

**NRUG Clarification to DOCUMENT 8.3, The Northampton Gateway Rail Freight Interchange Order  
201X APPLICANT'S RESPONSES TO RELEVANT REPRESENTATIONS, 6 NOVEMBER 2018**

NRUG make the following clarification regarding their earlier submission and the subsequent response by the Applicant encased in paragraph 6, page 12 of the above referenced documentation.

The representation by NRUG regarding the link road required for the proposed development (the so-called bypass) stated that the environmental effects had not been correctly assessed, NRUG stated:

“In EIA terms there is a simpler way of looking at this: part of the proposed development is to build a new road that takes 4245 HGV movements per day, and 9871 light vehicle movements per day created by the development. The developer then suggests the effects of the new road and this high traffic level to be “permanent beneficial” of “major significance”. This is not correct, on the contrary, building a road and then filling it with traffic created by the proposed development is not a beneficial environmental effect, it is a significantly adverse one.”

The response by the Applicant refers solely to the effects of traffic on the highway system, which is not the point in question, the point in question is the significant adverse environmental effects of the link road and the increased traffic caused by the proposed development. Under EIA methodology a new road carrying such a degree of new traffic cannot be determined beneficial.

The suggestion in para 6 on page 12 of the Applicant's responses that “mitigation works would contribute positively to the enhanced operation of the highway network” is not a statement of beneficial environmental effects for the link road, particularly when the “enhancement” is itself mitigation for the negative effects of the vastly increased road traffic caused by the development.

Whether the consequential benefits in terms of “contributing positively” to traffic flow outweigh the significant adverse impacts is a matter for the consideration of the Examiners and determination of the Secretary of State. It is not the role of the Applicant to pre-empt that balance through an incorrect statement in the ES.

Further, in determining that balance, a consideration of “contributing positively” to reduce effects is not the same as considering a net gain.

Central to the evaluation is the fact that the “bypass” is in truth a link road built to serve the development because of the high traffic volumes caused by the development that cannot be absorbed by the existing road network. There is no alternative plan for a bypass solely to relieve existing traffic through Roade, and the Applicant is not making one, the Applicant's proposed link road is completely tied to the rest of the Development, and the introduction of vastly increased traffic level by that development. It needs to be evaluated as such.

Elsewhere the Applicant suggests that, as certain Councillors support the concept of a Roade bypass, it has support for the link road. Again, that is not the point, the point is the incorrect assessment under EIA regulations. Whether certain individuals want a bypass or not is irrelevant to the EIA procedure.

However, should the Applicant wish to turn this into a popularity contest, then the volume of objections on record on the PINS website, including that by SNC, definitively indicate the outcome.

Northampton Rail Users Group  
11 March 2019

**NRUG: Further submissions regarding Rail Assessment, Rail Capacity and the failure to establish significant effects as required by the EIA Regulations.**

**Concerning the Applicants response to Capacity<sup>1</sup>:**

In its responses in the referenced document, and elsewhere, the Applicant states and reassures that the proposed development will not affect passengers.

Such assertions are contrary to the conclusions of the NPSNN discussed later in this submission, and are not supported by Network Rail (NR).

That the WCML is currently at capacity is not in question, that is one of the primary drivers for HS-2. However, the Applicant's presumption that HS-2 provides capacity for its development is in question, as set out by NRUG, and by Network Rail in its response contained in para 2.9.3 of the Examining Authority's written questions and requests for information (ExQ2) issued on 5 February 2019, quoted below:

*"NR agrees that the additional capacity arising from the opening of the two phases of HS2 is uncertain. Additional capacity may be created by HS-2 but NR is unable to confirm how that capacity will be allocated."*

NRUG are grateful for NR's clarification that the capacity available is uncertain and how any such capacity will be allocated is unknown. NRUG acknowledge the valuable support NR have now provided for the position set out in the original NRUG submission.

However, one of NRUG's concerns is that, if granted consent, any reassurance that there is no adverse effect on passenger services will be worthless, as there is currently no enforcement mechanism to assure it. Therefore, NRUG suggest an insertion to the DDCO to enshrine this, and suggest wording such as the following is developed and inserted:

*"The consent to this development does not confer upon the Applicant, Developer or any other operator or party to the operation of the proposed development, the right of access to the rail network where such access would result in any adverse effects whatsoever upon rail passengers or the rail passenger network."*

*For the avoidance of doubt, adverse effects include, but are not limited to: the granting of paths for freight that would otherwise limit the provision of paths for passenger services; have the effect of causing slower running or line speeds of passenger services, or scheduling passenger trains to co-mingle with freight where the passenger service would otherwise be run differently in the absence of freight.*

*Absolute priority is to be given to passenger services over freight destined for, or originating from, this proposed development in the real time scheduling and signalling operation of the track. The same provision will be made to scheduled maintenance operations for track servicing the proposed development where such track and infrastructure exists solely to serve freight for the proposed development, or the intervention is solely to serve freight in and out of the proposed development.*

*These provisions will be provided to Network Rail, including any of its successor or daughter companies, and be promulgated to both Network Rail's schedulers and operations staff. "*

---

<sup>1</sup> Page 17, DOCUMENT 8.7, The Northampton Gateway Rail Freight Interchange Order 201X APPLICANT'S RESPONSES TO WRITTEN REPRESENTATIONS AND OTHER PARTIES RESPONSES TO ExQ1, 20 NOVEMBER 2018

## Concerning “required changes to the track layout” and the “new station” as set out in the Applicants responses<sup>2</sup>

NRUG stated:

“Para 4.2.5 (Rail Capacity Report, Document 6.7) refers to a requirement to remodel Northampton Station to accommodate additional freight paths. Northampton Station is new, having opened in 2015 at a cost of just under £20 million. During the development phase NRUG pressed for additional track to avoid it being a pinch point on the network, but Network Rail refused these. The pinch lies between the new station and river, where there is simply no room to lay additional track. We can only presume that by proposing removing the pinch point without providing the specific proposed mitigations required, Roxhill are using coded language to suggest demolishing the new station and building another with more set back from the river to enable additional track to be installed, which is not a realistic proposition.

In practice, in para 4.2.5 the developer admits unmitigated negative effects, having proposed nothing feasible as suitable mitigation.”

The Applicant’s response:

*“It is unclear what this is referring to, specifically with regard to “required changes to the track layout” and the “new station”. It is not clear what relevance this has to freight services, especially those coming into Northampton Gateway from the south”*

is incomprehensible, the relevance via the cross reference to para 4.2.5 of the Applicant’s own Rail Capacity report, Document 6.7 discussing these very constraints, is evident, unless the Applicant is making the case that no freight will go to and from the proposed development from the North, a premise that hardly supports this location as one contributing to a strategic network of SRFIs, as it locks the proposed development out of connection with all the sea ports, including London Gateway for the reasons discussed below.

If the Applicant is indeed making the case that all trains serving its facility only run south of Northampton, then the Freight RUS and NPSNN, as quoted in NRUG’s submission, are relevant and provide evidence as to the unsuitability of the chosen site for the proposed development:

*The Freight Route Utilisation Strategy, Network Rail, March 2007 (“Freight RUS”), which states:*

- Rail freight from the east coast ports into DIRFT is oriented along the Peterborough - Nuneaton route to get to WCML.
- Routes and capacity for Shell Haven (now known as London Gateway), if developed, will be needed. Freight would be routed via Peterborough.
- There is no Bletchley east west agenda for freight.
- Northampton southwards (identified as Daventry to Wembley) has a capacity gap.

And:

---

<sup>2</sup> Para 5, page 12, DOCUMENT 8.3, The Northampton Gateway Rail Freight Interchange Order 201X APPLICANT’S RESPONSES TO RELEVANT REPRESENTATIONS, 6 NOVEMBER 2018

The National Policy Statement for National Networks (NPSNN), December 2014, which sets out the Government's vision for rail to:

- Offer a safe and reliable route to work
- Facilitate increases in both business and leisure travel
- Provide for the transport of freight

But identifies:

- adverse interaction of freight and high speed passenger rail DIRFT to Birmingham
- adverse interaction of freight with frequent suburban and interurban passenger services DIRFT to Wembley

The freight RUS and NPSNN therefore both point to this as a poor location of choice for a new facility.

There is no doubt that the NPSNN cites adverse interaction with suburban and inter-urban passenger services, contrary to the Applicant's position. Adverse interaction is not a term limited to availability of paths, it also concerns line speed and service pattern, and it specifically references suburban and interurban trains, not inter-city ones, some of which (but not all) will move to HS-2.

Further, table 8.22 and item 6 of table 8.24 in the NRFNS<sup>3</sup> are informative and show that there are no currently planned or budgeted expansions (long or short term) to provide capacity around north London (one of the network's most severe constraints), and that one of the longer term options is to route via Nuneaton, consistent with the Freight RUS and the position set out by NRUG, ie freight from the Thames ports will be delivered southwards to the proposed development, via Northampton.

Short term capacity options for Corridor 6

Table 8.22: Assessment of Option 7 – Corridor 6	
<b>Summary of intervention</b>	Cross London Freight capacity has been identified as a key short-term requirement to enable the growth of freight on cross London routes, such as on the Gospel Oak to Barking line and the North London line. The output is to be determined and will be developed through CP5.
<b>Output Assessment</b>	Scope to be determined. Output to enable increased capacity for freight services on cross London flows
<b>Potential cost range:</b>	No cost information available

Table 8.24 Medium and long term capacity options for Corridor 6 (long term unless otherwise stated)	
Option Number	Details
1	Enhanced signalling headway on the Gospel Oak to Barking line to enable 4tph freight alongside 6tph passenger and possible new platform at Gospel Oak.
2	A westbound freight loop between Gospel Oak Junction and Upper Holloway on the Gospel Oak to Barking line.
3	Modification of the signalling block at Hampstead Heath Tunnel, to enable 4tph freight alongside 12tph passenger.
4	A freight regulation loop at Kensal Rise, to enable 4tph freight alongside 12tph passenger.
5	Grade separation at Forest Gate.
6	Investigate the feasibility of a new rail link between Pitsea and Ingatestone to facilitate routing of Thames Gateway traffic via the Felixstowe to Nuneaton corridor.

<sup>3</sup> Network Rail Freight Network Study 2017

The statement under item 6 of table 8.24: “The output is to be determined and will be developed through CP5” is of particular relevance, as it is not a statement that allows any credence for the Applicant to assume there is or will ever be capacity from the Thames ports via London to serve the proposed development. Neither is there any extant connection to Southampton from the south.

Northampton Gateway is effectively stranded without capacity between the limitations set at Northampton Station and those of the Corridor 6 around north London. The Applicant is speculating upon future capacity from reports yet to be performed, and conclusions yet to be drawn, to be available for its use. The adverse interactions to passenger traffic identified in the NSPNN add to the problem.

In comparison to simply funding studies, CP5 includes funding for Southampton to West Midlands freight train lengthening and Felixstowe branch capacity enhancement, both consistent with the Freight RUS.

**Concerning the adequacy of the ES, NRUG made the following submission:**

“We draw attention to a number of issues arising in the Environmental Impact Assessment (EIA) as reported in the Environmental Statement (ES).

Passengers and passenger traffic, and the effects of the proposed development on them, has not been covered in the ES. The EIA regulations require that the likely significant effects on “people” and “material assets” are considered, para 4 (2) of the EIA Regulations 2017 states:

*“The EIA must identify, describe and assess, in an appropriate manner, in light of each individual case, the direct and indirect significant effects of the proposed development on the following factors:*

- (a) Population and human health*
- (d) Material assets.”*

Rail passengers are “population” and the railway network, including passenger networks, are “material assets”. It is NRUG’s view that the developer has not fulfilled its statutory duty in this matter.

This matter is addressed also in para 3.77 of the Scoping Opinion:

*The Applicant’s attention is drawn to the comments in Appendix 3 on issues of particular concern that consultees wish to see included in the ES:*

*Impacts on the capacity of the West Coast main line (Leicestershire County Council, Milton Keynes Council, Milton Malsor Parish Council and Buckinghamshire County Council).*

The Scoping Opinion for Rail Central is informative on this matter, noting the Secretary of State’s requirement for the effects on passengers to be included in the EIA, and his reference to the Network Rail consultation response.”

The Applicant’s response<sup>4</sup>:

---

<sup>4</sup> DOCUMENT 8.3, The Northampton Gateway Rail Freight Interchange Order 201X APPLICANT’S RESPONSES TO RELEVANT REPRESENTATIONS, 6 NOVEMBER 2018

*“The EIA is explicit in considering the likely effects on people in all relevant chapters – this explicitly includes rail passengers in Chapter 4 (landscape and visual). The various Rail Reports explicitly consider the impact on rail services and passengers, and are cross referred to in ES Chapter 12”*

is inadequate. The information to perform the assessment may, or may not, be contained in certain documents in the application, but contrary to the claim made by the Applicant, the assessment itself is neither implicit nor explicit, save having assessed the received views of the proposed development from passing trains in the LVIA.

Quoting cross referencing of various rail reports in a response does not constitute the assessment required to be performed in the EIA and reported in the ES. This is particularly pertinent where those reports, specifically the Rail Report, document 6.7, hold no discussion of the criteria set to establish significant effects, and do not even discuss or mention potential significant effects. “Considering likely effects” and “explicitly consider the impact” are not the relevant criteria. The Applicant is required under the EIA regulations to establish and report the likely potential significant effects. Having not done so (to the extent of not even discussing potential significant effects at all in this case), the assessment fails to comply with the said regulations.

NRUG are grateful for the attached expression of support, prepared in advance of an anticipated meeting with Roxhill, from the Rt. Hon. Andrea Leadsom, MP.

Northampton Rail Users Group

11 March 2019.

11/03/2019

Gmail - RE: Roxhill and NRUG



Paul Minton <minton.paul.a@gmail.com>

---

**RE: Roxhill and NRUG**

1 message

---

**GILCHRIST, Tommy** <tommy.gilchrist@parliament.uk>

6 March 2019 at 17:24

To: Paul Minton <minton.paul.a@gmail.com>

Cc: "HEATON-HARRIS, Chris" <chris.heatonharris.mp@parliament.uk>, "LEADSOM, Andrea" <andrea.leadson.mp@parliament.uk>

Hi Paul,

Quote from Andrea as follows:

*The Northampton Rail Users Group represents those with an interest in the continued operation of rail services in and out of Northampton, including many of my constituents who use the West Coast Main Line and Northampton Loop Line to commute as well as for pleasure purposes.*

*I am aware that there is great concern locally about the future capacity on the WCML for an expansion of passenger services, and possible capacity released by HS2 cannot be used by the developers as part of their calculations. It is the intention of local authorities through the Northamptonshire Rail Strategy that released capacity on the West Coast Main Line should be used to improve the frequency and journey times of trains serving Northamptonshire stations, with additional peak commuter services to match capacity particularly at Northampton station. There are also existing freight users who would likely wish to apply for additional freight paths once they become available.*

*I know that my constituents continue to be grateful to NRUG for promoting the interests of local rail users. I would add, as I have in my response to the Examining Authority's further questions, that it would be unacceptable should the requisite four freight paths for a viable new SRFI site be delivered via the reallocation of existing freight paths from nearby sites to Northampton Gateway. This would not be new intermodal activity.*

Best,

T.

---