



Meeting note

File reference	TR050006 – Northampton Gateway Rail Freight Interchange
Status	Final
Author	Planning Inspectorate
Date	12 January 2018
Meeting with	Roxhill (Junction 15) Limited
Venue	Temple Quay House, Bristol
Attendees	Planning Inspectorate Kathryn Dunne – Infrastructure Planning Lead Kate Mignano – Case Manager Emre Williams – Case Manager Ewa Sherman – Case Officer Nick Bandu – Lawyer Roxhill (Junction 15) Limited Laura-Beth Hutton – Eversheds Sutherland Steve Harley – Oxalis
Meeting objectives	Project update and review of draft documents
Circulation	All attendees

Summary of key points discussed and advice given:

Welcome and Introductions

The Applicant and the Planning Inspectorate (the Inspectorate) introduced themselves and their respective roles. The Inspectorate outlined its openness policy and ensured that those present understood that any issues discussed and advice given would be recorded and placed on the Inspectorate's website under section 51 of the Planning Act 2008 (PA2008). Further to this, it was made clear that any advice given did not constitute legal advice upon which the Applicant (or others) can rely.

Draft documents

The Inspectorate had reviewed the draft Development Consent Order (DCO) and accompanying documents submitted by the Applicant in November 2017. Detailed feedback is provided in the Annexes to this note.

Development Consent Order (DCO) and Explanatory Memorandum (EM)

A summary of points raised is provided in more detail in Annex A. The Inspectorate advised the Applicant to ensure that all internal references and legal footnotes in the

final draft DCO are checked, and that the drafting follows the best practice contained in the Inspectorate's [Advice note fifteen](#). The comments provided during the meeting focused on the main elements of DCO and EM drafting: certainty, justification and effect, including clear explanation if/ where the Application seeks flexibility in the DCO. Applicants are advised to not simply rely on precedents from made DCOs, if they wish to adopt similar wording/ powers, justification will be required.

Other documents

Statement of Reasons (SoR)

The Applicant was advised that this document requires further detail in line with the DCLG Guidance but it was agreed that rather than repeat information already contained in other application documentation, a summary and cross reference can be included. It was noted that the SoR should justify the need for compulsory acquisition and explain the Applicant's opinion for the compelling case in the public interest for it, see Q1 for the SoR in the appended "Comments on the draft documents" for further information.

Funding Statement (FS)

The Applicant was advised to ensure this document provides all the necessary information when submitted with the application.

Book of Reference (BoR)

The Applicant was advised to follow the DCLG [Guidance related to procedures for the compulsory acquisition of land](#), specifically in relation to Annex D, which at paragraph 10 states cross-referring to the relevant articles contained in the development consent order should be done where it is proposed to create and acquire new rights compulsorily. The Inspectorate gave an example where this approach had been adopted as the [A19 A184 Testos Junction Improvement](#) Book of Reference.

Consultation Report (CR)

The Applicant confirmed that further non-statutory consultation is being conducted on updated elements of the scheme, due to end on 2 February 2018. The Applicant explained that they have written to all statutory parties and issued press notices and confirmed this would be detailed in the CR submitted with the application. The Inspectorate advised the Applicant to ensure that the additional consultation period is clearly defined and explained in the CR to avoid any confusion. The Inspectorate recommended the Applicant to use the s55 Acceptance Checklist to ensure compliance with the PA2008, and the Applicant must clearly show how it has met s49 of the PA2008 (having regard to any relevant consultation response). The recently updated s55 Checklist can be found as Appendix 3 to the [Advice note six](#).

Plans: Land plans, Works plans, Access plans and Illustrative Masterplan

The Applicant was advised to ensure that the cross-referencing of the Plans to the relevant parts of the draft DCO is accurate and consistent.

AOB

The Applicant intends to rely on the transitional provisions (Regulation 17) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The Inspectorate advised the Applicant to justify their approach in line with any changes to the proposal since the scoping opinion was issued, and to submit a covering letter providing this information to avoid any confusion.

The Inspectorate also enquired about the relationship between Northampton Gateway RFI and the neighbouring proposal, Rail Central (Strategic Rail Freight Interchange), also at the pre-application stage, especially in regard to the M1 junction 15 which will have different impacts. The Applicant confirmed that both projects are distinct and as drawn, are inconsistent with each other.

In regard to paragraph 4.88 of the National Networks National Policy Statement, the Applicant confirmed that, if a DCO is granted for this proposal; the rail terminal would be delivered and available for use prior to the first occupation of a warehouse.

Specific decisions / follow up required?

- The Applicant will send an email with the updated information to be published on the Inspectorate's project page.
- The Inspectorate will provide further advice in relation to Q22 regarding the draft DCO (see below).
- The Inspectorate will provide further information regarding the administrative formalities ahead of the submission of the DCO application which is currently planned for the end Q1 of 2018.
- The Applicant will clarify within the application documents why they consider the road junction works are not NSIPs. This should also be included in the Explanatory Memorandum.

Advice in relation to Q22 regarding the draft DCO

During the meeting clarity was sought by the Applicant on Q22 of the Inspectorate's draft DCO comments. The Inspectorate can confirm that this point was in relation to the amount of individual works listed under each numbered work in the draft DCO.

Where works descriptions include several separate works elements and particularly where requirements require subsequent approvals of plans etc. that are different for each part of the works, it is best practice to break the works into individual packages, so that for example Works No.1 (the new railway line) can be separated from other works (for example the tunnel or the alteration of existing rail infrastructure and signals).

If several works are bundled together, with smaller works 'nested' in larger ones, it is much harder for both the undertaker and the bodies responsible for discharging requirements to fully understand.

If a decision is needed under a requirement, it is likely to affect the whole bundle of works. An unforeseen issue on a relatively minor and separable component could end up delaying the whole of a large numbered work.

It may be better practice to divide the works into parallel numbered works that do not unduly overlap in physical terms, that each comprise a distinct 'works package' for

which relevant subsequent sign-offs can happen without too much overlap or contingency with neighbouring works.