Key to the works plans does not include any reference to limits of deviation and these do not appear to be shown on the works plans.

As drafted, the limits of deviation would be determined with reference to the extent of any limits of deviation shown on the works plans. If the plans do not show this, then there is uncertainty over what is being applied for.

#### **Description of development**

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Works 1 and 3 in the draft DCO refer to Regulation 6(2) of the APFP Regulations and Document 2.28 in error.

Work 4 is described as a train maintenance depot within the draft DCO, however the work does not describe any railway track construction.

Work 11 in the draft DCO refers to the framework plan Document 7.8, however this document does not refer to the lorry park described in Work 11.

Works 12A and 12B in the draft DCO describe landscaping surrounding Work 10. However the areas for works 12A and 12B are not in the same vicinity as Work 10.

Works 14 and 15 in the draft DCO refer to Regulation 6(2) of the APFP Regulations and Document 2.28 in error.

Work 19 in the draft DCO refers to Document 2.29 which is a general arrangement plan for Northampton Road which does not match the work described.

Works 22 and 23 in the draft DCO refer to Document 2.24 in error.

The location of the bus depot is not visible on the hard copy Parameters Plan 2.14 Sheets 1 and 2. On the electronic copy the bus depot outline is in a CAD layer of the drawing which is not visible in the normal view which would appear to a potential Interested Party when published.

### **Certification of plans**

Article 5(1)(b) and (c) of the draft DCO ('Parameters of Authorised Development') refers to the Regulation 6(2) plans (of the APFP Regulations). However these plans are not listed to be certified in either Article 2 ('Interpretation') or Article 45 ('Certification of plans etc').

In respect of Work 2, reference is made to Illustrative Rail Interchange Drawings; Article 2 ('Interpretation') states that these will be certified, however they are not listed in Article 45.

### **Matters Relating to the Environmental Statement (ES)**

Chapter 14 states that it is accompanied by Figure 14.2a (Statutory Designated Sites); Figure 14.2b (Non-statutory Designated Sites); and Figure 14.3 (Phase 1 Habitat Survey Maps); however these are not presented within the Chapter or the wider submission documents. They are not listed on the schedule of documents (Doc 1.4).

Although Document 6.1.14.1 provides the relevant information, the scale/resolution is poor, and the key is unclear. Doc 2.9 also depicts statutory

and non-statutory nature conservation site information; however it is noted the sites identified do not match Doc 6.1.14.1. Different buffer zones have been applied in these documents, however this has not been explained in the key or put into the context of the ES (because these figures are not referred to in the assessment of effects on designated sites). The M1 Junction 15a proposed Order limits are shown in black on the statutory sites figure in Doc 2.9 but this is not explained by the key and they are not clearly legible.

Statutory sites are not labelled on the figures presented in either document. With respect to the assessment in Chapter 14, sites appear to have been assessed but as Chapter 14 does not refer to the other figures above, only to the missing figures 14.2a and 14.2b, and the figures do not name the statutory sites, the assessment is difficult to verify.

Appendix A within Doc 6.1.13.1 contains a key features plan in which the red line boundary of the main Strategic Rail Freight Interchange (SRFI) site differs to the red line boundary included in the location plan (Doc 2.1) submitted with the application, regarding land in the south west corner of the site.

The part of Doc 6.1.13.1 relating to the J15a site does not contain a map of the red line boundary around that site.

The Parameters Plans and other plans on which the assessment of the J15a Nationally Significant Infrastructure Project is based are reproduced in Appendix 5.1 (Document 6.1.5.1). However, the Appendix 5.1 plans do not include the Parameters Plans which show cross sections or contours (Document 2.28.6 and 2.28.7). The Parameter Plan (Document 2.28.1) does not show a red line boundary. The ES refers to Works Plan No. 10 which does show the red line boundary but does not show the junction works).

In reaching his decision as to whether an application is of a satisfactory standard, the Secretary of State must have regard to (inter alia) the extent to which the Applicant has followed any applicable guidance given under section 37(4) of PA2008 (section 55(5A)(b)). In relation to the application documents referred to above, the Secretary of State has concluded that the Applicant has not sufficiently followed this guidance. For example, paragraph 6 of the Government's Application Form Guidance states that the information must be sufficient "*to appropriately consider the proposal*".

Should the Applicant choose to re-submit, they are advised to ensure that all documents are submitted both electronically and in hard copy, that they are identical, and that the correct information is included in the appendices for each relevant document.

We would also encourage you to meet with us so we can advise how best to address the issues to help facilitate a new application at the earliest opportunity.

Yours sincerely

*Simone Wilding*

**Simone Wilding**  
**Head of Major Casework Management**  
**For and on behalf of the Secretary of State for the Ministry of Housing,**  
**Communities and Local Government**

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