



South Northamptonshire Council

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The Planning Inspectorate
National Infrastructure
Temple Quay House
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BS1 6PN

Your Ref : TR050006
Case Officer : Denis Winterbottom
Telephone : 01327 322109
Email : development.management@southnorthants.gov.uk

Date : 1 June 2018

Dear Sir / Madam

Application no. P/2018/0014/MIS
Proposal Application by Roxhill (Junction 15) Limited for an Order Granting Development Consent for the Northampton Gateway Rail Freight Interchange
Location Land west of J15 M1, east of the Northampton Loop railway line (between Milton Malsor and Courteenhall)

Consultation prior to DCO Application Submission.

I refer to your letter dated 21/5/2018 inviting this Council to submit a representation on the consultation carried out by the developer prior to the submission of the application for a Development Consent Order.

The Council has reviewed the documents submitted with the application made available by the Planning Inspectorate. It has also reviewed comments received from interested parties. It has also relied on observations and information obtained from visits made by Council staff to consultation events.

The Consultation report prepared by the Applicant and submitted with application concludes the publicity and consultation undertaken is in accordance with the published Statement of Community Consultation (SoCC).

The Council was invited by the developer to comment on a draft of the SoCC in July 2017. The Council's response raised matters which it felt should be reflected in the SoCC. The principal issues were the inclusion of a further public consultation event to be held within Towcester and to ensure clarity within the SoCC over the scope, form and content of the consultation information and documents.

The latter was a response to received comments which expressed uncertainty over the matters that would be covered within the consultation; these included the Road bypass, air quality measurement, traffic levels, noise & light pollution & local impact. The Council recommended that it would provide clarity if all the matters that were to

be consulted upon were identified and set out within in one paragraph and recommended that a suitably entitled paragraph was inserted in the SoCC.

The published SoCC did not include a separate titled paragraph. However an existing paragraph was expanded to refer to the purpose and scope of the consultation and to the form of the information and the documents that would be published as consultation materials. Reference to a further public consultation event to be held in Towcester was included. The Council is thus satisfied the matters it raised were resolved within the SoCC published on 14th September 2017.

The applicant has formally consulted the Council as required by Section 42 of the Planning Act 2008. The proposal has been publicised in accordance with requirements in Section 48. With respect to the consultation with the local communities required in Section 47 the applicant undertook an initial phase of consultation and subsequently further consultation was undertaken in accordance with the details set out in the Statement of Community Consultation published in September 2017.

The Council has therefore no reason to believe the statutory consultation undertaken prior to the submission of the application has not been otherwise than in accordance with the requirements within the Planning Act 2008.

The Council has however received comments concerning the consultation undertaken from parish councils and groups and people within the local community. Copies of the communications received are enclosed with this response. These enclosed documents do not form part of this Councils representation on the consultation undertaken and the content of these documents should not be taken to represent the view of this Council.

Parish councils and community groups have expressed concerns to the Council relating to the consultation undertaken since the emergence of the proposal. These have been notified to the applicant in responses to the consultation and many are summarised in the appendices to the Consultation Report submitted with the application. Appendix 21 summarises the concerns in responses from parish councils pursuant to the stage 2 statutory consultation under Section 42.

Some of these concerns relate to the scope and quality of the information made available, to the presentation of the consultation material, and to a lack of transparency through which some elements of the proposal have emerged or progressed. These include:

- omission of information relevant to aspects of the proposal within consultation materials;
- disparity between the vast amount of detailed information within technical documents not easily assimilated by ordinary people and the summary document provided which was too short to 'be of much use'.
- the inability of some people affected by the proposal to assimilate within the timescale of the consultation period the technical information provided,
- the removal of options for the route of the Road bypass prior to the statutory phase of consultation;

- the late emergence of new elements within the proposal e.g. inclusion of the bulk aggregates rail terminal facility and the limited detail made available.

In response the applicant acknowledges the draft Environmental Statement was incomplete but is confident in that it was presented as such; the applicant also undertook a further period consultation on elements that emerged in the proposal that were not included in the details provided for the stage 2 consultation. Whilst these concerns may perhaps less germane to a consideration of the duty to consult set out in legislation, they are however perceived by some within the local community to have limited the opportunities to influence the proposal through the consultation.

Other perceived concerns touch on the conduct of the consultation; these include the following:

- the timing of the initial stage 1 consultation, held in one location on three consecutive days in mid-December, was viewed by some as less than ideal to engage local communities.
- the period between the publication of the SoCC (14th September) and the commencement of the second stage statutory consultation (9th October) did not provide sufficient advance notice;
- signage of public event venues was considered by some to be poor;
- the public events were held over a 6 day period early on during the 6 week consultation period;
- responses submitted were not acknowledged, nor was it clear how these had been considered.

With reference to last point the Consultation Report now submitted does include within the appendices details of consultation responses received and responses indicating consideration given to these by the applicant.

In conclusion whilst the legal requirements of consultation may have been followed the Council considers more should have been done to clarify the following elements of the proposal to facilitate the consultation.

The rail infrastructure, inherent to the principle of a Rail Freight Interchange proposal and the cumulative impact of this proposal with other proposals are two significant elements where the information available at all the stages of consultation has been limited in terms of the detail and the progress of the assessment being undertaken.

The capacity of the local and national rail network to realise the capability of the on-site rail infrastructure to deliver a functioning rail freight interchange has been a persisting concern. The response from Network Rail (Appendix 21 of the Consultation Report) makes clear that even at the time of the stage 2 consultation that a 'robust analysis of the local and national network to ensure the proposal can operate efficiently without detriment to other timetabled services' had not been undertaken and that there was no formal engagement with Network Rail to develop and validate a formal feasibility study which would enable them to consider and review the conclusions contained within the Draft Rail Operation Report and the Draft Rail Capacity Report.

A significant concern in the pre-application consultation has been the availability of information on the cumulative impact of this proposal with other proposals, in particular the proposed Rail Central RFI, not least as land required for the proposal is common to the order limits for both proposals. The highway mitigation required should both schemes proceed will in all probability differ from the highway mitigation required should only one of the schemes proceed.


Although references in the consultation materials indicated the cumulative impact assessment would take account of the Rail Central proposal, it would appear from the response from Turley representing the Rail Central proposal promoter within Appendix 21 and the applicant response, that at the time of the stage 2 consultation there had been little co-operation between the promoters of the two RFI proposals to progress an assessment of the cumulative impact that would arise from the development of both proposals. Consideration of the potential full cumulative impact has thus been limited by this omission within the consultation.

The additional information necessary to complete the Environmental Statement and to finalise the Transport Assessment are two further areas that will remain to be assessed when these details are made available. The Council must necessarily wait to see how the above matters have been resolved within the submitted application.

Given significant omissions within previous consultation documents it would perhaps have engendered greater confidence in the process if the applicant had exercised the discretion to allow the publication of the submitted application documents immediately following submission rather than to choose to defer publication until the application has been accepted as valid.

Thank you for the invitation to provide a representation and I trust the above will assist with the validation of the submitted application.

Yours faithfully,

A solid black rectangular box used to redact the signature of Paul Feehily.

Paul Feehily
Interim Director Planning & Regeneration