NORTHAMPTON GATEWAY
STRATEGIC RAIL FREIGHT INTERCHANGE

APPLICANT'S RESPONSES TO RAIL CENTRAL DEADLINE 2 SUBMISSIONS

DOCUMENT 8.8A

The Northampton Gateway Rail Freight Interchange Order 201X

APPLICANT'S RESPONSES TO RAIL CENTRAL
DEADLINE 2 SUBMISSIONS | 30 NOVEMBER 2018

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THE NORTHAMPTON GATEWAY RAILWAY FREIGHT INTERCHANGE ORDER 201X

Applicant's Response to Rail Central's Deadline 2 Submissions – Document 8.8A

1. Introduction

1.1 This document:

(i) provides an update on the cumulative impact assessment as requested in ExQ1.9.1 for **Deadline 3**; and

(ii) responds to the **Deadline 2** submissions submitted on behalf of Ashfield Land Management Limited and Gazeley GLP Northampton s.à.r.l (**"Rail Central"**) (REP2-016).

2. Update on Cumulative Impact Assessment

2.1 As stated at **Deadline 2**, the Applicant can confirm that a revised cumulative impact assessment is in preparation.

2.2 The ExA is referred to the Applicant's response to ExQ1.9.1 and the response on CIA contained in the Applicant's Response to Rail Central's Deadline 1 Submissions (**Document 8.8,** REP2-011), paragraphs 2.11 – 2.21.

2.3 The Applicant has set out the approach it intends to take to cumulative traffic impacts in the response to Rail Central's Written Representation (**Document 8.8,** REP2-011) at paragraphs 2.16 to 2.19 submitted for **Deadline 2**.

2.4 As will be clear from the SoCG agreed between Rail Central and the Applicant submitted for **Deadline 3**, (**Document 7.17**), the current view of the Applicant is that the mitigation measures for J15A proposed by Rail Central do not, on the basis of the information submitted with the application, adequately provide for the Rail Central traffic impact and so clearly are insufficient to accommodate cumulative impact. This is apparent from the modelling information submitted with the application.

2.5 It is understood from Rail Central that discussions are ongoing with the highway authorities and further information/clarification is being provided to the highway authorities. The Applicant has asked Rail Central if it can be provided with that information in order that the cumulative impact assessment can be based on the most up to date information. At the time of writing Rail Central have declined to do so until the information has been agreed with the highway authorities, which is unlikely to be within a timescale to inform the revised cumulative impact assessment, due to be submitted for **Deadline 4**.

3. Response to Deadline 2 Submissions

3.1 The tables on the following pages respond to the items identified in the two tables included in Rail Central's Deadline 2 submission (REP2-016) and follow the same order. Where an entry is not referred to then, intentionally, no comment is made.

3.2 The Applicant has only responded where it feels it would be of assistance to the Examining Authority. Where Rail Central are, essentially, repeating a previous criticism, such as in relation to ES methodology, then no response is considered necessary.

Submitting party	Document	Response of Applicant to Rail Central comment
The Applicant	Document 6.4A – draft Section 106 Agreement	The comments in relation to the status of the Community Fund made by Rail Central are noted. The purposes to which the Community Fund is to be used are to be further developed and it is anticipated that a second draft of the s.106 agreement will be submitted for **Deadline 4**. It is anticipated that the fund will operate in the same way as the equivalent fund in the East Midlands Gateway s.106 Agreement, which is operating well. It is not entirely clear what the specific concern is of Rail Central, in that, any failure to comply with regulation 122 of the Community Infrastructure Regulations 2010 does not render a section 106 agreement unlawful - it simply goes to whether it can play any part in the decision whether or not to approve – which is a matter for the Examining Authority. The reference by Rail Central to the bus service fund, and their suggestion that it may not comply with regulation 122 of the CIL Regulations is surprising. There is a clear connection between the provision of a bus service and the mitigation of traffic impact. Within the Environmental Statement for Northampton Gateway (**Document 5.2**) there is reference to the bus service and the purpose it serves, making it clear that it meets the necessary tests. Please see paragraphs 12.6.50 – 12.6.63 of Chapter 12 of the Environmental Statement and Appendix 2 (Public Transport Strategy) of the Transport Assessment (Appendix 12.1) of the Environmental Statement.
The Applicant	Document 7.8 Archaeology Statement of Common Ground	The Applicant can confirm that the archaeology Statement of Common Ground (**Document 7.8**, REP1-012) has been signed by Northampton County Council (the fully signed version is submitted with the Applicant's **Deadline 3** responses). As the ExA will know from the Applicant's response to the NCC written representation (**Document 8.7**, REP2-010 at pages 7 - 9), notwithstanding the fact that the Applicant is content with the extent of trial trenching carried out, trial trenching along the bypass corridor is currently underway and will be reported on in due course.

Submitting party	Document	Response of Applicant to Rail Central comment
		It is noted that the Rail Central position is not that all trial trenching must be carried out in advance of determination in order to comply with the Hardy case, since they say in their response that they are committed to a programme of further intervention following consent, as are Northampton Gateway. The issue is therefore a judgement to be made as to the balance to be struck between excessive, and unwarranted, intervention prior to consent and intervention post consent carried out as part of, what Rail Central term, "(post consent) mitigation".
The Applicant	Document 7.10 Statement of Common Ground with Northampton Borough Council	Rail Central state "it is misleading to assert that the two schemes are physically incompatible". The ExA will note from the Statement of Common Ground agreed with Rail Central, and submitted for **Deadline 3**, that the Applicant does not agree with this comment (see **Document 7.17**).

Response of Applicant to Appendix 1 of Rail Central's Comments on Deadline 1 Responses (REP2-016)

ExQ reference	Applicant's comments on Ashfield's response to Applicant's response to written questions
1.0.2 and 1.0.3	A revised Commitments Tracker is provided for **Deadline 3.** It is in a form that the Applicant feels appropriate (**Document 6.11A**). It does not necessarily refer to the particular descriptions of mitigation that Rail Central would choose to use but does identify the mitigation identified in the environmental statement and where it is secured. The Applicant is content that it is clear from ES Chapter 2 *Description of Development*, and from relevant parts of the various topic specific chapters, what 'embedded' or integrated mitigation is included within the Proposed Development, and what has been assessed in identifying likely residual effects. Examples, Chapter 2 refers to numerous embedded or integrated mitigation measures, including: • The earthworks bunding and phasing of its delivery (paragraph 2.3.11);

ExQ reference	Applicant's comments on Ashfield's response to Applicant's response to written questions
	• The package of highways mitigation works (paragraphs 2.3.17-2.3.20); • Landscaping and tree planting (paragraph 2.3.25), described as "*fully integrated*" with the proposed development at paragraph 2..3.26), and with cross-reference to the Parameters Plan; • The CEMP (paragraph 2.3.34). There are numerous explicit references in the ES which ensure it is clear what has been assessed, what mitigation is proposed, and on what basis Residual Effects are identified. The topic specific chapters refer back to Chapter 2 rather than each describing the Proposed Development in full. Specific chapters too set out where relevant what measures are taken into account in undertaking the assessment – for example, in Chapter 4 (landscape and visual effects): • Paragraph 4.1.3 specifically cross-refers to Chapter 2 and the Parameters Plan as the basis of the assessment undertaken; • Paragraph 4.3.8 refers to the "*embedded mitigation and landscape proposals*"; • Later sections of the chapter are clear what has been taken into account, with reference to elements such as the CEMP and phasing programme (paragraphs 4.4.1-4.4.3), the basing the assessment on a 'worst-case' approach to FFLs and heights (at paragraph 4.4.93); • The Chapter is clear that the residual effects are based on the landscaping once matured for 15 years (Section 4.6), but that the assessment also includes consideration of the effects on opening (i.e. pre-maturation of the landscaping/planting). Similar references are made across the ES, with cross-references to Chapter 2 and the Parameters Plan as well as any topic specific mitigation measures where considered appropriate or necessary. Examples include Chapter 5 which refers to the mitigation measures taken into account prior to any consideration of Residual Effects. Chapter 7 refers to likely effects 'without mitigation' before then setting out what the proposed mitigation specific to drainage and flood-risk issues.

ExQ reference	Applicant's comments on Ashfield's response to Applicant's response to written questions
1.0.14	The identification of the Rochdale envelope for the Environmental Statement is set out in Chapter 2 of the Environmental Statement (see Chapter 2 ES (**Document 5.2**) paragraphs 2.1.2 to 2.3.34).
1.0.15	Rail Central's assertion that there are flaws in methodology, insufficient baseline surveys and use of illustrative material in assessments of the parameters is rejected. As is all of Rail Central's criticism of any aspect of the Northampton Gateway Environmental Statement which is based on Northampton Gateway not following Rail Central's own chosen methodology. The methodology used by the Applicant follows the approach adopted by the Applicant in preparing Environmental Statements for other large commercial schemes, including the Environmental Statement for East Midlands Gateway which was found sound by the ExA and Secretary of State.
1.0.17	Please see attached at **Appendix 1** a note expanding on the basis for the inclusion of the Roade Bypass within the highway mitigation strategy, already referred to in the Transport Assessment included within the Environmental Statement.
[1.1.29]	Reference is made to securing the relevant mitigation for the aggregates development. The Commitments Tracker submitted at **Deadline 3** (**Document 6.11A)** has indicated that it is intended to expand Requirement 8 to explicitly include mitigation measures for the aggregates terminal. This will be included in the next version of the dDCO to be submitted for **Deadline 4**.
1.4.2	Please see paragraphs 2.22 – 2.25 of the Applicant's responses to Rail Central's submissions submitted at **Deadline 2** (**Document 8.8**, REP2-011). It seems clear that Rail Central have overlooked the sustainability statement submitted with the Northampton Gateway application.
[1.4.2]	Rail Central's response in relation to BREEAM is confused. The Applicant is targeting a BREEAM Very Good rating (2018) not (2014) as stated by Rail Central. Whilst Rail Central states again that it is committed to a BREEAM Excellent rating, it omits to make it clear that is a 2014 Excellent rating. BREEAM 2014 is an older, less stringent, standard.
1.6.1	The ExA will note that neither the local authorities or Historic England have raised any concerns in relation to the impact upon the war memorial.

ExQ reference	Applicant's comments on Ashfield's response to Applicant's response to written questions
1.7.3	See response to SNC Comment submitted for **Deadline 3** – **Document 8.9**.
1.8.1	The triggered data links presented in Chapter 8 of the ES were identified if all of the following criteria were met: • traffic flows were expected to increase by more than 25% from the DM to the DS scenario; • the predicted DS daytime basic noise level (BNL) indicated an adverse effect (see Table 8.8 of the ES); • the increase between the DM and DS scenario BNLs indicated a greater than negligible impact (see Table 8.9 of the ES); and • a noise-sensitive receptor was identified within 300 m of the link. The dataset analysed to identify the triggered data links contained every road link in NCC's Northamptonshire Strategic Transport Model (NSTM2), except those that had already been selected for the primary road traffic noise assessment, for which full modelling of road traffic noise at the relevant receptors was undertaken using CRTN, as required by the NPSNN. The potential effects of the changes in road traffic noise associated with the Proposed Development have been assessed for the opening year of the SRFI (2021), and for the future year when the SRFI is fully operational and all highway works, including the Roade Bypass, have been completed (2031). This is detailed in Paragraphs 8.3.41–53 of the ES.
1.8.6	The identification of noise-sensitive receptors that may be affected by the Proposed Development resulted in those listed in Table 8.12 of the ES being selected for assessment. The assessment methodology and significance criteria are described in Section 8.3 of the ES. This defines appropriate thresholds for the assessment of potential effects at residential receptors in terms of current Government noise policy, as well as magnitudes of impact. This inherently reflects the sensitivity of residential receptors. The assessment has been carried out at a large number of residential receptors in the area around the Proposed Development. Considering receptor types with a lower sensitivity to noise, such as footpaths, the results indicate that any that may be potentially affected by the Proposed Development would be unlikely to experience any significant adverse effects. The local planning authority requested no information regarding the specific impact on footpaths.

ExQ reference	Applicant's comments on Ashfield's response to Applicant's response to written questions
1.8.7	The Applicant has clearly answered the question asked by the ExA. The question did not relate to the values of the thresholds of potential effects of construction noise. However, further comments on these points have been provided by the Applicant in response to the SNC response to ExQ1.8.9 (see page 4 of **Document 8.7,** REP2-010).
1.8.9	Rail Central have misunderstood the Applicant's answer. There is no suggestion that the 2014 version of BS 5228 is 20 years old. Further comments on the other points have been provided by the Applicant in response to the SNC response to this ExQ1.8.9 (see page 4 of **Document 8.7,** REP2-010).
1.8.12	As noted in the Applicant's response to ExQ1.8.12, the guidance in BS 5228-2 states that a level of 0.3 mm/s PPV **might just be perceptible** in residential environments. Therefore, it would be inappropriate to set LOAEL at 0.3 mm/s when perception is not certain.
1.8.13	BS 4142:2014 has been properly applied by the Applicant in supporting the assessment of the potential effects of operational sound. BS 4142:2014 states that the methods described in the standard "*use outdoor sound levels to assess the likely effects of sound on people who might be **inside or outside a dwelling** or premises used for residential purposes upon which sound is incident*." BS 8233:2014 has been used to provide guidance when taking context into account as required by BS 4142, as set out in Paragraphs 8.3.67–69 of the ES. For example, internal sound levels are particularly relevant during the night when the primary concern is the potential effect on residents who may be sleeping in bedrooms. The results of the assessment of operational sound from the SRFI are robust and correctly follow the principles of BS 4142:2014.

ExQ reference	Applicant's comments on Ashfield's response to Applicant's response to written questions
1.8.14	In undertaking the predictions and assessment of construction noise, consideration was given to the type of construction activity, where the associated plant would be operating within the site, and how this related to the location of the relevant receptors. For the activities occurring in proximity to the boundary, the distances between the activity source location and the point on the boundary closest to a relevant receptor are typically between 40 m and 110 m. This is considered to represent a reasonable worst case situation for those activities. It is expected that, for the majority of the time, the construction activities would take place at greater distances from the boundary than assumed in the predictions. Therefore, a robust assessment has been carried out.
1.8.16	Requirement 21 of Schedule 2 of the dDCO states that any construction works taking place outside of the permitted hours must be agreed in writing by the relevant planning authority. As explained in the Applicant's response to ExQ1.8.16, it is anticipated that out of hours work will be minimised due to the factors referred to in the response. the variables which prevent detailed knowledge of the precise extent of out of hours activity at this stage are referred to in the response.
1.8.20	The performance levels that rolling stock will have to meet in 2043 are not determined yet. What is known is that they will be more stringent than for rolling stock in use today. Therefore, measures are in place to address all the identified potential significant effects. Therefore the marginal adverse effects assessed to arise in 2043 based on existing freight train standards are anticipated to be reduced by the more stringent standards to be applied. The effect of this reduction is to take the potential effect to below significant.
1.8.21	The ExA query relates to a **level of significance** being assigned to the residual effects. Further details have been provided to the ExA where it has been clarified that the residual effects indicate that all significant adverse effects have been avoided as a result of the proposed mitigation measures. The prediction and assessment of operational sound from the SRFI has been based on robust and representative data and assumptions, which are detailed in Appendix 8.5 of the ES.

ExQ reference	Applicant's comments on Ashfield's response to Applicant's response to written questions
	As stated in Paragraph 8.3.63 of the ES, any mechanical plant installation at the warehouses within the SRFI will be submitted to and approved by the relevant planning authority (requirement 23 dDCO). LOAELs have not been elevated. The use of further measures to mitigate operational sound is discussed in Paragraphs 8.6.57, 8.6.59 and 8.6.61 of the ES. This concludes that when considering the high level of acoustic screening provided by the bunding around the Main Site, no other practicable options to materially reduce further the predicted operational sound levels at the relevant receptors have been identified. Therefore, all reasonable steps have been taken to mitigate and minimise the adverse effects of noise as required by Government policy.
1.9.1	The Applicant's approach to the CIA assessment is set out in paragraphs 2.11 – 2.21 of the Applicant's' responses to Rail Central's **Deadline 1** submissions (**Document 8.8,** REP2-011), including a detailed explanation of how cumulative traffic assessment is to be approached. That approach is not reliant on "issues being resolved with the applicant" as referred to by Rail Central. Please see update on CIA at the beginning of this document.
1.11.10	Rail Central are confusing the role of the Parameters Plan and Illustrative Masterplan. The Parameters Plan identifies, in spatial terms, the areas to be devoted to certain uses, such as development plots and HGV Parking Area. It also identifies particular restrictions, particularly in the text within, and below, the table. Those parameters are fixed. In respect of parking, the illustrative masterplan provides information as to what numbers might be expected to be provided within the those areas. The actual details will be agreed under the provisions of Requirement 8. In addition, the number of HGVs to be accommodated in the HGV Park is specified as "approximately 120 HGVs" in Schedule 1, Works No. 4(2). It is not clear whether Rail Central are concerned that the HGV parking provision is too much or too few.
1.13.1	Rail Central state "so the response is still that the loss of half of the soils on site is irrelevant" whereas actually the response is, as set out in the second column of the Rail Central table, that it is "considered a minor environmental effect".

Appendix 1

Northampton Gateway SRFI: Alternatives to Roade Bypass

NORTHAMPTON GATEWAY SRFI
ALTERNATIVE TO ROADE BYPASS

Introduction

1. This briefing note provides a summary of the consideration given to the alternative to providing a bypass for the village of Roade. It is in response to the written representation by Rail Central[1] that appears to contest the rationale for the inclusion of the Roade Bypass as part of the highway mitigation strategy for Northampton Gateway.

Proposed Development traffic impact

2. The traffic impacts of the Proposed Development are considered via manual assessment methodologies at Chapter 7 of the TA. Chapter 8 of the TA (paras 8.51 to 8.67) then presents assessment of the unmitigated traffic impacts of the Proposed Development using the NSTM2. Both assessment methods confirm that, without mitigation, the impact due to the traffic associated with the Proposed Development would be unacceptable for the following reasons:

- The existing constraints on the A508 through Roade would lead to traffic from the Proposed Development displacing existing background traffic from the A508, to use alternative less suitable local roads, adversely impacting local villages.

- The Proposed Development would increase the number of HGVs passing through Roade on the A508, adversely impacting on Roade.

3. The need to mitigate the traffic impacts through Roade that would be associated with the Proposed Development is not disputed by Rail Central. However, Rail Central request further information detailing how the Applicant has reached the conclusion that the proposed Roade Bypass is the appropriate highway mitigation.

4. Before considering this, it is helpful to understand the existing and forecast future highway conditions along the A508 through Roade and the surrounding areas, as these are material to the decision-making process.

Existing constraints on the A508

5. The A508 through Roade is a known bottleneck (paras 3.32 to 3.36 of the TA). The constraints in Roade, in combination with the bottleneck at M1 Junction 15 and other constraints on the A508 corridor (paras 3.30, 3.31 and 3.37 of the TA), result in drivers using alternative less appropriate routes, often passing through the surrounding villages, to avoid the delay associated with travelling along the A508 and through Roade village.

6. Strategic transport modelling undertaken using the NSTM2 (paras 8.38 to 8.50 of the TA), confirms that, without intervention, the A508 will not accommodate the forecast traffic growth for South Northamptonshire that is associated with the committed and planned development (i.e. background traffic growth). Therefore by 2031, even without the addition of traffic associated with the Proposed Development, many of the local roads and villages surrounding the Proposed Development site will already be subject to disproportionally large increases in background traffic, as more drivers seek to avoid congestion on the A508 corridor, particularly the constrained sections through Roade village and the approach to M1 Junction 15.

7. As explained at paras 8.45 to 8.48 of the TA, it is notable that the adjacent routes to the A508, on local roads such as Stoke Road, Northampton Road and Towcester Road to the

[1] Written Representation of Ashfield Land Management Limited and Gazeley GLP Northampton s.a.r.l.

west of Roade, and Wootton Road to the east of Roade, are forecast to see significant increases in traffic through to 2031 (without the Proposed Development). For example, the parallel route (to the A508) of Towcester Road is forecast to see an average peak hour traffic growth of around 38% between 2015 and 2031. This contrasts with the much more limited forecast traffic growth on the A508 of around 1% and 5% in morning and evening peak hour periods. It is also higher than the equivalent forecast growth on the A45 (between 20% and 30%) and on the M1 (24% to 35%).

8. It is therefore clear that the current constraints on the A508 mean that it would not cope with the forecast traffic growth. The addition of the Proposed Development traffic would further exacerbate this.

9. Notwithstanding the above, the A508 is an important part of the principal road network and forms part of the Strategic Road Freight Network, as identified in the adopted Northamptonshire Road Freight Strategy (TA Figure 3.3). It has been identified as being part of the proposed Major Road Network (TA para 3.28) and also forms part of the Strategic Road Network (SRN) emergency diversion route for the M1 and A5 (TA Figures 3.4 to 3.7).

10. Encouraging traffic to use the A508, in preference to using alternative less appropriate routes on local roads which would adversely impact the surrounding villages, has therefore been a cornerstone of the highway mitigation strategy for the Proposed Development. However, avoiding impacts in the surrounding villages goes hand in hand with the need to ensure that unacceptable impacts on the village of Roade are avoided.

11. Indeed, it is confirmed at para 3.16 of the SoCG on highway matters with Northamptonshire County Council (Document 7.5 AS-006) that: *"Northamptonshire County Council has a long held aspiration to address the existing constraints on the A508 corridor, including the provision of a bypass for Roade. The Proposed Development would assist with delivering these aspirations and as such would contribute positively to the enhanced operation of the highway network."*

12. The above is important context, as it is a key factor when considering the alternatives to providing a bypass for Roade as part of the highway mitigation strategy for the Proposed Development.

Consideration of alternatives to the Roade Bypass

13. Recently, it has been suggested that an alternative to the Roade Bypass could be a new motorway junction, J14A (see written representations of SRNG). A road link from the south of Roade to the M1 south of Junction 15 would be around 3.6km, and is over 1km longer than the proposed Roade Bypass. It would still require a bridge over the West Coast Main Line so it would clearly be more expensive than the bypass before the costs of a proposed new J14A itself are taken into account. The costs for J14A would be substantial, requiring at least one bridge over or under the M1 and several new gantry structures on the smart motorway. There would have to be a compelling need for Highways England to accept a new junction on the M1 and in the Applicant's view this need is not met, since a better alternative exists. Furthermore, constructing this link and a new J14A would not avoid the need for significant improvements at Junction 15.

14. Given the above, the only viable alternative to providing a bypass to mitigate the Proposed Development impacts through Roade, without further adversely impacting the surrounding local roads and villages, would be to relieve the constraints through Roade by online improvements to the A508. Principally this would be at the A508/High Street mini-roundabout and at the narrow railway bridge over the West Coast Main Line (WCML), but it could also include the new mini-roundabout that is to be constructed at the

A508/Northampton Road T-junction (TA para 3.36) in connection with new housing development.

15. However, whilst initial work identified that it may be possible to upgrade the High Street mini-roundabout to provide a traffic signals junction that could accommodate the Proposed Development traffic, it was considered that improvements that would increase traffic flows through the village were not an appropriate response to deal with the Proposed Development impact. It would be counter to Northamptonshire County Council's long held aspiration for the provision of a bypass for Roade, and the uplift in capacity that would result from online improvements to the A508, would result in supressed traffic returning to the A508. This would further increase the traffic flows through the village, with associated adverse environmental impacts, for example on severance, amenity, air quality, noise and road safety.

16. In the absence of a bypass, the Proposed Development is forecast to increase by 17% (Table 7.12 of the TA) the volumes of HGV traffic passing through the village and using the narrow WCML railway bridge. HGVs and other large vehicles travelling in opposite directions on the railway bridge are often obliged to give way to each other as they are not able to pass safely on the bridge. Widening the bridge to safely accommodate the additional traffic, HGVs in particular, would be a major undertaking and extremely disruptive for extensive periods of time.

17. It was therefore concluded that a highway mitigation strategy that included online improvements to the A508 through Roade was not an appropriate or acceptable solution to mitigate the Proposed Development traffic impact within Roade village, as it would result in unacceptable adverse impacts within the village.

18. This view was confirmed by South Northamptonshire Council in their response to the Stage 2 Consultation (para 7.60 of the TA), in which they stated that forecast traffic increases associated with the proposed development would "…*be unacceptable as it would have a further detrimental impact to the settlement and community. The proposed bypass is required to take traffic out of the village centre and around the settlement".*

19. South Northamptonshire Council have reconfirmed this position at paragraph 16 of their written representation, in which they state that the bypass is a critical component of the Northampton Gateway proposal.