

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

Planning Inspectorate Reference No: TR050006

Reference No. 20011154

Examining Authority's written questions and requests for information (ExQ2) issued on 5 February 2019

Response by Network Rail Infrastructure Limited

ExQ2	Question to	Question	NR Response
2.0.2	The Applicant, Rail Central 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.	<p>Network Rail Infrastructure Limited (NR) notes the ExA's request for an updated, signed Statement of Common Ground (SoCG) by Deadline 6, which will take into account the positions reached following the hearing to be held on 13 March.</p> <p>Regarding the SoCGs which have already been agreed:</p> <ol style="list-style-type: none"> SoCGs between the Applicant and NR: a SoCG between these parties was submitted at Deadline 1 [REP1-016]. A further SoCG addressing connection speeds has been agreed between the parties, signed and submitted by the Applicant for Deadline 5. NR does not anticipate that any further SoCG between the Applicant and NR will be necessary. SoCG between the Applicant, Rail Central and NR: an agreed but unsigned tri-partite SoCG was submitted at Deadline 3 [REP3-007]. This SoCG has now been signed by the parties and the Applicant will submit the signed SoCG to the ExA on or before Deadline 5. NR is willing to provide a further update to the SoCG following ISH4 if the ExA considers it to be necessary. <p>Regarding the cumulative impact hearing (ISH4) to be held on 12 March, to which NR has been invited by the ExA, NR explains its position in relation to the combined assessment of the two SRFI schemes in this Response to the ExA's questions (see NR's response to ExAQ2-2.9.1 below). On the basis of this Response</p>

			and the Deadline 5 representations to be submitted by the Applicant and Rail Central, NR asks the ExA to confirm in advance of the hearing whether it has further questions for NR. If the ExA has no further questions, NR asks the ExA to confirm whether NR's attendance at ISH4 remains necessary for the purposes of its giving oral representations.
2.9.1	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 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>	<p>NR has not received a request from either the Applicant or Rail Central to enter into a contract to enable NR to carry out the assessments required to enable it to give a view on points (i) – (ii) listed at section 4 of the tripartite SoCG [REP3-007].</p> <p>By way of further explanation of the work that would need to be undertaken and reviewed by NR, the ExA will note that section 2.10 of the tripartite SoCG states that</p> <p><i>"In order for Network Rail to give its opinion as to whether the two schemes are compatible from a technical design point of view, in particular in relation to the physical layout and design of the southern connections, Network Rail will need to undertake a full feasibility study to assess the combined effects of the two schemes, at the relevant Applicant's cost, pursuant to a contract with one or both applicants."</i></p> <p>Therefore, once the contracts have been entered into and the proposed technical design of the combined schemes has been received from the Applicant and Rail Central the operational compatibility of the two schemes can be verified by NR. Following this, NR would be able review the capacity of the rail network to accommodate both schemes. This work constitutes the feasibility work that would be required to assess the combined effects of the two schemes.</p> <p>NR has reminded the Applicant and Rail Central of the need for formal instructions (referred to as <i>"the relevant contracts"</i> in section 4 of the tripartite SoCG) before it can undertake such feasibility work. In the absence of such instructions NR is unable to provide further views to the ExA regarding points (i) – (iii).</p>

			<p>Even if instructions were received from the Applicant and/or Rail Central at this stage, NR would have insufficient time to undertake any meaningful feasibility work before the close of the Examination.</p> <p>As referred to in its answer to ExQ2-2.0.2 above, NR asks the ExA to advise NR whether its attendance at ISH4 remains necessary.</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> <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>	<p>The signed SoCG between the Applicant and NR [REP1-016] was provided to the ExA at Deadline1.</p> <p>Regarding the further connection speeds work referred to at paragraph 22 of the SoCG [REP1-016], as referred to in answer to ExQ2-2.0.2 above, a further SoCG has been agreed between the parties which summarises the results of this work.</p> <p>In answer to ExQ2-2.9.2:</p> <p>(i)(a): NR can confirm that the connection of the Proposed Development to the rail network is feasible in design terms as a stand-alone development.</p> <p>(i)(b): NR is unable to confirm the feasibility of the connection to the rail network of the Proposed Development in combination with the Rail Central proposal for the reasons given in answer to ExQ2-2.9.1 above.</p> <p>(ii)(a):NR can confirm there is network capacity for the Proposed Development to support terminal operations for 4 paths/day, subject to the caveat at section 24(b) of the SoCG [REP1-016], namely the origin and destination of each train movement (which, as stated in the SoCG, cannot be known until the SRFI is operational).</p> <p>(ii)(b): NR is unable to confirm whether there is rail network capacity for both schemes to operate in</p>

combination for the reasons given in answer to ExQ2-2.9.1 above.

(iii): NR notes that, save for the connection speed work referred to above, no further assessment has been undertaken by NR. In relation to each of the documents referred to at point (iii) NR notes:

- **Network Rail West Coast Main Line Capacity Plus *[unpublished document]***

NR produced this draft document but it was not completed or formally published.

NR confirms that the content of the document and the conclusions reached in it are not up to date and cannot be relied upon by the ExA.

In answer to the ExA's Question, therefore, NR confirms that this document has not been taken into consideration or reviewed by NR as part of its assessment work.

- **Northamptonshire Rail Capacity Study**

Please can the ExA confirm whether this document is the document entitled "Northamptonshire Rail Strategy - Fit for Purpose dated January 2013" produced by Northamptonshire County Council?

If this is the document referred to by the ExA, NR confirms that NR has not taken this document into consideration or reviewed it as part of its assessment work.

- **Network Rail Northampton Loop Capacity Report**

			This is a document that was produced by NR and NR can confirm that it has taken it into consideration as part of its assessment work.
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>	<p>In answer to the ExA's questions:</p> <p>(i) NR accepts the assumption, as stated by the ExA in this question, that there is the capability and capacity to support efficient terminal operations of 4 paths/day. With regards the degree of confidence that additional train paths could be accommodated to serve the Proposed Development NR notes that there <i>may be</i> more than 4 paths available, however the number of paths that may be available will depend on a number of variables such as the timetable operating at the time, engineering works taking place and whether paths can be matched to origin/destination as well as variables driven by the commercial freight market, which means that the capacity of the rail system is always fluid.</p> <p>NR agrees that the additional capacity arising from the opening of the two phases of HS2 is uncertain. Additional capacity may be created by HS2 but NR is unable to confirm how that capacity will be allocated.</p> <p>(ii) The ExA is correct that NR has not commented on the Rail Reports [APP-377] during the Examination. NR is unable to confirm the detail of all the findings in the Rail Reports. However, regarding the conclusions of the Rail Reports, NR concurs that there are some paths available on the WCML and that there will be at least 4 paths available/day subject to the caveat regarding matching paths to origin/destination.</p>

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>	<p>In answer to the ExA's question regarding the necessity/desirability of assessment to a later GRIP stage (the Governance for Railway Investment Projects) and the implications for the ExA's assessment of the Proposed Development, NR notes that the higher the GRIP Stage that is reached the more detail there is at NR's disposal to enable detailed conclusions to be reached regarding the design of the scheme and how it will operate.</p> <p>As confirmed in the SoCG with the Applicant [REP1-016], the Applicant's proposal has reached the end of GRIP Stage 2. In simple terms, the GRIP Stage 2 Feasibility Study has been completed.</p> <p>Regarding the GRIP stages that may follow, at the end of GRIP Stage 3 (Option Selection) the various scheme options available to complete the project will have been identified and appraised and a single scheme will have been selected and the outline design of that scheme recommended.</p> <p>The conclusions reached at the end of GRIP Stage 3 help to inform an applicant's business case for the scheme i.e. whether or not the project is affordable, whether it can be delivered in a reasonable timescale and on this basis whether to proceed to detailed design and implementation.</p> <p>GRIP Stages 4-8 may then be undertaken, namely: Stage 4 (Option Development), Stage 5 (Design), Stage 6 (Construction), Stage 7 (Handback) and Stage 8 (Close Out).</p>
2.9.5	The Applicant, NR	<p><i>[Note: numbering (i) – (ii) added by NR for ease of reference]</i></p> <p>(i) 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</p>	<p>(i) In its answers to ExQ1-1.11.15 [REP1-050] NR confirmed:</p> <p><i>"Any freight services which are added to the network will not be at the expense of passenger services and, accordingly, Network Rail confirms that the Proposed Development will not affect passengers. Network Rail also notes that the start of rail services on HS2 will result in additional rail capacity so it is likely that</i></p>

		<p>not affect passenger services [REP1-050, response to ExA question 1.11.15]?</p> <p>(ii) 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><i>Northampton will be served by additional passenger services as a result of West Coast released capacity."</i></p> <p>By way of further explanation, services on the railway network are agreed by a process which considers the existing rights of train operators. Train operators have rights to operate trains and these must be taken into account by NR when it considers applications for the allocation of additional rights (whether passenger or freight). In other words, the current timetable of trains must be taken into account before new rights can be granted.</p> <p>(ii) In theory, the granting of additional rights for the Applicant's Proposed Development will potentially constrain passenger growth. However the addition of 4 paths/day would not, in NR's view, be a considerable restriction. Furthermore, NR is unable to confirm future capacity on the rail network or the need for further passenger or freight paths to enable it to make a judgement regarding the level of constraint/growth of passenger services.</p>
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>	<p>With regards to the content and status of the West Coast Capacity Plus Study, please refer to NR's answer to ExQ2-2.9.2(iii) above.</p> <p>NR can confirm that the West Coast Capacity Plus Study identifies a number of constraints on the WCML and WCML Northampton Loop. Whilst the Study is incomplete and unpublished, NR can confirm that:</p> <ul style="list-style-type: none"> • the railway network is being operated within the constraints that are identified in the Study; and • when confirming that 4 paths/day are feasible, NR is taking those identified constraints into account.

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. 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>	<p>NR can confirm that it has no plans to address the Northampton Station capacity constraints identified in the Victa Railfreight report at present. However NR regularly reviews the investment programme for the UK railway network.</p> <p>NR can confirm that any constraints identified in the Victa Railfreight report have been taken into account by NR in confirming that 4 paths/day are feasible.</p>
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