



NORTHAMPTON
GATEWAY
STRATEGIC RAIL FREIGHT INTERCHANGE

**APPLICANT'S RESPONSES TO OTHER PARTIES'
DEADLINE 5 SUBMISSIONS**

DOCUMENT 8.21

The Northampton Gateway Rail Freight Interchange Order 201X

APPLICANT'S RESPONSES TO OTHER PARTIES'
DEADLINE 5 SUBMISSIONS | 19 MARCH 2019

www.northampton-gateway.co.uk

ROXHILL

THE NORTHAMPTON GATEWAY RAIL FREIGHT INTERCHANGE ORDER 201X

Applicant's Responses to Other Parties' Deadline 5 Submissions – Document 8.21

1. This document sets out the Applicant's responses to other parties' submissions to the ExA made at **Deadline 5**.
2. No attempt has been made to respond to every single submission. The responses have focused on issues thought to be of most assistance to the ExA. Where points have been raised by various parties, the Applicant has responded only to one particular party, but the responses are applicable to all parties who have made the same point.
3. The Applicant does not seek to respond to all the points made where the Applicant's response is already contained within:
 - a. the Application; or
 - b. submissions made since the Application was accepted, including:
 - i. the Applicant's Response to Relevant Representations (**Document 8.3**, REP1-022);
 - ii. the Applicant's Responses to the ExA's first written questions (**Document 8.2**, REP1-020 and REP1-021) submitted at **Deadline 1**;
 - iii. the Applicant's Responses to Local Impact Reports (**Document 8.6**, REP2-009);
 - iv. the Applicant's Responses to written representations and other parties' responses to the ExA's first written questions (**Document 8.7**, REP2-010);
 - v. the Applicant's Responses to the various submissions made by Ashfield Land Management Limited and Gazeley GLP Northampton s.a.r.l. in respect of Rail Central at **Deadline 1 (Document 8.8**, REP2-011), **Deadline 2 (Document 8.8A**, REP3-008), **Deadline 3 (Document 8.8B**, REP4-010), **Deadline 4 (Document 8.8C**, [REP5-019]); or
 - vi. the Applicant's Responses to other parties' **Deadline 2** submissions (**Document 8.9**, REP3-009), **Deadline 3** submissions (**Document 8.11**, REP4-012) **Deadline 4** submissions (**Document 8.18** [REP5-022]).

save where it is thought helpful to repeat or cross refer to the information contained in the above documentation.

4. The Applicant's responses to submissions made by Ashfield Land Management Limited and Gazeley GLP Northampton s.a.r.l. in respect of Rail Central at **Deadline 5** (REP5-024, REP5-026 and REP5-027) are dealt with separately in **Document 8.8D**.

Identity and PINS Reference	Deadline 5 submission (Reference or Summary)	Applicant's Response
<p>South Northamptonshire Council (SNC)</p> <p>REP5-043</p>	<p>Response to ExA DCO Commentary Q 13 – Req 3(4)</p> <p>Response to ExA DCO Commentary Q 22 and 23- noise requirements</p> <p>Response to ExA DCO Commentary Q 24 - Employment Scheme</p> <p>Response to ExA DCO Commentary Q 25 – Community Liaison Group</p> <p>Response to ExA DCO Commentary Q 29 – Part 2 of Sch 2</p>	<p>SNC make reference to Section 17, of AN 15, suggesting that it constrains the proposed drafting of Req 3(4).</p> <p>Paragraph 17.3 in the guidance is in fact aimed at something quite different. It was in response to attempts in previous dDCO, in relation to other schemes, to apply the procedure in s.73 of the Town and Country Planning Act 1990 to requirements thus treating them as conditions and providing for LPA to deal with variation to the wording of the requirements post approval of the DCO, rather than the Secretary of State through an amendment to the order. This dDCO does not seek to do this and accords with paragraph 17.3 of AN15.</p> <p>The wording of the noise requirements included in the dDCO (Document 3.1D) is agreed with SNC – see Statement of Common Ground paragraph 7.4 (Document 7.11 [AS-058]) and subsequent confirmation in hearings.</p> <p>Following discussion at ISH5 relating to the dDCO SNC confirmed it was content with the requirement.</p> <p>No revised wording of this requirement is suggested by SNC and the Applicant is content that the requirement is appropriately drafted. SNC refer to the lack of a definition of undertaker in Schedule 2 however this is not necessary because the term undertaker is defined in Article 2.</p> <p>Discussions with SNC in relation to the resourcing of approvals under Schedule 2 have been on the basis that an appropriate</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary) Applicant's Response
		<p>Planning Performance Agreement will be entered into – as has been the case in respect of the SNC consideration of the application and participation in the Examination.</p>
<p>South Northamptonshire Council</p> <p>Response to ExQ2 (Late response)</p>	<p>A statement in the CEMP that the Community Liaison Group will be the forum through which the Applicant will discuss planned construction works,</p> <p>A provision within the CEMP that each P-CEMP will include noise/vibration and dust and Air Quality impact assessments</p>	<p>All references to the CEMP below are to the CEMP submitted for Deadline 6.</p> <p>Paragraph 3.10 of the CEMP has been amended to refer to Requirement 29 of the DCO which requires a community liaison group to be set up.</p> <p>Dust and Air Quality impact assessment and mitigation measures are provided in the ES chapter and Appendix 9.8 respectively. These follow IAQM (2014) guidance.</p> <p>The CEMP, at paragraphs 4.1, 4.2 and 4.3, satisfies SNC's recommendations for provision of CEMP and P-CEMPs.</p> <p>Paragraphs 6.3, 6.6 and 6.10 of the CEMP have been amended to clarify noise and vibration thresholds.</p> <p>Paragraph 7.2 of the CEMP satisfies SNC's recommendations and sets out that each P-CEMP will have a dust management plan setting out the methods to be used to control dust and other emissions to air.</p> <p>Paragraphs 7.3 – 7.4 of the CEMP satisfies SNC's recommendations for assessing risk and mitigation methods.</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
		<p>Appropriate reference to relevant applicable procedures</p>	<p>Paragraph 7.3 of the CEMP has been amended (in red) as follows:</p> <p><i>7.3 Contractors will plan their activities to reduce the level of risk and mitigate any residual impacts in accordance with Institute of Air Quality Management (IAQM) Guidance on Assessment of Dust from Demolition & Construction 2014.</i></p> <p>Paragraph 7.5 sets out the assessment methodology at each sensitive location to assess potential air quality/dust impacts and arrangements (mitigation) to be required with the EHO.</p> <p>Paragraph 7.6 satisfies SNC's recommendations for mitigation measures.</p> <p>Paragraph 13.1 sets out recommended methods to minimise/mitigate dust generated from mud transfer onto the public highway.</p> <p>Paragraph 13.1 of the CEMP has been amended (in red) as follows:</p> <p><i>13.1 Each P-CEMP shall include details of the contractor's proposed measure for cleaning vehicles before leaving site and other measures to ensure mud and other deleterious material is not deposited on the public highway. This shall include arrangements for the use of suction sweepers in accordance with Institute of Air Quality Management (IAQM) Guidance on Assessment of Dust from Demolition & Construction 2014.</i></p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
	<p>ExQ 2.1.21</p> <p>ExQ 2.1.24(iv)</p>	<p>Requirement 8(2)(m) was added to the dDCO submitted for Deadline 4 (Document 3.1C [REP4-002 (Tracked) and REP4-004 (Clean)]) so that details of dust suppression for the Aggregates terminal are to be agreed with the relevant planning authority.</p> <p>Paragraph 6.6 of the CEMP has been amended to include a specific time period.</p>	
<p>Northamptonshire County Council</p> <p>REP5-041 REP5-042 and REP5-038</p>	<p>Response to ExQ2.5.3 – 2.5.5 - archaeological trial trenching</p> <p>Response to Ex DCO Commentary Q7</p>	<p>The ExA are reminded of the policy position in the NPSNN as set out in the Applicant's Post Hearing Submissions from ISH3 (paragraph 3.10 of Document 8.10 [REP4-011]).</p> <p>The Applicant notes that the NCC Archaeological Advisor no longer asserts that there is an industry norm and instead has presented a list of percentage samples that have been utilised in trial trenching in various counties. The Applicant agrees that trenching requirements vary by site and county, and the applicant's advisors, CgMS, have also undertaken archaeological trial trenching where the scope has been agreed on a site-by-site basis based on archaeological potential identified through desk-based research, often supported by field evaluation such as geophysical survey. Flexible approaches to trenching, which do not rely on percentage figures, are often agreed pre-determination.</p>	

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
			<p>The Applicant has previously referred to the percentage of trial trenching required pre-determination in respect of the SRFI DCO approved for DIRFT III, of 0.42% (see the Applicant's Responses to NCC written representations (Document 8.7 [REP2-011], page 7) and the Applicant's Post Hearing Submissions from ISH3, paragraph 3.10.4 (Document 8.10 [REP4-011])). The NCC Archaeological Advisor suggested that the amount at DIRFT was constrained due to the prior use of that site for Radio Telecommunications. The Applicant would refer to the other SRFI approved under a DCO, under the policy guidance of the NPSNN, being the East Midlands Gateway SRFI. That site was a green field site and the total pre-consent and post-consent trenching was approximately 0.46% with only a 0.10% sample pre determination.</p> <p>The PLANARCH document, as referred to by the NCC Archaeological Advisor, also states that where effective, geophysical survey can "...provide an excellent preview of a site from which to develop excavation strategies..." (page 58). The geophysical surveys we have undertaken on both sites have clearly been effective; several clear foci of archaeological settlement activity were identified. The geophysical survey experts who produced the reports stated "<i>The detection of areas of prehistoric settlement activity along with further linear anomalies and enclosures, suggests that this survey is likely to have detected any archaeological features, where present</i>" (Sumo September 2017). The subsequent trial trenching undertaken on both sites showed that the geophysical survey was accurate stating that "<i>The results of the evaluation</i></p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary) Applicant's Response
	<p>Responses to ISH3 Agenda:</p> <p>Question 5 - Stopping up at A508 Rookery Lane / Ashton Road junction</p>	<p><i>correlated well with the preceding geophysical survey” (Cotswold Archaeology 2018 - Main Site) and “The evaluation has demonstrated that the geophysical survey carried out in advance of the evaluation was largely accurate...” (Archaeology Warwickshire 2018 - Roade Bypass).</i></p> <p>The Applicant believes that the approach taken, of trial trenching targeted areas where archaeological potential is suggested by geophysical survey, and areas where a dearth of archaeological features are suggested, has been successful both in determining the greatest concentrations of archaeological remains, and also their significance. None of the archaeological remains identified are of national significance, and none of the impacts identified are significant in EIA terms. It is acknowledged that further trial trenching of areas will be carried out under the requirement.. The purpose of this trenching would be to inform the recording strategy.</p> <p>NCC state in respect of questions 5, 8 and 11 from the ISH3 Agenda that they agree with the concerns raised by the ExA. This has never previously been raised by NCC, who have agreed the DCO drafting (See paragraph 9 of the SoCG with NCC (Document 7.7 [REP1 -011])). The Applicant has since explained the position in its responses to the ISH3 Agenda which it is hoped will have satisfied NCC.</p> <p>The Applicant refers to its response to this question (see Appendix 13 of its Post Hearing Submissions relating to ISH3</p>

Identity and PINS Reference	Deadline 5 submission (Reference or Summary)	Applicant's Response
	<p>Question 8 - Stopping up of bridleway KZ10/RZ1</p> <p>Question 11- New rights of way, cycle track between points 9 and 10</p>	<p>(Document 8.10 [REP4-011])) and remains of the view that this issue is dealt with by the need to agree a programme for the works with NCC under the Protective Provisions (Schedule 13 Part 3). It would clearly not be acceptable to provide a programme for approval that sought to stop up and substitute one section of road that is then not connected into the wider road network.</p> <p>The Applicant refers to its response to this question (see Appendix 13 of its Post Hearing Submissions relating to ISH3 (Document 8.10 [REP4-011])) and remains content that this issue is dealt with by the need to agree a programme for the works with NCC under the Protective Provisions (Schedule 13 Part 3). The Applicant would further note that Article 12 (2) would also prevent the situation envisaged by the ExA from happening – clearly NCC would not agree to having a discontinuous bridleway, and the article requires the reasonable satisfaction of the local highway authority.</p> <p>NCC's response implies that the drafting should be amended in respect of the timing of the provision of the RoW/cycle track.. The Applicant does not agree and refers to its response to this question (see Appendix 13 of its Post Hearing Submissions relating to ISH3 (Document 8.10 [REP4-011])). The amendment to Requirement 8 was inserted to the dDCO submitted at Deadline 4 (Document 3.1C [REP4-002 (Tracked) and REP4-004 (Clean)]) – see Requirement 8(2)(r).</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
		<p>Response to ExQ2 submitted for Deadline 5 [REP5-047] relating to Air Quality, Socio-Economic Effects and Traffic and Transport.</p> <p>Points made orally on behalf of Mrs Leadsom at ISH4, which although largely covering the same matters as the response to ExQ2, did raise a number of additional points.</p>	<p>The Applicant remains of the view that sufficient flexibility is provided within the dDCO, in that Schedule 5 Part 3 provides that the detailed alignment of the cycle track between points 9 and 10 is to be agreed with the local highway authority. This will enable the detail to reflect the actual form of development.</p>
<p>Rt. Hon. Andrea Leadsom MP REP5-047</p>		<p>Air Quality and Emissions</p> <ol style="list-style-type: none"> 1. The Rt. Hon. Andrea Leadsom MP raises concern on behalf of her constituents in relation to air quality with particular regard to ExQ2.1.13, ExQ2.1.23 and ExQ2.1.24. The Applicant has provided a comprehensive response to all of the ExQ2 questions (see Document 8.17 [REP5-021]), including in relation to air quality. 2. The Applicant has provided evidence in its Environmental Statement (Document 5.2) to demonstrate that the application proposal will not, in accordance with the requirements of the NPSNN, result in a zone/agglomeration which is currently reported as being compliant with the Air Quality Directive becoming non-compliant, or affect the ability of a non-compliant area to achieve compliance within the most recent timescale reported to the European Commission at the time of the decision. Further clarification on this matter has been provided in an Air Quality Position Statement (submitted as Appendix 2 to the Applicant's Responses 	

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary) Applicant's Response
		<p>to ExQ2, (Document 8.17 [REP5-021])) and in response to ExQ2.1.34.</p> <p>3. The Government Policy on National Networks specifically recognises the benefit of SRFI's in delivering modal shift, from road to rail and in turn helping to reduce transport's carbon emissions, as well as providing wider transport and economic benefits (NPSNN Paragraph 2.40). The NPSNN recognises that SRFI's are a key element in facilitating the transfer of freight from road to rail, thereby reducing trip mileage of freight movement on both the national and local road networks (Paragraph 2.44). The potential reduction in HGV mileage on the national road network will bring about air quality and other benefits.</p> <p>4. The Applicant has worked with Northampton Borough on its low emissions strategy alongside discussion on air quality issues. This has resulted in agreement to a contribution of £250,000 to help mitigate the local effects on air quality. In its response to ExQ2 Northampton Borough Council concludes the following;</p> <p><i>ExQ 2.1.13 'the impact of the Northampton Gateway Scheme, while having a marginal impact on NO2 levels in AQMA 6, is predicted to bring about a substantial improvement in concentrations in AQMA 3. The overall impact of the proposed development on air quality is negligible'</i></p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary) Applicant's Response
		<p><i>ExQ 2.1.26 'A sum of £250,000 has been agreed, and is likely to focus on measures to address potential cumulative impacts of the development on AQMA No4 which are shown to be at worst Slight Adverse, in the interim period only.'</i></p> <p><i>ExQ 2.1.34 'the Government has said that Northampton does not have a persistent air quality problem and does not require a CAZ feasibility assessment as it is expected to meet the Air Quality Objective / EU Limit Value within the required EU compliance timeframes.'</i></p> <p>5. The Applicant has confirmed in response to ExQ2.1.23, Document 8.17 [REP5-021]) that in terms of the Air Quality Assessment, the proposed development is not reliant on the implementation of the Travel Plan or Public Transport Strategy. The assessment is consistent with the outputs from the Transport Assessment which considers a worse-case scenario in terms of traffic and travel with no adjustments or reductions applied as a result of travel plan or public transport measures. It has also confirmed in response to ExQ2.1.24 that the public transport strategy, its targets and aims, have been agreed with NCC.</p> <p>6. The vehicle trip generation for the Proposed Development was calculated using a baseline single</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
			<p>occupancy car modal split of 92% (para 5.18 of the Transport Assessment (TA), Appendix 12.1 of the ES). This provides a robust position for the assessment of the highway capacity and other traffic related effects (such as on-air quality and noise). It is correct that the target in the Framework Travel Plan is to reduce this baseline figure by 20% to achieve a 74% single occupancy car modal share (Table 3 of the Framework Travel Plan, TA Appendix 1). However, this 20% reduction was <u>not</u> taken into account in the traffic flows used to assess the Proposed Development which means that the traffic assessment (and therefore the air quality assessment) is a robust worst case.</p> <p>7. The Swan Valley baseline modal split of 92% single occupancy car driver, 5% car passenger and 3% pedestrian and cycle were recorded in 2007 at a time when the Swan Valley site did not have any bus service and the sustainable travel incentives were yet to take effect (6th bullet of para 5.8 of TA Appendix 5). More recent data (2011 Census) for the Swan Valley site (para 3.5 of the Framework Travel Plan, TA Appendix 2), shows that the Swan Valley site achieves 74% single occupancy car driver, 10% car passengers, 7% bus or coach, 4% pedestrians, 2% cycle, 1% by train, 1% by motorbike and 1% by taxi. The modal shift targets for the Proposed Development were developed with reference to these values (also see Applicant's response to ExQ2.8.1 (Document 8.17 [REP5-021])). The modal</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary) Applicant's Response
		<p>split targets for the Proposed Development are therefore consistent with those achieved at the Swan Valley site. Hence, the Applicant does not agree with the assertion within the Rt. Hon. Andrea Leadsom MP response, that vehicle trips would increase from the levels assessed in the Environmental Statement. To the contrary, it is more than reasonable to conclude that the actual number of daily and peak hour vehicle trips associated with the Proposed Development will reduce from the robust baseline vehicle trips figures that are used in the Environmental Statement.</p> <p>Socio – economic effects</p> <p>8. The Applicant has provided a comprehensive response to ExQ2.8.3 (Document 8.17 [REP5-021]). In response to the further points raised by Mrs Leadsom, the Applicant would like to draw out the following matters:</p> <p>9. The effects of the development on the transport network, including taking account of travel to work patterns, has been fully assessed as part of the Transport Assessment. The scope of and area covered by the assessment together with the measures necessary to mitigate the effects of the scheme have been agreed with Highways England and the Local Highway Authority.</p> <p>10. In relation to travel to work patterns it is important to note that there is currently a significant level of net out-</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
			<p>commuting from South Northamptonshire of circa 11,000 people. There is also a net flow of people commuting from Northampton Borough to Milton Keynes. The new jobs that will be created by the Northampton Gateway proposal will help to address the imbalance. Please also see Appendix 1 to the Applicants' Post Hearing Submissions for ISH 4 (Document 8.20) submitted for Deadline 6.</p> <p>11. Reference is made by Mrs Leadsom to the WNJCS process. During this process part of the application site was put forward as a, road based, employment site. Consideration of the site, at that time, was therefore undertaken within this context. The proposals for the site are now materially different with a different and specific policy context (the NPSNN) within which the application must be assessed. Indeed, the NPSNN expressly acknowledges that the <i>'number of locations suitable for SRFI's will be limited'</i> (Paragraph 2.56) and that due to the requirements of SRFI's <i>'it may be that countryside locations are required'</i> (Paragraph 4.84).</p> <p>Transportation and Traffic</p> <p>12. The Applicant agrees with the view that the <u>existing</u> road network could not handle the impact of an SRFI at this location, which is why the submitted scheme includes major highway improvements at M1 Junction 15, M1 Junction 15A, the A45 north of M1 Junction 15 and the</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
			<p>A508 corridor south of M1 Junction 15 including a bypass of Roade and several other junction improvements. These are all as shown indicatively on Document 2.13 [APP-068].</p> <p>13. At the time of Mrs Leadsom's response to ExQ2, she would not have been aware of the agreement reached with Network Rail as now set out in the further Statement of Common Ground (Document 7.13A [REP5-015]) and Network Rail's response to ExQ2.</p> <p>14. Network Rail have confirmed that, in accordance with the requirements of the NPSNN as set out at Paragraph 4.89, that the proposal is capable of handling four trains per day and is capable of increasing the number of trains handled. Network Rail have said that the number of paths that will be available will be dependent on a number of factors including origin and destination of trains, but it has confirmed that there are a minimum of 4 paths available and that there may be more paths available. The Applicant has demonstrated through the work set out in its Rail Reports (Document 6.7 [APP-377]) that there are a significant number of freight paths available to serve the proposed SRFI.</p> <p>15. Network Rail have confirmed that the agreement reached is not reliant on capacity that might be created as a result of HS2 (see paragraph 33 of SoCG with Network Rail . (Document 7.13 [REP1-016])).</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
			<p>16. The Applicant has confirmed its position in relation to the GRIP process in response to ExQ2.9.4 (Document 8.17 [REP5-021]). The Applicant is clear that GRIP 2 is an appropriate stage in the process to inform the decision on an SRFI application. The stage reached for Northampton Gateway is similar (if not more progressed) to that reached at the Examination stage of the East Midlands Gateway SRFI project. It is also relevant to note that the West Midlands Interchange SRFI proposal, which is currently at Examination, has also reached GRIP 2 stage.</p> <p>17. In relation to effects on passenger services the Applicant has set out its position in response to ExQ2.9.5 (Document 8.17 [REP5-021]), this explains that the Rail Reports demonstrate that there are currently significant freight paths available to meet the needs of the SRFI without effecting current passenger services. It also refers to the Applicant's response to ExQ1.11.15 (Document 8.2 [REP1-020 and REP1-021] which explains how Network Rail will approach the allocation of paths in the future. In that connection reference should also be made to Appendix 1 of the SoCG with Network Rail (Document 7.13 [REP1-016]).</p> <p>18. The Applicant has set out its position in response to ExQ2.9.6 (Document 8.17 [REP5-021]) in relation to the NPSNN. Reference is made by Mrs Leadsom to</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
			<p>Paragraph 2.50 and 4.89 of the NPSNN. The specific wording of these paragraphs is important.</p> <ul style="list-style-type: none"> • Paragraph 2.50 states that the rail freight forecasts <i>'indicate that new rail freight interchanges, especially in areas poorly served by such facilities at present, are likely to attract substantial business, generally new to rail'</i>. It is not a 'requirement' that SRFI'S attract business that is new to rail. Notwithstanding, the Applicants Market Analysis Report (Document 6.8A [REP1-004]) explains how the Northampton Gateway SRFI is likely to attract substantial business and that this will include substantial business that is new to rail. • Paragraph 4.89, as referred to above, states that <i>'SRFI should be capable of handling four trains per day and where possible, be capable of increasing the number of trains handled'</i>. The precise requirement is different to the wording used by Mrs Leadsom. Notwithstanding, and as outlined above, there are four train paths available and the proposal is capable of increasing the number of trains handled. <p>19. The Applicant has provided a response to ExQ2.9.11 (Document 8.17 [REP5-021]), confirming that the</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
			proposal meets the relevant criteria in both the NPSNN and the Planning Act.
<p>Stop Roxhill Action Group (SRNG)</p> <p>REP5-044</p>		<p>Response to ExQ2 – 2.1.23</p> <p>Response to ExQ2 – 2.9.3</p> <p>Response to ExQ2 – 2.9.5</p> <p>Responses to Applicant's Post Hearing Submissions (Document 8.10 [REP4-011]) – 2.41</p>	<p>Please see the Applicant's response to ExQ2.1.23 (Document 8.17 [REP5-021]). It is important to understand that the Framework Travel Plan and Public Transport Strategy do not represent 'mitigation' – they are adopted as requirements or commitments for the scheme, and will deliver benefits through best practice measures, but this is not driven by a need to deliver mitigation for adverse effects.</p> <p>As will be apparent from the recent response of Network Rail to the ExA, Network Rail has confirmed that there is sufficient capacity to satisfy the requirement of the NPS in relation to 4 trains. This clearly is not dependent upon HS2. Further, in paragraph 33 of the SoCG with Network Rail (Document 7.13 [REP1-016]), it is made clear that the SRFI does not rely on capacity being released by HS2, either for initial capacity or future capacity.</p> <p>As will be apparent from the Applicant's response SRNG have misunderstood the position in relation to the number of aggregates trains and, wrongly, suggest that the futureproofing for Rapid Rail Freight has been "shelved".</p> <p>The validity of the transport modelling is reported at Chapters 8 and 10 of the Transport Assessment (Appendix 12.2 of the Environmental Statement), and within the NSTM2 Local Modal Validation Report (LMVR1) (TA Appendix 22), and the VISSIM</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary) Applicant's Response
	<p>Responses to Deadline 3 Submissions – 2,3, 2,3.3 and 10.1</p>	<p>Local Modal Validation Report (LMVR2) (TA, Appendix 25) and Local Modal Validation Report Addendum (LMVR2A) that is provided at Appendix A of the VISSIM1 Technical Note (TA, Appendix 26). The validity of the transport modelling is confirmed by Highways England and Northamptonshire County Council in the respective Statements of Common Ground (Documents 7.1 [APP-382] and 7.5 [AS-006]). The justification for the proposed environmental weight restrictions is set out at paragraphs 4.38 to 4.41, and Chapter 8 of the Transport Assessment.</p> <p>The Applicant can confirm that there are only two lanes of traffic entering the Northampton Gateway site from the A508 roundabout.</p> <p>The first 260m of the on-site road infrastructure is included in the VISSIM modelling (as shown at Figure 2 of the VISSIM2 Technical Note (TA Appendix 27)). The modelled layout includes the merge from 2 lanes to 1 lane on the entry to the site and is therefore sufficient to demonstrate the operation of the merge. The VISSIM modelling, which has been reviewed and approved by Northamptonshire County Council, demonstrate that the merge arrangement can accommodate the traffic entering the site with no adverse impacts, queuing, or blocking back to the A508 roundabout.</p> <p>As the Applicant has advised previously, the layout of the internal road network is subject to detailed approval under Requirement 8 of the dDCO.</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary) Applicant's Response
	<p>Responses to Deadline 3 Submissions – 4.1, 4.2 and 4.3</p> <p>Response to Deadline 3 Submissions – 5.2</p> <p>Response to Deadline 3 Submissions – 6.1</p>	<p>Please see the Applicant's response within Document 8.11 [REP4-012] to this point. It is important to understand that the traffic associated with the Proposal Development is made up of both traffic associated with the Warehousing and traffic associated with the Rail Terminal. The aggregates terminal replaces some of the traffic associated with the Rail Terminal and hence no changes to the overall level of traffic was required. This approach was discussed and agreed with the Transport Working Group, and the trip generation for the Proposed Development was agreed by Highways England and Northamptonshire County Council as confirmed by the respective Statements of Common Ground (Documents 7.1 [APP-382] and 7.5 [AS-006]).</p> <p>The Applicant disagrees with the assertion that more distant sections of the A45 and A508 would have no increased capacity. The submitted scheme includes major improvements along the A508 corridor including a bypass of Roade and capacity improvements at the junctions between the A508 and a) Blisworth Road (Courteenhall), b) Rookery Lane / Ashton Road and c) Pury Road. Furthermore the Applicant is contributing towards a major improvement at the A45 Queen Eleanor junction.</p> <p>As the Applicant has advised previously the need for the traffic signals at Watering Lane is driven by the requirement for three lanes to exit M1 J15 heading north on the A45 and the</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
	<p>Response to Deadline 3 Submissions – 7.1</p> <p>Response to Deadline 3 Submissions – 9.1 and 10.3</p>	<p>subsequent lane drop to two lanes. It is not possible to provide a standard slip road or 'ramp metering'.</p> <p>The traffic signals will operate on the 'MOVA' system which means the timings will adapt to the traffic flows which will minimise delays.</p> <p>As previously advised the A45 speed limit has been agreed with Highways England and this has been done so in consultation with both Northamptonshire Constabulary and Northamptonshire County Council.</p> <p>The Applicant has previously addressed SRNG's specific concerns. The transport modelling was undertaken in consultation with Highways England and Northamptonshire County Council, who reviewed and agreed all inputs and outputs. Both highway authorities confirm the suitability of the transport modelling for the assessment of the Proposed Development traffic impacts within their respective Statements of Common Ground (Doc 7.1 [APP-382] and 7.5 [AS-006]).</p>	
<p>Dr. Andrew Gough</p> <p>REP5-031</p>		<p>Response to EXQ 2.0.1 regarding Brexit</p>	<p>Please see the Applicant's Post Hearing Submissions from ISH4 (Document 8.20) submitted for Deadline 6 relating to socio-economic issues and in particular Appendix 1 and the section on the effects of a change in the status of EU national.</p>

Identity and PINS Reference	Deadline 5 submission (Reference or Summary)	Applicant's Response
<p>Blisworth Parish Council</p> <p>REP5-028</p>	<p>Response to EXQ 2.0.1 regarding Brexit</p> <p>Response to EXQ 2.0.4 regarding market areas and catchments</p>	<p>Please see the Applicant's Post Hearing Submissions from ISH4 (Document 8.20) submitted for Deadline 6 relating to socio-economic issues and in particular Appendix 1 and the section on the effects of a change in the status of EU national.</p> <p>The Applicant has set out an explanation of the approach to catchment areas and their relevance to the market analysis in its response to ExQ 2.0.4 (Document 8.17 [REP5-0-21]).</p>
<p>John Davis</p> <p>REP5-030</p>	<p>Response at Deadline 5 re VISSIM</p>	<p>Dr Davis' comments essentially cover the same points he made previously, which are addressed in the Applicant's responses contained within Document 8.3 [REP1-023] (page 51), Document 8.10 REP4-011 (para 2.34), and Document 8.11 [REP4-012] (page 18).</p>
<p>Vivian Blyth</p> <p>REP5-032</p>	<p>Response to Applicants response to RR-700 re access to Woodleys Farmhouse Day Nursery</p>	<p>The Applicant provided a further response on the concerns about the S bends north of Roade in Document 8.18 [REP5-022].</p> <p>The Applicant confirmed that the layout of the highway works has been agreed with Northamptonshire County Council as documented in the Statement of Common Ground (Documents 7.5 [AS-006] and 7.5A [REP1-009]). Prior to any highway construction work taking place the detailed design of those works, which will include design of items such as signs and markings including any vehicle activated speed signs as appropriate, will be submitted to and agreed by the local highway authority under the provisions of Part 3 of Schedule 13</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
			of the dDCO. Furthermore, the detailed design will be subject to an independent road safety audit prior to construction.
NRUG	<p>Additional Submission (accepted by ExA and published on 14.03.19)</p> <p>On page 18 of the response, the Applicant refers to consistency with the WHO guidelines for Community Noise.</p> <p>Attached to the NRUG submission response is a copy of page 6 of the Executive Summary of the WHO Environmental Noise Guidelines for the European Region, 2018. Railway noise is a specific topic, and noise should be below 44dB, not the 45 limit used by the Applicant. Contrary to the position set out by the Applicant, a higher limit than that contained in the WHO guidelines has been chosen. If the Applicant considers this to be a rail facility, then it must be assessed as one, not as some other form of development allowed higher noise limits.</p> <p>For clarity, noise is measured on a logarithmic scale, such that each 3dB increase represents a doubling of the noise level, 1dB representing an increase of 36%. 1 dB is not deminimis, it is discernible.</p>	<p>NRUG makes reference to the WHO Environmental Noise Guidelines (ENG) for the European Region. This document was published in October 2018, after the submission of the applicant's environmental statement. The value of 44 dB refers to average noise exposure during an average night arising from railway noise.</p> <p>The value of 45 dB mentioned in paragraph 8.3.71 of the ES refers to the maximum noise level arising from a single, discrete event. Therefore, it is not valid to compare these two numbers. Furthermore, the WHO Environmental Noise Guidelines do not update the advice previously given by WHO, as used by the Applicant, on the impact of maximum noise levels from discrete events. Therefore, the Applicant is justified in using the criteria described in the ES.</p> <p>NRUG is correct that noise is measured on a logarithmic scale. However, for sounds that are identical in character, the sensitivity of the human ear means that an average person is unable to detect a difference of 1 dB. For most, a difference of 3 dB is needed before the difference in sound level is discernible.</p>	

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
	<p>On page 20 of the response, the Applicant refers to BS 4142:2014. A copy of page 1 of this British Standard is also attached. Note under Para 1.3 that the determination of nuisance is outside the scope of this British Standard, and that railways systems are specifically excluded. The Applicant's response quotes BS4142 in the context of "as perceived by the receptor", which is a determination of nuisance outside the scope of the BS, on a topic, rail noise, which is specifically excluded.</p> <p>The last paragraph of the attachment is also pertinent, given that the Applicant has relied, incorrectly, on BS 4142 both to derive and assess indoor noise.</p>	<p>The Applicant has used BS 4142:2014 to assess operational noise from the SRFI site itself. This is a correct use of the standard. It is recognised that some of the noise sources on the site include the trains arriving and exiting the site, as well as internal movements between the reception sidings and the intermodal freight terminal. However, at paragraph 1.1 (d) of BS 4142:2014 it states that sound from</p> <p style="text-align: center;"><i>"train ... movements on or around an industrial and/or commercial site"</i></p> <p>is within the scope of the standard.</p> <p>The Applicant's previous response used the phrase</p> <p style="text-align: center;"><i>"BS 4142:2014 requires any corrections applied to be based on the acoustic characteristics of the source as they might be perceived at the receptor."</i></p> <p>This is not relating in any way to the assessment of nuisance, but that the sound has to have character at the receptor location for corrections to be applied according to the standard.</p> <p>It has been recognised by the British Standards Institute (BSI) that there is some ambiguity with the sentence shown in the last paragraph of the NRUG attachment. A consultation has recently been completed by BSI regarding some minor corrections to BS 4142. That includes a proposal to amend that sentence to read:</p>	

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
	<p>Paragraph A6.3, page 39 of BS4142, quoted below, is informative:</p> <p>“In addition to the rating/background sound level comparison shown in Table A.8, the primary concern is the potential for disturbance of residents who could be sleeping with open bedroom windows. The change in sound level when the source starts and stops during the night is noticeable indoors and, together with the slight tonality, can attract a listener’s attention in the bedroom. It is appropriate to apply a rating penalty of 5dB.”</p> <p>This provides a good description (the source starts and stops during the night) of the reasoning why a 5dB penalty is appropriate, confirming that 3dB is not conservative.</p>		<p><i>“The standard is not intended to be applied to the assessment of indoor sound levels”</i></p> <p>This is saying that the procedures set in in Sections 7, 8, 9 and 11 should not be applied to indoor sound levels. However, that does not preclude considering the consequential internal sound level when considering context as described in Section 11 (3) of BS 4142:2014. Therefore, the Applicant has used this standard correctly.</p> <p>NRUG is referencing a specific example quoted in BS 4142:2014 which relates to a different situation from that assessed in the ES. The standard permits a range of corrections to be added to the specific noise level depending on what characteristics exist. The mitigation that forms part of the design means that there may be no distinguishing characteristics from the operating sound discernible at the receptor locations. However, as stated in paragraph 8.5.127 of the ES, a + 3dB(A) correction has been added as a cautious approach.</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary) Applicant's Response
	<p>Our members are perplexed by the following statement on page 19 of the Applicant's responses: <i>"Work is being carried out at a European level to reduce noise from freight trains and it is likely that by 2043 quieter rolling stock will be in use compared to that assumed for this assessment. Therefore, the potential significant adverse effect would be mitigated by the use of quieter rolling stock."</i></p> <p>Potential significant adverse effects are admitted by the Applicant, otherwise they would not have used the words "the potential significant adverse effect" in the response. That they are unmitigated until 2043, and only then "it is likely", is a surely a fatal flaw. 20 years or more of unmitigated significant effects is not acceptable.</p> <p>The obvious conclusion is that the noise assessment is sufficiently flawed to prevent its use in a secure manner to determine this proposal.</p>	<p>New rolling stock is likely to come into use anytime between now and 2043. Furthermore, significant effects might only arise as the activity at the SRFI moves towards capacity. Consequently, there will not be 20 years or more of unmitigated effects, rather that potential effects may only be expected to occur, if at all, sometime into the future.</p> <p>In addition, Requirements 23(2) and 23(3) of the dDCO require the undertaker to carry out a scheme of noise monitoring to check whether significant adverse effects due to railway noise are occurring and to mitigate them if they are found to exist.</p> <p>The Applicant rejects that assertion for the reasons given above.</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary) Applicant's Response
NRUG	Clarification to Document 8.3 (dated 11.03.19 late submission accepted by ExA and published on 14.03.19)	<p>In the second paragraph of their clarification document, NRUG describe the proposed Roade Bypass as a link road to serve the development. This is not correct, it is not a link road for the development. NRUG's assertion at their 3rd paragraph that the new road [the Roade Bypass] is required to accommodate 4,245 HGV movements and 9,871 light vehicle movements is also incorrect. Table 7.12 of the Transport Assessment (Appendix 12.1 of the ES, Document 5.2), summarises the Proposed Development traffic flows that would use the A508 to the south of the site (and hence the Roade Bypass). The relevant development traffic flows are 192 HGV movements per day and 2,034 light vehicle movements per day.</p> <p>The requirement for the Roade Bypass as highway mitigation is explained in the Transport Assessment and further at Appendix 1 of Document 8.8A [REP3-008]. ES paragraphs 12.7.54 to 12.7.88 summarise the impact of the Proposed Development and associated highway mitigation (including the Roade Bypass) on the operation of the highway network. Paragraphs 12.7.55 to 12.7.56, and 12.5.79 of the ES refer to the beneficial impact of the Roade Bypass on reducing traffic flows on the local roads and villages surrounding the SRFI site and in reducing the traffic flows through the village of Roade itself. Overall, Chapter 12 of the ES concludes that the residual effect of the Proposed Development and the highway mitigation works in general traffic impact terms is a permanent beneficial impact of major significance.</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary) Applicant's Response
	<p>Further submissions regarding Rail</p> <p>Page 2 – Passenger Services</p>	<p>Chapters 3 to 11, 13 and 14 of the ES assess the other environmental effects of the Proposed Development and associated highway mitigation, and Chapter 15 of the ES includes an assessment of the impact interactions. It is concluded that the residual improvements to transport reliability, journey times and reduced congestion will have a range of significant benefits, of relevance to environmental, health and economic issues that will be most directly related to the communities nearest to the Proposed Development.</p> <p>To be clear, the Applicant said that identifying freight paths over a 24 hour period, in which new Northampton Gateway services could run, does not affect the ability for additional passenger services to be bid into the timetable by a Train Operating Company. There is definitely room for both new passenger and new freight operations.</p> <p>The Applicant strongly disagrees with the wording “<i>That the WCML is currently at capacity is not in question</i>”. The WCML is not at full capacity and neither Network Rail, the Applicant nor any other body that has carried out rail capacity studies, have ever stated that this is the case.</p> <p>The Applicant reiterates its previous submissions explaining how future rail paths are allocated by Network Rail (see Appendix 1 the Statement of Common Ground (Document 7.13 [REP1-016])). It is important to note that what is being proposed by NRUG is against The Network Code. The Network Code is</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary) Applicant's Response
	<p>Page 3 – Northampton Station</p>	<p>derived from The Railways (Access, Management and Licensing of Railway Undertakings) Regulations 2016. The ExA will also recall that Network Rail stated at ISH4 that it must be impartial in forming its opinions on the allocation of capacity, where there are competing bids, and the Network Code clearly shows how bids for rail capacity are dealt with.</p> <p>The Applicant is clear that there will be new freight services from the north of Northampton station to Northampton Gateway as well as those from south Northampton Gateway. Irrespective of the current “slow” track layout in and around Northampton station, there is still capacity for new freight services. A re-modelled station layout is not a pre-requisite for new freight trains. It is certainly desirable but by no means mandatory.</p> <p>With regard to the reference to the Route Utilisation Strategy, Network Rail, March 2007 (Freight RUS), the Applicant would note that this document is 12 years old, and has been updated by the 2017 Freight Network Study. It is not correct that freight from East Coast ports into DIRFT will run via the Peterborough-Nuneaton route to get to the WCML. The Applicant notes that the outdated 2007 Freight RUS does state this but the reality is that no freight operator would ever operate that way and, indeed, does not today. It is also not the case that traffic from London Gateway would all be routed via Peterborough. Some new London Gateway traffic is, in fact, routed via Stratford and Peterborough but traffic to the West Midlands and North West runs via the West Coast Main Line.</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
		<p>Objections to the changes made in respect of the Roade Bypass to remove permanent acquisition of land (explained in Document 8.14 [REP4-014])</p>	<p>The Applicant notes that NRUG mention the North London Line and its current and future capacity. The 2013 Freight RUS referred to here has been superseded and updated by the 2017 Freight Network Study. There are already Strategic Capacity paths in place across North London to link Thames-side with the West Coast Main Line and, in addition, there is still other spare capacity in place to accommodate new freight services across North London. This was made clear in the Applicant's responses to ExQ2.</p> <p>The Applicant remains of the view that the proposed change constitutes a minor benefit from the original proposal. The change to the bund is negligible in terms of the impact of noise from the bypass (as the bund was always shown to be discontinuous over the bridleway underpass). Attached at Appendix 1 is a note confirming that the scheme change does not change the overall noise impact on the property from the original proposal.</p> <p>The change to the bund and minor relocation of the bridleway also allows the existing mature vegetation to be retained along the boundary of the land on which Hyde Farm House is located. The existing vegetation that will now remain in situ, which was previously proposed to be removed, is substantial, and in the Applicant's view, is not as described at the CAH2 as insignificant.</p> <p>Further, as explained at CAH2, the Applicant considers that in reconsidering the scheme, and particularly in seeking to</p>

Identity and Reference	PINS	Deadline 5 submission (Reference or Summary)	Applicant's Response
			<p>minimise the effect on a listed building and locally important heritage asset, reducing the extent of compulsory purchase powers is a positive step. The ExA will be aware that in having successfully re-designed the scheme in engineering terms, it would clearly then not be able to justify the need to acquire land previously proposed to be subject to compulsory acquisition. All that is now required is temporary possession for the diversion of the existing bridleway.</p> <p>On the subject of the 'large pond' the water from this section of the bypass is to drain into the existing watercourse, that is upstream of the pond within the ground of Hyde Farm House. To be clear, there is no direct connection proposed into the 'large pond' and therefore no rights for a drainage connection are sought from the owners of Hyde Farm House.</p> <p>Water from the bypass, before entering the watercourse, will be attenuated in a new pond and treatment measures will be provided. This was assessed in Chapter 7 of the Environmental Statement (Document 5.2).</p> <p>The Applicant does not need to secure the consent of each and every landowner on a watercourse downstream of the point of connection, but does of course need to obtain approval for the connection under Article 21 of the dDCO and approval to the detailed drainage design for the highway works under Schedule 13 Part 3 of the dDCO. The need for these approvals will mean that the detailed design is properly reviewed by the relevant authorities prior to construction.</p>

Appendix 1

Technical Note: Noise Impact of Minor Scheme Amendments at Hyde Farm House

- 1.7. Table 3 presents the results of the original assessment of predicted road traffic noise for the 2031 night-time scenario with the proposed mitigation in the original application. The revised results incorporating the effect of the change in bund layout are presented in Table 4.
- 1.8. On comparing the results, it can be seen that the amended layout does not result in any change in the predicted L_{night} values at Hyde Farm House.
- 1.9. Overall it can be summarised that the minor amendment does not change the level of noise impact at Hyde Farm House. Therefore, the conclusions set out in the ES about the noise impact at this property remain unchanged. Although the volume of the bund has reduced, the noise mitigation is being provided by a combination of the bund and noise fencing (some of which is adjacent to the road and not just on top of the bund), and the overall effectiveness of that combination has been maintained.

Table 1 Original Assessment of predicted road traffic noise – 2031 daytime period -with proposed mitigation from the original application (Extract from Table 4 of Appendix 8.15 of the ES)

Receptor		LAeq,16hr (dB)		Do Something Effect Level	Change 2031 DS - DM	Impact Magnitude	Significant? (See Table 8.9)
Name	Height (m)	2031 DM	2031 DS w/Mit				
R49 Hyde Farm House	1.5	40.6	47.4	<LOAEL	6.8	-	NO

Table 2 Revised Assessment of predicted road traffic noise – 2031 daytime period – with revised configuration, including mitigation

Receptor		LAeq,16hr (dB)		Do Something Effect Level	Change 2031 DS - DM	Impact Magnitude	Significant? (See Table 8.9)
Name	Height (m)	2031 DM	2031 DS w/Mit				
R49 Hyde Farm House	1.5	40.6	47.5	<LOAEL	6.9	-	NO

Table 3 Original Assessment of predicted road traffic noise – 2031 night-time period – with proposed mitigation from the original application (Extract from Table 8 of Appendix 8.15 of the ES)

Receptor		Lnight (dB)		Do Something Effect Level	Change 2031 DS - DM	Impact Magnitude	Significant? (See Table 8.10)
Name	Height (m)	2031 DM	2031 DS w/Mit				
R49 Hyde Farm House	4.5	35.6	41.3	Between LOAEL and SOAEL	5.7	Major Adverse	NO

Table 4 Revised Assessment of predicted road traffic noise – 2031 night-time period – with revised configuration, including mitigation

Receptor		Lnight (dB)		Do Something Effect Level	Change 2031 DS - DM	Impact Magnitude	Significant? (See Table 8.10)
Name	Height (m)	2031 DM	2031 DS w/Mit				
R49 Hyde Farm House	4.5	35.6	41.3	Between LOAEL and SOAEL	5.7	Major Adverse	NO



VANGUARDIA LIMITED

LONDON OFFICE

The Ministry
79-81 Borough Road
London SE1 1DN

HEAD OFFICE

21 Station Road West, Oxted
Surrey RH8 9EL

NORTH WEST OFFICE

Room B.05 Jactin House
24 Hood Street
Manchester M4 6WX

Tel +44 (0) 1883 718690

Fax +44 (0) 8700 516196

office@vanguardia.co.uk

vanguardia.co.uk