

Application by Roxhill (Junction 15) Limited for a Development Consent Order for the Northampton Gateway Rail Freight Interchange

The Examining Authority's written questions and requests for information (ExQ2)

Issued on 5 February 2019

The following table sets out the Examining Authority's (ExA's) second round of written questions and requests for information – ExQ2.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q2.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

Please note that there is only a limited number of questions within the table relating to cumulative and interaction impacts between the Proposed Development and other projects, particularly that of the Rail Central proposal. An Issue Specific Hearing (ISH4) on cumulative and interaction matters is to be held on 12 March 2019 and the ExA intends to produce a detailed agenda with an accompanying schedule of questions for this in due course, which is intended to focus discussion on these matters.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact NorthamptonGateway@pins.gsi.gov.uk and include 'Northampton Gateway' in the subject line of your email.

Responses are due by **Deadline 5**: noon 26 February 2019.

Abbreviations used

CEMP	<i>Construction Environmental Management Plan</i>
dDCO	<i>Draft DCO</i>
ES	<i>Environmental Statement</i>
ExA	<i>Examining authority</i>
FTP	<i>Framework Travel Plan</i>
FWQ	<i>First Written Questions</i>
IP	<i>Interested Party</i>
LIR	<i>Local Impact Report</i>
NBC	<i>Northampton Borough Council</i>
NCC	<i>Northamptonshire County Council</i>
NPSNN	<i>National Policy Statement for National Networks</i>
para	<i>Paragraph</i>
PTS	<i>Public Transport Strategy</i>
RPA	<i>Relevant Planning Authority</i>
SI	<i>Statutory Instrument</i>
SNC	<i>South Northamptonshire Council</i>
SoCG	<i>Statement of Common Ground</i>
SoS	<i>Secretary of State</i>

The Examination Library

References in these questions set out in square brackets (e.g. [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR050006/TR050006-000653-NGRFI%20Examination%20Library.pdf>

It will be updated as the Examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, e.g. ExQ2.0.1 – refers to question 1 in this table.

ExQ2	Question to:	Question:
2.0.	General and Cross-topic Questions	
2.0.1.	Applicant and any other Interested Parties	As the date for Britain’s (probable) departure from the European Union draws near (Brexit), the ExA would welcome views on its possible impact in terms of the Proposed Development with regards the scheme’s underlying economic/commercial justification, ports and domestic intermodal movement of goods, employment levels and funding implications.
2.0.2.	The Applicant, Ashfield Land Limited and Gazeley GLP Northampton s.a.r.l (hereafter referred to as Rail Central for shorthand) and Network Rail (NR)	The Applicant’s ‘Statement of Common Ground Update and Statement of Commonality’ submitted for Deadline 4 (Doc 8.4A [REP4-009]) notes that the Statement of Common Ground (SoCG) between it and Rail Central and that between it and Rail Central and Network Rail are agreed but not signed, with no outstanding issues. For Deadline 3 Rail Central refers to a broader SoCG between it and the Applicant [REP3-016] but the Applicant suggests (Doc 8.8B [REP4 -010]) that such a further SoCG would not serve any purpose. However, to assist the ExA, as there will no doubt be further submissions made to the Examination, particularly in relation to cumulative and interaction impacts, the ExA would welcome the submission of updated and signed-off SoCG by Deadline 6 (19 March 2019) which take into account the positions reached following the Issue Specific Hearing to be held on 13 March.
2.0.3.	Rail Central	An alternative footpath connection point from the Rail Central site is proposed within the Northampton Gateway Main Site in the event of the Rail Central Order being made. This is shown on the plan attached as Appendix 2 to the Applicant’s DCO Changes Tracker (Document 3.4B [REP4-005]). The Applicant suggests that Rail Central is unlikely to object to this.

ExQ2	Question to:	Question:
		Can Rail Central please comment?
2.0.4.	The Applicant	It has been suggested that the Proposed Development would in part serve a London market. The Applicant's Market Analysis Report (Doc 6.8 [APP-378]) notes at section 7 that a combined core catchment area of around 15km and a secondary catchment of about 50km would be likely to incorporate the majority of logistics users who would use a SRFI (a matter which is supported by analysis of outbound lorries from DIRFT). Figure 12 of the report shows a secondary catchment of 50km from the proposed development which doesn't extend as far as the M25. Could the Applicant please comment?
2.1.	Air Quality and Emissions	
2.1.1.	All questions on the Air Quality and Emissions topic are addressed to the Applicant. If a question is also addressed to another person, either separately or in addition, that person is identified in this column	<p>Paragraph (para) references are to those in ES Chapter 9 (Air Quality) (Doc 5.2 [REP4-007, updated version of Chapter 9]) unless stated otherwise.</p> <p>Paragraph 9.3.69 and Appendix 9.11 Assessment of Construction Traffic (Doc 5.2 [APP-218]). Appx 9.11 shows that the Annual Mean for NO₂ never exceeds 34.9 micrograms per cubic metre for either NO₂ or PM₁₀ which is below the EU limit value (40 µg/m³) prescribed in Annex XI of the Air Quality Directive (L 152/30). However, all the figures for NO₂ (Table A9.11.2) and PM₁₀ (Table A9.11.3) are identical at each receptor. Is this right?</p>
2.1.2.		Para 9.3.6 – Is the Applicant picking out the green points or is it all of the houses and commercial buildings within the 350m boundary shown on the Figures?

ExQ2	Question to:	Question:
2.1.3.		Para 9.3.11 – This states that no heavy construction vehicles will be permitted to use the A508 south of the Main Site. Please will the Applicant say where this is secured? Please will the Applicant also comment on vehicles involved in constructing the Road Bypass and other road improvements south of the Main Site? Have their effects on air quality been taken into account? If they are not called out specifically, please will the Applicant explain how they are included in the assessment?
2.1.4.		Para 9.3.15 – Is the ExA right in understanding from replies to FWQs that this has in fact been done and is incorporated in the Chapter already at paras 9.5.41 - 47?
2.1.5.		Para 9.3.16 - To be clear, is this para saying that the Applicant has taken the traffic data for the roads, described as “Modelled Roads” in the Figures, put that into the dispersion model and required the model to produce figures for concentrations at the points on the Figures described as Modelled Receptors? The results from the model (which are described as modelled results) were then compared with the local authorities’ data drawn from actual monitoring, and in some cases diffusion tubes installed for this exercise (see paras 9.3.30-31 for the latter conclusion).
2.1.6.		Para 9.3.23 – Does this mean a device was placed on the façade, or that the model imagines a device on these façades?
2.1.7.		Para 9.4.26 assumes a gradual improvement in background concentrations in line with DEFRA predictions. Elsewhere (para 9.4.9) this chapter says that the actual records and forecasts from the local authority data show less improvement than the Defra forecast. Please will the Applicant comment?
2.1.8.		Para 9.5.19 – Please could the Applicant indicate where in the chapter to

ExQ2	Question to:	Question:
		find the data for background PM10 concentrations? The data at Table 9.3 are for the Main Site only. This question also applies to the conclusion at para 9.5.33 which relates to the Roade Bypass.
2.1.9.	The Applicant, South Northamptonshire Council (SNC), Northampton Borough Council (NBC)	<p>Para 9.5.35, referring to dust emissions associated with the Road Bypass says: "In the absence of any mitigation, including Construction Environmental Management Plan (CEMP) measures, Demolition, Earthworks and Construction are considered to present a Medium Risk of dust soiling effects, whilst, Trackout is considered to present a High Risk of dust soiling effects".</p> <p>(i) What is the mitigation to address this? And how is it secured? The CEMP is specified as but one of the tools.</p> <p>(ii) The Applicant is also referred to the ExA's questions below on paras 9.6.1 to 9.6.4. How can the ExA and the SoS know that the appropriate and adequate mitigation will be put in place and how do the RPAs judge whether what is proposed in due course is appropriate and adequate?</p> <p>(iii) The Construction mitigation section - paras 9.6.1 – 9.6.4 - refers at para 9.6.3 to dust mitigation for the Main Site but not for the Roade Bypass. Please can the Applicant comment on what is to be put in place for the Roade Bypass.</p> <p>(iv) The ExA assumes in view of paras 9.5.36 to 9.5.38 that nothing is required for the other Highways Mitigation Measures. Please could the Applicant, SNC and NBC confirm this?</p>
2.1.10.		Paras 9.5.56; 9.5.58 and 9.5.59.

ExQ2	Question to:	Question:
		<p>Para 9.5.56 refers to Table 9.16 (PM10s) but is discussing NO₂ – should the reference be to Table 9.15?</p> <p>Para 9.5.58 refers to Table 9.17. Is that the right table? Should it not be Table 9.16?</p> <p>Para 9.5.59 refers to Tables 9.16 and 9.17. Should it not be 9.15 and 9.16?</p>
2.1.11.		<p>Table 9.15 and Table 9.16.</p> <p>Table 9.15 shows, in Column B, the predicted concentrations of NO₂ in 2021, without the development, in the Collingtree AQMA No 1, at Receptors C1 - C17. In Appendix 9.11, Table A9.11.2 (Doc5.2 [APP-218]) also shows predictions of NO₂ for the same date, scenario and locations. However, the figures are different, except for NSSUE1, 2 and 3.</p> <p>(i) Please will the Applicant comment and explain, and say which the correct figures are?</p> <p>(ii) Please explain if this has any effect on what the assessment is said to be, and clarify.</p>
2.1.12.		<p>The ExA made the above comparison after checking the figures given in Table 9.16 for PM₁₀s in 2021 without the development against the figures in Appx 9.11, Table A9.11.3 [APP-218] without the development. The ExA was reassured to see that the figures for PM₁₀s which appear in Table 9.16 are NOT the same as those in Appx 9.11 which appear to be erroneous - see the ExA's earlier question on the figures for NO₂ and PM₁₀ in the two tables in Appx 11 being the same.</p>

ExQ2	Question to:	Question:
		<p>(i) In view of the ExA's comments above on the figures in Table 9.15, please will the Applicant comment and say whether the figures in Table 9.16 should be inserted into Table A9.11.3 in place of those there at present or whether some other figures should go into that table, in which case, could the Applicant please explain why the figures in Table A9.11.3 for 2021 without the development should be different from the figures in Table 9.16?</p> <p>(ii) Please will the Applicant check the rest of the figures in Table 9.15, 9.16 and Appendix 11 and confirm that they are correct, or direct the ExA to where in the chapter appropriate figures are to be found?</p> <p>(iii) Please also clarify the conclusions of the assessment in the light of the answers.</p>
2.1.13.	SNC, NBC	<p>At para 9.5.101 the Applicant concludes: "Considering the above, the Proposed Development is expected to have an overall Negligible impact on AQMA No.2. No.6 and No.8, in both 2021, 2031 and in the interim years."</p> <p>Please could the Applicant comment on the fact that there will be an increase in the level of failure to comply in AQMA 6 – see the results at CS2 set out in Table 9.21? This question is put particularly in the light of para 5.13, second bullet, of the NNNPS and Article 4(3) of the Treaty on European Union which includes the obligation that Member States shall "refrain from any measure which could jeopardise the attainment of the Union's objectives". This is also discussed in the opinion of Robert McCracken QC at https://cleanair.london/app/uploads/CAL-322-Robert-McCracken-QC-opinion-for-CAL_Air-Quality-Directive-and-Planning_Signed-</p>

ExQ2	Question to:	Question:
		<p>061015.pdf and the ExA would appreciate submissions from the Applicant and two district planning authorities on the position in this Application in the light of Article 4(3) and that opinion.</p>
2.1.14.		<p>At 9.5.105 the Applicant concludes that “Changes in annual mean NO₂ concentrations as a result of the Proposed Development are predicted to be Negligible in 2031. However, one Substantial Beneficial, one Moderate Beneficial and two Slight Beneficial impacts were predicted in 2021 at receptors SJ4, SJ9 and SJ1 and SJ12, respectively, due to the early operation of the Proposed Development and its highway mitigation measures.”</p> <p>Table 9.23 indicates that in 2021 SJ9 exceeds 40 µg/m³ by 0.1 without the development and by 0.2 µg/m³ with the development. This is then described as negligible (presumably negligible adverse) rather than Slight Beneficial claimed in para 9.5.105. Please can the Applicant comment on its conclusion in the light of this?</p> <p>This question also applies to the conclusions in para 9.5.109.</p>
2.1.15.		<p>Para 9.5.133. There is no modelled receptor labelled BL1 on Figure 9.14. Is it the unlabelled receptor on Gayton Road?</p>
2.1.16.		<p>Para 9.5.158 and Tables 9.33 and 9.34. There are no 2018 baseline data for any of the modelled locations in the Grafton Regis and Pottersbury Study Area. Please will the Applicant explain why and indicate how the predicted no development figures in columns B of those two tables can be relied on?</p>

ExQ2	Question to:	Question:
2.1.17.		<p>At para 9.5.179, part of the Summary of Overall Impact on Local Study Areas, where compliance with the UK National Plan and EU limit values is summarised, the Annual Mean NO₂ concentration on the A45 is set out. The 2021 baseline is given as 36 µg/m³ and the 'with Development 2021' position is 36.8 µg/m³. This is on the basis of the "SL-PCM (DfT) baseline + NSTM2 development contribution (with CAZ measures +additional measures)" according to Table 9.37 but on the slightly differently expressed basis "SL-PCM (DfT) baseline (with CAZ measures) + NSTM2 development contribution" in the text of para 9.5.179. Is there a difference and what are the "additional measures" referred to in Table 9.37? Have they been taken into account; please can the Applicant explain how?</p>
2.1.18.		<p>Para 9.5.180 and Table 9.37 - Effect on the A45 and the East Midlands Zone. This para and Table give the maximum NO₂ concentration modelled for 2021 as 36.8 µg/m³ with the development. Why is the 2031 position not given?</p> <p>Also, while the A45 will have a change of +0.8 µg/m³, would it be relevant to look at the change in the East Midlands Zone as a whole and is that to be found elsewhere in the Chapter? What will the position be at Derby and Nottingham, and will the development affect their progress?</p>
2.1.19.		<p>Para 9.6.3 on Dust Mitigation says "The highest risk activities will be avoided in the areas of the Main Site closest to sensitive receptors. These are shown as a Priority Dust Mitigation Zone on Figures 9.1, 9.2, 9.3 and 9.4. However, there do not appear to be any such zones on those Figures and they are referred to only in the Legend of Figs 9.1 and 9.2. Please will the Applicant explain where they are described in the text so that the ExA can understand where they are and provide updated figures to show these</p>

ExQ2	Question to:	Question:
		<p>zones?</p> <p>Please can the Applicant also explain how this mitigation is secured? The Priority Dust Mitigation Zones do not appear to be mentioned in the Commitments Tracker (Doc 6.11A [REP3-003]).</p>
2.1.20.		<p>Mitigation - section 9.6 and paras 9.6.1 to 9.6.4. These paras give examples of mitigation which could be employed during construction, but paragraph 9.6.4 specifically says only that they have been used "to contribute" to the CEMP.</p> <p>Furthermore, Appx 9.8 (Doc 5.2 [APP-215]), which is also referred to as a list of mitigation measures, states in its opening paragraphs that whilst they are highly recommended by the IAQM and have been taken into account when formulating the CEMP, it is NOT a list of commitments or actions planned to be taken.</p> <p>Please will the Applicant clarify the position and point to where the ES states what specific mitigation measures are proposed for air quality effects, and the expected residual effects? The ExA is aware of the Commitments Tracker.</p> <p>This is an issue of wider relevance to the Application and the Proposed Development; how in practice, if the DCO is made, will the relevant planning authority (RPA) be able to ensure that the mitigation referred to in the ES is delivered? The CEMP is a major tool in that process, as are the P-CEMPS approved under Requirement 12, working with the Requirements, the s.106 agreement and the Commitments Tracker. It seems to the ExA that the RPAs will also need to refer to the ES to ascertain whether the</p>

ExQ2	Question to:	Question:
		<p>submissions under the Requirements are compliant. Is that the process anticipated?</p>
2.1.21.		<p>Mitigation - aggregates terminal. Para 9.6.5 and following. It is stated that a range of standard and best practice measures will be implemented. Please could the Applicant indicate where they are described in the ES or where the method of determining them is to be found? For example, dampening of haul routes is specified in para 9.6.5 but this is not part of Requirement 8 and does not appear in the Commitments Tracker (Doc 6.11A)[REP3-003]</p> <p>It is also said in that para that some are similar to those outlined in para 9.3.278. There is no such paragraph. Please will the Applicant specify the correct paragraph?</p>
2.1.22.		<p>Para 9.6.6 - please could the Applicant specify the "other modal shift support initiatives" referred to in this paragraph, and the method (requirements, s.106 or other) to secure these?</p>
2.1.23.	Northampton County Council (NCC), SNC, NBC	<p>Para 9.6.6 – are NCC, SNC and NBC satisfied that the objectives, targets and indicators of the Framework Travel Plan (FTP) - Environmental Statement Appendix 12.1 TA Appendix 1 Framework Travel Plan (Doc 5.2 [APP-232]) - will be achieved? How do they envisage attaining them will be enforced? Please would they explain what mechanisms and sanctions they would expect to use and against whom? The FTP forms an identified mitigation in the Air Quality Chapter (para 9.6.6). It would be helpful to have worked examples. The Applicant may also wish to provide one or more worked examples.</p> <p>The ExA suggests at least the following scenario, taking Table 3 of the FTP:-</p>

ExQ2	Question to:	Question:
		<p>1 Car sharing (Objective 2). By 2031 only 6% of employee trips are made by car sharing. (The indicator and target are 12%.) All employers on site have fully complied with the objective of encouraging car sharing. In the case of employer A, the biggest employer on site, only 3% of the employee trips are car shares. In the case of employer B who has only 20 employees, 20% are car shares. In the case of employer C, 12% are car shares. Against whom can NCC, SNC and NBC enforce, and what will the sanctions be? How is achievement of the target and indicator delivered?</p>
2.1.24.	NCC, SNC, NBC	<p>(i) Para 9.6.6 – are NCC, SNC and NBC satisfied that the Overarching Aim of the Public Transport Strategy – Doc 5.2 [APP-233] - Environmental Statement Appendix 12.1 TA Appendix 2 Public Transport Strategy (PTS) - (see para 7.1 thereof) and the main target (see para 7.5) will be achieved?</p> <p>(ii) How do they envisage attaining the Overarching Aim and the main target will be enforced? Please would they explain what mechanisms and sanctions they would expect to use and against whom? The PTS forms identified mitigation in the Air Quality Chapter (para 9.6.6). It would be helpful to have worked examples. As with ExQ 2.1.24, the Applicant may also wish to provide one or more worked examples.</p> <p>(iii) Is the aim sufficiently precise so that a breach can be identified?</p> <p>(iv) The main target is that “10% of staff working at the NGSRFI should use the bus as their primary mode of transport to and from the site, within 5 years of the site being fully open”. What is the meaning of “fully open”? Could the developer avoid the obligation to achieve the target by</p>

ExQ2	Question to:	Question:
		<p>not "fully opening"?</p> <p>(v) As with the FTP, against whom is the PTS enforced if the 10% target is not met where, say, 20% of the workforce of one employer use the bus, only 5% of the workforce or another employer do so and other employers are at or above the 10% figure?</p> <p>(vi) Some new construction – such as bus lay-bys – is required by the PTS. Are those part of the "authorised development" describes in the dDCO? Does the Applicant control the land needed? If the answer to either question is not "Yes", how will that construction be delivered? If the answer is "Yes" please will the Applicant indicate which parts of the authorised development they form and the land control position?</p>
2.1.25.	NCC, SNC, NBC	<p>Both the FTP and the PTS use the term "employee". Given that large parts of the general workforce are often engaged as self-employed (independent contractors), how is it intended to ensure that such persons are included in the objectives, targets, aims, indicators and generally the ambit of the FTP and PTS?</p>
2.1.26.	NBC	<p>Para 9.6.10 states: "The potential to reduce the significance of adverse impacts in AQMA No.4 have been discussed with Northampton Borough Council, and the detail is being explored further. Measures being considered include supporting the introduction of cleaner Euro VI class buses for the dedicated SRFI express bus service. The applicant has also indicated a willingness to make a contribution to enable delivery of new electric vehicle charging points or other low emission initiatives for Northampton in support of the Council's Low Emissions Strategy." Please will the Applicant and NBC state what is the result of those discussions and, if not concluded, when it is</p>

ExQ2	Question to:	Question:
		<p>expected that they will be finished and when and how the results will be reported to the Examination?</p>
2.1.27.	SNC, NBC	<p>In relation to AQMA 4, it is stated at para 9.6.11 that it is "considered that proposed mitigation strategies should focus on non-HGV measures. As such the mitigation strategy focuses on encouraging and enabling modal shift toward adopting vehicles with cleaner engines and providing more frequent bus services to support reduced emissions within the AQMAs". Please will the Applicant explain how it is considered this is an important and relevant matter and meets the policy tests if, as the para states at its opening, the HGV traffic from the proposed SRFI is only a small fraction? This question is also addressed to SNC and NBC.</p> <p>It is unclear whether the mitigation strategy is referring to modal shift in buses or HGVs. Please will the Applicant clarify this and also specify what is being referred to by the phrase "mitigation strategy" – is it the "public transport strategy"?</p>
2.1.28.		<p>Para 9.7.8 – Please could the Applicant direct the ExA to where it can find the conclusions on the Daily Mean and the Hourly Mean?</p>
2.1.29.		<p>Para 9.8.2 – Please could the Applicant explain why Rathvilly Farm and Lodge Farm, which are both in the overlap area, are not considered to be sensitive areas?</p>
2.1.30.		<p>Para 9.8.5 moves straight from referring to the Rail Central proposals to concluding that cumulatively there will be no change of any significance at any receptor. Please will the Applicant explain more fully how it reached this conclusion?</p>

ExQ2	Question to:	Question:
2.1.31.		<p>Conclusions. Para 9.9.7 - does the last sentence say what the Applicant actually concludes? It reads "This is pertinent to the central Northampton AQMAs as the proposed highways improvements will cause the most significant air quality impacts to be caused by such vehicles" (sic). Please could the Applicant explain and comment, and point the ExA to the air quality impacts of the highways improvements? What impacts will the highways improvements cause? Is the point intended to be that there is a positive impact? Please could the Applicant clarify this paragraph?</p>
2.1.32.	SNC, NBC, NCC	<p>Monitoring – this is a general question which applies across the ES. In its reply to ExQ1.0.18 about monitoring and the requirements of the Infrastructure Planning (EIA) Regulations 2017 the Applicant wrote: "The Applicant proposes to update the Commitments Tracker (Document 6.11, APP-381) to include monitoring arrangements. It is proposed to submit this for Deadline 3". There are references to monitoring in the updated Tracker (Doc 6.11A [REP3-003]) but it is not clear what steps should be taken if monitoring indicates that the results are worse than expected or permitted. The second part of question ExQ1.1.34 is reiterated; could the Applicant explain the extent to which monitoring measures are required to demonstrate the efficacy of the mitigation measures proposed and how such monitoring measures would be secured?</p> <p>(i) Please will the Applicant, SNC, NBC and NCC comment on what should be included, if anything, in the DCO, if made?</p> <p>(ii) Given the relative newness of the need to consider monitoring and remediation, please will those parties set out their understanding of the approach the SoS should take, and criteria, in deciding whether to require</p>

ExQ2	Question to:	Question:
2.1.33.		<p>either or both monitoring or remediation?</p> <p>PM_{2.5}s. At ISH2, the Applicant’s counsel (Mr Alexander Booth QC) indicated that the Applicant would wish to respond in writing. This has been done at Appx 6 of the Applicant’s post-ISH2 submissions (Doc 8.10 [REP4-011]).</p> <p>In Appx 6 the Applicant writes:</p> <p>“LAQM.TG(16) recognises that the majority PM2.5 comes from non-localised sources i.e. transported regionally and across international boundaries. The regional, international contributions of annual mean ambient PM2.5 concentrations at urban background locations in the UK are 45% and 20% respectively, with local urban traffic only responsible for approx. 14% of concentrations (Defra1).”</p> <p>Please could the Applicant state what contribution to the 14% would be made by the Proposed Development? Please express the answer both as a percentage of the 14% and as a percentage of the overall 100% of PM_{2.5}s.</p>
2.1.34.	SNC, NBC	<p>Judgment was handed down on 25 January 2019 in the case of <i>R. (oao Shirley) v. Secretary of State for Housing, Communities and Local Government [2019] EWCA Civ 22</i> concerning the SoS’s duty to give effect to the objectives of the Air Quality Directive. On 14 January 2019 the Government published the “Clean Air Strategy 2019”. On 5 October 2018 the Government published a Supplement to the UK plan for tackling roadside nitrogen dioxide concentrations. Please will the Applicant, SNC and NBC comment on the effect of these developments on the application and its consideration by the ExA and the SoS? Other parties who wish to may also of course make submissions.</p>

ExQ2	Question to:	Question:
2.1.35.		<p>At ISH 2 in response to a question from Mr Bryce about the effect of the lorries on the M1 on air quality, Mr Jenkins for the Applicant said that the figures take account of annual emissions, so delays and blockages are addressed. – see 1.18.30 onwards in Part 2 of the recording of ISH2.</p> <p>The ExA observes that the Air Quality chapter uses the NDSM data.</p> <p>Later in ISH2 when considering transport (at 1.41.09 onwards of Pt 2 of the ISH recording) the ExA raised concerns expressed by Mr Declan Waters in his Relevant Representations [REP1-077] – had A508 been satisfactorily modelled as a bypass route for the M1 closures? Has modelling incorporated the effect of the M1 closures - which are 16-17 times per annum? In reply, Mr Dunhill or Mr Hilditch for the Applicant said:</p> <p>“Not using the NSDM model. But we do know about it and have considered it. It is required to operate as a diversion route. There are a number of bottlenecks and pinch-points. Our approach is that it is reasonable, that the improvements and especially the Road Bypass will provide more resilience. The A508 improvements will improve the position. The worst case is a southbound closure of M1 between Junctions 15 and 14 which leads to south-bound traffic going down the A508. There would be about 6,000 vehicles per hour in the peak hour. Development vehicles which would have gone southbound on M1 are 200 so there is only 3.5% increase on the corridor which we think is acceptable”.</p> <p>At first sight there may be an inconsistency here. Mr Jenkins, on the basis of a study which uses the traffic predictions from the NDSM, says that delays and blockages are addressed. Mr Dunhill/Hilditch says that on the basis of the traffic study they are addressed, but not through the NDSM</p>

ExQ2	Question to:	Question:
		<p>figures.</p> <p>Please could the Applicant clarify whether the effects of delays and blockages and the use of the A508 as a diversion route have indeed been addressed in the Air Quality and Transport assessments, and point to the sections which show how, and explain?</p>
2.2.	Biodiversity, Ecology and Natural Environment	
2.2.1.	The Applicant	<p>Paragraph references are to those in ES Chapter 5 (Ecology and Nature Conservation) (Doc 5.2 [APP-088]) unless stated otherwise.</p> <p>As referred to in post-hearing submissions (Doc 8.10 [REP4-011]), could the Applicant please provide copies of anticipated 'letters of no impediment' from Natural England in respect of European protected species licences?</p>
2.2.2.	Natural England	<p>Further to the SoCG (Doc 7.15 [REP1-018]) can Natural England confirm that it is satisfied as to the protection of the Roade Cutting SSSI as a result of additions to the updated CEMP [AS-048] which has been accepted as a late submission for Deadline 4?</p>
2.2.3.	The Applicant	<p>In light of further discussions and representations, are there any further modifications/additions required to the Landscape and Ecological Management Plan (LEMP)? If so, these should be provided by Deadline 6 (19 March 2019).</p>
2.2.4.	The Applicant	<p>ES paragraph 5.6.13 refers to increased recreational pressure on designated non-statutory sites of nature conservation interest and also to measures that would be used for control, to be detailed further in the LEMP. The measures include the provision of litter bins though this is not detailed</p>

ExQ2	Question to:	Question:
		<p>in the LEMP. Can the Applicant clarify and also indicate whether, if these are to be provided, how would their maintenance (e.g. emptying) be secured?</p>
2.2.5.	The Applicant	<p>Please will the Applicant clarify how ongoing management and maintenance that is detailed in the LEMP is secured on an ongoing basis, particularly beyond the first five-year survey and review?</p>
2.2.6.	The Applicant	<p>Within ES paragraph 5.6.59 reference is made to the 'BMP' and this is later repeated in paras 5.6.60 and 5.6.62. Can the Applicant please clarify whether this is a misprint; is it a reference to the LEMP or to 'Best Practicable Means', or otherwise indicate to what this refers?</p>
2.2.7.	The Applicant	<p>ES paragraph 5.7.21 refers to the adoption of best working practices during construction, including a dust action plan. However, neither the CEMP nor the LEMP make reference to this although the former refers to soil management and measures for controlling the emission of dust.</p> <p>i) Can the Applicant please clarify whether this constitutes the measures envisaged in the reference to a dust action plan?</p> <p>ii) ES paragraph 5.7.21 refers to the use of dust suppression measures during the operational phase of the Main Site, such as damping down of the aggregates terminal during periods of dry weather. It is noted that the Commitments Tracker (Doc 611A [REP3-003]) indicates that the next iteration of the dDCO will include reference to specific measures proposed as a minimum for the operational aggregates terminal. Are other dust suppression measures envisaged for the Main Site and, if so, what might they be and how would they be secured?</p>

ExQ2	Question to:	Question:
2.3.	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
2.3.1.	The Applicant	<p>At ISH3 (the Compulsory Acquisition Hearing) Rail Central indicated that its only objection in relation to compulsory acquisition in respect of Plots 1/7 and 1/12 on the Main Site was to safeguard the ability for Rail Central to be developed alongside the Proposed Development. The Applicant has put forward in its revised dDCO (Doc 3.1C [REP4-004]) Requirement 30 to address Rail Central’s concerns. Does the addition of this requirement adequately address Rail Central’s concerns to allow it to withdraw its objection to compulsory acquisition? (See also the questions attached to the ExA’s commentary on the revised dDCO regarding this Requirement).</p>
2.4.	Draft Development Consent Order (DCO)	
	<p>The Agenda for ISH3 (EV-009) included a schedule of questions in relation to the draft DCO. The Applicant responded to those questions in writing prior to ISH3 and its response document has since then been incorporated by the Applicant at Appendix 13 to its post-hearing submissions on ISH3 (Doc 8.10 [REP4-011]).</p> <p>A number of those questions were addressed to persons other than the Applicant. To be quite clear, the answers from those other persons are required on or before Deadline 5 (26 February 2019). Without setting the questions out again in full, and so as to ensure that they have the same status as Second Written Questions, they are incorporated into these Second Written Questions by reference.</p> <p>The Examination timetable provides that matters raised orally in response to that schedule were to be submitted in writing by Deadline 4 (8 January 2019). Comments on any matters set out in those submissions are to be provided by Deadline 5 (26 February 2019) which is the same as the deadline for responses to these Second Written questions.</p> <p>IPs who participated in ISH3 and consider that their issues have already been drawn to the ExA’s attention do not</p>	

ExQ2	Question to:	Question:
		<p>need to reiterate their issues. IPs are requested to review the Deadline 4 written submissions arising from ISH3. Matters set out in Deadline 4 written submissions arising from ISH3 are best responded to in Deadline 5 comments.</p> <p>Further questions on the dDCO are set out in the Commentary and Schedule of Questions document issued simultaneously with these Second Written Questions.</p>
2.5.	Historic Environment	
2.5.1.	The Applicant	There is an unsigned draft SoCG with Historic England (Doc 7.14 [REP1-017]). Is a formally signed version of this SoCG to be provided and, if so, this should be by Deadline 6 (19 March 2019)?
2.5.2.	The Applicant	In the Archaeology Trial Trenching Report (Roade Bypass) ES Chapter 10 Addendum (Doc 8.12 [REP4-013]) it is indicated that the pottery report will be amended subsequent to a visit to the Northampton County pottery type series, the work to be done in early January. Please can this amended report be provided by Deadline 5 (26 February 2019)?
2.5.3.	NCC	Does the County Council agree with the conclusions of the Archaeology Trial Trenching Report (Roade Bypass) ES Chapter 10 Addendum (Doc 8.12 [REP4-013]) that construction impacts of the Roade bypass on the archaeological remains found in the additional trial trenching would be of 'minor adverse significance'? If not, please indicate its assessment of impact.
2.5.4.	The Applicant, NCC	Paragraph 10.7.3 of ES Chapter 10 (Cultural Heritage) (Doc 5.2 [APP-113]) notes that post-consent works would commence with a further stage of archaeological trial trench evaluation across the Main Site and bypass corridor. In light of the recent trial trenching that has been carried out within the bypass corridor, is it envisaged that, should the Proposed

ExQ2	Question to:	Question:
		Development proceed, any additional trenching within the corridor would be required?
2.5.5.	NCC	At ISH2 the County Council suggested that there is an industry norm of 2/3% archaeological field investigation coverage of sites. This is within the context of trial trenching having been done on the Proposed Development's Main Site of 0.38%. Can the County Council direct the ExA to any document or source which backs up the assertion of a 2/3% norm?
2.6.	Landscape and Visual	
2.6.1.	The Applicant	<p>Having regards to landscape bunding at the Proposed Development's Main Site, the Parameters Plan (Doc 2.10 [APP-065]) indicates that there is a degree of flexibility in the height of the bunds which could vary depending on the final building heights. Rail Central has stated [REP4-020]; "The Landscape Cross Section Drawings [APP-084] show the approximate height of the bunds AOD but provide no explanation of the principles by which their height may vary relative to any change in height of the buildings they screen. Moreover, there is no explanation of phasing" Also, "Without a clear understanding of the parameters of the bunding, there cannot be an adequate assessment of landscape and visual effects (nor of the environmental consequences of the re-grading of the land)".</p> <p>Rail Central considers the above to be an example of the failure to properly describe and identify parameters of the development, leading to an unreliable assessment of significance.</p> <p>Can the Applicant please comment on these criticisms?</p>

ExQ2	Question to:	Question:
2.7.	Noise and Vibration	
2.7.1.	The Applicant	<p>Rail Central has criticised the assessment of operational noise from the Proposed Development's Main Site [REP4-020]. It is suggested that consideration of noise from plant and machinery via proposed Requirement 23 would defer the assessment of potentially significant noise sources which might lead to significant adverse effect at receptors and is inappropriate in light of R v Cornwall County Council ex parte Hardy (2001). Further, it notes that other potentially significant noise sources, such as HGV trailer-mounted chillers, have been excluded from assessment and that failures in the proper approach to assessment lead to an inappropriate and inaccurate comparison with Rail Central, which has included these in its assessment.</p> <p>Whilst acknowledging that the Applicant has made a response to points raised by Rail Central at the Environmental ISH (Doc 8.10 [REP4-011]) is there anything further the Applicant wishes to add in relation to the above criticisms?</p>
2.7.2.	The Applicant	<p>Requirement 23 within the dDCO has been amended and a question has been addressed to SNC in the questions and commentary on the DCO in respect of operational railway noise, which the ExA would expect SNC to address in that context.</p> <p>In addition, however, SNC in its written submissions following ISH2 and ISH3 [REP4-015] has continuing concerns relating to the assessment of operational noise from the Main Site. It considers these have not been adequately addressed in the Applicant's earlier responses, for example in 'Responses to the ExA's written questions, written representations and documents submitted as part of deadline 1' (Doc 8.7, REP2-010)]. In particular, SNC considers there is insufficient reasoning to support the</p>

ExQ2	Question to:	Question:
		<p>approach adopted in the BS4142:2014 assessment to address the complexity of the noise sources that would be involved with the development.</p> <p>Can the Applicant please comment on these continuing concerns and the view that the margins of uncertainty associated with the assessment approach could potentially mean that the significance of the predicted impacts may be greater and some of which may possibly be significantly adverse or unacceptable as defined in the Government's Planning Practice Guidance?</p>
2.7.3.	The Applicant	<p>In relation to noise from the Roade Bypass, and with reference to the World Health Organisation Night Noise Guidelines for Europe, SNC [REP4-015] queries whether it is possible for an offer of protection to be extended to affected properties in the form of the provision of suitable glazing and alternative means of ventilation. Can the Applicant please comment on the necessity of this and how this would be secured, for example would this be through the relevant Noise Insulation Regulations?</p>
2.7.4.	The Applicant	<p>SNC notes [REP4-015] that no consideration appears to have been given to any mitigation for receptor R29 in respect of predicted changes to road traffic noise levels around the Main Site. It also asks whether further efforts could be made to reduce the significance of temporary adverse effects at receptors R26 and R31 to R33.</p> <p>Could the Applicant please comment?</p>
2.7.5.	The Applicant, Highways England (HE), NCC	<p>In answer to ExQ1.8.11 (Doc 8.2 [REP1-020]) in respect of road traffic-induced ground vibration, the Applicant noted that "When all of the road</p>

ExQ2	Question to:	Question:
		<p>construction and highway mitigation works have been completed, the associated road surfaces will be newer and smoother than existing, which will represent an improved position, over and above that existing for current traffic, traffic growth and the development traffic” and it is not expected that any significant increase in road traffic-induced ground-borne vibration will occur.</p> <p>The ExA understands Highways England’s intention nationally to employ a new road surfacing technique that will reduce noise, particularly in built-up areas (reported in The Times, 29 January 2019):</p> <p>i) is such a technique likely to be employed in respect of road works resulting from the Proposed Development (including those not within the ambit of Highways England) and, if so, please comment on the potential impact on the noise climate?; and</p> <p>ii) if such surfacing is to be used, what implications might this have for road traffic-induced ground-borne vibration?</p>
2.8.	Socio-economic Effects	
2.8.1.	The Applicant	<p>Paragraph references are to those in ES Chapter 3 (Socio-Economic) (Doc 5.2 [APP-082]) unless stated otherwise.</p> <p>ES Chapter 12 (Transport) – Appendix 12.1, TA Appendix 1 Framework Travel Plan, Table 3 (Doc 5.2 [APP-232]). It is stated that the high level aims of the Travel Plan are to ensure that Northampton Gateway is well served by sustainable travel (including walking, cycling, public transport and car sharing) from the first stage of development; and that staff have a</p>

ExQ2	Question to:	Question:
		<p>reasonable alternative to the private car for their journey to work.</p> <p>It is noted that with a 20% reduction in single occupancy car journeys in place, 74% of journeys to the site would still be made by single occupancy vehicles in 2031, with 10% of journeys being made by bus.</p> <p>Please can the Applicant confirm how these predicted figures compare with modes of travel to established SRFI's?</p>
2.8.2.	The Applicant	<p>Response by Northampton Rail Users Group (NRUG) to Deadline 1 – Para 3, Page 12 of response [REP1-092]. NRUG considers that cycling is not limited to recognised cycle paths and that the roads in the locality are widely used by recreational cyclists. However, the effects on this usage have not been identified, particularly the risk to road safety.</p> <p>Can the Applicant please comment on this and as to whether such usage has formed part of the assessment?</p>
2.8.3.	The Applicant	<p>Stop Roxhill Northampton Gateway Action Group (SRNG) Comments on Applicant's responses to Other Parties' Deadline 2 submissions and post-hearing submission on Environmental Matters ISH2 (Doc 8.9 [REP4-023]).</p> <p>At paragraph 7 SRNG considers that the warehouse operative jobs on offer as result of the Proposed Development would not be attractive to local job-seekers. Furthermore, the situation could potentially worsen if EU nationals currently in employment in the logistics sector are forced to return to home countries. Please can the Applicant provide comment?</p>
2.8.4.	Local Enterprise Partnership	In its Rule 6 letter issued on 10 September 2018 [PD-005], the ExA

ExQ2	Question to:	Question:
		<p>requested an SoCG between the Applicant and the Local Enterprise Partnership (LEP) on the subject of employment relating to the Proposed Development. In its 'Statement of Common Ground Update and Statement of Commonality' (Doc 8.4 [REP4-009]) the Applicant notes that the LEP has declined to engage in the exercise of producing a SoCG, the LEP indicating that "they are unhappy with the principle of signing any such statement".</p> <p>Could the LEP explain its position and indicate whether it considers it would still be possible to agree a SoCG that would assist the ExA in its consideration of the employment implications of the Proposed Development?</p>
2.8.5.	The Applicant	<p>In the Applicant's response to ExQ1.10.6 (i) (Doc 8.2 [REP1-020]) the net economic effect of the completed Proposed Development is stated as £338 million per annum. However, the response given to ExQ 1.10.15 states £345 million per annum.</p> <p>Please can the Applicant explain the difference?</p>
2.9.	Transportation and Traffic	
2.9.1.	Network Rail (NR)	<p>The agreed but unsigned tripartite SoCG (Doc 7.18 [REP3-007]) between the Applicant, Rail Central and NR notes at section 4: "Once the relevant contracts are in place and Network Rail has had an opportunity to consider the joint scheme currently only proposed by Rail Central, Network Rail will be able to give its opinion on the assessments that it will require to give its view on:</p> <p>(i) the compatibility of the two Projects in respect of design and</p>

ExQ2	Question to:	Question:
		<p>construction, in particular the design of the southern connections;</p> <p>(ii) the capacity of the Rail Network to accommodate both Projects; and</p> <p>(iii) the operational compatibility of the two Projects”.</p> <p>Is NR now in a position to provide its views on the above and, if not, when might the ExA expect these?</p>
2.9.2.	The Applicant, NR, Rail Central	<p>Within the unsigned SoCG with NR (Doc 7.13 [REP1-016]) it is stated at paragraph 22 that, until further work is done to evaluate the speed of connection into and out of the Proposed Development and this is verified, NR cannot confirm that connection speeds are viable (and the results of which will have a bearing on the assessment of network capacity to accommodate the Proposed Development). Paragraph 2.14 of Doc 8.10 (Applicant’s post-hearing submissions ((ISH2 and ISH3 and CAH) [REP4-011]) notes that discussions are continuing with regards to connection speeds from the north (those from the south being considered satisfactory).</p> <p>Please provide an update and appropriate documentation as to the position regarding further study as to:</p> <p>(i) the feasibility of connection to the rail network of the Proposed Development as a) a stand-alone development and b) as a development in combination with the Rail Central proposal;</p> <p>(ii) assessment of network capacity in relation to both stand-alone and in-combination developments; and</p>

ExQ2	Question to:	Question:
		<p>(iii) whether the further assessment has included review and consideration of the Network Rail West Coast Main Line Capacity Plus, the Northamptonshire Rail Capacity Study and the Network Rail Northampton Loop Capacity Report, which have been referred to in representations.</p>
2.9.3.	The Applicant, NR	<p>The unsigned SoCG with NR (Doc 7.13 [REP-016]) notes that having regards to network capacity, subject to being satisfied in relation to connection speeds and noting that train paths cannot be matched to paths at the origin/ destination until the Proposed Development is operational, based on the assumptions made in the NR Northampton Loop Capacity Report September 2017 and the GB Railfreight report, NR believes that there is the capability and capacity to support efficient terminal operations of four paths per day.</p> <p>(i) If this assumption is accepted, what degree of confidence is there that there would be sufficient capacity on the network to accommodate additional train paths to serve the Proposed Development? This is bearing in mind that it is acknowledged that the degree of additional capacity that could result from the opening of the two phases of HS2 is uncertain, and there are inherent complexities of the freight pathing process (Doc 7.13 [REP1-016, para 33 and Appendix 1]).</p> <p>(ii) The Applicant notes (Doc 8.10[REP4-011, para 2.17]) that NR has not at any point raised any issues with regard to the content of the Rail Reports (submitted with the application [APP-377]). Can NR comment on whether it agrees with the conclusions of the Rail Reports in terms of assumptions made and conclusions reached regarding capacity for railfreight?</p>

ExQ2	Question to:	Question:
2.9.4.	The Applicant, NR	<p>At ISH 2 the Applicant explained that GRIP2 was the appropriate stage to have been reached in the assessment of the Proposed Development as far as rail connection was concerned (Doc 8.10 [REP4-011, para 2.20]). However, attention has been drawn [REP4 -016 and link provided in Mr Bodman’s post-hearing submission REP4-022, and REP4-023] to earlier PINS’ advice, issued in February 2017, which is considered to be relevant. This is that if a developer has not reached a conclusion with Network Rail to GRIP4 this could represent a greater risk approach as it could complicate the ExA’s ability to assess the potential impacts of the scheme. Blisworth Parish Council [REP4-017] also considers that in a situation where there are two developments attempting to access the same section of railway, with possibly significant technical issues, a higher degree of certainty as to feasibility should be a necessity.</p> <p>Could the Applicant and NR please comment on the necessity/desirability of assessment to a later GRIP stage and the implications for the ExA’s assessment of the Proposed Development?</p>
2.9.5.	The Applicant, NR	<p>Can NR please expand and justify its statement that any freight services which are added to the network will not be at the expense of passenger services and that NR accordingly confirms that the Proposed Development will not affect passenger services [REP1-050, response to ExA question 1.11.15]? It is not clear whether this assessment is based solely on the ability of the Proposed Development to handle a minimum of four trains per day (as set out in paragraph 4.89 of the NNNPS). If that is the case, how might usage above this level potentially constrain passenger services and the growth thereof?</p> <p>Whilst noting its response at ISH2, and summarised at para 2.17 of its</p>

ExQ2	Question to:	Question:
		<p>post-hearing response (Doc 8.10 [REP4-011]), can the Applicant please clarify the basis for the assertion that there would be no detrimental impact on passenger services? For example, is this based on the above minimum of four trains per day, the full aspirational 16 train paths per day, or something between the two? Does it include likely increased passenger services from the East West rail connection and increases in services to Northampton, an aspiration that is supported in policy, and potential increases in freight traffic from the existing DIRFT?</p>
2.9.6.	The Applicant	<p>Can the Applicant please respond to the assertion by Mr Andrew Bodman [REP4-021] that:</p> <ul style="list-style-type: none"> i) the proposed development is planned to operate primarily as a national distribution centre for road-based logistics; and ii) that paragraphs 2.44, 2.45, 2.56 and 2.58 of the NPSNN have been ignored?
2.9.7.	The Applicant, NR	<p>Reference has been made to the emerging West Coast Capacity Plus Study (NCC Local Impact Report, para 3.14 [REP1-036]) and Andrew Bodman [REP4-021]) which it is stated identifies a significant future constraint in capacity not only on the West Coast Main Line to the south of the Proposed Development but also over the entirety of the Northampton Loop. As such, increasing freight services over the Loop might require a reduction in the passenger service to Northampton. Please explain the current position with regards this study and its status, and comment on the above identified constraint.</p>
2.9.8.	The Applicant	The GB Railfreight 'Capacity Report for Northampton Gateway Strategic Rail

ExQ2	Question to:	Question:
		<p>Freight Interchange' May 2018 [APP-377] notes at para 6.2 that intermodal traffic out of the port of Southampton is the traffic that is being targeted by the Proposed Development. In light of this please comment on the suggestion made (Andrew Bodman [REP4-021]) that the distances between the three largest UK container ports (Southampton, Felixstowe and London Gateway) and the Proposed Development are too short for freight to be moved by rail economically.</p>
2.9.9.	NR	<p>The Victa Railfreight report 'West Coast Main Line south of Rugby: capacity for additional freight' May 2018 (Doc 6.7 [APP-377]) notes some unresolved capacity issues at Northampton Station but that NR intends to address these to ensure that capacity is increased to match expected demand for train paths. It also notes that as the Proposed Development lies south of Northampton Station it would not be affected by these constraints to a significant extent.</p> <p>Can NR please comment on this, providing details of what is intended to address these constraints, the timescales involved and how these would be resourced?</p>
2.9.10.	The Applicant	<p>Forecast modal shift from road to rail, based on the projected maximum operations of 16 trains per day, indicates that over 75% of tonnage forecast to be transported to the Proposed Development would come from Felixstowe and London Gateway (Transport Appendix 34 Doc 5.2 [APP-269]). Mr Andrew Bodman states [REP4-022] that trains would have to use the North London and East London lines, which contain some of Network Rail's worst bottlenecks. Can the Applicant please confirm that its capacity studies have included consideration of these lines (as was stated at ISH2) and, if so, do the conclusions reached take account of the suggested</p>

ExQ2	Question to:	Question:
		constraints on these lines?
2.9.11.	The Applicant	Can the Applicant please comment on the assertion made by Stop Roxhill Northampton Gateway Action Group [REP4-023] that the trains that would be used for the movement of aggregates should not be included in the capability of handling a minimum four trains per day as required by the NPSNN as they do not provide any new intermodal activity?
2.9.12.	The Applicant	Can the Applicant please comment on the assertion by Mr Andrew Bodman [Rep4-021] that whilst NSTM2 traffic modelling includes Milton Keynes it takes no account of the planned growth of housing and businesses in that area?
2.9.13.	The Applicant and any other IPs	<p>Reference has been made to an editorial in the January 2019 edition of The Railway Magazine (see for example post-hearing submissions of Lyn Bird [REP4-025]). In this it is suggested that there is genuine concern whether rail will actually benefit (from various proposed SRFIs within the Midland) as there are neither guarantees nor incentives to do so. Also, that it's likely within a few years these terminals will end up being road-served because it's cheaper, convenient and more flexible, completely ignoring the green credentials rail can offer.</p> <p>Please comment on the above.</p>
2.9.14.	The Applicant	A number of interested persons make the point that Northampton University has moved to a new campus east of Northampton, e.g. Mr Declan Wilson. Please will the Applicant comment as to whether this been taken into account in the traffic modelling, data and the ES in general, and on its implications?

ExQ2	Question to:	Question:
2.9.15.	The Applicant, HE	<p>CIL Regulation 123. HE's attention is drawn to their answers to ExQ1:1.18 and to 1.11.2 [REP1-124]. The former says no contribution is being sought to the improvement of M1 Junction 15 and the latter says the improvements to Junction 15 are done through the Northampton Growth Management Scheme. Please can the Applicant and HE explain clearly how and by what mechanisms the Junction 15 improvements are intended to be secured?</p> <p>The specific question at 1.11.2 was "Is it therefore the view of HE and the local highway authority that appropriate capacity improvements to J15 are only likely if led and funded by the Proposed Development?" Could HE please give its answer to that question?</p>
2.9.16.	The Applicant	<p>ExQ1.11.6 – Enforcement of the site exit no right turn restrictions. This question was answered by reference to the proposed s.106 agreement. Please can the Applicant address it again, following the ExA's comments at ISH3 and any new draft s.106 the Applicant is submitting?</p>
2.9.17.	The Applicant	<p>ExQ1.11.8 – the Public Transport Strategy and the new bus service – its funding and delivery. This question was also answered by reference to the proposed s.106 agreement. Please can the Applicant address it again, following the ExA's comments at ISH3, the expanded Requirement 4, and any new draft s.106 the Applicant is submitting?</p> <p>The ExA would be grateful if it could be explained what the mechanisms will be to provide funding for the bus service and its delivery. Or is the mechanism robust enough that the ExA, SofS and RPAs (on which the burden of enforcement will fall) need not be concerned that funding is a matter which needs to be addressed? If so, please can the Applicant</p>

ExQ2	Question to:	Question:
		explain how?
2.9.18.	The Applicant	<p>ExQ1.11.9 – Funding for travel plans and incentives. This question was also answered by reference to the proposed s.106 agreement. Please can the Applicant address it again, following the ExA’s comments at ISH3, the expanded Requirement 4, and any new draft s.106 the Applicant is submitting?</p> <p>The ExA would be grateful if it could be explained what the mechanisms will be to provide funding for travel plans and sustainable travel incentives. Or is the mechanism robust enough that the ExA, SofS and RPAs (on which the burden of enforcement will fall) need not be concerned that funding is a matter which needs to be addressed? If so, please can the Applicant explain how?</p>
2.9.19.	The Applicant	ExQ1.11.26; 1.11.27; and 1.11.28. Please will the Applicant address these questions again, now that the Public Transport Strategy is being secured by the Requirements?
2.10.	Water Environment	
2.10.1.	The Applicant, Anglian Water	In answer to ExQ1.12.9 (Doc 8.2 [REP1-020]) relating to water mains infrastructure design, the Applicant stated that the Anglian Water integrated Mains Works Team was preparing a detailed design for the required off-site water main that would cross the M1 motorway. It was expected that a detailed design would be complete by 30 March 2019. Can an update on progress of this design please be provided? If not yet complete, but is likely to be so before the close of the Examination, can the Applicant please undertake to provide details when complete?

ExQ2	Question to:	Question:
2.11.	Geology, Soils and Groundwater	
2.11.1.	The Applicant	The response to ExQ1.5.7 (Doc 8.2 [REP1-020]) by the Applicant is noted. However, in relation to answer (ii), please can the Applicant confirm where the firm commitment to work with the supply chain has been captured within the Requirements?
2.11.2.	SNC	In relation to the Applicant's response to ExQ1.5.5 (Doc 8.2 [REP1-020]) and Appendix 14 of Responses to the ExA's Written Questions (Part 2) (Doc 8.2 [REP1-021]), please can the Council confirm that the proposed approach in paragraph 6.4.2 of ES Chapter 6 (Geology, Soils and Groundwater) (Doc 5.2 [APP-092]) is considered acceptable in regard to the discounting of works on six outlying junctions, including M1 J15a?
2.12.	Lighting	
2.12.1.	The Applicant	Paragraph references are to those in ES Chapter 11 (Lighting) (Doc 5.2 [APP-115]) unless stated otherwise. Paragraph A11.3.5 of Appendix 11.3 Lighting Strategy (Doc 5.2 [APP-228]) states that luminaires will use LED light sources wherever possible. At paragraph A11.3.12 it is stated that light sources will be LED with no UV content. Please can the Applicant confirm whether all light sources will be LED with no UV content or just in locations close to ecologically sensitive areas?
2.12.2.	The Applicant	Paragraph 11.6.2 – It is noted that the creation of the earthworks bunding is proposed to commence early during the construction phase. Given that the Applicant states that such earthworks will play a direct role in the mitigation of construction lighting effects, please can the Applicant confirm

ExQ2	Question to:	Question:
		how long the bunding will take to complete?
2.12.3.	The Applicant	<p>Pages 7 and 8 of Appendix 11.4 – Assessment of Lighting Effects (Doc 5.2 [APP-229]). With reference to Roade - properties on the north west side of Dovecote Road numbers 24-54 (A) and Roade-White House Farm, Northampton Road (A) – is the change in (4) assessed as medium once the new deciduous planting has matured?</p> <p>If not, what would the change be to (4) once planting has matured? Please can the Applicant confirm what the definition of maturity is and what is the anticipated time period for the planting to reach maturity?</p>
2.12.4.	The Applicant	<p>Comments on Deadline 1 – Responses on behalf of Ashfield Management Ltd and Gazeley GLP Northampton s.a.r.l Appendix 1 [REP2-016]. Rail Central states that it considers it is unclear if the potentially varying bund height would fully mitigate any proposed gantry cranes and floodlighting.</p> <p>Please could the Applicant confirm whether the bund heights would fully mitigate such lighting?</p>
2.13. Agricultural Land Quality		
2.13.1.	The Applicant	<p>Paragraph references are to those in ES Chapter 13 (Agricultural Land Quality) (Doc 5.2 [APP-117]) unless stated otherwise.</p> <p>Paragraph 13.3.10 states that “As few built developments are likely to require more than 50% of topsoil for reuse, losses below this figure are regarded as minor”. The response provided by the Applicant at ExQ 1.13.1 (Doc 8.2 [REP1-020]) confirms that that origin of the 50% is unknown.</p>

ExQ2	Question to:	Question:
		Please can the Applicant confirm how the assertion that losses below this figure would have a minor environmental effect?
2.13.2.	The Applicant	<p>Paragraph 13.6.1 makes reference to a Soil Management Plan, with Requirement 13 referring to an earthworks strategy.</p> <p>Please can the Applicant confirm whether the Soil Management Plan is separate to the earthworks strategy or whether it would form part of the strategy?</p>
2.13.3.	The Applicant	<p>Paragraph 13.6.4. Please can the Applicant confirm what specific mechanical means will be utilised to partially ameliorate subsoil compacted during construction?</p> <p>Can the Applicant also confirm why such a process would only partially ameliorate compaction?</p>
2.14.	Waste and Resource Management	
2.14.1.	The Applicant	<p>Paragraph references are to ES Chapter 14 (Waste) (Doc 5.2 [APP-122]) unless stated otherwise.</p> <p>Table 14.1 Principles of Waste Management - Definitions. The definitions for both 'Waste as a Resource' and 'Proximity Principle' appear identical. Please can the Applicant confirm that this is correct?</p>
2.14.2.	The Applicant	Paragraphs 14.4.2 and 14.4.5. The arising figures for the Northampton Region for the financial year 2014/2015 are taken from the

ExQ2	Question to:	Question:
		<p>Northamptonshire Minerals and Waste Monitoring Report 2016. Is an updated version of the Monitoring Report available? If so, would this result in a change in the figure?</p> <p>If an updated figure is available, please can the Applicant provide this and comment on any impact to the assessment?</p>
2.14.3.	The Applicant	<p>Paragraph 14.4.7 and response to ExQ1.15.4 (Doc 8.2 [REP1-020]). Are figures available to confirm that the decrease has continued after 2015?</p>
2.14.4.	The Applicant	<p>Paragraph 14.4.10 - The regional landfill and waste management capacity for the area is based on the Northamptonshire Minerals and Waste Monitoring Report 2016. As with question 2.14.2 above, is an updated version of the Monitoring Report available?</p> <p>If an updated figure is available, please can the Applicant provide this and comment on any impact on the assessment.</p>
2.14.5.	The Applicant	<p>Paragraph 14.4.12 states that there may be a requirement to transport non-inert waste arisings off site.</p> <p>Please can the Applicant confirm the location of the nearest facility with adequate capacity?</p>
2.14.6.	The Applicant	<p>Paragraph 14.5.17 and response to ExQ1.15.11 (Doc 8.2 [REP1-020]). The Applicant states in its response to ExQ1.15.11 that 'In reality, based on our experience from other similar schemes, the recycling rate is likely to be higher'.</p>

ExQ2	Question to:	Question:
		Please can the Applicant provide detailed information and figures as to the levels of recycling at similar schemes?
2.14.7.	The Applicant	<p>Paragraph 14.6.12 and response to ExQ1.15.21 (Doc 8.2 [REP1-020]).</p> <p>Paragraph 3 of the response provided by the Applicant states "It is within the future operators' commercial interests to ensure that waste arisings are reduced during the operational phase so as to avoid high landfill tax payments".</p> <p>This response is noted, alongside the fact that the scoring and the assessment of residual effects does not rely on the mitigation measures at paras 14.6.10 to 14.6.14. Nevertheless, please can the Applicant confirm how the need for individual occupiers to arrange and manage a commercial contract will be secured?</p>
2.14.8.	The Applicant	<p>Table 14.6 Mitigation Measures column details the use of prefabricated construction techniques.</p> <p>Within the Applicant's updated Commitments Tracker (Doc 6.11A [REP3-003]) it is stated that such a technique will be used where practicable. Please can the Applicant confirm how this would be secured via Requirements 8, 9 and 12 and what the practicable circumstances would be required for the use of such a technique?</p>
2.15.	Construction Environmental Management Plan (CEMP)	
2.15.1.	All questions are to the Applicant unless stated otherwise in this	These questions are on V.3 of the CEMP, January 2019 (Doc 5.2 [AS-048]). Paragraph references below are to those in this version of the CEMP.

ExQ2	Question to:	Question:
	column.	
2.15.2.	Applicant, SNC and NBC	The CEMP is not always wholly consistent with the Requirements and has to potential in places to arrive at different mitigation (see for example hours of work). This is almost inevitable with two documents. Please will the Applicant, SNC and NBC give consideration and comment on the appropriateness of including a statement, prominently at the beginning of the CEMP that (1) where there is a conflict between the CEMP and the Requirements, the Requirements are to prevail and (2) that the governing documents are the DCO with its Requirements?
2.15.3.		Para 4.23. This states that landscaping will be installed at the first available planting season after the completion of that Component. But Requirement 10 provides for the timing of landscaping. In principle, should not the timings and details all be included in Requirements, and should it not be made clear that in case of a conflict the Requirements prevail?
2.15.4.		Paras 4.24 and 4.25 address the order of works. How does this relate to the phasing set out on Requirement 3? Would it not be better to cross-refer to the phasing settled pursuant to that Requirement?
2.15.5.		Para 6.15 – this allows site personnel to arrive “shortly before” the time restrictions in para 6.12 and following. It also allows them to leave “shortly after them”. The test for a valid requirement includes the test of certainty and enforceability. Should this not also apply to the CEMP, deriving as it does from a Requirement?. Does the use of "shortly" comply with that test?
2.15.6.		Para 7.4 contemplates the use of non-potable water for dust control. Will that require an abstraction licence and, if so, is such a licence likely to be granted? Please explain the basis for the answer.

ExQ2	Question to:	Question:
2.15.7.		Para 11.1 "the watercourse that may be affected" – should this read "any watercourse ..."?
2.15.8.	HE, NCC	Para 14.1 – Routing of construction traffic – the project manager, as the para stands at the moment, is to obtain the agreement of both Highways England AND the County Council but "as appropriate for the relevant component". Should this read "OR the County Council?"