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FAO: The Planning Inspectorate

Re: Northampton Gateway Rail Freight Interchange Project – Non-Material Change TR050006

Following the publication of the SEGRO Response to Representations document issued in January 2023, may we start by reminding ourselves of the fundamental premise on which the Development Consent Order (DCO) was granted by the Secretary of State for Transport on 9th October 2019 for the Northampton Gateway Rail Freight Interchange.

Development consent was granted based on National Infrastructure Planning and Government's policy of a **modal shift of freight from the road network to rail**. The approved DCO included a specific condition (Requirement 3.3) that no warehouse occupations can occur prior to the rail terminal, capable of handling at least four intermodal trains per day, being operational. This was required to make the application appropriate as a '**Strategic Rail Freight Interchange**' (SRFI) which in turn allowed the decision on the planning application to be made by central government rather than local government, despite the many objections from local communities.

A development authorised by planning permission must, once planning permission has been granted, be carried out in strict compliance with the conditions attached to the planning permission and the approved drawings referred to in it. Under Section 96A of the Town and Country Planning Act 1990, and one assumes the Secretary of State follows the same principle, statutory powers exist to approve only 'non-material' amendments to a planning permission.

In response to your request for further responses following SEGRO's replies, Wootton Parish Council does not agree that the amendment proposed to open nearly 40% of the site without the rail connection in place to be 'non-material'. Furthermore, we would conclude that any future Judicial Review would find this proposed amendment to be entirely 'material'. The granting of permission of a Strategic Rail Freight Interchange is, as the very name implies, intertwined with the principle of an actual rail interchange being operational. At the very heart of this development is the rail terminal. The Secretary of State, when granting permission for the SRFI, very clearly attached the condition to the original permission. Furthermore, we would ascertain that were there to be no impact on traffic, pollution, road movements or disruption to local neighbourhoods by opening nearly half the site without the rail terminal in place, as suggested by SEGRO, then the Secretary of State would not have insisted instead that it must be opened prior.

The occupation of warehousing in a strategic rail freight interchange in the absence of a connection to mainline rail is non-sensical; it is perplexing that the developers and their legal teams believe that it is justifiable to try to put forward any argument to support such a request. Even more humiliating is the revelation in the SEGRO Response document that 'there is no requirement imposed on any of the occupiers of any SRFI to use rail'. This is astonishing and rail usage should form part of the terms of occupancy, otherwise how will the interchange achieve its objectives of a modal shift from road to rail?

The continual suggestions throughout the response document that local impacted residents and communities have 'misunderstood' the terms of the amendment request is utterly patronising. May we suggest that SEGRO has in fact misunderstood the terms of the DCO which are very specifically to have an operational mainline rail connection to the site before any occupation of warehousing can occur. This was a deliberate condition and requirement from the Secretary of State to ensure that the site achieves its objectives.

SEGRO would be wise to focus their efforts on working with Network Rail to expedite the connection between the site and mainline rail, rather than trying to circumvent their obligations.

The fact that no mitigating action has been taken to address the already inadequate infrastructure of the A45 or to plan for the future flow of traffic that will be experienced from the SFRI only adds insult to our residents and community. Proactive efforts and a collaborative approach to address the infrastructure issues and increasing air and noise pollution in a designated Air Quality Management Area (AQMA) and a Noise Important Area (NIA), as identified by DEFRA, could have demonstrated a genuine intention by SEGRO to support bordering and impacted communities.

Let's not forget that there are real people and communities that are being adversely affected by this development who are seeing their quality and enjoyment of life deteriorate with the increased impact of vehicle noise and air pollution, which is only projected to get worse.

Despite the prominence of local opposition to this development, there always was and continues to be a massively disproportionate access to resources between the two opposing parties. The c200 local objectors, representing many thousands of people, are represented either as individual residents or local parish councils and voluntary organisations such as ourselves with limited professional experience on such planning matters and no real financial resources to draw upon. Whereas SEGRO is a company with net assets of £13.4bn and made Profit Before Tax of £4.1bn in 2021 and hence can employ Eversheds Sutherland, a top ten UK law firm, to further its planning ambitions and present its arguments.

Despite this disparity in resources, SEGRO and its undoubtedly expensive and capable legal team, cannot avoid the inconvenient truth that what they are seeking to do is overturn a key condition imposed by the Secretary of State and this represents a material amendment to the originally granted DCO.

Wootton Parish Council stand by our strong objection to this amendment and request that the Planning Inspectorate insist that the original DCO is followed as signed by the Secretary of State for Transport in October 2019. An amendment as proposed by SEGRO should be considered material and subject to a new planning application.

Yours Sincerely,

Wootton Parish Council