



Meeting note

Project name	Rail Central (Strategic Rail Freight Interchange)
File reference	TR050004
Status	Final
Author	The Planning Inspectorate
Date	9 January 2018
Meeting with	Ashfield Land
Venue	Temple Quay House
Attendees	The Planning Inspectorate Kath Dunne – Infrastructure Planning Lead Emre Williams – Case Manager Dean Alford – Case Officer Hannah Pratt – Senior EIA and Land Rights Advisor Alison Down – EIA and Land Rights Advisor The Applicant Andrew Fisher (Ashfield Land) Jenn Holgate (Womble Bond Dickinson) David Diggle (Turley) Danny James (Turley) Katharine Blythe (MBH Environmental) Ben Copithorne (Camargue)
Meeting objectives	Rail Central - Project Update Meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (PINS) advised on its openness policy, explaining that any advice given would be recorded and placed on the National Infrastructure website under section 51 (s51) of the Planning Act 2008 (as amended) (the PA2008). Any advice given under s51 would not constitute legal advice upon which applicants (or others) could rely.

Background to the project

The Applicant provided an overview of the proposed scheme and explained how the scheme had evolved since Phase One consultation (April – October 2016).

The Applicant explained that amendments had been made to the scheme following Phase One consultation as a result of responses/comments received. These changes include:

- The overall scale of the proposed works has decreased to 7.4 million square foot in total;
- The number of junctions affected where lane widening will be required to accommodate an increase in capacity has increased from 11 to 15;
- The scale of works for Junction 15A has decreased and the Applicant therefore considers that these works proposed to Junction 15A are unlikely to constitute a

Nationally Significant Infrastructure Project (NSIP); however this is still to be confirmed. The Applicant will send PINS its justification for the decision made.

The Applicant provided the following Post-meeting note on 28 February 2018 regarding their proposed highway works:

"Number of Junctions

The number of junctions affected where works will be required to accommodate an increase in capacity has increased to 15. In addition to this, we are also proposing two road safety schemes and a pedestrian/cycle scheme.

NSIP 2 (J15a Highways Works)

The PA 2008 confirms the thresholds for determining whether Highways Works comprise an NSIP in their own right. In this regard, Section 22(4)(b) confirms that Highways Works should be considered an NSIP where "*...the construction or alteration of a highway, other than a motorway, where the speed limit for any class of vehicle is expected to be 50 miles per hour or greater, is 12.5 hectares*".

Section 22(9)(b) of the PA 2008 confirms that "*in relation to alteration of a highway, means the land on which the part of the highway to be altered is situated and any adjoining land expected to be used in connection with its alteration*". Therefore the area for the Highways Works should include the site of the Works and all associated land (ie areas for landscaping, construction compounds, etc). The proposed Highways Works at Junction 15a comprise a combined area of 16.5 ha, which exceeds the threshold set by Section 22 of the PA 2008, and is therefore deemed to be a NSIP in its own right."

Consultation update

Phase One statutory consultation was undertaken in accordance with the Statement of Community Consultation (SOCC) under s47 of the PA2008. The Applicant confirmed they received 300 responses in relation to the consultation.

The Applicant advised that they have consulted Highways England as the majority of the highways junctions are in their ownership.

The Applicant advised they are ready to proceed with Phase Two consultation – further Statutory s47 consultation and s42 consultation under the PA2008. The SoCC drafted for Phase 1 will be refined for Phase 2 and the Applicant confirmed that the relevant Local Planning Authority would provide comments thereto, prior to commencing Phase 2 consultation anticipated to start mid-March 2018 and end 23 April 2018. The Applicant advised that a full suite of environmental and technical information will be published as part of the consultation.

The Applicant intends to submit their Development Consent Order (DCO) application in mid-June 2018.

EIA progress and approach

The Applicant explained that it had given consideration to the PINS [s51 advice](#) issued after the last project meeting and confirmed that it will proceed under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 2017 EIA Regulations). The Applicant has revisited the scope of the project and

confirmed that it will consider the following aspects within the Environmental Statement (ES):

- Climate change;
- Major accidents and hazards; and
- Human health.

However, the Applicant confirmed that it did not intend to re-scope and that it intends to assess the additional topics required by the 2017 EIA Regulations within its ES. The Applicant confirmed it has reviewed the Secretary of State's scoping opinion and considers it still to be valid for the Proposed Development.

PINS advised that it would be good practice to re-scope prior to submission; however, it is not legally required. The Applicant was advised to review other scoping opinions adopted under the 2017 EIA Regulations and to also refer to PINS Advice Note 7 (AN7). PINS advised that a 30 day relevant representation period is required under the 2017 EIA Regulations.

The Applicant queried whether it should re-notify PINS of its intention to submit an ES for the Proposed Development now that it intends to proceed under the 2017 EIA Regulations. PINS advised that this would appear to be a sensible approach particularly given the Applicant's intention to commence further statutory consultation.

Post-meeting note from PINS: The 2017 EIA Regulations replace and revoke the 2009 EIA Regulations except where the transitional provisions apply. The 2017 EIA Regulations place a duty on Applicants to address the requirements of Regulation 8. Regulation 8(1)(b) provides an opportunity for Applicants to notify PINS (on behalf of the Secretary of State) of their intention to submit an ES. If the Applicant re-notifies PINS of its intention to submit an ES in accordance with the 2017 EIA Regulations, then the Applicant's attention is drawn to AN7 regarding Regulation 8(1)(b) notifications and the information which is necessary to support that notification.

Habitats Regulations Assessment

PINS asked if there are any European sites nearby. The Applicant responded by advising that there are no European sites nearby and that it anticipates a 'no likely significant effects report' will be produced and submitted with the application.

Draft documents

PINS advised that it would be beneficial to receive all draft application documents including the ES EIA methodology chapter at the same time. All draft application documents which the Applicant intends to submit for review should be submitted electronically in a Microsoft Word format as well as in hard copy. If plans are submitted for review (Land and Works plans) these should be submitted to scale in hard copy and electronically.

PINS advised that a minimum of 6 weeks would be required to review any draft application documents, which usually consist of the draft DCO, Statement of Reasons (SoR), Explanatory Memorandum (EM), Land and Works plans. However, if there are any other specific documents the Applicant wishes PINS to review, they should make the case team aware thereof in advance of such submission. PINS advised that a feedback meeting could be arranged with the Applicant following the review of their draft application documents.

Statements of Common Ground

The Applicant advised that they would look to complete Statements of Common Ground (SoCG) with the following parties:

- Network Rail
- Highways England
- Relevant Local Planning Authorities

The Applicant also advised that Planning Performance Agreements are being discussed with relevant Local Planning Authorities.

PINS recommended that any draft SoCGs submitted with their DCO application should include matters of agreement and disagreement between parties. Where SoCGs have not been agreed, a list of the SoCGs being compiled between relevant parties would be beneficial and these should include details of these parties' consultation progress. PINS advised that it was common during the Examination for the appointed Examining Authority to request SoCG between relevant parties if none have been submitted and therefore it was recommended that the Applicant take this into consideration.

Northampton Gateway

The Applicant considers that the Rail Central project and Northampton Gateway can both be independently built and operated. However, it was acknowledged that there is a small overlap of the two application sites; an ecological mitigation area for Rail Central is located in the same place as the bunding and connection sidings for Northampton Gateway. In addition, there are two highway junctions (J15A and J15) where mitigation works are proposed within the same area of the Order Limits of both schemes.

Post-meeting note from the Applicant dated 28 February 2018:

"The ecological mitigation area for Rail Central has now been removed with a wider area of ecological mitigation now being proposed alongside the proposed highway improvements at Junction 15A of the M1."

The Applicant confirmed that it had submitted a response to Northampton Gateway's statutory consultation, which requested that collaborative engagement be made between the two Applicants regarding knowledge and information.

The Applicant stated that it has limited information to undertake a detailed cumulative effects assessment at this time. PINS advised that the Applicant can only undertake an assessment based on the information available to it at the time of preparing the application documents, however the Applicant should be prepared to update the assessment during the examination should relevant further information come to light.

The Applicant furthermore stated that it considered it would be both important and necessary for both schemes – and the decision maker – to have available each other's cumulative assessment conclusions in order to reach a robust and consistent conclusion as to the interaction between the two schemes. The Applicant considered that this was an unusual situation, in that both schemes were very closely connected and, as such, will require very careful consideration in how they are dealt with during Examination.

AOB

PINS advised that if the Applicant is applying precedents set by other DCOs, they must thoroughly justify why they are appropriate for this project within their EM.

PINS advised that NSIP examinations are predominantly electronic and encouraged the Applicant to use deposit locations with electronic working capability.

The Applicant was requested to provide any updates relating to the Rail Central (Strategic Rail Freight Interchange) project description depicted on the case-specific page of the National Infrastructure Planning website.