

The Rail Central Rail Freight Interchange

Northampton Gateway
Examination

Written Representation of Ashfield
Land Management Limited and
Gazeley GLP Northampton s.a.r.l.

**Northampton Gateway PINS Reference Number
TR050006**

6 November 2018

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1. Introduction

- 1.1 This Written Representation is submitted on behalf of Ashfield Land Management Limited ("Ashfield Land") and Gazeley GLP Northampton s.à.r.l ("Gazeley") (together "the Applicant for Rail Central") who are the applicants for the Rail Central Strategic Rail Freight Interchange ("Rail Central") and Interested Parties to the Northampton Gateway Examination.
- 1.2 This Written Representation follows the Relevant Representation submitted on behalf of the Applicant for Rail Central on 5 August 2018, and the oral representations made by Counsel on behalf of the Applicant for Rail Central at the Preliminary Meeting held on 9 October 2018 and the DCO ISH1 on the same day.

2. Resubmission of the Rail Central Application

- 2.1 The Applicant for Rail Central resubmitted the Development Consent Order ("DCO") application for Rail Central on 29 October 2018. The resubmission of Rail Central was in response to the decision of the Secretary of State not to accept the application for Rail Central, submitted on 21 September 2018 as an application for examination for an Order granting Development Consent, on 19 October 2018.
- 2.2 Enclosed as Appendix 1 is a copy of the Section 55 Notification letter which sets out the reasons why the application for Rail Central was not accepted. The reasons for non-acceptance of the original application are minor in nature. They have all now been rectified in the resubmitted application, and do not therefore represent an obstacle to acceptance of that application. Enclosed as Appendix 2 is an explanatory document which explains the amendments made to the resubmitted Development Consent application for Rail Central. It is therefore likely that the Rail Central application submitted on 29 October 2018 will be accepted by 26 November 2018, and in any event during the course of the Northampton Gateway examination. It is therefore likely that there will still be an overlap between the two examinations.
- 2.3 Although the need for resubmission of Rail Central has delayed the date of acceptance, this does not materially affect the submissions made by Rail Central to date in its Rule 6 response letter of 2 October 2018. In short, both the Examining Authority ("ExA") and the Secretary of State will still be required to assess the interrelationship between what will be two extant and overlapping Development Consent applications. This point will need to be addressed whether or not the examinations for Northampton Gateway and Rail Central overlap.
- 2.4 The Applicant for Rail Central has supplied Roxhill (Junction 15) Limited ("Roxhill") with electronic copies of all the resubmitted application documents. The changes which have been made to the application documents are minor and do not in any way affect Roxhill's ability to assess the implications of Rail Central as a project.

3. Response to Rule 8 Letter

- 3.1 The Applicant for Rail Central agrees with the Procedural Decision made by the ExA and communicated in the Rule 8 letter of 17 October 2018 (the "Rule 8 letter") that interrelationship matters can be considered within ISH4 on 12 March 2019.

3.2 Regarding Statements of Common Ground ("SoCGs"), together with Roxhill and Network Rail Infrastructure Limited ("NRIL") the Applicant for Rail Central will negotiate and provide SoCGs between (i) Roxhill and the Applicant for Rail Central; and (ii) NRIL, Roxhill and the Applicant for Rail Central by Deadline 3.

3.3 In respect of the timetable within Annex A of the Rule 8 letter, the Applicant for Rail Central would also confirm they would be attending the ASI, ISH2, ISH3, CAH, ISH4 and if they are timetabled, ISH5 and CAH2. The Applicant for Rail Central would be represented by Counsel at these future hearings.

4. **Written Representation**

4.1 This Written Representation has been prepared in accordance with PINS Advice Note 8.4, Planning Act 2008 'Guidance for the examination of applications for development consent', and the advice given within the Rule 8 letter.

4.2 This Written Representation addresses the following issues:

- (a) Interrelationship between Northampton Gateway and Rail Central projects;
- (b) Market Demand for both Northampton Gateway and Rail Central;
- (c) Operational Compatibility of Northampton Gateway and Rail Central;
- (d) Cumulative Assessment undertaken by Northampton Gateway;
- (e) The assessment of the Environmental Impact of Northampton Gateway in respect of Climate Change;
- (f) Traffic and Transport Issues in respect of the Roade Bypass;
- (g) The Compulsory Acquisition of Parcels 1/7 and 1/12 within which Ashfield Land holds an interest;
- (h) Submissions relating to the Northampton Gateway dDCO ("dDCO") following DCO ISH1;
- (i) Submissions on the Comparative Assessment between Northampton Gateway and Rail Central.

5. **Interrelationship between Northampton Gateway and Rail Central**

- 5.1 Enclosed at Appendix 3 is the Northampton Gateway Interrelationship Report which was submitted as part of the Rail Central application.
- 5.2 This sets out the Applicant for Rail Central's views as to the interrelationship between Rail Central and Northampton Gateway, identifying how both projects can be delivered in practice and in particular sets out the proposed mechanisms contained within the Rail Central application documents and the need for Protective Provisions within the Northampton Gateway DCO (Application Ref AS-005).
- 5.3 Rail Central has been designed in such a way that it can be delivered independently or accommodate the delivery of Northampton Gateway. Although the Order Limits for both Rail Central and Northampton Gateway overlap in a limited number of locations, the infrastructure proposed by the both projects is complementary and can be aligned to achieve a common purpose.
- 5.4 In the view of the Applicant for Rail Central, much of the interrelationship can be governed by requirements and the approval of plans referred to within requirements. Protective Provisions are also sought within the Northampton Gateway DCO in order to accommodate the necessary flexibility and to ensure appropriate co-operation between the parties to enable Rail Central and Northampton Gateway to be delivered in parallel.
- 5.5 It proposed that Protective Provisions will be discussed within the SoCG between Rail Central and Northampton Gateway, requested to be submitted by the ExA by Deadline 3.

Interrelationship Report

- 5.6 The Interrelationship Report sets out the areas within which Northampton Gateway and Rail Central overlap and identifies the nature of the works sought under the respective dDCOs for each project (Table at paragraph 3.1 of the Interrelationship Report). The Rail Central dDCO is appended as Appendix 5.
- 5.7 Northampton Gateway and Rail Central overlap in three key areas:
- (i) Rail Connections: Where both projects connect into the existing Northampton Loop Line ("NLL") (Work 1 of the Northampton Gateway dDCO and Work 1 of the Rail Central dDCO, both in respect of the construction of Rail Connections);
 - (ii) Landscaping and Footpaths: Where both projects propose a footpath and structural landscaping adjacent to the NLL (Work 6 of the Northampton Gateway dDCO and Work 9 & 12 of the Rail Central dDCO);
 - (iii) Highway Improvements: Where both projects propose improvement works at Junction 15a of the M1 motorway to increase junction capacity to provide mitigation for increased traffic flow.

Rail Connections

- 5.8 Northampton Gateway proposes to construct its intermodal facility on the opposite side of the NLL to Rail Central. The two Strategic Rail Freight Interchange ("SRFI") schemes would draw on the same main line capability of the NLL, however Rail Central also has direct access into the fast lines of the West Coast Mainline ("WCML") with direct access to and from the Express Freight Terminal (Work No.3) and an internal rail access to the intermodal terminal. This enables main line access from Rail Central to be retained to all parts of the site regardless of which side of the main line is closed for maintenance (this being undertaken either on the Slow Lines / NLL side or on the Fast Lines / WCML side of the site).
- 5.9 The potential co-location of SRFIs is not unique to Rail Central and Northampton Gateway. Elsewhere, SRFIs and Rail Freight Interchanges ("RFIs") already operate alongside each other, and in some cases collaborate operationally despite being run by separate and otherwise competing commercial operators. Examples of these include:
- (a) At Manchester's Trafford Park, where two RFIs are operated alongside each other by DB Cargo and Freightliner respectively and share the same doubletrack route through Manchester Piccadilly;
 - (b) In Glasgow, the Mossend Eurocentral SRFI was developed directly opposite an existing RFI (the sites operated by DB Cargo and PD Stirling respectively), and within 5km of an established RFI at Coatbridge (operated by Freightliner). Planning permission has been granted to construct an entirely new SRFI (Mossend International Rail Freight Park) directly opposite the existing SRFI, with all these SRFI and RFI facilities sharing access to the same section of main line; and
 - (c) At the Daventry International Rail Freight Terminal ("DIRFT") SRFI, the intermodal terminals and rail-linked warehouses are operated by separate competing companies (Malcolm Group, Eddie Stobart and Russell Group). The warehousing floorspace in and around DIRFT is under multiple occupation and/or ownership, but effectively operates as a single campus development bisected by public highways.
- 5.10 SRFIs provide "open-access" intermodal facilities available to all licensed rail freight operators, as well as on-site and off-site occupiers and users, on a non-discriminatory basis. The co-location of the two sites and their respective intermodal facilities would therefore offer a step-change in accessibility to the rail network, in an area with little or no RFI facilities available south of DIRFT itself.
- 5.11 As referred to within Section 7 of this Written Representation, in terms of operational compatibility, the combined results of the work undertaken with NRIL on main line access and network capability for Rail Central have not identified any constraints, which would otherwise prevent both Projects from being able to operate as SRFIs in line with the Planning Act 2008 and the National Policy Statement for National Networks ("NN NPS").
- 5.12 Both projects include similar areas of land belonging to NRIL within their order limits, which are both located on the NLL. Rail Central's proposed development area is located predominantly to the west of the NLL. This land, comprising part of the NLL, is depicted as falling within Work No. 1 (as scheduled in the Rail Central DCO), with the edge of that works area being the eastern edge of NRIL land comprising the NLL. Northampton Gateway's order

limits similarly include NRIL land comprising part of the NLL with the majority of the Northampton Gateway development located to the east of the NLL, the NLL itself forming Northampton Gateway's Work No. 1, and the boundary to both that work package and the Northampton Gateway order limits being the western edge of the NRIL land comprising the NLL.

- 5.13 It is appropriate that both projects include the land comprising part of the NLL within their order limits so that the respective applicants can carry out the necessary rail connection construction works that will link the NLL to their respective intermodal terminals.
- 5.14 Though this land is included within Rail Central's Book of Reference, the Applicant for Rail Central intends that protective provisions will be agreed with NRIL and that works will only be undertaken on NRIL land with their consent (draft protective provisions to this effect will be included in the Rail Central dDCO). The Applicant for Rail Central expects that Northampton Gateway would have similar protective provisions for the benefit of NRIL in their DCO should consent be granted for Northampton Gateway.
- 5.15 The co-ordination of construction of the new railway lines to connect to the NLL and the Projects' respective intermodal facilities can be delivered through management by and with NRIL. This can be secured through the protective provisions for NRIL's benefit, which should be contained in both projects DCOs.
- 5.16 The necessary connection works from newly constructed railway tracks into the existing NLL is an operation that has to be controlled or at least overseen by NRIL as custodian of the railway network. The Applicant for Rail Central is seeking the inclusion of protective provisions within the Northampton Gateway DCO to manage areas of overlapping or interrelated works. This will ensure effective co-operation and efficient delivery of works.

Landscaping and Footpath Diversions

- 5.17 This land is referred to in Section 11 of this Written Representation in respect of Compulsory Acquisition, as Ashfield Land has the benefit of an option within Parcels 1/7 and 1/12 and is therefore correctly identified as a Qualifying Person within the Book of Reference (Application Ref APP-075).
- 5.18 Rail Central's proposed works in this area of land are depicted in the Illustrative Landscape Masterplan appended to the Interrelationship Report. The same nature of works is proposed by both parties on this area of land (being landscaping and provision of a footpath).
- 5.19 Should both projects be granted Development Consent and proceed to implementation, it is considered that Rail Central's proposed landscaping (Work No.12B) will not be required in this location, since the Northampton Gateway landscaping proposed in this location will also serve to mitigate Rail Central's visual impact and impact on landscape character.
- 5.20 If both Northampton Gateway and Rail Central proceed to implementation, Rail Central proposes to connect into the Northampton Gateway footpath network, rather than delivering standalone footpath diversion works.
- 5.21 Rail Central proposes to secure these alternative scenarios through the Rail Central Public Rights of Way Strategy which has been submitted within the Rail Central application and is appended as Appendix 4. This strategy would be secured by a requirement within the Rail

Central DCO. This would facilitate the practical delivery of a footpath network whichever scenario is progressed and also provide clarity as to what will be delivered under each scenario.

- 5.22 In terms of phasing of landscaping and footpath diversion works, Northampton Gateway propose that their landscaping bund located adjacent to the NLL (Work No. 6 within the Northampton Gateway DCO) will be delivered within the first year of construction as part of a phased delivery of landscaping and as set out in Chapter 2: Description of Development and Alternatives Figure 2.3 – Main Site Phasing Plan (Application Ref APP-080) of the Northampton Gateway ES ("Northampton Gateway ES"). Rail Central's delivery of the footpath diversion and landscaping to the east of the NLL will be delivered at the same time as the initial phase of the intermodal facility (the first phase of which will be installed prior to first occupation).
- 5.23 Should the projects both be granted Development Consent and proceed to implementation, the Applicant for Rail Central anticipates two phasing scenarios during construction that could occur. In both scenarios, it is proposed that Northampton Gateway would provide their proposed landscaping works in place of Rail Central's landscaping works, which would no longer be needed:
- 5.24 In the scenario where Rail Central commences development first, it is anticipated that it will deliver the footpath infrastructure in Rail Central dDCO Work No. 9 within the order limits up to the point of intersection with Northampton Gateway's footpaths. It is then anticipated that Northampton Gateway will deliver the footpath connection (Work No. 6 of the Northampton Gateway DCO subsequently, which will connect to the Rail Central footpaths installed under Rail Central dDCO Work No. 9. To the extent that the relevant planning authority ("RPA") wish to manage the delivery of the Northampton Gateway footpath (to ensure it connects to the Rail Central footpaths where both schemes are approved and proceed), this can and should be controlled through requirements of the Northampton Gateway dDCO. In this scenario Rail Central will not deliver the proposed landscaping on the east of the NLL (Work No. 12B of the Rail Central dDCO). Instead, Northampton Gateway will construct their proposed landscaping bund and structural planting in that same area (Work No. 6 of the Northampton Gateway dDCO).
- 5.25 In the scenario where Northampton Gateway commences development first they will build their scheme and landscaping (which is one of the first phases of work in their indicative programme). Rail Central would then connect into Northampton Gateway's proposed footpath network to the east of the NLL. These connections can be managed by the RPA through Rail Central's Public Rights of Way Strategy. The Applicant for Rail Central will also seek protective provisions and specific requirements in the Northampton Gateway DCO to regulate interaction between the implementation of the two schemes and facilitate this arrangement. In this scenario, Rail Central would not provide the proposed landscaping in Rail Central DCO Work No. 12B.
- 5.26 The footpath diversions and improvements proposed by the Rail Central scheme serve to mitigate impacts of the Rail Central project and enhance connectivity on the public rights of way network. The Rail Central dDCO application contains flexibility to enable these diversions to link into those that would be provided by Northampton Gateway, or alternatively to be constructed in their entirety should only Rail Central be granted Development Consent and proceed to implementation.

- 5.27 Rail Central will notify the RPA in advance of the option being delivered in line with the scenarios above so as to provide assurances that the works being constructed by Rail Central are in accordance with the Rail Central project strategy and the corresponding Northampton Gateway plan.

Highway works at Junction 15a of the M1

- 5.28 Both Rail Central and Northampton Gateway propose to carry out highway and junction improvement works to increase road network capacity within the locality of the projects. The proposed works are designed to address potential impacts that might occur on the network due to an increase in traffic should each project be granted Development Consent.
- 5.29 The location of the majority of the highway works for each project is different. Northampton Gateway is located adjacent to Junction 15 of the M1 where it intersects with the A45 and the majority of the highway improvements proposed by Northampton Gateway are intended to deal with the capacity of the A45. Northampton Gateway also intends to construct a bypass around the village of Roade and in conjunction with that construction work, propose junction improvements to Junction 15a of the M1.
- 5.30 Rail Central is located approximately two miles south of Junction 15a of the M1 on the A43(T) and proposes junction improvements to Junction 15a, on the A43(T) south of the proposed development, and to a limited number of junctions on the A5076 in Northampton.
- 5.31 There is a single location, Junction 15a, at which both projects propose to carry out improvement works. In this location the works proposed for Rail Central are of a sufficient scale to meet the Nationally Significant Infrastructure Project ("NSIP") threshold in their own right, albeit that the works are required to mitigate impacts of the Strategic Rail Freight Interchange NSIP. The nature of the works proposed by Northampton Gateway at Junction 15a are significantly smaller in scale and nature than those proposed for Rail Central.
- 5.32 The modelling work undertaken as part of the junction design for Rail Central, indicates that Rail Central's proposed design for Junction 15a increases capacity sufficiently to deal with increased traffic flow that results either from the Rail Central development coming forward on its own, or from the cumulative traffic loading from both projects should they both be granted consent.
- 5.33 Should both projects be granted Development Consent it is expected that the projects will be constructed within a similar timeframe. The Applicant for Rail Central will be required to deliver the Rail Central Junction 15a works in advance of first operation of the SRFI (currently anticipated to be by 2021). The Northampton dDCO application anticipates delivery of their Junction 15a works by Q3 2022, and draft Requirement 6 (*Design and phasing of highway works*) provides that the undertaker must use "reasonable endeavours" to complete those works prior to the opening of the proposed A508 Roade Bypass which is included as associated development in the Northampton Gateway scheme. It will be necessary for the ExA and Secretary of State to consider both the anticipated timings and also the specific triggers set by requirements in order to understand the interrelationship between these works. That will then provide a basis for examining what provision should be made to regulate this interrelationship so as to mitigate the potential cumulative effects and ensure that adverse effects on this important part of the highway network are reduced as far as is reasonably practicable in the public interest.

5.34 As matters stand, there appear to be three potential phasing scenarios in relation to delivery of each project's proposed works at Junction 15a:

- (a) Scenario 1 – where Rail Central commences development first, the Applicant for Rail Central is required through the Rail Central dDCO to complete its proposed Junction 15a alteration works prior to first occupation of the SRFI (currently expected to be in 2021). Northampton Gateway's proposed phasing programme and anticipated construction timetable suggests the completion of proposed works at Junction 15a in Q3 of 2022. Therefore in this scenario Northampton Gateway will not need to carry out works on the junction as Rail Central's works will have already been completed, which provide for the mitigation required as a result of both the Rail Central and Northampton Gateway projects. However, as currently drafted, Requirement 6 of the Northampton Gateway dDCO would nevertheless oblige Northampton Gateway to use reasonable endeavours to complete those works by the trigger prior to the opening of the Road Bypass to traffic. If the drafting of Requirement 6 is amended to remove reference to "reasonable endeavours" and substitute a simple obligation to complete the works by the relevant trigger (which it should be in order to make the requirement clear and enforceable), this difficulty would be exacerbated. Appropriate provision therefore needs to be made within the Northampton Gateway dDCO to cater for this possibility.
- (b) Scenario 2 – where Northampton Gateway commences development first but Rail Central commences works shortly thereafter, Northampton Gateway may prefer not to deliver their proposed works at Junction 15a, as the Rail Central works will mitigate the impact of the Northampton Gateway scheme on its own. However, the same issue arises in relation to Requirement 6 as under Scenario 1 above. If Northampton Gateway is therefore nevertheless obliged to deliver its own works at Junction 15a, either those works will be undone by Rail Central's works, or Northampton Gateway's ability to satisfy Requirement 6 will be frustrated. If both sets of works have to be carried out in sequence in those circumstances, the result will not only be wasteful of natural and financial resources, it would also give rise to entirely unnecessary adverse impact on the operation of an important part of the highway network. Such an outcome would plainly be contrary to the public interest, and if it can be avoided it should be. This can be achieved by making appropriate provision in both DCOs to address what should happen in those circumstances. Provision should be made so that Highways England can be notified accordingly and can manage this interface through the protective provisions for their benefit contained in the DCOs.
- (c) Scenario 3 – where Northampton Gateway commences development significantly in advance of Rail Central. In this scenario (which is considered unlikely given the consenting and construction programmes), the Applicant for Rail Central would carry out their alteration works at Junction 15a following the completion of Northampton Gateway's works. Whilst the sequential implementation of both works is not preferable and should be avoided if possible for the reasons summarised in Scenario 2 above, retaining the ability to do this where the circumstances justify it would ensure that the Northampton Gateway Junction 15a works can be implemented if the construction programme for Rail Central was delayed. To minimise further works being required, opportunities for the alteration works constructed by Northampton Gateway to be amalgamated into the Rail Central works could be examined and

implemented (this would only likely be feasible on the northern roundabout). Again, this could be managed through the protective provisions contained for Highways England's benefit in the Northampton Gateway DCO.

- 5.35 Requirement 6 of the Northampton Gateway dDCO should therefore be amended to facilitate the option that these works may not be required in the event that the Rail Central Junction 15a works are undertaken. In addition, provision should be made to enable Highways England to determine whether or not those works should be delivered (depending on progress with Rail Central's proposed works at Junction 15a) and to manage the interrelationship between the two sets of works if both are implemented.

Mechanisms to enable delivery

- 5.36 Co-operation between Rail Central and Northampton Gateway is considered necessary to ensure efficient and effective delivery of construction works where the proposed works of the two projects overlap.
- 5.37 In addition to the Protective Provisions to be sought by Rail Central in the Northampton Gateway DCO, the Rail Central draft DCO contains requirements that secure plans to deliver the alternative scenarios. Draft Protective Provisions will initially be advanced through discussions on the SoCG.
- 5.38 The Rail Central dDCO is appended as Appendix 5 to these Written Representations. This contains requirements that secure plans to deliver the alternative scenarios referred to above. These plans consist of the:
- (a) Landscaping and Ecology Infrastructure Strategy which details the interaction between Rail Central and Northampton Gateway in relation to landscaping works delivery and management to the east of the NLL (secured by Requirements 11 (*Maintenance of landscape*) and 12 (*Ecological Creation and Habitat Management Plan*));
 - (b) Public Rights of Way Strategy which details the interaction between Rail Central and Northampton Gateway in determining whether Rail Central need to deliver the full proposed footpath to the east of the NLL or whether it is only necessary to connect into the Northampton Gateway footpath network (secured by Requirement 10 (*Public Rights of Way*));
 - (c) Construction and Operation Environmental Management Plan which will include where relevant measures to control the interaction between the delivery of Rail Central's improvement works at Junction 15a and those proposed by Northampton Gateway.

- 5.39 Requirements are also within the Rail Central dDCO so that Rail Central is required to give notice to the RPA or highway authority as to which scenario will be implemented.

Current position

- 5.40 The Northampton Gateway application does not adequately address the possibility that both Rail Central and Northampton Gateway could be consented by the Secretary of State and be constructed in a similar timescale, and thereafter be in operation at the same time, or

consider and address the practical implications of such a scenario. There is a clear public interest in ensuring that the cumulative impacts of the two schemes is properly understood, including and the interrelationship between their delivery, and that appropriate mitigation and control is secured within both DCOs to address this.

- 5.41 This lacuna within the Northampton Gateway application is evident within Northampton Gateway Planning Statement (Application Ref APP-376) which solely contemplates a circumstance whereby only one scheme can be granted consent. Therefore the interrelationships between Northampton Gateway and Rail Central have not been adequately considered or addressed in the various documents submitted in support of the Northampton Gateway application, and are not reflected within the Northampton Gateway dDCO.
- 5.42 The Secretary of State may ultimately decide that it would be in accordance with the NN NPS and in the public interest for Development Consent to be granted for both schemes, and for both to be built and operated. In order to ensure that such a decision could lawfully and properly be made, and be effective in achieving the public interest objectives that would underlie such a decision, the ExA and the Secretary of State will need to be satisfied that:
- (a) All relevant cumulative effects have been properly assessed, and any mitigation measures considered to be appropriate in the light of that assessment are secured; and
 - (b) All relevant interrelationships between the two schemes, both during construction and operation, have been properly considered and assessed, and where necessary provided for through requirements and/or protective provisions or obligations in both DCOs.
- 5.43 Only then can the Secretary of State be satisfied that both Rail Central and Northampton Gateway should be consented, that they can both be accommodated, and that the adverse impacts associated with both schemes coming forward would be no greater than is necessary in order to realise the benefits that would arise as a result.

6. **Market Demand**

- 6.1 Whilst the need for a network of SRFIs is established by the NN NPS, both Rail Central and Northampton Gateway have submitted assessments of market demand respectively as part of their applications.
- 6.2 Appended at Appendix 7 is the Market Assessment Report submitted as part of the Rail Central application. This assesses the demand for Rail Central in its proposed location and provides the basis for the proposals coming forward via the Rail Central application.
- 6.3 This report concludes that the Midlands is the largest logistics property market in Great Britain and the East Midlands has attracted the largest regional share of take-up of any region. The evidence based on demand at existing SRFI sites suggests very strong demand for logistics properties on rail served sites.

Rail Central Market Assessment Report

- 6.4 The NPS NN recognises that there is a ‘compelling need’ for an expanded network of SRFIs. According to the government, this reflects a number of key drivers including the changing needs of the logistics sector, rail freight growth, the environmental advantages of rail freight and the economic and employment benefits that SRFIs can generate.
- 6.5 The government’s Rail Freight Strategy (2016) (referred at Appendix 7, paragraphs 3.15 – 3.18) includes independent analysis that identifies the availability of rail freight interchange capacity, including SRFIs, as a key constraint on the growth of rail freight. This is particularly the case for ports intermodal traffic and domestic intermodal traffic, two of the key rail freight sectors that have seen strong growth. These two sectors are the main drivers of demand from companies for logistics facilities on SRFIs, and for the use of rail interchanges at SRFIs by companies located either on SRFIs or in their surrounding catchment areas.
- 6.6 NRIL has also identified a shortage of capacity noting that network capacity and capability enhancements are ineffective if there is insufficient terminal capacity to accommodate the traffic they enable. Therefore, without additional rail freight interchange capacity the benefits associated with rail freight and modal shift from road will not be secured and freight movement will continue to be predominantly road-based.
- 6.7 The logistics sector makes a vital contribution to the UK economy. Structural changes in logistics and supply chain management have driven a wave of demand for large-scale logistics buildings, which are critical nodes in virtually all supply chains. E-commerce is just one of these drivers, but it has expanded hugely over recent years and it is forecast to continue growing. There is increasing evidence that many companies are either currently using rail, or are seeking to use it, within their supply chain operations. These companies include major retail supermarkets and other retailers, food and drink manufacturers, automotive manufacturers and leading logistics service providers.
- 6.8 Within the UK, the Midlands attracts a substantial proportion of all occupier demand for large logistics facilities, due to its central strategic location and market access, the quality of its transport infrastructure, the availability of suitable sites and the availability of appropriate labour and skills. Within this area, the ‘Golden Triangle’, which includes the location of Rail Central, is recognised as the epicentre for UK logistics. It is the key area for National

Distribution Centres and it includes many Regional Distribution Centres. The Midlands is also at the heart of the UK rail freight network and hence it plays a key role in both national and regional freight movements. Given these facts, it is unsurprising that the Midlands and 'Golden Triangle' are also key areas for SRFIs. This is highlighted by the existing SRFIs in the Midlands at: DIRFT; Hams Hall; Birmingham Intermodal Freight Terminal, Birch Coppice; and East Midlands Gateway currently under construction.

- 6.9 There is strong demand from companies for large-scale logistics facilities on SRFIs. Across Great Britain, some 2.28 million sq m (24.5 million sq ft) of floorspace is occupied in large logistics buildings of 9,290 sq m (100,000 sq ft) and over on eight existing SRFIs; within the 'Golden Triangle' 1.45 million sq m (15.65 million sq ft) is occupied in large logistics units on four existing SRFIs. In addition, across Great Britain, the vacancy rate for large logistics units on the eight existing SRFIs is just 3%, less than half that for the market generally (7%); and within the 'Golden Triangle' the large logistics buildings on the four existing SRFIs are 100% occupied. The intermodal rail terminals at SRFIs also attract use from companies either on SRFIs or in their surrounding catchment areas.
- 6.10 Within the 'Golden Triangle' the catchment areas of the existing SRFIs (and other distribution parks without rail access) overlap to varying extents but this has not prevented each from growing and developing because of strong demand, as highlighted in their respective levels of development and occupation. Rail Central has a strong catchment area with 371 large-scale modern logistics buildings totalling 8.19 million sq m (88.18 million sq ft) within a 50 km radius of the site. These facilities are occupied by more than 200 different companies, including many which are already using rail or which, based on their products and supply chains, might reasonably be considered as potential rail freight users.
- 6.11 Rail Central would complement the existing network of SRFIs advancing it further south and help to service market areas that are underprovided for in terms of SRFIs and other distribution parks with no realistic prospect of securing direct rail access. For example, the NPS NN recognises the particular challenge in expanding rail freight interchanges to service London and the South East. This is due to a lack of suitable sites to service these regions. As Rail Central is situated at the southern tip of the 'Golden Triangle' it would be well located to also help service these markets, which together comprise the largest consumer market in the UK.

Market Demand – Rail Central and Northampton Gateway

- 6.12 Individually and in combination Rail Central and Northampton Gateway would, if approved, deliver a large quantum of logistics floorspace. The Rail Central proposal is for 702,097 sq m (7.6 million sq ft) and Northampton Gateway is for c 468,000 sq m (5 million sq ft). In combination, therefore, these two schemes would total c 1.17 million sq m (12.6 million sq ft).
- 6.13 The NN NPS recognises at page 35, paragraph 4.27, footnote 61, that investment decisions on SRFI will be made in the context of a commercial framework. The fact that two promoters are bringing forward schemes on adjacent sites in this location on a commercial basis reflects the confidence of each that their own scheme will be successful with or without the other scheme operating alongside it.

- 6.14 In practice there is limited utility in seeking to undertake a quantitative comparison between this potential capacity and market demand. This is partly because whereas these schemes would be built out over an extended period, the level of current market requirements only provides a relatively short-term picture of potential future demand. Companies will not typically enter the market with a requirement before approximately 24 months of requiring a new facility. In addition, whereas both Rail Central and Northampton Gateway would deliver new capacity in the Northampton market, active requirements for space are generally expressed, at least initially, in terms of wider search areas, rather than specifying a single location, such as Northampton.
- 6.15 It is also partly because the demand from businesses to move freight by rail primarily reflects the competitiveness of rail from a cost and service perspective when compared with other freight transport modes, particularly road. The competitiveness of rail freight in turn reflects a range of factors, including investment in rail infrastructure, such as SRFIs. In this respect, the provision of suitable rail served floorspace is expected to stimulate increased demand for rail freight by providing more and improved access to the rail network and enhancing the competitiveness of rail as a freight transport mode. DIRFT is an example of this as prior to DIRFT being brought forward as a SRFI it would not have been possible to identify a specific market demand for the 651,000 sq m (7 million sq ft) of logistics floorspace that has in fact been built at this site, not least because the site was not situated within an established major logistics location (i.e. Crick).
- 6.16 With respect to Northampton and the wider 'Golden Triangle' area, the Applicant for Rail Central is aware of 23 named active requirements in the market currently which in aggregate have a need for between 785,000 sq m (8.5 million sq ft) and 845,000 (9.1 million sq ft) of modern and new logistics floorspace in buildings of 100,000 sq ft and over. These figures provide a snapshot of current market demand and exclude other requirements where a named business or organisation is not identified, which is frequently the case as many businesses or other organisations instruct a property agent to undertake a property search on their behalf on a private and confidential basis. For the reasons explained above, there is a limit to the extent that these figures can usefully be compared on a quantitative basis with the future potential capacity of Rail Central and Northampton Gateway, but they do suggest a robust level of continuing demand in the short-term.
- 6.17 As warehouses are essential nodes in virtually every type of supply chain, we believe that demand will continue in the medium and longer-term. Companies will continue to have requirements to hold stock, because items of all sorts are typically required more quickly than they can be supplied; and items (freight) will still need to be transported because items are typically sourced and or assembled in one location but consumed in another. As a result, the demand for logistics warehouse space (and freight transport services) will remain resilient into the future.
- 6.18 In addition to the proposed floorspace at Rail Central and Northampton Gateway, there is also further capacity for around 676,300 sq m (7.3 million sq ft) at DIRFT III, the nearest existing operational SRFI. Since gaining consent, DIRFT III has secured two occupiers – namely Panic Transport which leased a 10,680 sq m (115,000 sq ft) speculatively developed building and Arcadia which agreed a Built to Suit freehold deal on a 37,160 sq m (400,000 sq ft) building. As one of the marketing agents for DIRFT III, the Applicant for Rail Central's agent is aware that there has been good interest from companies for this site. Furthermore, two companies which very seriously considered locating at this site finally selected alternative

locations. In each case, these companies had a requirement for around 92,900 sq m (1 million sq ft); clearly had these been secured at DIRFT III then the take-up on this site would be much higher and the remaining capacity considerably lower.

- 6.19 Overall, there is strong active demand for warehouse space in Northampton and the wider 'Golden Triangle' area. The demand for warehouse space is likely to continue over the medium and longer term as there are no foreseeable alternatives for storing and facilitating the movement of materials, parts and finished goods. The provision of further suitable rail served floorspace is expected to stimulate increased demand, and the fact that two promoters are bringing forward schemes on adjacent sites in this location on a commercial basis reflects the confidence of each that their own scheme will be successful with or without the other scheme operating alongside it.
- 6.20 Following the meeting between the Rail Central and NG teams on 2 October 2018, it is anticipated that the position on market demand for both schemes will be agreed as common ground with the Applicant in the SoCG.

7. Operational Compatibility

- 7.1 The development of adjoining proposals for the Rail Central SRFI and latterly the Northampton Gateway SRFI, within 20 miles of the established DIRFT SRFI development, is not unique. The Hams Hall SRFI and Birch Coppice SRFI are situated less than 6 miles apart, and in turn lie within 25 miles of DIRFT to the south. DIRFT itself operates as a cluster of separate competing rail freight facilities sharing a common main line access, and not all of the floorspace in and DIRFT is in single ownership. More recently, consent has been granted for the Mossend International Railfreight Park SRFI, as a co-located mirror image of the established Mossend Eurocentral SRFI development. Appended at Appendix 8 is the Rail Central Rail Operations Report which refers to this development at paragraph 6.1.2.
- 7.2 In this case two SRFI, both NSIPs in their own right, are proposed to be located adjacent to one another on the WCML, the single most important strategic route for passenger and SRFI-related rail freight traffic (five of the seven existing operational SRFI are served by trains to and from the WCML). It is therefore essential in the public interest that there is a proper and robust assessment undertaken at this stage in order to establish whether and if so how the two schemes can operate at the same time compatibly, and without giving rise to any unacceptable impacts on the operation of the WCML.
- 7.3 The SRFI proposals at Rail Central and Northampton Gateway would, as at DIRFT, each be required to operate as open-access, multi-user facilities (s.26 (4)(a) Planning Act 2008 states that SRFI must be capable of handling goods from more than one consignor and to more than one consignee); therefore the common-user interchange facilities on either site would be open to all users on a non-discriminatory basis, regardless of location (i.e. this could include occupiers at sites such as Swan Valley or Brackmills).
- 7.4 In combination, Rail Central and Northampton Gateway would provide a quantum of rail-served floorspace smaller than that of DIRFT phases I to III inclusive, but would, like DIRFT, provide access to multiple rail freight interchange facilities, increasing access to the rail network and expanding the supply of rail-served floorspace.
- 7.5 In addition to the three sites sharing access to the WCML Slow Lines between Rugby and Milton Keynes via Northampton, Rail Central would uniquely offer a separate direct access into the WCML Fast Lines, with a parallel loop into a dedicated express freight facility. This would not only allow express freight services to operate on a separate parallel set of main line tracks, but would also provide the means to maintain access to the rail network for local occupiers and users when the Slow Lines are closed for maintenance. If both the Rail Central and Northampton Gateway schemes are approved and implemented, Rail Central's unique 4-point, year-round main line access and associated interchange facilities would then also be available to occupiers at Northampton Gateway.
- 7.6 In addition, the direct access into the Fast Lines would then provide further capacity for Class 1 express services during the daytime intra-peak and night-time periods (Appendix 8, paragraph 3.3.9). Beyond this, the opening of High Speed 2 ("HS2") is likely to see capacity released on the Fast Lines as a consequence, creating another step-change in available capacity for daytime Class 1 and other overnight freight services (Appendix 8, paragraph 3.3.12). The Department of Transport has indicated that the train service specification would allow for between one and two extra freight paths per hour on the southern section of the WCML to London (Appendix 12, Executive Summary, paragraph 61).

- 7.7 Rail Central could therefore draw on its greater level of direct main line access, to avoid sole dependency on the Slow Lines for paths. This in turn would increase the quantum of paths available for third-party services, including any new traffic from DIRFT, Northampton Gateway or other SRFI / RFI further afield.
- 7.8 In terms of operational compatibility, the combined results of the work undertaken to date with NRIL on main line access and network capability for Rail Central have not identified constraints which would otherwise prevent all three SRFI from being able to operate satisfactorily in the way required by the Planning Act 2008 and the NN NPS.

Rail Central SoCG with NRIL

- 7.9 A SoCG between Rail Central and NRIL is now at final draft stage awaiting counter-signature by NRIL and the Applicant for Rail Central.
- 7.10 The SoCG between Rail Central and NRIL has been developed alongside, and informed by, the series of technical workstreams undertaken by NRIL for Rail Central through NRIL's internal governance structure (Governance for Railway Investment Projects ("GRIP")). The structure of the SoCG sets out:
- The Parties involved;
 - Scheme details and the scope of the SoCG;
 - Relevant background documents;
 - Support for rail freight growth;
 - NRIL's involvement with the Site;
 - NRIL's engagement with the Applicant;
 - NRIL's infrastructure and connections to the Site;
 - Capacity of the national network;
 - Matters requiring further consideration by the Applicant and NRIL;

A copy of this SoCG will be provided to the Northampton Gateway ExA when signed.

- 7.11 A tripartite SoCG will be prepared between Rail Central, NRIL and Northampton Gateway, as requested by the ExA and to be submitted by Deadline 3 (30 November 2018).

8. Cumulative Assessment

- 8.1 Pursuant to ExQ1 1.9.1 it is understood that that the Applicant has been asked to submit an updated cumulative impact assessment taking into account any further material in relation to Rail Central, by Deadline 4 (Tuesday 8 January 2019). The Applicant has met the Rail Central team to discuss the cumulative assessment and a copy of the application documents has been provided. In view of the future preparation and provision of that updated assessment, and the fact that the Applicant for Rail Central will have an opportunity to consider it and make submissions to the Examination about it, it is not considered necessary or proportionate to provide a comprehensive commentary on the existing 'tentative' Northampton Gateway cumulative assessment at this stage. Only a short summary providing examples of the concerns that exist has been provided below.
- 8.2 Appended at Appendix 9 is the Cumulative Effects Summary Chapter of the Rail Central Environmental Statement ("Rail Central ES") submitted as part of the Rail Central application. The summary is informed by the assessment of cumulative effects in each section of the technical chapters of the Rail Central ES and ensures that conclusions are drawn on the interaction of effects as a whole.
- 8.3 The purpose of this Cumulative Effects Summary Chapter is to provide a high level overview and summary of the findings of the Rail Central application cumulative assessment, both in terms of multiple, different effects to receptors caused by Rail Central as a single project (intra-project) and in combination with any other developments/projects in the vicinity (inter-project). These types of assessment ensure that the requirements to consider cumulative effects pursuant to the Infrastructure Planning (EIA) Regulations 2017 (as amended) are met for the Rail Central application.
- 8.4 The assessment undertaken by the Applicant for Rail Central finds:
- (a) That a number of intra-project effects from Rail Central have been identified at a number of common, sensitive receptors. These are people, (including their health) land and soil, heritage assets, biodiversity and landscape character.
 - (b) Inter-project effects have been considered for up to 35 approved projects. These projects have been selected based on a methodology informed by PINS Advice Note 17 but acknowledges the EIA Regulations 2017 which were transposed following the publication of PINS Advice Note 17. At the outset, planning applications submitted to Northampton Council or South Northamptonshire Council or DCO applications made to the Planning Inspectorate were identified. Criteria informing project identification included; 5 year period; approved or likely to be approved by August 2019; a relevant geographical boundary (5km) and an appropriate scale. For Rail Central, this resulted in 35 other projects upon which further consideration was given to whether there was a relevant effect and whether the level of effect of identified approved projects and Rail Central was greater than that identified for Rail Central in isolation.
- 8.5 These have been evaluated if there are relevant effects to common, sensitive receptors. For air quality (operation); ground conditions; hydrology; drainage and flood risk; and lighting there are no adverse residual effects at a level of Minor or above at the project level and no significant inter-project cumulative effects. For air quality (construction); archaeology; built

heritage (during operation); biodiversity; noise; highways and transportation; waste and resource efficiency there are no significant inter-project cumulative effects albeit residual effects of Minor or above remain at the project level.

8.6 Significant residual effects and significant inter-project cumulative effects have been identified for the following:

- (i) Loss of best and most versatile agricultural land during construction (adverse);
- (ii) Change in setting of two heritage assets during construction (but not during operation) (adverse);
- (iii) Changes in views and landscape character during construction and operation (as sensitive receptors) (adverse) although the operational cumulative effect at the Viewpoints by Year 15 would be decreased to non-significant as landscaping matures;
- (iv) An increase in job creation, economic productivity and business rate revenue and a reduction in unemployment (beneficial); and
- (v) A beneficial contribution towards climate change mitigation.

8.7 All of the above significant cumulative effects included the contribution of Northampton Gateway to the overall magnitude experienced at the common, sensitive receptor and whether the sensitive receptor was tolerant to the change or had the ability to reverse the effect over time.

8.8 The Applicant for Rail Central has a number of concerns as to the methodology adopted in Chapter 15: Cumulative Impacts (Application Ref APP-123) of the Northampton Gateway ES. These are relevant to all technical topics and call into question the validity and robustness of the conclusions in the Northampton Gateway ES. These concerns can be summarised as follows:

- (a) There is no methodology documented as to how the four projects considered in the Northampton Gateway cumulative assessment were identified. This includes criteria in relation to timing; geographical boundary; scale of development and status (i.e. approved or likely to be approved prior to the determination of the DCO). The selection of projects alludes to an identification process in 2016, which would not represent an up to date selection of projects for adequate consideration of cumulative impacts. Without a transparent methodology, or adoption of clear criteria for selection, the adequacy of the approach cannot be validated;
- (b) The Northampton Gateway ES does not consistently assess the four projects. For example, Chapter 3: Socio-Economic (Application Ref APP-082) of the Northampton Gateway ES considers 10 projects and other chapters consider 1, 2 or 3, often without reasoning;
- (c) The Northampton Gateway ES and all Chapters within it do not identify the technical information and its source associated with the four projects which has informed the Cumulative Assessment. We doubt that there been sufficient technical information

sourced, reviewed and considered across the ES. Without this certainty we can only conclude that there has been insufficient information to inform the Cumulative Assessment and therefore there is limited confidence and certainty to the conclusions;

- (d) There is uncertainty whether all four projects in combination with Northampton Gateway have been assessed as a whole; instead a series of separate assessments of each of the four projects in combination with Northampton Gateway has been undertaken. For example, the matrices provided in Chapter 15: Cumulative Impacts of the Northampton Gateway ES provide evaluation for each of the projects in isolation with Northampton Gateway;
- (e) Evidence and reasoning for the conclusions made is often not provided and therefore the conclusions cannot be validated. For example:
 - (i) It is not clear how Chapter 14: Waste (Application Ref APP-122) of the Northampton Gateway ES concludes 'major cumulative impact' and then 'minor cumulative impact', when no residual effects have been identified at the project level.
 - (ii) It is not clear how Chapter 5: Ecology and Nature Conservation (Application Ref APP-088) of the Northampton Gateway ES concludes 'negligible' effects at the project level and then undertakes a cumulative assessment which concludes effects of 'Local significance'.
 - (iii) It is not clear how 'moderate cumulative effects' identified in Chapter 10: Cultural Heritage (Application Ref APP-113) of the Northampton Gateway ES have informed the cumulative assessment 'as a whole'.
- (f) Save in relation to the loss of best and most versatile agricultural land, the Northampton Gateway ES concludes that there are limited if any likely significant cumulative effects with the four projects. This conclusion is not consistent with the conclusions reached following the equivalent assessment reported in the Rail Central ES, which concludes significant cumulative effects to common receptors in relation to heritage assets; landscape character; job creation, economic productivity and business rate revenue; a reduction in unemployment; and a contribution towards climate change mitigation. The inconsistency of conclusions may reflect the fact that the two assessments are not comparable for the reasons summarised above.

9. Environmental Impact: Climate Change

9.1 As was submitted during the Preliminary Meeting, the Applicant for Rail Central is concerned that the Northampton Gateway Climate Change assessment is not adequate to enable the ExA and the Secretary of State to reach a properly informed decision. Climate change is an issue of considerable importance in the public interest, particularly for decision-making on nationally significant transport infrastructure. The NN NPS includes specific policy requirements for the effect of both climate change adaptation and mitigation to be assessed:

- (a) Paragraph 4.40 - New national networks infrastructure will be typically long-term investments which will need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the impacts of climate change when planning location, design, build and operation. Any accompanying environment statement should set out how the proposal will take account of the projected impacts of climate change.
- (b) Paragraph 4.41 - Where transport infrastructure has safety-critical elements and the design life of the asset is 60 years or greater, the applicant should apply the UK Climate Projections 2009 (UKCP09) high emissions scenario (high impact, low likelihood) against the 2080 projections at the 50% probability level.
- (c) Paragraph 4.42 - The applicant should take into account the potential impacts of climate change using the latest UK Climate Projections available at the time and ensure any environment statement that is prepared identifies appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure. Should a new set of UK Climate Projections become available after the preparation of any ES, the ExA should consider whether they need to request additional information from the applicant.
- (d) Paragraph 4.44 - Any adaptation measures should be based on the latest set of UK Climate Projections, the government's national Climate Change Risk Assessment and consultation with statutory consultation bodies. Any adaptation measures must themselves also be assessed as part of any environmental impact assessment and included in the environment statement, which should set out how and where such measures are proposed to be secured.
- (e) Paragraphs 5.16-5.19 - Carbon Emissions - Carbon impacts will be considered as part of the appraisal of scheme options (in the business case), prior to the submission of an application for a DCO. Where the development is subject to EIA, any Environmental Statement ("ES") will need to describe an assessment of any likely significant climate factors in accordance with the requirements in the EIA Directive. It is very unlikely that the impact of a road project will, in isolation, affect the ability of government to meet its carbon reduction plan targets. However, for road projects applicants should provide evidence of the carbon impact of the project and an assessment against the government's carbon budgets.
- (f) The government has an overarching national carbon reduction strategy (as set out in the Carbon Plan 2011) which is a credible plan for meeting carbon budgets. It includes a range of non-planning policies which will, subject to the occurrence of the very unlikely event described above, ensure that any carbon increases from road

development do not compromise its overall carbon reduction commitments. The government is legally required to meet this plan. Therefore, any increase in carbon emissions is not a reason to refuse Development Consent, unless the increase in carbon emissions resulting from the proposed scheme are so significant that it would have a material impact on the ability of government to meet its carbon reduction targets.

- (g) Evidence of appropriate mitigation measures (incorporating engineering plans on configuration and layout, and use of materials) in both design and construction should be presented. The Secretary of State will consider the effectiveness of such mitigation measures in order to ensure that, in relation to design and construction, the carbon footprint is not unnecessarily high. The Secretary of State's view of the adequacy of the mitigation measures relating to design and construction will be a material factor in the decision making process.

9.2 Given the clear requirements within the NN NPS for climate change adaptation and mitigation to be addressed and considered as a material factor in the decision making process, we are concerned that no such assessment has been undertaken as part of the Northampton Gateway application which directly responds to the requirements of the NN NPS.

9.3 The Northampton Gateway ES includes Climate Change within the Cumulative Impacts section, but the contents of this section do not respond adequately to the requirements of the NN NPS or the EIA (2017) Regulations. It is our opinion that the Cumulative Impacts and ES is deficient with regards to the following:

- (i) Chapter 9: Air Quality (Application Ref APP-095) does not consider climate change in any form but does reference the use of an air quality pollution model which considers climatic (assumed to be wind data) in the assessment of pollution impacts. The use of this model is not relevant to the assessment of climate change upon Northampton Gateway and should not be referenced as such.
- (ii) Chapter 12: Transportation (Application Ref APP-116) includes only a single reference to climate change as part of the review of the Joint Core Strategy with no assessment of the carbon emissions from the proposed development and how this may affect the Government's ability to meet its carbon budgets. Chapter 21 (paras 21.26 – 21.163) of the Rail Central ES present a full assessment of the Greenhouse Gas ("GHG") emissions from Rail Central which conclude a significant environmental benefit from the proposed development on the basis of a net GHG emission reduction over the period of 2019-2050 which contributes to a reduction in the governments carbon budgets and therefore our 2050 climate change commitment.
- (iii) Neither the cumulative impacts section of the Northampton Gateway ES nor the technical chapters consider the potential impact upon Northampton Gateway from the future climatic factors as presented within the UK CP09 data as required by Paragraph 4.41. Chapter 21 (paras 21.207 – 21.212) of the Rail Central ES clearly presents the relevant UK CP09 data which was

used as the basis for assessing any environmental impact and mitigation. The Chapter concluded that, with mitigation proposed, there are no significant environmental effects and that Rail Central has a moderate/ high resilience to the future effects of climate change.

- (iv) A reference to the use of Building Research Establishment Environmental Assessment Method ("BREEAM") Very Good as a measure to mitigate and adapt to climate change is insufficient to respond to the requirements of the NN NPS given that compliance with this requirement can often be secured with few additional requirements above the statutory minimum. The Sustainability Statement accompanying the Rail Central application demonstrates a commitment to BREEAM Excellent with a range of other sustainability measures listed in paragraph 9.17 (below) and the sustainability statement

- 9.4 The Northampton Gateway ES does not contain a chapter of the ES or a separate technical assessment which considers the effects upon the proposed development from future climate change in accordance with the UK CP09 dataset as requested in paragraph 4.41 of the NN NPS.
- 9.5 Furthermore the Northampton Gateway ES does not contain an assessment of the carbon emissions from the proposed development and how these emissions contribute to the governments national carbon budgets as requested by paragraphs 5.16-5.19 of the NN NPS.
- 9.6 Paragraph 15.2.34 of Chapter 15: Cumulative Impacts (Application Ref APP-123] of the Northampton Gateway ES states that "*as a SRFI, the proposed development could make a direct and meaningful contribution towards implementing an important component of national policies regarding climate change*" however such a statement is not supported by any technical evidence that meets the requirements of the NN NPS and which supports this conclusion.

Findings of the Rail Central Climate Change Assessment

- 9.7 Appended at Appendix 10 is the Climate Change Mitigation and Adaptation Chapter of the ES submitted as part of the Rail Central application.
- 9.8 The Rail Central climate change assessment was undertaken to identify the quantum and effect of GHG emissions from Rail Central (and therefore its impact upon the cause of climate change) and how future climate change (under the scenario presented by the NN NPS) may impact upon Rail Central. The Assessment is structured into two specific categories:
 - (a) Climate Change Mitigation – How Rail Central contributes to the cause of climate change through the emission or reduction of GHG as a result of the Rail Central; and
 - (b) Climate Change Adaptation – How Rail Central is affected by the projected changes to the future climate and whether measures are required to adapt to this changing climate.

Climate Change Mitigation

- 9.9 The environmental receptor considered common to the main Rail Central SRFI Site, Junction 15a and Minor Highway Works required was the climatic system.
- 9.10 The environmental effects on this receptor that could arise from construction include Greenhouse Gas (GHG) emissions resulting from the construction of the SRFI and associated works as would be expected from any development site. These emissions have been quantified utilising best practice and established data where possible based upon a number of worst case assumptions.
- 9.11 During operation the environmental effects on the climatic system that could arise include GHG emissions arising from activities on-site, and upstream and downstream of Rail Central. Again, this is to be expected as GHG emissions occur from all buildings that require energy, heat, cooling and transport to and from.
- 9.12 Critically however, significant GHG savings are predicted as a result of approximately 53million HGV-kms of road freight is transferred to rail from modal shift which has significantly lower emissions per km than road base transportation. These savings increase annually as rail becomes progressively more efficient than road as a result of decarbonisation of rail based infrastructure. The GHG savings are predicated to be of sufficient quantity to ultimately contribute to the ongoing reduction in carbon budgets at a national level which is one of the principal requirements of a SRFI as clearly stated in national policy and, ultimately, of significant environmental benefit.
- 9.13 The effects upon the climatic system from Rail Central must therefore be considered based upon the total (in combination) GHG emissions arising from the development.
- 9.14 Although significant GHG emissions occur from the construction works, GHG savings from modal shift start to occur relatively quickly as buildings become operational in a phased manner. The savings from modal shift become significantly larger as more of the SRFI becomes operational and offset those emissions that occur from construction.
- 9.15 The assessment predicts that between the period of 2038-2050 there will be a significant reduction in total GHG emissions from Rail Central as a result of modal shift from road to rail relative to business as usual. Overall the assessment concludes that Rail Central will have a moderate beneficial impact (significant) on climate change mitigation which will support the governments carbon budget commitments.
- 9.16 For context, emission savings of this scale and significance are often only achieved by renewable energy projects thereby highlighting the importance of Rail Central in meeting the governments objectives of a low carbon economy.
- 9.17 To secure further GHG emissions and to ensure Rail Central has been designed to mitigate the impact upon climate change and deliver highly sustainable buildings the following has been undertaken:
- (a) A commitment to BREEAM Excellent which will require a wide range of best practice sustainable design and construction commitments;

- (b) A commitment to reduce carbon emissions in the buildings by 20% above current building regulation requirements;
- (c) Incorporating measures to monitor and assess the life-cycle GHG effects associated with materials used in construction;
- (d) Adopting best practice measures in relation to reducing waste generation.

9.18 It can therefore be seen that Rail Central will result in a significant environmental benefit with regard to GHG emissions and the impact upon climate change.

Climate Change Adaptation

9.19 The environmental receptors considered common to the Rail Central SRFI Site, Junction 15a and Minor Highway Works included:

- (a) Buildings, infrastructure and equipment;
- (b) Construction employees;
- (c) Habitats and species;
- (d) Climatic system;
- (e) Building occupants and site users; and
- (f) Building operations.

9.20 The climatic effects on these receptors that could arise during construction included changes in temperature and rainfall which are anticipated between 2010 and 2039 (2020s). During the operation phase, climatic effects on these receptors that could arise included changes in temperature and rainfall which are anticipated between 2070 and 2099 (2080s); this was considered the worst-case assessment.

9.21 Rail Central has been designed to ensure adverse effects are avoided, reduced or offset by:

- (a) Adopting best practice design approach in relation to the design of foundations, considering climatic effects on future ground conditions;
- (b) Carrying out a dynamic assessment of overheating in buildings and adopting the cooling hierarchy, with a preference for passive design measures;
- (c) Incorporating Sustainable Drainage Systems to reduce the risk of surface water flooding; and
- (d) Providing measures to reduce water use in buildings.

9.22 In summary, significant adverse environmental impacts have been avoided through site design and requirements to follow certain procedures to ensure Rail Central has a predominantly high degree of resilience to the future effects of climate change. Whilst the adaptive mitigation measures proposed will not reduce the overall significance of effects for all features, they are applied in accordance with the IEMA Hierarchy for Managing Project

Related GHG Emissions and any reduction is considered beneficial. These measures seek to ensure the mechanisms and procedures are in place to seek GHG emission reductions as opposed to defining specific targets or technologies at this stage.

10. **Traffic and Transport Issues: The Roade Bypass**

- 10.1 The Northampton Gateway proposals include a new bypass of Roade Village, in order to address the impact of the Northampton Gateway proposal.
- 10.2 In ExQ1 the ExA has asked the Applicant to indicate how the Roade Bypass and other junction improvements on the A508 are properly considered to be within the scope of the DCO.

Associated Development: the Guidance

- 10.3 DCLG's (as it was then) Guidance on associated development applications for major infrastructure projects, (the "DCLG Guidance") defines Associated Development as "development which is associated with the principal development" and that it is for the Secretary of State to decide on a case by case basis whether development is 'associated development'. It sets out certain core principles which will be taken into account:
- (a) The definition of Associated Development, (as set out in paragraph 3 of the DCLG Guidance), requires a direct relationship between associated development and the principal development. Associated development should therefore either support the construction or operation of the principal development, or help address its impacts;
 - (b) Associated Development should not be an aim in itself but should be subordinate to the principal development;
 - (c) Development should not be treated as Associated Development if it is only necessary as a source of additional revenue for the applicant, in order to cross-subsidise the cost of the principal development. This does not mean that the applicant cannot cross-subsidise, but if part of a proposal is only necessary as a means of cross-subsidising the principal development then that part should not be treated as Associated Development;
 - (d) Associated Development should be proportionate to the nature and scale of the principal development. However, this core principle should not be read as excluding associated infrastructure development (such as a network connection) that is on a larger scale than is necessary to serve the principal development if that associated infrastructure provides capacity that is likely to be required for another proposed major infrastructure project. When deciding whether it is appropriate for infrastructure which is on a larger scale than is necessary to serve a project to be treated as associated development, each application will have to be assessed on its own merits. For example, the Secretary of State will have regard to all relevant matters including whether a future application is proposed to be made by the same or related developer as the current application, the degree of physical proximity of the proposed application to the current application, and the time period in which a future application is proposed to be submitted.

Road Bypass Proposals

- 10.4 The assessment of the need for the Road bypass is set out within Paragraphs 7.39 to 7.62 of Appendix 12.1: Northampton Gateway SRFI Transport Assessment ("NGTA") (Application Ref APP-231) of the Northampton Gateway ES. It is stated at Table 7.12 and paragraph 7.59 that total traffic through Road would increase by approximately 13% as a result of the proposed development with HGVs increasing by 17%. This is compared with 2015 daily flows. It is also stated at paragraph 7.43 that background traffic growth excluding Northampton Gateway would increase flows by 18% between 2016 and 2031. Therefore, compared with 2031 traffic flows excluding Northampton Gateway, flow changes would be as follows (all flows are daily):

2015 Total Flows:	16,062
2031 Total Flows:	18,983
Development flows:	2034
% change	10.7%

2015 HGV flows:	1,083
2031 HGV Flows:	1,278
Development HGVs:	190
% change	15%

Table 1 & Table 2: 2015 and 2031 Traffic Flows

- 10.5 Flows include introduction of design and traffic management measures to prevent Northampton Gateway HGVs from exiting the development and travelling south on the A508.
- 10.6 The above flows do not take account of any re-assignment of traffic due to congestion in Road and the strategic modelling demonstrates that such re-assignment is likely to take place so that the actual change in flows through Road would be less than the figures given above.
- 10.7 The assessment work undertaken within the NGTA shows that:
- (a) There is already congestion on the A508 within Road;
 - (b) Northampton Gateway would worsen the situation; and
 - (c) It would also encourage drivers to seek alternative (and potentially unsuitable) routes.

- 10.8 It is stated at Paragraph 7.48 of Appendix 12.1: Northampton Gateway SRFI Transport Assessment (Application Ref APP-231) of the Northampton Gateway ES that "... *in consultation with NCC, an early concept for the highway mitigation strategy was the inclusion of a Roade Bypass to take through-traffic, particularly HGV's out of the village.*"
- 10.9 Furthermore, there is no suggestion that any alternative options were considered. For instance, there is seemingly no consideration of whether individual junction improvements within Roade and/or widening of the railway bridge would be sufficient to address the impact of Northampton Gateway or of traffic management or monitoring to prevent Northampton Gateway HGVs passing through Roade Village at all i.e. prevention of incoming as well as outgoing HGVs. Also, no consideration of any traffic management measures on alternative routes has been undertaken within the Transport Assessment.
- 10.10 As it is unclear whether a full assessment has been carried out through the consideration of alternatives to the proposed Roade Bypass (including the consideration of other lesser improvements within Roade) it is uncertain from the Northampton Gateway application if the Roade Bypass is the most appropriate solution, or a proportionate one.
- 10.11 The ExA will have to consider whether the Roade Bypass should be classed as Associated Development, including whether the Roade Bypass is properly to be regarded as an aim in itself rather than something that is subordinate to the principal development, and proportionate to it.
- 10.12 Secondly, given that it seems likely that the use of powers of compulsory acquisition will be required in order to enable the delivery of the Roade Bypass, it would be reasonable to expect there to have been careful exploration of whether the need for the bypass could have been avoided, including through the adoption of measures requiring less extensive use of such powers.
- 10.13 Our review of the data within the NGTA demonstrates that the increase in traffic through Roade as a result of the Northampton Gateway development is, circa 10% without taking into account re-assignment.
- 10.14 For the reasons set out above, the Applicant for Rail Central remains of the view expressed at the Preliminary Meeting, namely that whilst the need for some mitigation for the impacts predicted at Roade is not in dispute, it is currently unclear how the Applicant has made the jump from that conclusion to the position that a full bypass is justified and proportionate rather than any combination of lesser and less harmful measures. On that basis it is at present unclear how the development of the proposed Roade Bypass complies with the Associated Development principles.

11. Compulsory Acquisition

- 11.1 The Applicant for Rail Central objects to the acquisition of land/rights over Parcels 1/7 and 1/12. The Book of Reference (Application Ref APP-075) identifies that Ashfield Land is a Qualifying Person in respect of Parcels 1/7 and 1/12 as beneficiary of an option agreement over the land dated 18 December 2014.
- 11.2 Parcels 1/7 and 1/12 form part of the land required for Rail Central and are within the Rail Central Order Limits. Rail Central requires this land to partially offset the loss of farm land, to provide landscape and visual impact mitigation in the form of woodland blocks and to allow the diversion of a public footpath as part of a wider public rights of way mitigation strategy.

Purpose of Acquisition of Parcels 1/7 and 1/12 by Northampton Gateway

- 11.3 Paragraph 3.31 of the Statement of Reasons (Application Ref APP-073) "Table Summarising the purpose of compulsory acquisition or temporary possession powers" states that the purpose for which land/rights over Parcel 1/7 and 1/12 may be acquired is as follows:
- Parcel 1/7 is required for "*Structural landscaping including screen bunding, boundary treatments and provision of footpaths (Works No.6), a new railway line from the rail freight terminal to connect with the existing Northampton Loop railway line including a tunnel under the screening bund (Works No.1) and rail served warehousing including ancillary offices and other buildings (Works No.4)*".
 - Plot 1/12 is required for "*A new railway line from the rail freight terminal to connect with the existing Northampton Loop railway line including a tunnel under the screening bund (Works No. 1), a rail freight terminal (Works No. 2.), railway line to serve the warehousing (Works No. 3), rail served warehousing including ancillary offices and other buildings (Works No. 4) and structural landscaping including screen bunding, boundary treatments and provision of footpaths (Works No.6)*".

Parcels 1/7 and 1/12: Rail Central's proposed use of the land

- 11.4 Rail Central's proposed works within Parcel 1/7 and 1/12 are depicted on the Illustrative Landscape Masterplan appended to the Interrelationship Report enclosed as Appendix 3 which in essence also comprises of structural landscaping and footpath works, including diversion of part of public footpath KX13. These works are identified as Works 9 and 12 of the Rail Central dDCO at Appendix 5.

Negotiations for Parcels 1/7 and 1/12 by voluntary agreement

- 11.5 In respect of negotiations to acquire interests in the land, the Statement of Reasons states at paragraph 3.17.2 that:

"The Applicant has attempted to negotiate with the freehold owners of parcels 1/7 and 1/12 but the land is subject to an agreement with the proposed developer of the potential development site to the west of the Northampton Loop Line (known as Rail Central) and therefore the owners are not able to enter into a voluntary agreement with the Applicant. The Applicant therefore requires compulsory powers to acquire the land and any rights which may be inconsistent with the authorised development"

- 11.6 Ashfield Land has not been approached by Roxhill or agents acting for Northampton Gateway regarding the freehold acquisition of Parcels 1/7 or 1/12, and to date no attempts have been made to seek to negotiate with Ashfield Land to acquire its interests in these Parcels by agreement.

Tests for Compulsory Acquisition

- 11.7 Section 122(2) of the Planning Act 2008 provides that a DCO may only authorise compulsory acquisition if the Secretary of State is satisfied that land:
- is required for the development to which the consent relates (s.122 (2)(a));
 - is required to facilitate that development (s.122(2)(b));
 - is incidental to that development (s.122(2)(b)); or
 - is replacement land given in exchange for the order land (s.122(2)(c).
- 11.8 Section 122(3) sets a further condition that it must be satisfied that *"there is a compelling case in the public interest"* for the compulsory acquisition.

DCLG Planning Act 2008 "Guidance related to procedures for the compulsory acquisition of land" September 2013 ("CA Guidance")

- 11.9 The CA Guidance explains what justification will be sought for a DCO authorising the compulsory acquisition of land including factors which a decision maker must have regard. This advises the following:
- (a) Paragraph 8; the applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored;
 - (b) Paragraph 8; the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate;
 - (c) Paragraph 9; the applicant must have a clear idea of how it intends to use the land to be acquired;
 - (d) Paragraph 10; the purposes for which an order authorises the compulsory acquisition of land are legitimate and sufficiently justify interfering with the human rights of those with an interest in the land affected;
 - (e) Paragraph 11 (i) the land to be acquired is no more than is reasonably required for the purposes of the development;
 - (f) Paragraph 11 (ii) the land is required to facilitate or is incidental to the proposed development;
 - (g) Paragraph 12 & 13; Regarding the compelling case in the public interest, that in addition to establishing the purpose for which compulsory acquisition is sought, section 122 requires the Secretary of State to be satisfied that there is a compelling

case in the public interest for the land to be acquired compulsorily. For this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss;

- (h) Paragraph 19; That the high profile and potentially controversial nature of major infrastructure projects means that they can potentially generate significant opposition and may be subject to legal challenge. It would be helpful for applicants to be able to demonstrate that their application is firmly rooted in any relevant national policy statement. In addition, applicants will need to be able to demonstrate that:
 - (i) Any potential risks or impediments to implementation of the scheme have been properly managed;
 - (ii) They have taken account of any other physical and legal matters pertaining to the application, including the programming of any necessary infrastructure accommodation works and the need to obtain any operational and other consents which may apply to the type of development for which they seek Development Consent.
- (i) Paragraph 24; Early consultation with people who would be affected by compulsory acquisition can help build up a good working relationship with those whose interests are affected, by showing that the applicant is willing to be open and to treat their concerns with respect. It may also help to save time during the examination process by addressing and resolving issues before an application is submitted.
- (j) Paragraph 25; Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting Development Consent if attempts to acquire by agreement fail.

Application of Compulsory Acquisition Tests

- 11.10 The tests set out under s.122 Planning Act 2008 and the CA Guidance have not been met to acquire Ashfield Land's interest and the landowners interest in relation to Parcels 1/7 and 1/12.
- 11.11 No or no adequate consideration has been given by the Applicant to the implications of acquiring Parcels 1/7 and 1/12 by compulsion on Rail Central, in circumstances where any adverse impact on the successful delivery of Rail Central would have significant adverse implications for the public interest.
- 11.12 Compulsory acquisition powers should not be granted in relation to these two Parcels unless both the ExA and the Secretary of State are satisfied that the exercise of such powers would not prevent Rail Central from being developed in an acceptable manner.

- 11.13 The Applicant has not addressed (either satisfactorily or at all) the extent to which the subsequent grant of a DCO for Rail Central would comprise a risk or impediment to the implementation of the Northampton Gateway, or whether and if so how those risks or potential impediments can be properly managed. These matters need to be addressed in evidence by the Applicant, and reflected in appropriate provisions within the Northampton Gateway dDCO in order to meet that requirement.
- 11.14 The Applicant contends in its Statement of Reasons that the freehold owners cannot enter a voluntary agreement with the Applicant, because "*the land is subject to an agreement with the proposed developer of the potential development site to the west of the Northampton Loop Line (known as Rail Central) and therefore the owners are not able to enter into a voluntary agreement with the Applicant*". Ashfield Land understand that the freehold owners stated that they could not enter into any agreement with the Applicant on the terms stated, which included a requirement for the freehold owner of the land to acquiesce to their interests being subject to compulsory acquisition. Ashfield Land are not aware of any alternative proposals having been put forward by the Applicant to the freehold owners.
- 11.15 The Applicant did not seek to establish a good working relationship with Ashfield Land as the owner of an interest in land that it wished to acquire, nor a willingness to be open and to treat Ashfield Land's concerns with respect and to seek to resolve the issues arising before submitting the application. Appended at Appendix 13 is a chronology of the attempts made on behalf of Ashfield Land to discuss the interrelationship between the two schemes in order to seek to identify and resolve such issues ahead of submission. It is clear from that chronology that the Applicant has not complied with this important guidance.
- 11.16 The Applicant has so far failed to make any attempt to acquire Ashfield Land's interest by negotiation in addition to not having resolved the terms for any acquisition of the freehold. Compulsory acquisition of Parcels 1/7 and 1/12 is not being sought because of a failure of attempts made by the Applicant to acquire by agreement, rather it is being sought as a first rather than last resort.

12. Northampton Gateway dDCO

- 12.1 The Applicant for Rail Central has submitted at Deadline 1 their Written Summary of Oral Submissions made at the DCO ISH1 on 9 October 2018 and has responded to ExQ1 1.4.6 regarding ISH1 Questions 107A, 107B & 107C concerning the Northampton Gateway dDCO.
- 12.2 It is understood that Northampton Gateway will be submitting a revised dDCO, reflecting any changes it considers should be made in the light of issues raised so far by the ExA and Interested Parties. The Applicant for Rail Central reserves its position in terms of any comment it may wish to make in due course on that document once it has been made available. The Applicant for Rail Central will attend ISH3 on the Northampton Gateway dDCO on 20 December 2018.
- 12.3 The Applicant for Rail Central has made submissions within the Interrelationship Section of this Written Representation regarding the need for appropriate provision to be made within the Northampton Gateway dDCO to address the overlaps and interrelationship between the two schemes that would arise if both were to be given development consent. Such provision is necessary and justified in the public interest for the reasons given in that Section.
- 12.4 The Rail Central Explanatory Memorandum (Appendix 6, paragraphs 7.1 – 7.4) refers to the Interrelationship between Rail Central and Northampton Gateway. If granted consent, the Applicant for Rail Central has prepared plans (Appendix 6, paragraphs 7.3.1 – 7.3.3) to illustrate how both schemes can be delivered within the parameters set by their respective dDCOs.
- 12.5 The Applicant for Rail Central has enclosed with this Written Representation a copy of the submitted Rail Central dDCO as Appendix 5. Where relevant, cross references have been included to provisions within the Rail Central dDCO that seek to address this Interrelationship (Appendix 5, Requirements 10, 11 & 12).
- 12.6 It is intended that the appropriate nature and form of provision to be added to the Northampton Gateway dDCO will be discussed within the SoCG between Rail Central and Northampton Gateway, together with Protective Provisions for the benefit of NRIL by a tripartite SocG, to be submitted to the ExA by Deadline 3.

13. **Comparative Assessment**

- 13.1 Appended at Appendix 11 is the Alternative Sites Assessment submitted with the Rail Central application. This includes Rail Central's Comparative Assessment of Northampton Gateway (paragraphs 9.118 to 9.146).
- 13.2 This Comparative Assessment addresses key specific impacts or differences between Rail Central and Northampton Gateway on topic areas as set out below.

Environmental Impact

- 13.3 In assessing the degree and scale of Environmental Impact, a like for like comparison between Northampton Gateway and Rail Central is difficult as the Northampton Gateway ES (Application Ref APP-077 - APP-302) does not set out a standardised methodology for the assessment of environmentally significant effects. Instead different approaches are adopted across different parts of the Northampton Gateway ES resulting in a series of separate technical assessments as opposed to a properly integrated ES which should be a cohesive and integrated report on the outcome of the EIA process.
- 13.4 Many of the methodologies adopted also do not appear to have been followed through in topic assessments. The inconsistency of assessment methodology applied potentially compromises the ES and the conclusions within it.
- 13.5 In addition to the comments within the Rail Central Comparative Assessment, there are further deficiencies which have been specifically noted within these Written Representations, namely those related to Environmental Impact Assessment methodology and the absence of any adequate proper Climate Change Assessment.
- 13.6 Notwithstanding this, for the purposes of undertaking the Comparative Assessment only, the conclusions of the Northampton Gateway ES have been taken at face value.
- 13.7 In appraising both schemes, it is important to note that Rail Central is almost 30% larger in site size and also delivers significantly more commercial floorspace than Northampton Gateway. Despite this, an appraisal of both schemes reveals that the two are comparable in respect of environmental impacts. The environmental impact assessment in respect of air quality, archaeology, ground conditions, lighting, human health and waste all conclude that significant effects would not arise from the proposals. Both schemes identify a residual benefit in terms of drainage and reduced flood risk, although the residual benefit is identified as being significant for Rail Central. Both schemes are anticipated to give rise to significant benefits in respect of socioeconomics and both will positively encourage the movement of freight from road to rail resulting in significant beneficial effects on HGV miles on the highway network and CO2 emissions.
- 13.8 Overall, despite Rail Central delivering significantly more floorspace, both SRFI schemes have environmental impacts of a similar scale, albeit with different types of effects at different receptors. In addition, both of the proposals seek to mitigate environmental impacts to ensure they are reduced to an acceptable level.

Landscape and Visual

- 13.9 Neither Rail Central nor Northampton Gateway affect any designated landscapes. Northampton Gateway is located in an area between the NLL and the M1 motorway defined as “Area of Important Local Gap” within the South Northamptonshire Local Plan Policy EV7. Rail Central maintains the “Area of Important Local Gap” through significant landscape mitigation around its development zones comprising of hedgerow planting, ecological mitigation, woodland block planting, farmland and footpath diversions.
- 13.10 Northampton Gateway is in a rural, and slightly more contained landscape than Rail Central, though the site is influenced by urbanising features including the NLL to the east and south-east and by the M1 to the north and east and Northampton beyond the M1.
- 13.11 Rail Central is larger and in a slightly more open rural landscape than Northampton Gateway, though the local landscape of Rail Central does have some urbanising influences including the Northampton/Towcester Road, JBJ Business Park, and the Milton Business Park, and transport routes with noticeable traffic movement and noise from the WCML to the south, the NLL to the east, and A43 to the west. The Rail Central site does benefit from some containment being in a slight bowl of land with a ridgeline and the embankments of the WCML to the south, rising land to the south east and east and the embankments of the NLL and Milton Malsor to the north, rising land and Gayton Road to the north-east and the A43 to the west.
- 13.12 In terms of impacts, both schemes will have significant effects on their respective sites and immediate surroundings during construction, at year 1 and year 15, but the respective effects are limited and localised. Both schemes will have limited and localised effects to County Landscape Character Areas (The Tove Catchment, and Bugbrooke and Daventry) though neither scheme’s assessment identifies significant effects to these Land Character Area’s during construction or operation.
- 13.13 The relative effects of each scheme on the local landscape and landscape character are similar in level and extent (limited and localised), and are comparable. However, it should be noted that the Roade Bypass element of Northampton Gateway will add to the landscape and visual effects of this scheme, extending the overall effects of the scheme over a wider area in the vicinity of Roade and Stoke Bruerne in the south. Appendix 4.4:Landscape Effects Table (Application Reference APP-133), and Appendix 4.5: Visual Effects Table (Application Reference APP-134) of the Northampton Gateway ES identify that the Roade bypass scheme will give rise to significant landscape and visual effects during construction and operation to a number of sensitive receptors including the local landscape character, residential receptors and public rights of way, which are greater than the very limited and localised landscape and visual effects resulting from the proposed works to Junction 15a and other minor highway works included as part of Rail Central.
- 13.14 Considering the landscape and visual context and the nature, size and scale of the Rail Central and Northampton Gateway SRFIs in their own right, the visual effects are limited and localised. Significant visual effects during the construction and operational phases are anticipated to be experienced by a relatively small number of receptors overall, the majority of which are in close proximity to each site or where views may be gained from limited elevated locations overlooking each respective site. A number of these affected

receptors are in close proximity to one another including a number of public rights of way on elevated land overlooking the sites to the south, and to the east of Blisworth, so the geographical extent of visual effects is limited and localised. From such locations, the proposed embedded and adaptive landscape and visual mitigation of screen bunding and planting will be effective in the medium to long term in softening and screening the lower level elements of Rail Central such as acoustic barriers and service yards.

- 13.15 Both schemes propose areas of earth bunding and planting for landscape and visual mitigation. Since the Preliminary Environmental Information Report ("PEIR"), Rail Central has sought to refine the Green Infrastructure ("GI"), ecological and landscape & visual mitigation proposals and has increased the height and extent of earth bunding, and reduced the maximum height of buildings within Zone 3a, to reduce the visual effects of the site. Rail Central is proposing sensitively designed screen bunding with maximum 1:5 gradients to outer facing slopes which takes consideration of existing land form and contouring and avoids an overly engineered appearance. Whereas Northampton Gateway appears to rely on much steeper earth bunds with 1:3 gradients, which are more engineered in appearance and therefore appear incongruous with the existing topography of the site.
- 13.16 In addition, Rail Central has refined its substantial GI, ecological, and landscape & visual mitigation proposals to further respond to local landscape character through the introduction of more regular planting blocks, particularly to the east of the site, as well as providing: internal estate roads which will have ecological corridors that seek to replicate field edge vegetation with a ditch line and banked hedgerow; retention of existing trees and field edge vegetation where possible; and the use of predominantly native and locally occurring species throughout the scheme. The proposed scheme of Green infrastructure, ecological, and landscape & visual mitigation will also contribute to the strategic biodiversity network habitat reservoirs through the creation of neutral grassland, woodland and calcareous grassland.
- 13.17 The Applicant for Rail Central is providing a fund available to certain residents affected by the Proposed Development, to enable the purchase and planting of trees, or management of existing hedgerows at affected properties. This fund will be secured through a section 106 obligation as part of the DCO application.
- 13.18 If this fund is taken up, the introduction of this additional mitigation would have a significant benefit and would reduce adverse effects.
- 13.19 For Rail Central and Northampton Gateway, the introduction and the effectiveness of the proposed embedded mitigation together with adaptive mitigation measures, would mean that relatively few significant residual visual effects remain in the long term and that the proposed developments can be integrated into the landscape in the medium to long term.
- 13.20 In summary Rail Central and Northampton Gateway give rise to a similar level and significance of landscape and visual effects during both the construction and operational phases and both seek to employ mitigation measures which mean that relatively few significant residual visual effects remain in the long term and that the proposed development can be integrated into the landscape in the medium to long term.

Ecology and Green Infrastructure

- 13.21 The baseline ecological conditions are similar for both Rail Central and Northampton Gateway, as are the predicted impacts. Both schemes consider that their impacts can largely be mitigated, leaving only a few residual minor adverse impacts as well as offering beneficial impacts. The ecological impact assessment within Chapter 5: Ecology and Nature Conservation (Application Ref APP-088) of the Northampton Gateway ES, indicates that the majority of impacts are not considered to be significant and that the majority of adverse effects will be off-set in the mid to long-term by the creation and favourable management of ecological habitat. It acknowledges that the loss of arable fields will lead to the unavoidable displacement of some protected farmland birds (the Northampton Gateway site is used by golden plovers, whereas the Rail Central site is not). Both schemes will have potential to affect bats, with Northampton Gateway likely to have a greater effect on badgers and GCN, and the Rail Central scheme having a greater effect on barn owl roosts and mature/veteran trees. Both schemes demonstrate a positive net gain in biodiversity, possible largely because of provision of new habitat that is more valuable than the intensively farmed agricultural land that will be lost. However, Rail Central has undertaken a specific Biodiversity Assessment using the Warwickshire, Coventry and Solihull Biodiversity calculator and following the methods set out in the Department for Environment, Food & Rural Affairs biodiversity offsetting pilot which confirms Rail Central delivers a net gain in biodiversity. The GI provision for Rail Central is designed to enhance retained vegetation, and to buffer features that are important for ecology, including the Grand Union Canal to the south. The GI will be augmented by specific adaptive mitigation that requires collaboration with ecological consultants to specifically design the habitat identified in the Illustrative Landscape Plan, so that it complements and reflects the existing local habitats. In addition to the on-site GI provision, Rail Central proposes a dedicated 26ha area for ecology mitigation located at Junction 15a. This is considered to be an advantage over the Northampton Gateway provision where the on-site GI frequently requires habitat to fulfil landscape/screening/productive agricultural roles in addition to biodiversity. While there is some loss of veteran trees, it is considered therefore that Rail Central will deliver more green infrastructure and biodiversity gains than Northampton Gateway.

Built Heritage

- 13.22 The Northampton Gateway ES confirms that within a 1km radius of the Main Site, there are 51 listed buildings, three Conservation Areas, and a Registered Park and Garden. The ES notes that the majority of these will not be affected by the development proposals due to a lack of any visual or functional association between them but no visuals or plans are provided to support this. The ES notes that Northampton Gateway will require the demolition of two non-designated barns on the Main Site.
- 13.23 The Northampton Gateway ES confirms that the development will result in no more than a minor impact on the identified listed buildings and conservation areas within proximity to the site. Furthermore, many of the effects have been identified as negligible. This appears to be on an assumption that the proposed bunding will reduce or mitigate the visual effect of the development. However, there is no assessment as to the impacts of the bunding itself which could be considered to affect the heritage assets by creating an incongruous and engineered feature within the landscape. Should this assessment to be included, significant effects on heritage assets may arise.

- 13.24 The Rail Central ES assesses all heritage assets within a 2km radius of the site. It confirms that adverse effects will be arise in relation to a limited number of heritage assets as a result of Rail Central. These principally relate to the Milton Malsor Conservation Area (as a result of the Main SRFI Site) together with the Grand Union Canal Conservation Area (as a result of the highway works). The Rail Central ES concludes moderate adverse effects on 3 (out of 203 assessed) heritage assets which are considered to be affected by the scheme, together with lower/ less significant effects to a limited number of other heritage assets. With the exception of one, these effects are indirect. This assessment takes into account the effect of the Rail Central bunding, unlike the assessment in the Northampton Gateway ES.
- 13.25 Both schemes affect heritage assets within their immediate vicinity but due to their differing locations, different assets would be affected. The Rail Central scheme has been robustly assessed and is supported by plans and visuals which help illustrate the level of effects identified. However, the level of effect for Northampton Gateway is potentially understated due to the lack of supporting assessment, plans and visuals within the ES Chapter.

Agriculture

- 13.26 Northampton Gateway would affect approximately 220ha of agricultural land. All of this would be lost except 24ha of land which would be retained as agricultural land. Of the agricultural land to be lost, 33ha (12%) is Best and Most Versatile ("BMV") land in Grades 2 and 3a, with the remainder classified as moderate quality Subgrade 3b. This loss is assessed as a moderate adverse effect. Rail Central would affect 298ha of agricultural land, of which 89ha (30%) is BMV land, which is also considered to result in a moderate adverse effect. The extent of agricultural loss for Rail Central is a result of its size compared to Northampton Gateway but in terms of environmental impact, both result in an impact which is considered significant in EIA terms.

Transport

- 13.27 Based on information contained at Table 12.7 of Chapter 12: Transportation (Application Ref APP-133) of the Northampton Gateway ES, the development is forecast to result in a total of 1,044 two-way operational vehicle movements during the AM peak hour and 1,303 two-way operational vehicle movements during the PM peak hour .
- 13.28 In comparison, Rail Central is forecast to result in a total of 1,233 two-way operational vehicle movements during the AM peak hour and 1,566 two-way operational vehicle movements during the PM peak hour. Therefore, in general terms, it can be seen that Rail Central is likely to result in a higher trip generation than Northampton Gateway. This is due to the fact that Rail Central is a larger scheme than Northampton Gateway.
- 13.29 The proposed mitigation associated with Rail Central is appropriate to minimise the impact of the proposals. From the information submitted as part of the DCO application, at Chapter 12 of the Northampton Gateway ES, the impact of Northampton Gateway on the local highway network is intended to be mitigated.
- 13.30 Both Rail Central and Northampton Gateway traffic analyses have been carried out based on study areas agreed as appropriate with Highways England and Northamptonshire County Council, with capacity assessments carried out to determine where highway improvements may be appropriate. The highway improvement strategy

for Rail Central includes capacity improvements at eight locations on the strategic and principal road network (including major improvements at M1 Junction 15a), along with two road safety improvements on the A43 and a proposed foot/cycleway along Northampton Road.

- 13.31 In comparison, Northampton Gateway's highway improvements include major improvements at M1 Junction 15 (including improvements along the A45 and A508 approaches) and a new bypass at Roade. There are also more minor works proposed at M1 Junction 15a, two locations on Knock Lane and 3 locations on the A508, along with a new foot/cycleway along the A508 and further financial contributions towards other junction improvements.
- 13.32 Overall, the highway improvements proposed as part of Rail Central are more significant than those proposed as part of Northampton Gateway. However, this reflects the larger scale of Rail Central, and as set out in their respective assessments, both schemes are forecast to result in a net benefit to the overall operation of the highway network.

Technical and Operational Aspects

- 13.33 The Rail Central Comparative Assessment also considers both Rail Central and Northampton Gateway's operational and technical aspects as follows:

Main line access

- 13.34 The Northampton Gateway proposals would have two main line connections from the site into the WCML on the Slow Lines. Connectivity to and from the Fast Lines could only be achieved via at-grade crossings of the WCML some 4 miles to the south at Hanslope Junction, or 20 miles to the north at Hillmorton Junction.
- 13.35 For Rail Central the main line access to and from Rail Central into the WCML would be via four separate main line connection points, providing rail access tailored for the respective operational requirements of express and intermodal / conventional services. No other SRFI built or proposed to date within the UK has this capability. Internal connection of these four main line connection points provides maximum flexibility and contingency for routing freight trains to and from site, allowing the SRFI to remain open for rail traffic when either the WCML Fast or Slow Lines are closed for overnight engineering works.

Reception sidings and headshunt

- 13.36 The Northampton Gateway proposals suggest provision of three electrified reception sidings alongside the main line, with access to the rail-linked warehouses and rapid rail freight terminal requiring all trains to use a single-track headshunt siding to or from the reception sidings, requiring at least 15 minutes of shunting time in and out of the headshunt.¹
- 13.37 The Rail Central proposals would have four electrified reception sidings, two alongside the WCML Slow Lines and two alongside the WCML Fast Lines. No headshunt is required to access the rail-linked warehouses or the express freight terminal.

Intermodal terminal capacity

¹ 750 metres shunting to and from the headshunt at 5mph (2.2 metres per second) = 10 minutes, plus minimum 5 minutes to change direction of travel = 15 minutes. Each train would need to use the headshunt twice, once on arrival and once on departure = 30 minutes

- 13.38 The Northampton Gateway proposals suggest provision of three sidings at the intermodal terminal. The Rail Central proposals would have six sidings, offering twice the stabling capacity by comparison.
- 13.39 It is not clear from the Northampton Gateway proposals how the intermodal terminal would be equipped, either with high-capacity overhead gantry cranes or ground-based reachstackers. The Rail Central proposals include reachstackers in the first phase and gantry cranes in the second phase.

Express freight facilities

- 13.40 Northampton Gateway's proposals for a provisional "rapid rail freight facility" would not have direct main line access, each express freight train having to be shunted to and from the reception sidings at 5 mph over an estimated distance of 650 metres into and out of the rapid rail freight facility. The suggested length of the rapid rail freight facility of 200m would be some 40m short of the maximum length of express freight trains already operated by the Royal Mail.
- 13.41 The corresponding facilities forming a core part of the Rail Central proposals would provide a 400m length express freight terminal with direct access to and from the WCML Fast Lines (with secondary access to the Slow Lines), enabling trains such as those used by the Royal Mail to achieve the fastest possible access to and from the main line. Rail Central is the only SRFI properly configured to support this rail freight opportunity.

Maintenance facilities

- 13.42 No provision is made by Northampton Gateway for any on-site maintenance and servicing facilities for locomotives or wagons. Any locomotive and wagon maintenance activity would require additional main line movements to and from off-site facilities elsewhere in the country.
- 13.43 Rail Central makes specific provision for a standalone maintenance building, the integral on-site facility allowing trains to be serviced, maintained and crewed from site, reducing the need for trains to be moved to off-site facilities, maximising the efficient use of available main line capacity.

Technical audit of SRFI proposals by Network Rail

- 13.44 NRIL sets out its project Governance within the guide "Investing in the Network" (appended at Appendix 14, sections 2 & 3), where it states:

"Network Rail is a key point of contact for anyone who wants to invest in the rail network also known as 'enhancing the network'. Our aim is to facilitate appropriate investment in the network regardless of the role we are asked to play in delivering that investment.

The earlier you involve us with a project's development, the more we can help you to define its scope and deliver your proposal. This will help us both to align our respective objectives or commitments, to realise opportunities from integrating these commitments and to manage interface risks effectively.

Before committing to a contract for services, products and works with a promoter or committing internal resources to a project, we need to approve internally every investment project. This provides for adequate monitoring of the project's impact on the network. It also

lets us control and prioritise our investment plans where we're funding or delivering the project.

Once a promoter has approached us, we'll work with them to determine the appropriate scope and contractual framework for the project's lifecycle.

When we deliver services to the promoter, and also when developing and implementing projects ourselves we follow the Governance for Railway Investment Projects (GRIP) process.

Each route has a RSPG [Route Strategy Planning Group], which is an internal (Network Rail) multifunctional review group which:

- provides clarity on the route's required outputs via an appropriate specification;*
- verifies that the route investment programme will deliver these outputs efficiently and cost-effectively; and*
- verifies that investment proposals are sufficiently well managed and supported.*

All enhancement schemes, regardless of funding, are discussed at the relevant RSPG meeting. We will also seek feedback on the proposal from stakeholders and industry partners at industry meetings like the Route Investment Review Group.

As part of the review process, the RSPG will assess the scheme against the decision criteria we use to assess promoters' requirements.

If our assessment of your scheme is that it does not meet the decision criteria for promoters' requirements, the RSPG may reject the proposal."

- 13.45 Northampton Gateway has not evidenced any engagement with NRIL in the manner set out above. No evidence has been provided of any technical audit by NRIL of the main line connections, on-site layout or main line capacity analysis.
- 13.46 Rail Central engaged with NRIL in 2012 and subsequently entered into Basic Services Agreements with NRIL, which required and secured the prior approval of RSPG. NRIL has since informed the design of the rail infrastructure and main line connections, the technical assessment to GRIP2 validating the technical and operational feasibility of the main line connections, the local signalling and power supply systems having the capacity to cater for the development.
- 13.47 Timetable analysis undertaken with NRIL on the existing timetable (excluding any provision for additional WCML capacity released by HS2 in the medium to long term) would enable Rail Central to function as a SRFI as defined by the NN NPS.
- 13.48 In addition to NRIL's own network enhancement proposals on the West Coast Main Line, construction of HS2 phase 1 between London and the West Midlands will provide further capacity, relieving the parallel section of the West Coast Main Line of much of the existing high-speed passenger services. The Rail Central Rail Operations Report sets out the Government's view on the role that HS2 will play in releasing additional capacity for freight on the West Coast Main Line (para 3.3.12).
- 13.49 Rail Central's SoCG with NRIL will provide further information on the infrastructure manager's views about the adequacy of the network to accommodate Rail Central alongside

other likely foreseeable developments and a copy of this will be submitted to the Northampton Gateway examination when it is executed.

- 13.50 Table 9.2 of the Alternative Sites Assessment provides an Operational Comparison between Rail Central and Northampton Gateway. Rail Central offers significantly more commercial floorspace than Northampton Gateway, it is also anticipated to generate more jobs (over 8,000) and generates greater economic benefits. Rail Central also provides direct access to two W10 railway lines and full connectivity between them. This enhanced flexibility and resilience in its infrastructure puts Rail Central at a distinct advantage. The Rail Central Express Freight Interchange will allow direct and quick access as opposed to Northampton Gateway which requires more time due to the need to shunt freight within the site. This will make other operations within the Northampton Gateway scheme less efficient than Rail Central. Rail Central also provides a range of additional facilities which aid the attractiveness of the SRFI as well as providing positive consequences to the efficiency of the rail network.

Connection to Strategic Highway Network

- 13.51 The other difference between these two sites is their distance to the strategic highway network. Whilst Northampton Gateway is closer to J15 than Rail Central is to Junction 15a, the differences in distance are very limited (J15 is located directly adjacent to the Northampton Gateway site and Rail Central is within 2km from Junction 15a) and in practical terms both sites have good connections to the strategic road network. Both routes are on higher class roads and will not involve passing through residential communities. However, Rail Central is positioned on the A43 (T) and benefits from significant highway resilience offering alternative access arrangements if necessary.

Conclusion

- 13.52 The Comparative Assessment concludes that Rail Central and Northampton Gateway are two top performing sites that would seek to serve broadly the same core catchment area. They score the same using the scoring matrix but there are differences in performance between these two sites which allow them to be distinguished.
- 13.53 Northampton Gateway has very good access to the strategic road network. However, whilst it is closer to the motorway than Rail Central, this in itself is not a major distinguishing factor between these two sites. Environmental impacts are comparable albeit each project results in different effects at different receptors. Rail Central does however, have the ability to directly connect to the WCML, as well as the NLL and this presents, along with its additional infrastructure, enhanced operational and technical advantages over Northampton Gateway which make it more resilient, flexible and more adaptable to the changing rail freight market.
- 13.54 Bringing all the analysis together, Rail Central is larger than Northampton Gateway in commercial terms, it has more commercial floorspace and therefore greater potential for rail connection and rail served access. It has the ability to connect to the WCML, as well as the NLL. Along with additional facilities such as the Train Maintenance Depot, this presents additional market, operational and technical advantages over Northampton Gateway which makes Rail Central more resilient, flexible and more adaptable to the changing rail freight market. Therefore, it is concluded that the Rail Central site is the better performing SRFI site. However, it is recognised that both schemes could contribute towards creating a network of

SRFIs and the clustering of such infrastructure in this particular location. This scenario has therefore been the subject of cumulative impact assessment in the ES.

- 13.55 It is concluded that the Rail Central site is the better performing SRFI site. However, it is recognised that Northampton Gateway has the potential to be consented in addition to Rail Central. Northampton Gateway could also be complementary to Rail Central and, along with Rail Central, could contribute to the required network of SRFI's.

Appendices

Appendix 1: PINS Section 55 Notification letter

Appendix 2: Amendments to the Resubmitted DCO application for Rail Central

Appendix 3: Rail Central Northampton Gateway Interrelationship Report

Appendix 4: Rail Central Public Rights of Way Strategy

Appendix 5: Rail Central draft Development Consent Order

Appendix 6: Explanatory Memorandum to the Rail Central draft Development Consent Order

Appendix 7: Rail Central Market Assessment Report

Appendix 8: Rail Central Rail Operations Report

Appendix 9: Rail Central Environmental Statement Chapter 22. Cumulative Effects Summary

Appendix 10: Rail Central Environmental Statement Chapter 21. Climate Change Mitigation & Adaptation

Appendix 11: Rail Central Alternative Sites Assessment

Appendix 12: Supplement to the October 2013 Strategic Business Case for HS2 – Technical Annex: Demand and Capacity Pressures on the West Coast Main Line, Department for Transport, November 2015

Appendix 13: Chronology of Discussions between the Rail Central Applicant and Northampton Gateway

Appendix 14: Investing in the Network, Network Rail, February 2018