



NORTHAMPTON
GATEWAY
STRATEGIC RAIL FREIGHT INTERCHANGE

**APPLICANT'S RESPONSES TO OTHER PARTIES'
DEADLINE 6 SUBMISSIONS**

DOCUMENT 8.23

The Northampton Gateway Rail Freight Interchange Order 201X

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PARTIES DEADLINE 6 SUBMISSIONS | 26 MARCH 2019

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THE NORTHAMPTON GATEWAY RAIL FREIGHT INTERCHANGE ORDER 201X

Applicant's Responses to Other Parties' Deadline 6 Submissions – Document 8.23

1. This document sets out the Applicant's responses to other parties' submissions to the ExA made at **Deadline 6**.
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** or the Applicant's Responses to the ExA's further written questions (**Document 8.17** [REP5-021]) submitted at **Deadline 5**;
 - 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]) **Deadline 5** (**Document 8.8D** [REP6-011]);
 - 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]), or **Deadline 5** submissions (**Document 8.21** [REP6-014]); or
 - vii. any of the Applicant's Post Hearing Submissions (**Document 8.1** [REP1-019], **Document 8.10** [REP4-011], and **Document 8.20** [REP6-012 and REP6-013].

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 6** are dealt with separately in **Document 8.8E**.

Identity and PINS Reference	Deadline 6 submission (summary)	Applicant's Response
<p>South Northamptonshire Council</p> <p>[REP6-039 and REP6-040]</p>	<p><u>ISH4- Cumulative</u></p> <p>Socio-economic matters</p> <p>Dust mitigation</p> <p><u>ISH5 – DCO</u></p> <p>DCO Requirements 3(3) and 3(4)</p> <p>DCO Requirement 5(2)</p> <p>DCO Requirement 8(1)</p>	<p>The Applicant would refer to its conclusion in the ES Chapter 3, which concludes that the scheme will result in significant socio and economic benefits. The Applicant does not consider that the creation of significant new employment opportunities will do anything other than benefit the local economy.</p> <p>The Applicant has amended the CEMP (submitted at Deadline 6 [REP6-003]) to introduce specific reference to the IAQM and other points of clarification. These are considered to provide an appropriate basis from which P-CEMPS can be prepared and agreed and construction activities appropriately controlled.</p> <p>Please see Applicant's Response to paragraphs 118 – 112 of Rail Central's Deadline 6 submissions (Document 8.8E).</p> <p>Requirement 5 does not conflict with Requirement 8 because Requirement 8 only applies to the main site. The details of the noise fencing on the Roade Bypass have to be approved by the local highway authority under Schedule 13 Part 3, specifically paragraph 3(1). The purpose of Requirement 5(2) is to make sure that the height of the fence is in accordance with the relevant part of the Environmental Statement.</p> <p>The Applicant accepts that "in writing" could be added to Requirement 8(1) after "agreement".</p>

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		DCO Requirement 8(2) (n)	<p>The Applicant was not previously aware that an in principle objection was being taken by SNC to the proposed location of the advertisements. This seems, on the face of it, to contradict the position set out in paragraph 2.10 of the SoCG between the Applicants and SNC (Document 7.11 [AS-058]).</p> <p>The Applicant does not accept that advertisements in the location proposed and subject to the dimension constraints shown on the Parameters Plan (Document 2.10 [REP5-010]) would be unacceptable.</p> <p>The provisions in the DCO follow the approach taken at East Midlands Gateway. It is noted that SNC raise concerns on the basis of highway safety however no objection has been taken to the advertisement consents by either of the highway authorities. Were the SNC approach to be followed it would be necessary to remove Article 46 (1)(4).</p>
		DCO Requirement 8(2) – water supplies	<p>The Applicant was not previously aware that SNC had any desire to amend this requirement in respect of water supplies and no suggested wording has been provided. The applicant does not believe it is necessary. The issue of water supply for firefighting purposes is adequately addressed through the need to comply with Building Regulations, which expressly deals with the provision of fire hydrants.</p>
		DCO Requirement 10 (1)	<p>The Applicant does not believe requirement 10(1) needs amending but has no particular objection to the suggestion put forward by SNC.</p>

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		<p>Draft DCO – Document 3.1D – General Points</p> <p>Paras 16. – 18. Consultation</p> <p>Paras 19.- 22. Tailpieces</p> <p>Paras 23 – 30 Approvals Process</p> <p>Paras 31 -33 Fees</p>	<p>The Applicant feels the suggested additional requirement is unnecessary.</p> <p>The operation of all tailpieces within the requirements is constrained by Article 4 and Article 45.</p> <p>The Applicant refers to paragraphs 5.1 and 5.2 of the Applicant's Post Hearing Submissions to ISH4, ISH5 and CAH2 (Document 8.20 [REP6-012 and REP6-013]).</p> <p>The position the Applicant thought had been agreed with SNC for some time was that a Planning Performance Agreement would be entered into with SNC to deal with resourcing of the approval process in due course. The Applicant and SNC entered into a PPA in respect of SNC's consideration of the application and participation in the Examination.</p>
<p>Northampton Borough Council (NBC)</p> <p>[REP6-034]</p>		<p>E mail of 19 March re Travel to Work data</p>	<p>The Applicant dealt with the issue of migration of commuting flows in Appendix 1 to the Applicant's Post Hearing Submissions to ISH4, ISH5 and CAH2 (Document 8.20 [REP6-012 and REP6-013]).</p>

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<p>Northamptonshire County Council</p> <p>[REP6-035]</p>	<p>Council resolution and Cabinet report raising political objections to both NGW and RC.</p> <p>The submission includes a statement by NCC in the resolution that <i>"The local road network is already far too congested to accommodate these schemes and cannot be improved sufficiently to mitigate their impact"</i>, which references both Rail Central and Northampton Gateway.</p> <p>The second paragraph of the resolution refers to local villages being seriously affected by "air, noise and light pollution"</p>	<p>NCC is a member of the Transport Working Group with whom extensive discussions took place, and agreement was reached, on the highway mitigation strategy, in advance of submission of the Application. The Applicant has entered into a Statement of Common Ground with NCC (Document 7.5 [AS-006]) which clearly states at para 3.17 <i>"Northamptonshire County Council agrees that subject to the satisfactory securing of the highway mitigation strategy and the associated mitigation to be secured by the Travel Plan and Public Transport Strategy, there would be no significant adverse residual highway impacts associated with the Development"</i>.</p> <p>The Examining Authority, are aware that Rail Central are currently undertaking a strategic review of their highway mitigation works and it will be for Rail Central to resolve the issues identified with their scheme and any cumulative effects.</p> <p>It is noted in the Cabinet briefing report, at para 3.7, that NCC officers have "agreed highways mitigation" and that the NCC officers do not have any remaining concerns in relation to highways and traffic.</p> <p>The Applicant would make reference to the fact that neither of the District Councils concerned, whose expert advisors have dealt with noise and air quality impacts, are objecting on the basis of unacceptable noise or air quality impacts.</p>
<p>Highways England</p> <p>[REP6-032]</p>	<p>ISH5 – Deemed Approval</p>	<p>The Applicant relies on the submissions made in Appendix 6 of its Post Hearing submissions in relation to ISH5 (Document 8.20 [REP6-012 and REP6-013]).</p>

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			<p>It is noted further that:</p> <ul style="list-style-type: none"> • The additional material Highways England relating to the London Heat and Power Project relates to National Grid. The Applicant has previously referred to the opposite situation where deemed approval provisions were included in the York Potash (Harbour Facilities) Order 2016 by the Secretary of State notwithstanding objection from the Marine Management Organisation (see Post Hearing Submissions - Response to ISH1:18 (Document 8.1 [REP1-019])). Notwithstanding the position referred to in the additional material, as can be seen from the schedule in Appendix 6 to Document 8.20 [REP6-012 and REP6-013] the use of deemed approvals is common and is applied to many statutory bodies. • Highways England do not provide a basis for setting itself apart from other bodies upon whom they impose deemed approvals. The features they mention, such as being governed by a Licence and having responsibility for highway safety, are not unique to Highways England. Network Rail and other highway authorities have statutory responsibilities in respect protection of their assets and public safety. Network Rail also operate under a Licence. The local highway authority also will be maintaining in due course infrastructure that is being constructed.

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			<ul style="list-style-type: none"> • There are extensive protective provisions in Schedule 13 that protect the assets of Highways England and the only reason for deemed approval to apply would be if there is a failure to engage at all on the part of Highways England for a period of 42 days. The concerns Highways England raise regarding human error or IT failures would apply to any deemed approval and are not a special case applying to Highways England. They would certainly apply to the deemed approvals that Highways England habitually impose. • The Applicant notes that Highways England asserts that “Highway England has statutory responsibilities to support economic growth (i.e. to support developments such as this one) and as public body must act reasonably” (2nd para 4th page of letter). However, the reason the Applicant is pursuing deemed approval, despite Highways England’s objection, is because of its actual experience in dealing previously with Highways England in relation to the delivery of the highway works at East Midlands Gateway – where there were considerable difficulties for a period of time in achieving any engagement from Highways England. • Highways England have not reiterated the assertion made at ISH5 that Article 57 (2) of the Port of Tilbury (Expansion) Order 2019 does not apply to them. Whilst there is no deemed approval in the Protective Provisions Article 57 (2) would appear to apply. There is no carve

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			<p>out, as there is for the Port of London Authority (paragraph 14 of Appendix 6 refers).</p>
<p>Stop Roxhill Action Group (SRNG) [REP6-041]</p>		<p>2. Comments about Document 8.17 Applicant's response to ExA's Further Written Questions.</p> <p>a. ExQ2.1.35 – Effects of A508 blockages and diversions.</p>	<p>The scenario referred to at ISH2 and referenced in the Applicant's response to ExQ2.1.35, is in the PM peak hour when there is forecast to be 1,303 traffic movements associated with the SRFI site. This has been assessed because it is the worst case in terms of combined development and background traffic. The 200 vehicle movements referred to is the total additional development traffic that would use the A508 to route south in the scenario described. This would be made up of 163 light vehicles and 37 HGVs. Only 37 of the 200 additional development vehicles would therefore be HGVs, not all 200 as is stated by SRNG. The three roundabouts on the A508 Roade Bypass would provide breaks in traffic allowing movements to and from Roade. In addition, the high volumes of traffic, which the A508 is required to accommodate when it is functioning as a diversion route, are such that traffic moves slowly. In such circumstances there is a tendency for drivers to allow other drivers to pull out of side roads.</p> <p>As explained at ISH2 and summarised at paragraph 2.37 of the Applicant's Post Hearing Submission (Document 8.10 [REP4-011]) improvements to the A508 corridor and the provision of the Roade bypass will provide resilience to the A508 when required to be an emergency diversion route. Therefore, whilst there will</p>

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	<p>b) ExQ2.7.1 Noise</p> <p>i WHO Guidelines</p> <p>ii, iii and v Noise levels</p>	<p>be development traffic added to it, this would be a very small percentage of additional traffic onto a much-improved route.</p> <p>i - The WHO Environmental Noise Guidelines (ENG) for the European Region were published in October 2018, after the submission of the applicant's Environmental Statement (ES). The guidelines include no noise limits that have to be met. WHO do state, though, that certain guidelines previously published by them remain valid.</p> <p>ii,iii and v - Tables 7 and 8 of Appendix 8.5 of the ES detail the sound power levels, or source levels, for the different items of operational equipment used in the predictions of operational noise. These are not the levels that would be heard at the noise sensitive receptors, the results for which are detailed in Appendix 8.18 of the ES and discussed in Paragraphs 8.5.125 to 8.5.167 of the Noise chapter. No likely significant adverse noise effects from operational noise were identified at the relevant receptors.</p> <p>The noise from internal railway movements and HGVs/light vehicles travelling within the SRFI site are also included in the predictions, but because different calculation methods have to be used for these sources, they do not appear in Tables 7 and 8 of Appendix 8.5.</p> <p>The methodology used for the assessment of operational noise from SRFI activities at the Main Site is described in Paragraphs</p>	

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		<p>iv Exceedance of “every recommended safe limit”</p> <p>vi Conclusion</p>	<p>8.3.56 to 8.3.72 of the ES, and the likely significant effects are discussed at Paragraphs 8.5.125 to 8.5.167.</p> <p>This includes details of the how the existing background sound levels have been considered during both the day and night-time periods, and how account has been taken of any particular characteristics that operational noise from the SRFI may have at the relevant receptors.</p> <p>Details of the assumptions used in the predictions of operational noise, including the number of HGVs movements, train movements and operation of the aggregates yard, are included in Appendix 8.5.</p> <p>iv - The results for the noise impact of operations on the SRFI are shown in Appendix 8.18 of the ES and discussed in Paragraphs 8.5.125 to 8.5.167 of the Noise chapter. No likely significant adverse noise effects were identified.</p> <p>vi - As the assertions by “Stop Roxhill” are incorrect, as detailed above, this statement remains valid.</p>
<p>Stop Roxhill Group (SRNG)</p> <p>[REP6-041]</p>	<p>Action</p>	<p>3. Comments about Document 8.18 Applicant's response to other parties Deadline 4 submissions.</p> <p>a. Aggregates terminal paths</p>	<p>a.- For the avoidance of any doubt the Applicant would remind the ExA that the assessment of available paths takes account of all existing paths on the network and this includes the existing paths used by GRS Roadstone at their Northampton</p>

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		<p>b. NPSNN and modal shift</p> <p>c. GRIP</p> <p>d. VISSIM modelling</p>	<p>Aggregates terminal. The availability of freight paths is therefore in addition to these existing paths.</p> <p>b.- The Applicant has set out its position on this matter in response to ExQ2.9.10 (Document 8.17 [REP5-021]).</p> <p>c.- The Applicant has set out its position on this matter in several responses, including the response to ExQ 2.9.2 in Document 8.17 [REP5-021]).</p> <p>d. - The issues with Rail Central's transport modelling and highway mitigation strategy do not affect the validity of the transport modelling undertaken by the Applicant for the Northampton Gateway SRFI. Although the same software has been used, the actual models are different. Modelling outputs depend on the parameters and coding used within the modelling. This will not be the same for both SRFI schemes. For the Northampton Gateway scheme, all work on the strategic modelling using the NSTM2 was undertaken by WPS who are Northamptonshire County Council's (NCC) term consultant who operate and maintain the NSTM2 on behalf of NCC. This ensured that coding for the NSTM2 for the Applicant's assessment was undertaken in accordance with NCC's requirements. Rail Central did not use NCC's term consultant to undertake their strategic modelling. Instead, Rail Central employed their own sub-consultant (Systra) to undertake their strategic modelling using a cordoned version on the NSTM2 (i.e. not the full model). So again, the approach adopted to the strategic modelling is not the same for the two schemes and</p>

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	<p>e. Woodleys – temporary speed limit already in place, but a safety audit is essential.</p>	<p>issues associated with the Rail Central strategic modelling do not impact the Northampton Gateway modelling.</p> <p>At each stage of the Applicant's work, the strategic and VISSIM modelling inputs and output were agreed with the Transport Working Group (i.e. Highways England and NCC), ensuring the suitability of the transport modelling to assess the transport impact of the Northampton Gateway SRFI. This is confirmed by Highways England and NCC in the respective Statements of Common Ground (Documents 7.1 [APP-382], and 7.5, respectively [AS-006]).</p> <p>e. - The Applicant is aware that a 40mph speed limit has recently been provided on the A508 north of Roade by Northamptonshire County Council (NCC), however, we understand this is a temporary change. NCC has confirmed that <i>"a surface dressing and anti-skid programme for this section of road is planned for August/September 2019 and the temporary restriction has been introduced until the completion of the works. The speed limit will then revert back to 50mph and the performance of the new surface monitored along with a further speed limit assessment."</i></p> <p>Regarding the concern over the varying speed limits the Applicant would advise that the scheme proposals, as shown on the speed limit plans (Documents 2.7A to 2.7D), would reduce the number of speed limits.</p> <p>The Applicant can confirm that the highway proposals have already been subject to a Stage 1 Road Safety Audit (found at Appendix 30 of the Transport Assessment, which is Appendix</p>	

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		f. Footpath RZ3 across the A508 – the proposed crossing is potentially dangerous.	<p>12.1 of Document 5.2 [APP-231]) and that further safety audits for the highway works on the local road network are to be carried out in accordance with the Protective Provisions in the dDCO (Schedule 13 Part 3 Document 3.1D).</p> <p>f. - The appropriate form of crossings on the A508 Roade Bypass is considered at paragraphs 4.62 to 4.66 of the Transport Assessment (Appendix 12.1 of the ES). Paragraph 4.62 concludes that for the busier northern section of the bypass an uncontrolled crossing with refuge island (as proposed) is an acceptable form of crossing in accordance with guidance provided with the Design Manual for Roads and Bridges. Traffic flows on the southern section of the bypass are less and therefore the same form of crossing is acceptable for PRoW RZ3 (as detailed at paragraph 4.65 of the Transport Assessment).</p> <p>The scheme has been subject to a Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) (Appendix 18 and 19 of the Transport Assessment), and a Stage 1 Road Safety Audit (RSA) (Appendix 30 of the Transport Assessment), which did not raise any concerns with the proposed crossing arrangements. NCC have agreed the WCHAR and RSA and have not raised any concerns with the proposed crossing arrangements.</p>
<p>Stop Roxhill Action Group (SRNG)</p> <p>[REP6-041]</p>		<p>4. Comments on Document 3.1D – 4</p> <p>a. Cumulative Impact</p>	<p>a. The purpose of requirement 31 is to address the interaction with the Rail Central scheme should that be consented in</p>

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	<p>b. Funding</p> <p>c. Electricity Supply</p>		<p>addition to Northampton Gateway. It is only at M1 J15A where there is any physical interaction in terms of highway works.</p> <p>The Applicant's highway mitigation package is agreed by the Highway Authority's as mitigating the impact of the Applicant's scheme. The Applicant has made it clear that the cumulative impact of both schemes with the highway mitigation in the scheme currently proposed by Rail Central would be unacceptable. Indeed the Rail Central scheme would not even mitigate its own impacts.</p> <p>Meaningful further examination of cumulative impact is not possible pending the outcome of Rail Central's "strategic review" of its highway mitigation.</p> <p>As stated by Rail Central at ISH4 it will be for Rail central to consider cumulative impact in light of whatever decision is made on Northampton Gateway by which time they will have identified their highway mitigation.</p> <p>b. The Applicant can confirm, for the avoidance of doubt, that the scheme will be entirely funded (including all highway works) by the Applicant.</p> <p>c. The Applicant entered into an agreement for the necessary connection works with WPD on 12 February 2019. The Applicant is not aware of any outstanding request from SRNG for information in this regard.</p>

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<p>Stop Roxhill Action Group (SRNG)</p> <p>OFH2 – [REP6-043]</p>	<p>M1 J15 capacity – the errors and problems experienced by Rail Central's modelling supports concerns about the NG VISSIM modelling.</p> <p>There are questions about the likely capacity of the proposed improvements to Junction 15 with committed development and NG traffic.</p> <p>Cumulative impacts – it's unacceptable that the strategic model was not re-run to inform the cumulative impact assessment of traffic impacts with Rail Central.</p>	<p>See Response to SRNG 3.d. and 4 a. above regarding the Rail Central VISSIM model and cumulative impact.</p> <p>Chapter 10 of the Transport Assessment (Appendix 12.1 of the ES) includes the assessment of the proposed highway works at M1 Junction 15 and A45 and confirms the suitability of the highway mitigation scheme to mitigate the impact of the development traffic, whilst also allowing the SRN to function in a safer and more efficient manner as compared to the Reference Case scenarios.</p> <p>The VISSIM micro-simulation modelling demonstrates that the proposed M1 Junction 15 and A45 major upgrade would provide a significant improvement to the operation of the highway network compared to the Reference Case scenario. Journey times and average delay per vehicle would be significantly reduced, whilst at the same time allowing the SRN to accommodate the development traffic and additional background traffic. Peak hour queues at M1 Junction 15 on the A45 and A508 would be significantly reduced as compared to the Reference Case and instances of queueing traffic blocking back to the M1 mainline on the southbound diverge slip would be removed.</p> <p>The Applicant has undertaken the required cumulative impact assessment of the Northampton Gateway and Rail Central schemes. This has included the Applicant commissioning modelling using the NSTM2 that included both SRFI schemes (see Appendix 12.2 of the ES). That work was submitted with</p>

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			<p>the Northampton Gateway DCO application. The most recent cumulative assessment work was undertaken in response to ExQ1.9.1.</p> <p>At ISH4 Rail Central announced that they had requested to defer their Preliminary Meeting until the outcome of a strategic review of its highway mitigation is known. As part of that review Rail Central confirmed it will be for them to undertake a cumulative assessment of the combined transport impact of the two schemes as part of their Examination, based on Northampton Gateway being in place and the final Rail Central highway mitigation strategy. Given Rail Central's current position, it will be for that assessment and the Rail Central Examination to consider the cumulative impacts of the two schemes.</p>
<p>John Exley [REP6-027]</p> <p>[REP6-026]</p>	<p><u>Post ISH4 submission:</u> Criticises NGW and RC for not producing a cumulative train study via Network Rail (discussed at ISH4).</p> <p><u>Open Floor Hearing oral submission:</u> Climate change</p>		<p>At ISH4 the Applicant confirmed its position, as submitted in its Rail Reports (Document 6.7 APP-377)], that there is sufficient capacity on the rail network for both Northampton Gateway and Rail Central SRFI to operate. Rail Central also confirmed this to be the position.</p> <p>The Applicant would also referred to Appendix 1 of the Statement of Common Ground (Document 7.13 [REP1-016]) which explains how paths are allocated.</p> <p>Mr Exley's Open Floor Hearing submission mostly refers to a range of global environmental and economic issues rather than making direct reference to the Northampton Gateway</p>

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		<p>application. However, with regard to climate change and carbon impacts of the Proposed Development, at Deadline 6 the Applicant submitted a Climate Change Summary report (Document 8.22 [REP6-015]).</p> <p>The Applicant does not agree that enabling and encouraging a modal shift from road to rail is an irrelevance in the context of climate change. The role of SRFIs in mitigating climate change from transport, and the carbon (and other) emission benefits of rail use over road is reflected strongly in the NPSNN. The Applicant also considers measures such as providing electric vehicle charging infrastructure, Travel Plan measures, and delivering energy efficient, low carbon buildings to form an important part of the response to climate change.</p>
<p>NRUG [AS-072]</p>	<p>The noise assessment is flawed which should prevent its use in determining this proposal.</p> <p>Contrary to the position set out by the Applicant, a higher limit than that contained in the WHO guidelines (44dB) 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>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 <i>de minimis</i>, it is discernible.</p>	<p>The Applicant rejects this assertion for the reasons given via previous responses regarding the noise assessment, and below.</p> <p>The WHO Environmental Noise Guidelines (ENG) for the European Region 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. Furthermore, the WHO Environmental Noise Guidelines do not update the advice previously given by WHO, and 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>

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		<p>References to future rolling-stock being quieter is perplexing.</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 technically valid to compare these two numbers.</p> <p>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 people, a difference of 3 dB is needed before the difference in sound level is discernible.</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. 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>Malcolm Brice [REP6-024]</p>	<p>Air quality is “dangerous” in the area and will be made worse – NBC do not take the issue seriously enough. Local data shows NOx concentrations at AQMA6 to be above the legal limit (40ugm³) and so challenge the view from SNC and NBC that Northampton is expected to meet Air Quality Objectives/EU limit values in the required timescale.</p>	<p>The focus of the submission is on the extent to which NBC is appropriately monitoring or responding to air quality issues, rather than on the actions of the Applicant.</p> <p>However, with regard to the general issues raised, the Applicant has responded on several occasions, most recently at Deadline 5, and in response to the ExA's further written questions. For example, see responses to ExQ2.1.13, and ExQ2.17. Also</p>	

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		<p>NBC should declare a clean air zone and is failing in its duties. National data is unreliable regarding forecasts of air quality trends.</p>	<p>please see the Position Statement (Appendix 2 to Document 8.17 [REP5-021]).</p> <p>As explained elsewhere, the issue of the attainment or compliance with the EU objectives (Limit Values) applies to the East Midlands Zone, and any potential short-term exceedances at specific parts of Northampton do not put in jeopardy the likelihood of compliance in this Zone.</p>
<p>Rod Sellers [REP6-038]</p>		<p>Open floor hearing submission focused on air quality, recognising that the NSIP process considers strategic benefits and impacts as well as local impacts. Notes NCC's opposition to both NGW and Rail Central.</p> <p>Concerns about off-site parking in the area.</p> <p>Supports the view expressed in the 'Rail Magazine' article in February that many SRFIs are warehousing led schemes which will ultimately be road served.</p>	<p>See the Applicant's response to NCC Deadline 6 submissions, above, for the Applicant's response to the recent NCC resolution.</p> <p>The SRFI development will provide (free) car parking in accordance with Northamptonshire County Council's parking standards. This would cater for the forecast demand and so there would not be any need for employees to park off-site.</p> <p>Please see the Applicant's response to ExQ2.9.13 (Document 8.17 [REP5-021]) and Appendix 7 of that Document, that being a letter from the Rail Freight Group to the Editor of Railway Magazine.</p>
<p>Andrea Leadsom MP [REP6-044]</p>		<p>Oral submission at ISH4</p>	<p>The Applicant has responded to the points raised by the RT Hon Andrea Leadsom MP in its Response to other Parties' Deadline 5 Submissions (Document 8.21 [REP6-012 and REP6-013]).</p>

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<p>Christine Barrand [REP6-021]</p>	<p>The proposed 'left in/left-out' junction at Courteenhall Road does not stand up to scrutiny because it is not clear what 'stress-testing' has been done into conditions on the A508 when the M1 has an accident.</p> <p>More traffic will use Lock Lane, and will generate more 'rat-running' traffic through Stoke Bruerne. Clarification sought on how HGVs will be prevented from using local roads.</p> <p>If Network Rail can only guarantee up to 4 freight paths per day the proposals fail to meet the objectives of an SRFI.</p>	<p>Responses regarding concerns about potential 'rat-running' traffic have been provided on numerous occasions – see Part 2 of Document 8.3 [REP1-022] (response to Relevant Representations). Overall the effect of the Northampton Gateway highway mitigation strategy is to draw traffic away from the local roads and villages and back onto the A508 and Strategic Road Network. Therefore, reducing rat-running and traffic flows through the surrounding villages.</p> <p>As explained at ISH2 the impact of the Proposed Development on the A508 during an M1 road closure has been considered. This is summarised at paragraph 2.37 of the Applicant's Post Hearing Submissions (Document 8.10 [REP4-011]).</p> <p>The reference to 'Lock Lane' is assumed to mean Knock Lane, which will be subject to improvements as part of the proposed highways mitigation package.</p> <p>The Applicant has undertaken and submitted evidence of the rail capacity which clearly demonstrates in excess of four paths per day (see Rail Reports (Document 6.7 [APP-377])). Network Rail has agreed a Statement of Common Ground with the Applicant (Document 7.13A [REP5-015]) confirming four paths are available.</p>
<p>Dr. Andrew Gough Letter dated 15.03.19 [REP6-030]</p>	<p>Advocates a Port Centric alternative approach to SRFI provision.</p>	<p>The NPSNN is clear in setting out the Governments ambition to develop a network of SRFI's. It concludes at Paragraph 2.56 that there is a '<i>compelling need for an expanded network.</i>' The advocacy of a Port Centric alternative approach is not</p>

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		<p>Advocates Hinckley as an alternative.</p> <p>Concern expressed regarding the extent of potential modal shift suggests the applicant has put forward a cautious approach to rail freight</p>	<p>supported by the NPSNN, which sets out the criteria within which SRFI's should be assessed and states that SRFI's should be located near to the business markets they will serve and linked to key supply chain routes. The Applicant's Market Analysis Report explains the markets that will be served by Northampton Gateway. In particular it highlights that Northampton Gateway is located in an area with a high concentration of logistics activity where a more concentrated network of SRFI's will be required in response to these market conditions.</p> <p>The Hinckley SRFI is currently only a proposal; a DCO application has not been submitted. It too is located within the Midlands Heartlands area where there is a concentration of logistics activity. It would add to the concentrated network of SRFI's in the Midlands but would not expand the network outwards. Northampton Gateway would expand the network of SRFI's in a south easterly direction.</p> <p>The NPSNN identifies the benefits of SRFI's in achieving a modal shift in the movement of freight from road to rail. It sets out minimum requirements for SRFI's which the Northampton Gateway scheme meet and indeed exceed. The Government recognises that the aims of SRFI's is to optimise the use of rail but acknowledge that there will continue to be significant road journeys because rail is unable to undertake full, end-to-end journey for the goods concerned (NPSNN Paragraph 2.43).</p> <p>On the second page of Dr Gough's response, he calculates a rail modal share of 18%. This calculation is not correct, as it</p>

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<p>Dr Andrew Gough Letter dated 14.03.19 [REP6-029]</p>	<p>Suggests that there is a need for further studies into the available of rail paths.</p> <p>Draws attention to an article in Rail Magazine which includes a statement from that Sir John</p>	<p>compares the HGV saving of 964 vehicles (note the correct figure is 969 HGVs – see the Transport Assessment paragraph 5.7) with the 4,245 external HGV movements at the site. The latter is a two-way movement, whereas the former is the number of HGVs. The appropriate calculation is to compare the saving in two-way HGV movements, which is 1,938 (969 x 2) with the external HGV movements of 4,245. This gives a rail modal share of 31%, which is within the range provided by Dr Gough for port operators.</p> <p>The Applicant's commitment to delivery of rail infrastructure goes beyond that which has been set out for the approved SRFI's at East Midlands Gateway or DIRFT. These commitments are secured through requirement 3.</p> <p>The Applicant is clear that further pathing studies are not necessary. The work the Applicant has undertaken and set out in its Rail Reports, Document 6.7 [APP-377], demonstrates not only that Northampton Gateway is capable of handling four trains per day, but is capable of significantly increasing that number and suitable freight paths are available on the network. Mr Gough's claim that origin and destination details should be known at this stage completely misunderstands the operation of rail freight, which links end users, with port operators, train operators and the ultimate operator of the terminal at Northampton Gateway.</p> <p>The Applicant makes clear in its Market Analysis Report (Document 6.8A [REP1-004]) Section 9 that the proposal for Northampton Gateway has been designed with sufficient scale</p>

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		<p>Armitt that <i>'there is no economic case for carrying parcels by rail'</i>.</p>	<p>and flexibility to respond to long term changes in the logistic sector including being future proofed so it is capable of accommodating a rapid rail freight terminal 'Should such a model prove feasible at some time in the future'.</p> <p>This approach responds to work undertaken by the DfT and others which explore the opportunities for rapid rail freight. See Paragraph 9.3 of the Market Analysis Report.</p> <p>However, Paragraph 9.5 of the Market Analysis Report goes on to directly acknowledge that at the moment this market is largely untested and unproven and is therefore uncertain.</p> <p>The Applicant considers that it has adopted the appropriate approach to this potential market area. It has consistently explained its position, particularly in response to claims by Rail Central that their scheme is superior because of a potential Express Rail Freight Terminal with direct access onto the West Coast Main fast lines. The Applicant has been clear that it considers these claims unfounded particularly given the infancy of this market. Indeed, it is considered that the Northampton Gateway scheme has significant advantages because its rapid rail freight terminal would be added to infrastructure that would be put in place in association with the main terminal, rather than as a wholly new facility as proposed at Rail Central. As recognised by Sir John Armitte the economic viability of such facilities will be critical.</p>

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<p>Blisworth Council</p> <p>[REP6-023]</p>	<p>Parish</p> <p>Open Floor Hearing Submissions</p> <p>The Parish Council state that there is no strategic case for an SRFI in this location. They raise concern that the SRFI will be a road-based distribution scheme.</p>		<p>The Applicant has explained in detail in its Market Analysis Report (Document 6.8A [REP1-004]) and Planning Statement (Document 6.6 [APP-376]) how the Northampton Gateway SRFI will address market requirements and help to expand the network of existing SRFI's. This fully accords with the Government's aims as set out in the NPSNN.</p> <p>The Applicant has previously responded to accusations that the application will be a road based warehouse scheme. See in particular the response to ExQ2.9.13 in Document 8.17 [REP5-021].</p> <p>Mr Redding refers to rail terminals where rail take up has been slow, however, no reference is made to the scale of these terminals compared to SRFI's (at DIRFT, Hams Hall and Bift for example) where successful take up and operations of rail services has taken place.</p>
<p>[REP6-022]</p>	<p>Response on cumulative impact issues following ISH4.</p> <p>Key points include:</p> <ol style="list-style-type: none"> Neither Northampton Gateway nor Rail Central has properly considered other potential NSIPs (SRFIs) across the nation, including potential cumulative impacts with DIRFT, EMG, and the emerging proposal at 		<p>Many of the points made refer to both Northampton Gateway and Rail Central. The following sets out the response of the Applicant for Northampton Gateway:</p> <ol style="list-style-type: none"> The traffic and transport implications, and the socio-economic implications, of DIRFT have been considered within the Northampton Gateway ES. It is a 'commitment' in planning terms, and so does feature. The suggestion that all potential future SRFIs across the east and west Midlands

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	<p data-bbox="607 405 1205 469">Hinckley in the East Midlands, or the proposed West Midlands Interchange.</p> <p data-bbox="557 879 1205 1110">2. No consideration has been given to the potential over-supply of warehousing and the adverse effects of competition if several SRFIs are approved – consenting all of the proposals is considered contrary to national policy. Slow implementation of DIRFT is considered evidence of a lack of demand.</p> <p data-bbox="557 1150 1205 1318">3. Data shows that in 2017-18 all measures of freight transport showed a decline, with reference to data from the Office of Road and Rail. This backed up by neither DIRFT3 nor EMG having delivered their rail connections.</p>	<p data-bbox="1283 405 2051 572">should be considered or assessed implies a) that there would be significant number of shared receptors and likely cumulative impacts, and b) that there is sufficient information about all emerging or proposed schemes. In reality, there is neither.</p> <p data-bbox="1283 612 2051 844">Also see the Applicant's previous responses to issues relating to the NPSNN's clear statement that an 'expanded network' of SRFIs is needed – e.g. responses to ExQ1.0.19; Parts 1 and 2 of Document 8.3 [REP1-022] in response to Relevant Representations; the Applicant's response to Andrew Gough's written representation [REP1-065] (Document 8.7 [REP2-10]).</p> <p data-bbox="1229 879 2051 1110">2. As above, the applicant has responded to similar issues before, with reference to the NPSNN's statement that an 'expanded network' of SRFIs is needed. The Market Analysis Report (Document 6.8A [REP1-004]) also remains of direct relevance. Challenges facing occupier demand at DIRFT are likely to represent specific locational or accessibility challenges at that specific site.</p> <p data-bbox="1229 1150 2051 1246">3. The objective of Government Policy is to increase the use of rail by freight. The NPSNN makes it clear that achieving that is reliant on additional SRFI.</p> <p data-bbox="1283 1286 2051 1415">The East Midlands Gateway (EMG) SRFI is under construction – the work to deliver the rail terminal has commenced along with work across the site in accordance with the requirements and agreed phasing within the DCO.</p>	

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		<p>4. Cumulative air quality effects have not been properly considered.</p> <p>5. It is unacceptable that the safety implications of routine perturbation have not been assessed.</p> <p>6. The cumulative impact assessments are inadequate from either NGW or RC, and come too late in the process (i.e. not when consulting the public). Major questions remain, including the cumulative impact on the rail network.</p>	<p>At EMG, a proportion of the floorspace is permitted to be occupied in advance of the rail connection – a different approach is proposed at Northampton Gateway where the rail terminal will be provided prior to first occupation.</p> <p>The rail terminal operator at EMG has been appointed and the rail connection is under construction. The terminal will be operational before the end of this year.</p> <p>4. Cumulative air quality impacts have been considered by Northampton Gateway based on the submitted Rail Central ES – see Document 8.13 [AS-040]. It is recognised that there is now significant uncertainty about the impacts of Rail Central given the ongoing work to review their transport mitigation strategy.</p> <p>5. This was discussed and explained at ISH2, which is summarised at paragraph 2.37 of the Applicant's Post Hearing Submission (Document 8.10 [REP4-011]).</p> <p>6. A full CIA was provided with the Northampton Gateway DCO application. In response to the ExA request (ExQ1.9.1), an updated CIA was provided to take account of the more recent information in relation to Rail Central – based on their accepted application (Document 8.13 [AS-040]). Based on the recent position of Rail Central it now appears there is considerable uncertainty in relation to the form of the Rail Central proposals which, it is accepted, means a meaningful CIA is based on a known scheme is not possible.</p>

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	<p>7. It is not clear whether the Applicant(s) have had an offer to supply power from Western Power. It's not clear whether the implications of providing power to the site have been considered.</p> <p>8. It's unclear why the developers have not got a definitive view on potential rail capacity over the wider network as a whole. An operational study on the operational compatibility of both Northampton Gateway and Rail Central should be undertaken.</p> <p>9. Neither Northampton Gateway nor Rail Central has provided an assessment of the impacts on climate change.</p>	<p>The Applicant has at all stages used the latest and best information available to inform the CIA it has prepared. At all stages its view has been that the cumulative impact of both schemes is unacceptable.</p> <p>If the Northampton Gateway DCO is approved it will be for Rail Central to demonstrate, if or when its Examination commences, that the cumulative impact is acceptable.</p> <p>7. The Applicant has been discussing the Northampton Gateway project for some time with Western Power Distribution, and has secured a point of connection offer that will provide electricity capacity to supply the entire development. The Applicant entered into an agreement for the necessary connection works with WPD on 12 February 2019.</p> <p>8. The Applicant has a clear view on the capacity on the rail network and has submitted reports which present the analysis undertaken (Document 6.7 [APP-377]). Network Rail has confirmed sufficient capacity exists to meet the requirement of four freight trains per day.</p> <p>9. The Applicant addressed climate change in various parts of the ES. It has also submitted a Climate Change Summary document at Deadline 6 (Document 8.22 [REP6-015]).</p>	

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<p>Andrew Bodman [REP6-020]</p>	<p>Lack of County Council (political) support.</p> <p>Transport and traffic forecasts - Mr Bodman asserts that the Applicant's traffic forecasts are understated. He raises concerns with regard to the committed and allocated developments specifically modelled with the NSTM2.</p> <p>Transport and Highways – cumulative impact with Rail Central. NCC's comments quoted by Mr Bodman regarding the cumulative impacts were comments NCC made in response to Rail Central's statutory consultation in April 2018.</p>	<p>Please see the response to Northamptonshire County Council's post-hearing submission to OFH2, above.</p> <p>The Applicant has previously responded on this point and directs the ExA to the Applicant's response to ExQ2.9.12 in Document 8.17 ([REP5-021]), which explains that traffic growth associated with development outside of Northamptonshire is accounted for in the NSTM2 by TEMPro traffic growth. Similarly, the HS2 Phase 1 construction traffic referred to by Mr Bodman (as also referred to in Mrs Leadsom's representation at ISH4), is not specifically included with the model, but are accounted for by TEMPro traffic growth.</p> <p>Paragraphs 8.11 to 8.20 of the Transport Assessment (Appendix 12.1 of the ES (Document 5.2)) explain the traffic growth included in the NSTM2. As set out at paragraph 8.17, NCC required that traffic growth in the NSTM2 was not constrained to TEMPro/Regional Traffic Forecasts. The effect of this, as explained at paragraphs 8.18 and 8.19 of the Transport Assessment, is that modelled traffic growth factors for the South Northamptonshire Area (the area local to the site) are above TEMPro/Regional Traffic Forecast levels. Therefore, the traffic forecasts in the NSTM2 are not understated, they are in fact robust.</p> <p>The ExA is directed to the Applicant's comments at page 42 of Document 8.9 [REP3-009] in response to this same point that was raised by Mr Bodman in response to ExQ1.9.1. It was explained that the Applicant was willing for NCC to adopt a '<i>ringmaster role</i>' to facilitate a cumulative assessment, but that</p>	

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			<p>at the time the assessment was required, Rail Central cancelled their Stage 2 consultation and postponed all of their meetings with the Transport Working Group. Therefore, at the time when the cumulative impact assessment was required to be undertaken for the purposes of submission with the Northampton Gateway Application, the necessary input from Rail Central was not available. This was recognised by the Transport Working Group and, accordingly, the approach to the cumulative assessment was agreed with the Transport Working Group in December 2017. This included the modelling and assessment of the both SRFI schemes in the NSTM2 and using VISSIM. Since then, the Applicant has updated the cumulative assessment in response to ExQ1.9.1. That assessment was based on the most up to date Rail Central information that was available at that time, which was the information submitted by Rail Central within their DCO application for Examination. The Applicant has therefore provided the required assessment of the cumulative impact should both the Northampton Gateway and Rail Central schemes come forward. Based on the information included in the Rail Central DCO, the Applicant has concluded that that cumulative impact of Northampton Gateway and Rail Central in transport terms would be unacceptable.</p> <p>At ISH4 Rail Central announced that they had requested to defer their Preliminary Meeting until the outcome of a review of its highway mitigation was known. As part of that review Rail Central confirmed it will be for them to undertake a cumulative assessment of the combined transport impact of the two schemes as part of their Examination, based on Northampton Gateway being in place and the final Rail Central highway</p>

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		mitigation strategy. Given Rail Central's current position, it will be for that assessment and the Rail Central Examination to consider the cumulative impacts of the two schemes.
<p>Mr D Nola and Mrs S.E. Nola</p> <p>Letter dated 25 March 2019</p>	<p>Refutes the removal of permanent compulsory acquisition.</p>	<p>The Applicant relies on its submissions made at the CAH2 and in its Post Hearing Submissions (Document 8.20 [REP6-012 and REP6-013]) and refers the ExA to its responses to the Nola Deadline 5 submissions (Document 8.21 [REP6-014]), and to Appendix 1 of that document which confirms that the noise protection measures for Hyde Farm are not diminished by the revised arrangement.</p> <p>The Applicant could no longer ask the ExA for compulsory powers to implement the previous scheme because an alternative, more environmentally acceptable, scheme has been identified which avoids the need to permanently acquire any of the owners' land.</p>