

Application For a Non-Material Change to the Northampton Gateway Rail Freight Interchange Development Consent Order 2019 – **Response to Segro representations**

Paras 5.10 – 5.15. Appendix 9

Many responses indicate objection on the basis that the proposal will result in more road traffic on the local road network.

This misunderstands the effect of the rail terminal not opening until some floorspace is occupied. Put simply, the rail terminal is its own traffic generator, and that traffic will not take place until the rail terminal is open. That traffic exceeds any additional road traffic to and from the warehousing allowed to be occupied in the short-term arising as a result of the lack of availability of the terminal.

Response

This is not a misunderstanding. The Applicant's response is too simplistic and misleading.

This change, which is a blatant contradiction of the objectives of the development, would move away from rail-served warehousing to road-served warehousing.

Road-served warehousing rather than rail-served warehousing generates additional off-site traffic now and in the future.

Under the original application freight was to be delivered to NRFI warehouses by rail and redistributed by road.

Under the new application it would be delivered by road to NRFI warehouses *and* redistributed by road. It would become road-served warehousing.

The Applicant cannot guarantee that warehouse occupiers will ever move to rail-served warehousing, nor can they say when the rail terminal will be operational.

This is, therefore, potentially an indefinite arrangement increasing the volume of off-site traffic servicing the warehouses.

The current Transport Assessment is not only out of date, it is also based on a rail-served operation.

The original development consent was granted based on a *modal shift of freight to rail* - This amendment is a blatant contradiction to the objectives of the development.

Paras 5.10 – 5.15. Appendix 9

It is said that the application is not for a non-material change due to the traffic impacts.

This is not the case since the Application Statement makes it clear that the changed requested will not result in increased traffic.

Response

The Applicant's response is too simplistic and misleading.

A move from rail-served warehousing to road-served warehousing is a material change and is contrary to the objectives of the Development. It increases the volume of off-site traffic servicing the warehouses indefinitely.

The out of date Transport Assessment used was based on rail-served warehousing.

Section 5

It is said that the change would amount to a fundamental change to the rationale behind the development and therefore a material change. Section 5 13 Northampton Gateway SRFI Response to Representations.

The amendment sought does not represent a fundamental change. As explained in the Application Statement the change would not have implications for the impacts assessed, compulsory purchase or the impacts on business and residents.

Furthermore, the change sought is in line with the amount of floorspace allowed to be occupied in advance of terminals becoming operational in other DCO which were adjudged to be compliant with the NPS.

Response

The DCO consent specifically required the rail connections to be operational before warehouses were occupied in order to achieve the benefits of a modal shift of freight to rail.

The amendment would result in a fundamental change indefinitely – It would become road-served warehousing in complete contradiction to the objectives of the development.

It would have implications for the impacts assessed, particularly the Transport Assessment, which is out of date and based on a rail-served operation, and by extension impacts on local residents.

3.7 Appendix 7

It is said that the reason for the rail condition was to prevent occupation by companies not requiring rail and the history of previous applications suggest this was wise. If the rail terminal was not operational prior to occupations then those occupants who occupy in advance of the terminal being operational would not use rail.

Response

The Applicant has confirmed in their response that the above concerns are valid. They have said there is no requirement imposed on occupiers to use rail. In other words there would be no guarantee of an actual shift from road to rail once the terminal is operational. It is known, & confirmed by the Applicant, that there are occupiers at other SRFI that have NOT shifted from road to rail.

It is said that the Applicant should take the risk of delay having committed to have the terminal operational before occupation in the knowledge of the uncertainty arising from dealing with Network Rail and that the Applicant should have allowed for that risk with contingency planning.

The Secretary of State purposely omitted those words in the approved DCO. The effect is that the Secretary of State required the Applicant to demonstrate to the Secretary of State, rather than the local planning authority, that occupations could take place in advance of the terminal being operational (as with other SRFI DCO), provided there were **no** unacceptable consequences or impacts.

Response

The Applicant should take the risk of delay rather than seek an indefinite change that has unacceptable consequences and impacts on the local community.

The original development consent was granted based on a modal shift of freight to rail, with no occupations taking place in advance of the terminal being operational. This amendment is in contradiction to the terms of the DCO and the objectives of the development.

It is said that the if the application were to be successful it would reduce the confidence in the system because people had the right to expect the requirement to be adhered to.

The requirements in the DCO were the ones felt appropriate by the Secretary of State at the time of the DCO being approved. There is a system for amending those requirements which is available to allow for amendments if circumstances change. The system of application for amendments allows for changes to a DCO and for the effects of any suggested changes to be fully considered.

Response

The Applicant is requesting a change that was entirely predictable and completely contrary to the DCO and objectives of the development.

The NRFI was not wanted by Northampton residents because of the scale of the development and the huge negative impacts on their day to day living, health and well being. The decision was taken by Central Government to approve the development as it was considered to be for the greater good of the country. Central to the 'strategic' case by the developer was that the rail network would be operational,

and there would be a shift from road to rail – the changes sought are blatantly contrary to this, and would not, therefore, realise the intended national benefits. At the same time the local community are already (and the site is not operational yet), suffering the negative impacts on a day to day basis.

By using or setting precedents to change the original development consent, risks a pattern that becomes the norm for future expansion/projects which departs from the original aim unfairly skewing towards profits, over the health and well being of people. It reduces confidence in the system and faith in expected standards and fairness.

Paras 5.10 – 5.15. Appendix 9

Some of the standard form wording of the representations suggest that surveys are out of date and need updating before a decision can be made.

The Application Statement explains how the change will result in less traffic until the mainline connections are made and not more. There is no purpose served therefore in updating any traffic surveys.

Response

The Applicant's response is too simplistic and misleading.

The Applicant does not dispute that the surveys are out of date. That is because they *are* out of date and relate to rail-served operations. Road-served warehousing would have implications for the impacts assessed, particularly the Transport Assessment and by extension impacts on the local community.

National Highways – confirm that they are content with the amendment – consistent with the information submitted in the Application Statement.

Response

What have National Highways based their assessment on?