

From: [Jessica King](#)
To: [Northampton Gateway](#)
Cc: [REDACTED]
Subject: Ref: TR050006 Northampton Gateway RFI DCO Variation - WNC response letter
Date: 26 September 2022 10:21:39
Attachments: [image001.png](#)
[26.09.22_WNC_Response_to_NGRFI_DCO_Variation.docx](#)

Dear Sir/Madam,

Please find attached a copy of West Northamptonshire Council's response, with respect to the application for a variation to the Northampton Gateway RFI Order 2019.

Your Ref: TR050006

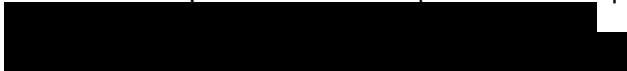
Please do let me know if you need anything further.

Kind regards,

Jess King (she/her)
Executive Support Team Leader & PA to the Executive Director of Place, Economy & Environment

Please note my normal working hours are 08:00-16:00 Mon-Thurs, 08:00-15:30 Fri

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Your Ref : TR050006
Case Officer : Denis Winterbottom
Telephone : 01327 322109
Email : [REDACTED]

Date : 26 September 2022

email to NorthamptonGateway@planninginspectorate.gov.uk

Dear Sir / Madam

Variation to Development Consent Order ref. TR050006.

Proposed non-material change to The Northampton Gateway Rail Freight Interchange Order 2019 (S.I. 2019 No.1358) .

Application made by Segro (Junction 15) Limited

Consultation on proposed non-material amendment

1. I refer to the notification received on 11/8/2022 with respect to the proposed non-material change to The Northampton Gateway Rail Freight Interchange Order 2019.
2. The Council has reviewed the documents submitted with the application made to the Secretary of State for Transport (SoS) and published on the Planning Inspectorate website.
3. The Council's response is set out below. This raises issues with respect to the following matters :
 - A. uncertainty over when the rail freight interchange will be operational;
 - B. ambiguity over the warehouse floorspace specified.
 - C. the 'tail piece' to the text of the variation as proposed; this seeks to place the responsibility for the determination of a further variation with the local planning authority rather than with the Secretary of State.

Variation as proposed

4. The Council understands the applicant is proposing to vary Requirement 3 in Schedule 2 to the Northampton Gateway Rail Freight Interchange Order 2019, (the Order) by deleting the approved text of Requirement 3(3) and replacing this with the following proposed text :
5. *“The rail infrastructure within the area coloured pink on the rail infrastructure plan must be completed prior to the occupation of any of the warehousing and both of the connections to the West Coast Main Line railway must have been constructed and commissioned sufficient for the rail terminal to be operational prior to the occupation of more than 232,260 square metres of the warehousing unless otherwise agreed in writing with the relevant planning authority.”* and,
6. by introducing a new ‘rail infrastructure plan’, reference (NGW-BWB-GEN-XX-SK-C-SK315-S2-P01), to the list of approved documents and plans in Schedule 16 to the Order, this plan omits the rail connections to be provided by Network Rail from the rail infrastructure to be completed prior to the occupation of the specified warehouse floorspace.
7. The effect of the above variations will be to allow the occupation of up to 232,260 square metres of floorspace within the ancillary warehousing buildings, which can be provided within the area defined on the approved parameters plan, prior to the rail freight interchange terminal becoming operational, i.e. prior to the completion of the works required to connect the rail infrastructure to be provided by the applicant, SEGRO (Junction15) Ltd to the wider rail network.
8. The Council has the following concerns with respect to the proposed variation:

A - Uncertainty over when the rail freight interchange will become operational
9. The Council believes that any variation to the Order should clearly identify a date by which the rail freight terminal would be fully operational; this will provide confidence and encourage the bringing into use of the rail freight terminal at the earliest possible opportunity.
10. The fact that the rail connections will be provide by Network Rail and not by the applicant, and that Network Rail are unwilling to commit to complete these works within a define period, creates unwelcome uncertainty, not only for the developer and for potential occupiers of warehouses but also for the local community, it also has the potential to delay the full operation of this development, the aim for which is to provide the opportunity to move more freight by rail across the country and to reduce the movement of freight by road, thereby promoting and encouraging the use of more sustainable modes of transport.
11. Given Network Rail has assessed the time required to construct the necessary rail connections to the Northampton Loop of the WCML it is not

unreasonable to expect that a date for the completion of these works could be provided. The application statement submitted seemingly confirms in paragraph 1.9 (below) that the matter of the timing for the rail connections is dependent on the priorities of Network Rail :

1.9 "In brief, the application is needed to address uncertainties in the precise timing of the construction by Network Rail of the connections to the main line which is a barrier to very significant occupier interest being progressed. The uncertainty arises from the difficulties of Network Rail being able to commit to achieving sufficient access to (possession of) the main line to carry out their works during this post lockdown period when there is a desire to minimise disruption to passenger services and attract passengers back on to rail."

Network Rail should therefore commit to undertake the required works by a specified date to provide the certainty required.

B. Ambiguity with the warehouse floorspace figure specified for prior occupation.

12. The warehouse floorspace figure specified is 232,260 m². This is stated to be approximately 37% of the total floorspace that can be provided within the area approved for ancillary warehousing under the Order. The percentage figure stated is only achieved when the total floorspace is taken to include the maximum total floorspace for all the Zones, (Zones 1-4 inc.) as specified on the approved Parameters Plan, plus the total for the mezzanine floorspace allowed across all the Zones.
13. There is uncertainty over the effect of the floorspace figure stated with respect to the full planning permission, [WNS/2022/1860/NMA](#) , granted by the Council as the local planning authority, for the erection of a warehouse development within Zone A4 of the RFI. This permits the erection of a warehouse building with a gross floorspace of 265,000 sq.m. A subsequent non-material amendment to this original permission, [WNS/2022/1633/NMA](#), has recently been granted by the Council which authorises an amended warehouse building with slightly reduced floorspace of 215,000 sq.m.
14. The development authorised by the planning permission granted by the Council, will, if built, result in the provision of warehouse floorspace within the area designated for ancillary warehouse buildings under the Order. The planning permission granted by the Council effectively substitutes warehouse floorspace for ancillary warehousing for that permitted under the Order. This floorspace would therefore be included within the floorspace specified within the variation proposed to Requirement 3(3).
15. This is pertinent not least because the floorspace of the warehouse building authorised by the full planning permission is broadly similar to the floorspace specified within the proposed variation. This should therefore be made clear within a proposed variation to avoid uncertainty when warehouse floorspace is provided and occupied.

C. the 'tail piece' within the text of the variation as proposed.

16. The Council considers the 'tail piece' within the proposed variation to Requirement 3(3), namely “ *unless otherwise agreed in writing with the relevant planning authority*”, to be inappropriate. This would in effect re-assign responsibility to determine a further variation to the Order to the local planning authority rather than the Secretary of State. This is inappropriate given the determination of Development Consent Order, and the variation thereof, is prescribed by legislation as a matter for the Secretary of State, any decision by the Local Planning authority may thus be considered to be 'ultra-vires'.

17. In conclusion in the absence of a date for the completion of the rail connections and for the other reasons set out above, the Council cannot support this proposed variation to The Northampton Gateway Rail Freight Interchange Order 2019 and would therefore request the application is not approved.

Yours faithfully,



Stuart Timmiss
Executive Director Place, Economy & Environment