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29 November 2018

Dear Sirs,

### **The proposed Northampton Gateway Rail Freight Interchange Order**

I write with reference to the Applicant's *Responses to Written Representations and Other Parties Responses to ExQ1* (Document 8.7). This submission addresses the comments made by the Applicant with regard to Highways England's written representations with particular reference to the comments on page 13 under the heading *Deemed Approval*.

Document 8.7 does not provide an accurate reflection of the Statement of Common Ground (Document 7.1C) and indicates that the written representations submitted by Highways England are at odds with the position taken in the SoCG which is not the case:

*"The Applicant notes that the SoCG agreed with HE in this regard does not state that the deemed approval provisions in the articles of the dDCO are not agreed (see **Document 7.1C, REP1-007**)."*

*"It now seems that HE are objecting to deemed approval within the articles and the protective provisions, notwithstanding the content of the SoCG."*

This statement is not correct. Highways England's position is consistent and clear in both the SoCG and its written representations. I do not wish to reiterate in detail the position of Highways England in this regard which should be clear from the submissions already made however in short it can be summarised as follows - Highways England has a general concern over provisions for deemed approval. Where these pose a significant safety risk it is Highways England's view that such provisions are not appropriate and we object to their inclusion (in both the articles and protective provisions). In other circumstances they may be acceptable but should be subject to a longer approval timescale than that proposed by the Applicant.

Paragraph 5 in the SoCG clearly says (emphasis added):

*“The parties are in agreement in respect of the articles in the dDCO, subject to any amendments referred to in the table in Appendix 1”*

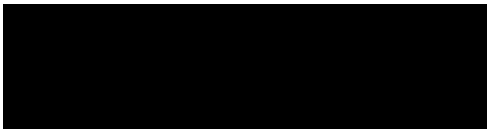
Within Appendix 1, in relation to Article 13 the SoCG states:

*“This is agreed with the exception of (3) which Highways England wish to be deleted due to safety concerns regarding the deemed approval provisions.”*

Notwithstanding what is incorrectly stated in Document 8.7 it is quite clear that Highways England **did object** to the inclusion of the deemed approval provision appearing in this article.

It should be noted that in all other respects where deemed approval provisions appear within the articles of the dDCO Highways England has not objected to their inclusion but has requested that the time period is increased to 56 days. All deemed approval provisions within the protective provisions are considered inappropriate and Highways England objects to their inclusion. The SoCG is consistent with the position taken in Highways England’s written representations.

Yours faithfully



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