



NORTHAMPTON
GATEWAY
STRATEGIC RAIL FREIGHT INTERCHANGE

DCO CHANGES TRACKER

DOCUMENT 3.4B

The Northampton Gateway Rail Freight Interchange Order 201X

Regulation No: 5 (2) (q)

DCO CHANGES TRACKER | 8 JANUARY 2019

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**Schedule of changes made to the draft Development Consent Order submitted by the Applicant
Changes in *italics* denote the most recent changes submitted on 8 January 2019**

N.B. Minor typographical changes are not dealt with in this Schedule.

Section/Article No. and title	Change	Reason	Date of Draft
Preamble	<i>Removal of paragraph numbers in Part 1 of Schedule 5 to the Planning Act 2008</i>	<i>Amendment made as explained in the Applicant's response to ISH3:1 (see Appendix 13 to Document 8.10 submitted for Deadline 4).</i>	8 January 2019
2. Interpretation	<i>Addition of definition of "1996 Regulations"</i>	<i>Please see explanation relating to new requirements 23(2) and (3) below.</i>	8 January 2019
	Addition of definition of "arboricultural assessment"	Added for amendment of Article 43 further to ISH1:40	20 November 2018
	Addition of definition of "Chief Officer of Police"	Added as requested in ISH1:24	20 November 2018
	Addition of definition of "commence" or "commencement"	Moved from front of Schedule 2 because definition used elsewhere in the Order.	15 August 2018
	Amendment to definition of commence or commencement	Amended as suggested in ISH1:5. Reference to article 3(2) deleted due to the deletion of article 3(2).	20 November 2018
	Definition of "the environmental statement" amended	Deletion of superfluous words	15 August 2018

Section/Article No. and title	Change	Reason	Date of Draft
	Amended definition of “HGV”	Amended as a result of discussion with Northamptonshire County Council to ensure HGV carrying very light weight goods are included.	20 November 2018
	Amended definition of “Highways England”	Amended to refer to successor body.	20 November 2018
	Amended definition of “lead local flood authority”	Amended to refer to successor body.	20 November 2018
	Amended definition of “local highway authority”	Amended to refer to successor body.	20 November 2018
	Amended definition of “maintain”	Elements deleted, including those referred to in ISH1:7 and the Applicant’s responses to ExQ1 (Document 8.2 , REP1-020 and REP1-021), to ensure conformity with assessment.	20 November 2018
	<i>Definitions of “framework travel plan” and “public transport strategy” moved from Schedule 2 (requirements)</i>	<i>As a result of the new Schedule 15, these definitions are now needed for both Schedule 2 and 15 and the definitions are therefore needed in article 2 rather than only Schedule 2.</i>	<i>8 January 2019</i>
	<i>Definition of “rail-served warehousing” changed to “warehousing” and amended</i>	<i>Amended for clarity. Following confusion in respect of “rail-served” whereby some parties appeared to believe that rail-served warehousing only related to part of the warehousing rather than all warehousing as was the case, the definition has been changed to ensure it is clear that all references to warehousing within the DCO are references to any warehousing constructed as part of the authorised development. Any previous references to “rail-</i>	<i>8 January 2019</i>

Section/Article No. and title	Change	Reason	Date of Draft
		<i>served” in the dDCO are amended (e.g. requirements 3 and 16).</i>	
	Amended definition of “relevant planning authority”	Amended further to ISH1:8 for clarification.	20 November 2018
	Amended definition of “requirements”	To refer to Part 1 of Schedule 2 as a result of the addition of Part 2 of Schedule 2 dealing with approval and appeal process.	20 November 2018
	Deleted definition of “Secretary of State”	To accord with updated AN15 paragraph 6.1.	20 November 2018
	Additional definition of “strategic road network”	Added for the purposes of amendment to Article 34.	20 November 2018
	Amended definition of “trunk road”	Amended further to ISH1:10 to particularise DCO reference	20 November 2018
	Additional paragraph (7)	Added further to ISH1:3 to provide certainty of document reference to accord with revised Schedule 15	20 November 2018
3. Development consent granted by the order	Removal of words from 3(2)	To bring the activities deleted within control. The objective of the original 3(2) wording is now achieved by amendment to the wording of some of the requirements.	15 August 2018
	Removal of Paragraph 3(2) in its entirety	Further to consideration of ISH1:12 this paragraph is removed and now dealt with in requirements	20 November 2018

Section/Article No. and title	Change	Reason	Date of Draft
4. Parameters of Authorised Development	Amendment to the proviso	<p>Further to the discussions at ISH1 and as suggested by the ExA in ExQ1.4.6, the Applicant has amended this wording to clarify the basis for consideration of the proviso, which is to align with Regulations 8/9 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The approach taken is to apply the test in Schedule 2, paragraph 13(1) of the Regulations. That categorises any change or extension to a development which is already authorised and which may have “significant adverse effects on the environment” as Schedule 2 development which, if it is likely to have significant effects on the environment, will then constitute EIA development. Given that the Regulations feel it appropriate, when dealing with a change to an authorised development, to apply the test of “significant adverse effects” it is thought appropriate to apply that test to changes anticipated in this article. It is also felt appropriate to apply that test to changes arising from approvals under the requirements and amendments to documents approved under the requirements. Accordingly article 45 (1) and (2) have been amended to incorporate that test.</p> <p>This test has also been applied to the proviso to the “further works” in Schedule 1 and article 6(3).</p> <p>The point in time identified in the revised drafting for comparison purposes is “the time this Order was made or, in any updated environmental information supplied under the 2017 EIA Regulations”. This ensures that all environmental information submitted during the course of</p>	20 November 2018

Section/Article No. and title	Change	Reason	Date of Draft
		the Examination is captured along with any information submitted subsequently.	
	<i>Removal of words from proviso</i>	<i>Following discussions at ISH3 the wording “not identified at the time this Order was made, or in any updated environmental information submitted under the 2017 EIA Regulations” has been removed. Please also refer to paragraphs 3.5 – 3.7 of the Applicant’s Post Hearing Submissions in this regard (Document 8.10).</i>	8 January 2019
6. Maintenance of authorised development	Additional paragraph so as to dis-apply to highways	To accord with response to ISH1:23 and discussions with Northamptonshire County Council. Amendment also made to (2), now (3) in relation to the test to be applied to the scope of the article – see explanation regarding change to Article 4 above.	20 November 2018
7. Benefit of Order	Addition of new sub paragraphs (3)(a) and (b)	To authorise the highway works in the event that the relevant highway authority carry out works pursuant to the relevant provisions in the Protective Provisions (Schedule 13 Parts 2 and 3).	15 August 2018
9. Power to alter layout, etc., of streets	Amended 9(2)	Amendments in accordance with Statement of Common Ground agreed with Northamptonshire County Council (see Document 7.7 , REP1-011) to ensure any application is accompanied by all relevant material and provide a longer period for consideration.	20 November 2018
11. Temporary stopping up of streets	Amended 11(3)	Amended in accordance with Statement of Common Ground agreed with Northamptonshire County Council (see Document 7.7 , REP1-011) and further to ISH1:19 to	20 November 2018

Section/Article No. and title	Change	Reason	Date of Draft
		be explicit that the street authority can specify the temporary time period.	
	Amended 11(5)	Amended in accordance with Statement of Common Ground agreed with Highways England (see Document 7.1C , REP1-007), except that Highways England would wish 42 days to be replaced by 56 days.	
13. Accesses	Amended 13(3)	The figure of 28 has been changed to 42 for conformity with other amendments.	20 November 2018
14. Maintenance of highway works	Paragraph (1) words, “to be carried out under this Order” deleted	Deletion of superfluous words since highway works is a defined term	15 August 2018
	Addition of sub paragraphs relating to timing of transfer of maintenance and dedication of highway	Amended to reflect changes to Schedule 13 Part 2 (protective provisions) which are the subject of ongoing discussions with Highways England	
	Amendment to 14(1) to replace “shall” with “must”	Further to ISH1:4	20 November 2018
	Amendment to 14(3)	Amended in accordance with Statement of Common Ground agreed with Northamptonshire County Council (see Document 7.7 , REP1-011).	
	Addition of 14(6)	To dis-apply the definition of maintain in Article 2 to highways.	
15. Classification of highways	Additional words in sub paragraph (2)	To ensure that any road open to traffic has a classification notwithstanding the lack of a provisional certificate	15 August 2018

Section/Article No. and title	Change	Reason	Date of Draft
16. Speed limits	Amendment to 16(6) to replace “shall” with “must”	Further to ISH1:4	20 November 2018
17. Traffic regulation	Amended 17(7)	Amended in accordance with Statement of Common Ground agreed with Highways England (see Document 7.1C , REP1-007), except that Highways England would wish 42 days to be replaced by 56 days.	20 November 2018
20. Agreements with highway authorities	<i>Inserted wording “related to the authorised development”</i>	<i>Inserted following the ExA’s comment at ISH3:15 to provide comfort that any such agreements must be related to the authorised development. Please also see the Applicant’s response to ISH3:15 (Appendix 13 to Document 8.10).</i>	8 January 2019
21. Discharge of water	Various amendments.	Amended in accordance with Statement of Common Ground with Northamptonshire County Council (see Document 7.7 , REP1-011), responding to a desire of Northamptonshire County Council to have control over discharge to watercourses as local lead flood authority. Sub-paragraph (4) added to address concerns of Highways England but Highways England not yet indicated they are now content with Article 21.	20 November 2018
	<i>Additional wording to require consent from the lead local flood authority before undertaking works within 9 metres of an ordinary watercourse</i>	<i>Amended and agreed pursuant to further discussions with Northamptonshire County Council.</i>	8 January 2019

Section/Article No. and title	Change	Reason	Date of Draft
22. Authority to survey and investigate the land	Replacing 14 with 28 in 22(2)	Responding to ISH1:8	20 November 2018
	Amended 22(6)	Amended in accordance with Statement of Common Ground agreed with Highways England (see Document 7.1C , REP1-007), except that Highways England would wish 42 days to be replaced by 56 days.	20 November 2018
27. Private rights	Amended 27(3)	Amended for clarity and to delete superfluous wording in response to ISH1:34	20 November 2018
34. Rights under or over streets	Additional 34(6) and consequential amendment to 34 (1)	To dis-apply this provision in relation to the strategic road network at the request of Highways England	20 November 2018
35. Temporary use of land for carrying out the authorised development	Amendment to Paragraph 35(4) to include reference to temporary highway accesses	Amended in accordance with Statement of Common Ground agreed with Highways England (see Document 7.1C , REP-007).	20 November 2018
36. Temporary use of land for maintaining authorised development	Amendments to Paragraphs 36 (1)(c) and (5) to refer to highway accesses	Amended in accordance with Statement of Common Ground agreed with Highways England (see Document 7.1C , REP1-007).	20 November 2018
38. No double recovery	Amended wording	For clarification in response to ISH1:36	20 November 2018

Section/Article No. and title	Change	Reason	Date of Draft
39. Operation and use of railways	Paragraph 39(2) deleted	Further to response to ISH1:37 to avoid duplication with Protective Provisions (Schedule 13 Part 1 paragraph 19).	20 November 2018
43. Felling or lopping of trees and removal of hedgerows	Amendment to 43(1) to replace “near” by “fifteen metres of”	For certainty as referred to in ISH1:38	20 November 2018
	Amendment to 43(6) to cross refer to tree schedule	Further to ISH1:40	
	Amendment to 43(7)(a) to replace “shall” with “must”	Further to ISH1:4	
45. Governance of requirements and protective provisions relating to highway works	Amendment to the heading of the Article	To clarify the scope of the Article	20 November 2018
	Amendment to proviso to paragraphs 45(1) and 45(2)	Further to discussions at ISH1 and pursuant to ExQ1.4.6 amended wording intended to clarify basis for consideration of the proviso in each paragraph – see explanation for amendment to Article 4 above.	
	Deletion of previous 45(3) Insertion of new 45(3)	On review, the previous paragraph (3) is unnecessary in view of the enforcement of the Order being dealt with in Part 8 of the Planning Act 2008 which the Applicant is not seeking to dis-apply. This provision has been added as indicated in the Applicant’s responses to ISH1 in accordance with guidance in the updated AN15.	

Section/Article No. and title	Change	Reason	Date of Draft
46. Disapplication, application and modification of legislative provisions	Removal of articles 46(1) and (2) and correlating amendments to article numbering	These are effectively replaced by Part 2 of Schedule 2 which provides a bespoke approval and appeals procedure.	20 November 2018
	Deletion of previous 46(10)	Deleted in response to ISH1:44.	
	<i>Removal of articles 46(1)(a) and (b) (formerly 46(3)(a) and (b)) and corresponding removal of 46(2) (formerly 46(4))</i>	<i>Deleted in response to ISH3:19 and 20 (Please see Appendix 13 to Document 8.10).</i>	8 January 2019
49. Arbitration	Amended Article	Amended as indicated in response to ISH1:45	20 November 2018
Reference to Secretary of State	Deletion of “for Transport”	Words deleted in accordance with AN15 paragraph 6.1 (fourth bullet)	20 November 2018
Schedule 1	Addition of Document Numbers throughout	References to the highway plans have been added as per the response to ISH1:106	20 November 2018
	Additional words to Works Nos 4 and 6 relating to advertisements	To rectify omission	
	Amendment to text beneath the heading of “Further works”	Further to discussions at ISH1 and pursuant to ExQ1.4.6 amended wording intended to clarify basis for consideration of the proviso in each paragraph – see explanation for amendments to Article 4 above.	

Section/Article No. and title	Change	Reason	Date of Draft
	Replacing “the authorised development” by “Works Nos 1 to 17” in 1(g) 2(m) and 3(p) of the Further works	Further to consideration of ISH1:46	
	Additional words to 2(h) and (i) of Further works	To relate the temporary reference to construction further to ISH1:48	
Schedule 2 (Requirements)	Deletion of definition of “commence” or “commencement”	Moved to article 2 because definition used elsewhere in the Order.	15 August 2018
	Replacement of definition of “component” with “component of the authorised development on the main site”	For clarity following discussions at ISH1.	20 November 2018
	Amendment to definition of “construction environmental management plan”	To correct cross reference	15 August 2018
	Addition of definition of “ecological mitigation works”	To define the scope of the ecological mitigation works	20 November 2018
	<i>Insertion of new definition of “employment scheme”</i>	<i>Following discussions with the local authorities and as explained at ISH3, the Applicant has proposed to include in the DCO obligations which were previously proposed as section 106 obligations. The majority of the amendments to Schedule 2 reflect this change.</i> <i>One of those such obligations relates to the provision of and compliance with an employment scheme. This definition is inserted to define what the scheme must comprise.</i>	8 January 2019

Section/Article No. and title	Change	Reason	Date of Draft
	<i>Insertion of new definition “Euro VI compliant”</i>	<i>Added for the purposes of the amendment to requirement 4.</i>	<i>8 January 2019</i>
	Amendment to definition of “framework travel plan”	To correct cross reference	15 August 2018
	<i>Definitions of “framework travel plan” and “public transport strategy” moved to article 2</i>	<i>Moved to article 2 as a result of the newly inserted Schedule 15, these definitions are now used in Schedules 2 and 15.</i>	<i>8 January 2019</i>
	Additional definitions of various documents referred to in the requirements	To enable easy cross reference	15 August 2018
	<i>New definitions relating to Rail Central</i>	<i>To enable easy cross reference for the newly inserted requirements relating to Rail Central.</i>	<i>8 January 2019</i>
	Amendment to definition of “relevant body”	To correct cross reference	15 August 2018
	Addition of definitions of new documents referred to in amended requirements	To enable cross reference	20 November 2018
	<i>New definitions of “relevant highway authorities” and “relevant planning authorities”</i>	<i>For the purposes of the new requirement 29.</i>	<i>8 January 2019</i>
	<i>New definition of “sustainable transport working group”</i>	<i>For the purposes of new requirements 4(5) – (7) requiring the establishment and operation of a sustainable transport group.</i>	<i>8 January 2019</i>

Section/Article No. and title	Change	Reason	Date of Draft
	Amendment to requirement 3 (1)	To more properly reflect the intention behind the requirement being to control phasing	15 August 2018
		Amendments for clarity and also to reflect the deletion of Article 3(2) in terms of temporary enclosures and site notices and following discussions at ISH1 in respect of details of advertisements being approved by the relevant planning authority.	20 November 2018
	Amendment to requirement 3 (2)	To enable easy cross reference	15 August 2018
	Amendment to requirement 3(3)	Addition of the length of trains and clarity that the tailpiece relates to timing only, as discussed at ISH1.	20 November 2018
	<i>New requirement 3(4)</i>	<i>Inserted pursuant to the Applicant's response to ISH3:2 (see Appendix 13 to the Applicant's Post Hearing Submissions (Document 8.10)) submitted for Deadline 4.</i> <i>The ExA will note that this requirement is in square brackets. As explained in that response, the Applicant does not consider that the requirement is appropriate because it would inappropriately constrain the operation of the SRFI in the future which may be affected by matters completely outside of the Applicant's control. It is inserted, however, as promised in that response, for the ExA's consideration.</i>	8 January 2019
	<i>New requirements 4(3) – (7)</i>	<i>As explained above, these new sub-paragraphs have been added to requirement 4, being mostly previously included as obligations in the s106 agreement. They</i>	8 January 2019

Section/Article No. and title	Change	Reason	Date of Draft
		<p><i>ensure the implementation of and compliance with the public transport strategy and refer to Schedule 15 which sets out the membership, role and protocol of the sustainable transport working group.</i></p> <p><i>Requirement 4(4) is added to address the points made at ISH3 on behalf of Northampton Borough Council with regard to the sue of Euro VI compliant vehicles.</i></p>	
	Amendment to requirement 5	To correct cross reference	15 August 2018
	Amendment to requirement 6(1)	Deletion of “Highway Works” - deletion of superfluous words	15 August 2018
		Removal of “use reasonable endeavours” as discussed at ISH1 and changes to references to “Northamptonshire County Council” to “local highway authority”	20 November 2018
		<i>Amendments to Column (3) of the table in respect of Works 11(1) and 11(2) (junction 15A works) to reflect that the carrying out of these works is subject to requirement 31.</i>	8 January 2019
	Amendment to requirement 6(2)	Addition of sub paragraph (2) to identify enforcing authority	15 August 2018
		Removal of sub-paragraph (2) following discussions at ISH1 - see explanation for deletion of Article 45(3).	20 November 2018

Section/Article No. and title	Change	Reason	Date of Draft
	Amendment to requirement 7	Amended for clarity pursuant to ISH1:55	20 November 2018
	Amendment to requirement 8 (1)	To identify the components referred to	15 August 2018
		To provide certainty to ensure that the authorised development is carried out in accordance with the parameters plan and the principles set out in the design and access statement.	20 November 2018
	Amendment to requirement 8(2)	Amendment to enable deletion of words within Article 3(2)	15 August 2018
		Removal of reference to “soil movement” as an activity that may be carried out before commencement and addition of various items the details of which must be provided in respect of any component (if those items are contained in the component concerned) before development of that component may commence.	20 November 2018
		<i>Amendment to (e) to specify further detail in relation to the charging points, as per the Applicant’s response to ExQ1.1.33 (Document 8.2, REP1-020 and REP1-021).</i>	8 January 2019
		<i>New (m) - additional details have been agreed to be approved in relation to the aggregates terminal as set out on page 19 of the updated Commitments Tracker (Document 6.11A, REP3-003)</i>	8 January 2019

Section/Article No. and title	Change	Reason	Date of Draft
		<i>New (r) – as set out in the Applicant’s response to ISH3:11 (Appendix 13 to Document 8.10).</i>	8 January 2019
	Amendment to requirement 9	For clarify following amendments to requirement 8(2) and following the ExA’s comments ahead of ISH1 in relation to “agreement” of the relevant planning authority	20 November 2018
	Amendment to requirement 10	Amendment to enable deletion of words within Article 3(2) Other amendments to reflect lower case definitions and to enable easy cross reference	15 August 2018
		Amendments following discussions at ISH1 to remove reference to “soil movement” as an activity that may be carried out before commencement and to remove reference to “large” trees.	20 November 2018
	Amendment to requirement 11	Removal of wording to reflect new definition.	15 August 2018
		<i>Insertion of wording “and maintained” to ensure maintenance of the landscaping is secured.</i>	8 January 2019
	Amendment to requirement 12 (1)	Deletion of wording to reflect new definitions and deletion of superfluous comma.	15 August 2018
		Amendments following discussions at ISH1 to remove reference to “soil movement” as an activity that may be carried out before commencement and further amendments for clarity following the change to the definition of “component”	20 November 2018

Section/Article No. and title	Change	Reason	Date of Draft
	Amendment to requirement 12(2)	To clarify that P-CEMPs relating to highway works must be approved by the relevant highway authority.	20 November 2018
	Amendment to requirement 13	Amendment to enable deletion of words within Article 3(2)	15 August 2018
		Amendments following discussions at ISH1 to remove reference to “soil movement” as an activity that may be carried out before commencement and further amendments in respect of storage and removal of material at the main site.	20 November 2018
	Amendment to requirement 14	Amendment for consistency of terminology	15 August 2018
		Amendments reflecting the change to the definition of “component” (which is confined to the main site) and to rectify error of “local” planning authority.	20 November 2018
	Amendment to requirement 15	Deletion of wording to reflect new definitions	15 August 2018
	Amendment to requirement 15(2)	Amendments following comments of the ExA ahead of ISH1 in respect of “agreement” of the relevant planning authority	20 November 2018
	Amendments to requirement 16	Addition of wording to refer to “rail-served” warehousing, to match the definition in article 2, and alteration of “take place” for clarity.	20 November 2018

Section/Article No. and title	Change	Reason	Date of Draft
		Addition of new requirement 16(3) to confirm that the authorised development must comply with the principles of the sustainability statement submitted with the application.	
	Amendment to requirement 17	Deletion of wording to reflect new definitions, correction of misspelling and deletion of superfluous (a)	15 August 2018
	Amendment to requirement 18	Amendment to enable deletion of words within Article 3(2) To reflect lower case definitions and to enable easy cross reference	15 August 2018
		Amended in accordance with the Statement of Common Ground agreed with Northamptonshire County Council as explained in the (Document 7.7 , REP1-011).	20 November 2018
	Amendment to requirement 19	To enable easy cross reference	15 August 2018
	Amendments to requirement 20	Altered wording for consistency and the addition of a new requirement 20(2) to ensure that Works No. 10 is completed before occupation, as requested by Anglian Water.	20 November 2018
	Amendments to requirement 21	Removal of reference to “landscaping works” as discussed at ISH1 and removal of square brackets for construction hours. Addition to requirement 21(1)(c) to refer to vibrations detectable at the boundary of the main site as discussed at ISH1.	20 November 2018

Section/Article No. and title	Change	Reason	Date of Draft
		<i>Amendments to 21(c) for clarity and to ensure that the level of noise and/or vibration is measured in terms of impact in environmental assessment terms rather than being simply “audible” or “detectible” as previously referenced.</i>	8 January 2019
	Amendment to requirement 22	To reflect lower case definitions and to enable easy cross reference	15 August 2018
		Alteration of “consent” to “agree” following ExA comments ahead of ISH1	20 November 2018
		<i>Changing “shall” to “must” in accordance with AN15 and correcting reference to “relevant” planning authority</i>	8 January 2019
	Amendment to requirement 23	Reference to SRFI replaced with reference to main site which is a defined term in article 2	15 August 2018
	<i>Amendment to requirement 23(1)</i>	<i>Amended following discussions with SNC to ensure that all relevant equipment is caught.</i>	8 January 2019
	<i>New requirements 23(2) and (3)</i>	<i>New sub-paragraphs added to deal with noise monitoring in 2032 to address SNC concerns as explained in the noise note appended to this tracker at Appendix 1.</i>	8 January 2019
	Amendment to requirement 24	To correct references to “local planning authority” to “relevant planning authority”	20 November 2018
		<i>Further correction of cross references.</i>	8 January 2019

Section/Article No. and title	Change	Reason	Date of Draft
	Amendment to requirement 25	Amendments for clarity and replacing “site”, which is not a defined term, with “Order limits, which is a defined term	20 November 2018
		<i>Correction of cross references.</i>	<i>8 January 2019</i>
	Amendment to requirement 26(1)	Deletion of superfluous words	15 August 2018
		Amendments made for clarity and following the Applicant’s review of the term “commencement” as discussed at ISH1. Change of reference to “site” to “Order limits”.	20 November 2018
	Amendment to requirement 27	Amendments to ensure that the approved scheme is in accordance with the framework site waste management strategy.	20 November 2018
	<i>New requirement 28</i>	<i>As explained above, this new requirement is inserted as a result of moving previous s106 obligations into the DCO. The requirement ensures that an employment scheme must be provided and approved by the relevant planning authority in respect of construction of the authorised development, before construction commences, and further, that an employment scheme dealing with the employment and training of employees for each warehouse must be approved before the warehouse may be occupied. The schemes must thereafter be complied with.</i>	<i>8 January 2019</i>
	<i>New requirement 29</i>	<i>Again, this new requirement is inserted having been a previously proposed s106 obligation. It secures the</i>	<i>8 January 2019</i>

Section/Article No. and title	Change	Reason	Date of Draft
		<i>establishment and operation of a community liaison group to facilitate liaison between those bodies listed in relation to the construction and operation of the authorised development.</i>	
	<i>New requirement 30</i>	<p><i>Requirement 30 is inserted to allow the delivery of the Rail Central footpath connections, in the event that the Rail Central Order is approved and the undertaker of the Northampton Gateway Order being notified by the relevant planning authority that it wishes the undertaker to facilitate those connections.</i></p> <p><i>The plan referred to in the definition of “Rail Central footpath connection” (and defined as the “Rail Central footpath connections plan”) is the plan included in Appendix 2 to this tracker. The location identified in Inset 1 at point A for the connection of the Rail Central footpath to the Northampton Gateway footpath is as proposed by Rail Central in its application documentation.</i></p> <p><i>The location identified in Inset 2 at point B for the connection of the Rail Central footpath to the Northampton Gateway footpath is the location the Applicant considers to be most appropriate but does not accord with the location identified by Rail Central in its application, as best can be ascertained from the application documentation. The point of connection proposed by the Applicant would be of no detriment to Rail Central and indeed would be beneficial for both schemes, and accordingly the Applicant would expect Rail Central to have no objection to the revised location of the connection.</i></p>	<i>8 January 2019</i>

Section/Article No. and title	Change	Reason	Date of Draft
	<i>New requirement 31</i>	<i>This requirement is included to ensure that the proposed Junction 15A works (Works No 11) are not required to be implemented in the event that the Rail Central Order is approved and the works to Junction 15A are proposed to be carried out under that Order, and Highways England and the relevant planning authority notify the undertaker of the Northampton Gateway Order that they would not wish Works 11 to be carried out in those circumstances. Although the Rail Central highway mitigation measures have not received the approval of the highway authorities, this requirement anticipates that the Rail Central Order will not be approved unless the Secretary of State is content with the highway mitigation measures proposed.</i>	<i>8 January 2019</i>
Schedule 2 Part 2	New Part 2 to Schedule 2	<p>Added to respond to updated AN15 Good Practice Point 3. The Secretary of State is asked to include in paragraph 3(2)(b) the identity of the office to which any appeal should be submitted.</p> <p>The text broadly follows Appendix 1 of AN15 but imposes timescales for determination of appeals as well as for the actions of the other parties.</p>	20 November 2018
Schedule 3	Heading to column 2 amended to “streets subject to street works”	Further to ISH1:16 to avoid confusion	20 November 2018
Schedule 5	Part 1 - amendment to heading of column (5)	For clarity, further to ISH1:79	20 November 2018

Section/Article No. and title	Change	Reason	Date of Draft
	Amendments to references to Inset on Document 2.3A	<p>The wording in Part 1 has been amended to accord with revised AROW Plan Document 2.3A which is submitted for Deadline 2.</p> <p>The change to Document 2.3A is required to rectify the status of the access across Collingtree Bridge, above the M1 motorway, being erroneously identified as a new right of way instead of an existing right of way. The new Document 2.3A rectifies this and original Inset 1B becomes Inset 1A, with original Inset 1A being removed.</p>	8 January 2019
	<i>Part 3 – insertion of relevant Works to which the new PROW relate</i>	<i>Pursuant to ISH3:10 (see Appendix 13 of Document 8.10).</i>	
Schedule 6	Part 1 – removal of (ii) from row 9	<p>The wording in Part 1 has been amended to accord with revised AROW Plan Document 2.3D which is submitted for Deadline 2.</p> <p>The change to Document 2.3D is to remove an originally proposed revised access for the owner of parcels 4/10, 4/12 and 4/14 - 4/17 as shown on the land plans (Document 2.1D AS-019). The owner wishes to retain the existing arrangements and the originally proposed access shown as “AC” on Document 2.3D is now removed.</p>	20 November 2018
	Part 3 – removal of third row	This wording in Part 3 has been changed to accord with revised Document 2.3A which is submitted for Deadline 2 for the reasons explained in the explanation for the amendments to Schedule 5 above.	

Section/Article No. and title	Change	Reason	Date of Draft
Schedule 7	Replacing “Northamptonshire County Council” with “local highway authority”	To ensure continuity.	20 November 2018
Schedule 8	Part 2 - Amendment to Stratford Road description	To correlate with the relevant plan as identified in the s.51 advice letter	15 August 2018
	Amendment to Part 4 to better define the duration of the temporary speed limit	Further to ISH1:82	20 November 2018
Schedule 12 (Modifications of compensation and compulsory purchase enactments for creation of new rights)	Additional sub paragraph 5 (4)	To insert missing wording to correlate with article 25 (3)	15 August 2018
Schedule 13	Part 1	<i>Insertion of definition for “working days”</i>	8 January 2019
		Amendment to paragraph 21 to correct cross reference	15 August 2018
		Amendments to respond to issues raised by the ExA in ISH1:84	20 November 2018
		Amendments to several paragraphs in Part 2 as agreed with Network Rail. The protective provisions are agreed except for paragraphs 4(1), 11((11) and 22, as explained in the Statement of Common Ground agreed with Network Rail (Document 7.13) (REP1-016).	

Section/Article No. and title	Change	Reason	Date of Draft
		<p>The protective provisions currently prevent the Applicant exercising compulsory acquisition powers, and other powers under the Order, without the consent of Network Rail, such consent not to be unreasonably withheld (paragraph 4).</p> <p>The outstanding issue on the protective provisions relates to the resolution of any disputes, specifically in the context of Network Rail refusing consent to the Applicant to exercise compulsory powers under the dDCO referred to in paragraph 4.</p> <p>The Applicant has accepted the constraints on the exercise of powers, which have been added to paragraph 4, but only on the basis that any dispute regarding the reasonableness of any consent withheld by Network Rail is subject to resolution within a certain and sensible timeline. The Applicant has therefore added an expert determination provision (paragraph 22) providing such a mechanism, similar to that contained in the other protective provisions. Without a mechanism, which drives parties through to a conclusion of a dispute within a certain timeline, delivery of the development may be significantly impacted, bearing in mind that the Applicant is committed to providing both rail and road infrastructure at early stages of the development.</p> <p>As at the time of writing (20 November 2018), Network Rail do not agree to the Expert Determination (paragraph 22).</p>	

Section/Article No. and title	Change	Reason	Date of Draft
		The position will be confirmed in an updated SoCG with Network Rail for Deadline 3 .	
		<i>Following discussions with Network rail referred to above the Applicant suggested changes to paragraph 22 to address the points made by Network Rail in its Deadline 3 submission (REP3-017) and this was provided to Network Rail on 11 December 2018. It has been made clear to Network Rail that the Applicant is prepared to consider any amendments to paragraph 22 provided that those amendments contain a certain timeline to a decision. On 4 January 2019 Network Rail responded with a suggested amendment to paragraph 22 which did not provide any timeline to a decision and so was unacceptable to the Applicant. The Applicant has responded to Network Rail accordingly and a response is outstanding. Discussions will continue.</i>	8 January 2019
	Part 2	Amendments to several paragraphs in Part 2 as agreed with Highways England	15 August 2018
		Amendments to respond to issues raised by ExA ISH1:85 - 91	20 November 2018
		Amendments to several paragraphs in Part 2 as agreed with Highways England. As confirmed in the Statement of Common Ground agreed with Highways England (Document 7.1C , REP1-007), the protective provisions are now agreed with Highways England, save in respect of the deemed approval	

Section/Article No. and title	Change	Reason	Date of Draft
		provisions. Please refer to the Applicant's responses to HE's written representation (REP1-115) and HE's responses to ExQ1 (REP1-114), (Document 8.7) in this regard.	
		<i>The Applicant has (albeit belatedly) noticed that the definition of "Bond Sum" requires that the Commuted Sum in respect of future maintenance is also to be included in the amount to be bonded during construction. This is not the usual practice of Highways England and the Applicant has therefore queried the justification for this change.</i>	8 January 2019
	Part 3	Amendments to respond to issues raised by the ExA in ISH1:92 - 94	20 November 2018
		Amendments to several paragraphs in Part 2 as agreed with Northamptonshire County Council.	
		As confirmed in the SoCG with Northamptonshire County Council (Document 7.7 , REP1-011), the protective provisions are not yet agreed with the County Council. There are two outstanding matters: (i) the issue of the extent of liability for maintenance during the defects period; and (ii) the issue of length of the defects and maintenance period. Please refer to the Applicant's responses to the County Council's written representation (REP1-036) in this regard (Document 8.7). The remaining protective provisions are otherwise agreed with the County Council.	
		To reflect discussions with Cadent	15 August

Section/Article No. and title	Change	Reason	Date of Draft
	Part 4 – amendments to several paragraphs in Part 4		2018
		To correct typographical errors identified by the ExA in ISH1:95 & 96	20 November 2018
	Part 5 - amendments to several paragraphs in Part 5	To correct typographical errors identified by the ExA in ISH1: 97 & 98	20 November 2018
	Part 6 - amendments to several paragraphs in Part 6	To correct typographical errors identified by the ExA in ISH1:99	20 November 2018
	Part 7 – addition of definition and associated footnote	Requested by an electronic communications mast operator	15 August 2018
Schedule 15	<i>New Schedule inserted</i>	<i>Provisions relating to the STWG have been moved from the section 106 agreement into the dDCO (see requirement 4). This schedule is therefore inserted to set out the membership, role and protocol of the STWG, as explained in paragraphs 7.27 – 7.29 of the public transport strategy. It has been amended from the version in the previous draft s106 agreement having regard to some of the comments of the ExA at ISH3. The setting up of such groups in relation to significant developments such as this is becoming commonplace and their role inevitably is dependent upon the participating parties. The approach taken is however very similar to that at the East Midlands Gateway development where such a group has proved to work very effectively.</i>	8 January 2019
Schedule 16	Amended so as to include Document/Plan revisions numbers	To ensure the correct version of each document is certified further to ISH1:3	20 November 2018

Section/Article No. and title	Change	Reason	Date of Draft
		<p>The revision numbers for Documents 2.3A and 2.3D submitted at Deadline 2 have been updated.</p> <p>This schedule will be reviewed and updated throughout the Examination and completed in the final dDCO to be submitted by the Applicant.</p>	
	<i>Schedule re-numbered and updated revisions for amended and additional documents/plans</i>	<i>As above, to reflect the latest documentation submitted.</i>	<i>8 January 2019</i>

Appendix 1

NOTE ON ADDITIONAL NOISE REQUIREMENTS - REQUIREMENTS 23 (2) AND (3)

1. Further consideration has been given to the desirability of safeguarding the position in the future regarding the impact of noise levels from rail (train) movements associated with the development upon residential receptors. This follows concerns raised by SNC regarding potential significant adverse effects from night time maximum noise levels if rolling stock does not become quieter, as envisaged in the assessment.
2. The draft Noise Action Plan for Railways published by Defra in October 2018 has described how they expect trains to be quieter. In addition, regulations that came into force in 2015 set limits for rolling stock and how the types of locomotive assumed for the assessment appear to be between 3 and 6 dB noisier than those limits. It is therefore anticipated that any rolling stock used would be quieter than that used for the purposes of the assessment.
3. A small error in the calculation spreadsheet contained in Appendix 8.13 of the environmental statement was also discussed with SNC. The error identifies that there is a potential for a significant adverse impact (just) in 2033 in the worst case scenario modelled for the ES.. A revised Table 9 from Appendix 8.13 and Table 8.19 Summary of expected significant adverse effects, appropriately amended, are annexed to this note as **Annex 1 and 2** respectively. The changes are all tracked. The revised results do not alter the mitigation proposed in the ES to address the significant adverse effects.
4. Whilst SNC recognise that there is a good expectation that the rolling stock will become quieter, the authority were still concerned to address the position in case that did not occur. SNC have therefore requested that the situation be monitored so that if the impacts are not as anticipated at the identified assessment years of 2033 and 2043 there would be the ability to address any significant adverse effects on residential properties.
5. Accordingly the Applicant has agreed to monitor the situation in advance of the future assessment years and to agree and implement a noise insulation scheme in, the unlikely, event that the monitoring identifies significant adverse effects on residential properties. This is provided for in additional requirements 23(2) and (3).
6. This general approach has been agreed with SNC and the draft additional requirements were sent to SNC on 2nd January, however, due to the Christmas/New Year extended break no formal response has yet been received from the SNC specialist officer.

ANNEX 1 Updated Table 9 from Appendix 8.13 Railway Noise Predictions and Assessment

Table 9 Potential increase in the number of noise induced awakenings per night as a result of maximum noise levels from the additional freight trains serving the SRFI

Receptor	With Windows Open			With Windows Closed		
	2021	2033	2043	2021	2033	2043
R1 Woodpecker Way	0.3	0.8	1.1	0.2	0.5 <u>0.6</u>	0.7
R18 Collingtree Rd North	0.3	0.8	1.1	0.2	0.5	0.7
R24 Lodge Farm	0.1	0.2 <u>0.3</u>	0.3 <u>0.4</u>	0.0 <u>0.1</u>	0.0 <u>0.3</u>	0.0 <u>0.4</u>
R32 Bridge Cottage South	0.4 <u>0.2</u>	0.6 <u>0.9</u>	0.7 <u>1.5</u>	0.0 <u>0.1</u>	0.4 <u>0.6</u>	0.5 <u>1.0</u>
R39 Bailey Brooks Ln West	0.2	0.7 <u>1.1</u>	0.9 <u>1.8</u>	0.4 <u>0.2</u>	0.4 <u>0.7</u>	0.6 <u>1.2</u>
R54 Ashton Rd W	0.3 <u>0.1</u> ^a	0.9 <u>0.6</u> ^a	1.2 <u>0.9</u> ^a	0.2 <u>0.1</u>	0.6 <u>0.6</u>	0.8 <u>0.9</u>
^a Alternative ventilation enables windows to be kept closed while continuing to provide ventilation. See below for further details.						

Receptor R54 comprises new dwellings that are in the process of being constructed. Condition 20 of the planning consent for the development at R54 (SNC ref. S/2012/0382/MAO) required a scheme of mitigation to protect the proposed dwellings from railway noise from the adjacent railway line to be submitted to and approved by South Northamptonshire Council (SNC). A noise assessment was submitted to discharge this condition (SNC ref. S2015/2731/COND) and identified that the building envelope sound insulation performance of the façades facing the railway line would need to reduce railway noise by 42 dB(A) to achieve suitable internal noise levels. This compares with the values of insulation of 12 dB(A) for open windows and 25 dB(A) for closed windows used in the assessment. Furthermore, it is also proposed to include the provision of acoustically attenuated ventilation so that it would not be necessary to open windows to provide ventilation. The report and the proposed mitigation were approved by SNC.

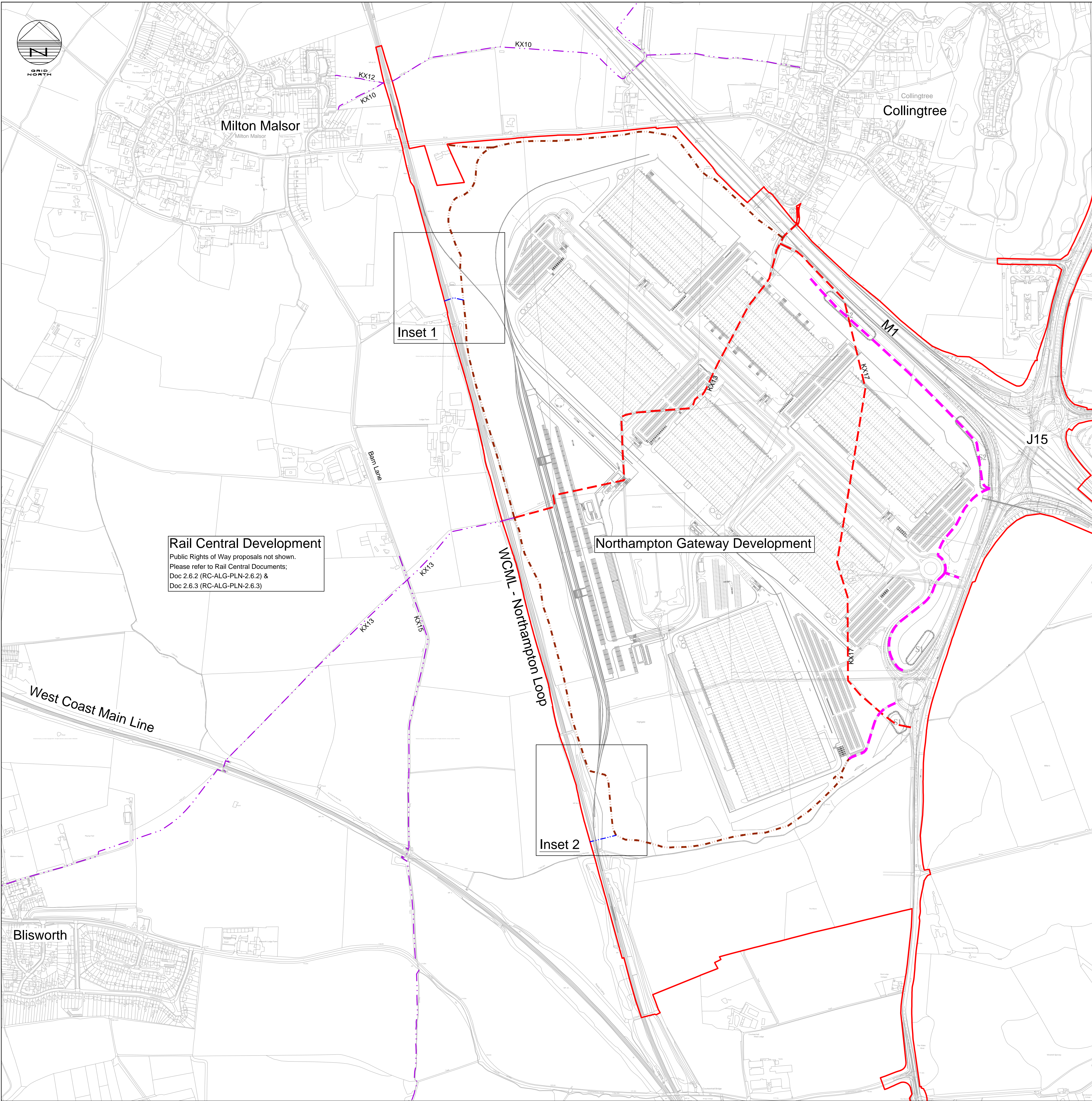
ANNEX 2 Revised Table 8.19 Summary of expected significant adverse effects

Table 8.19 Summary of expected significant adverse effects

Description	Location	Receptor	DS Scenario	Impact Magnitude	Resulting Exposure	Significant	Additional Specific Mitigation Proposed
Construction Noise	Roade Bypass site	R38 Hyde Farm	N/A	N/A	≥SOAEL	Yes	Yes
		R41 Blisworth Road – North Façade	N/A	N/A	≥SOAEL	Yes	Yes
Railway Noise (maximum noise levels)	One location adjacent to railway	R39 Bailey Brooks Ln West	2033 Night	One additional noise induced awakening	N/A	Yes	No
	Three locations adjacent to railway	R01 Woodpecker Way	2043 Night	One additional noise induced awakening	N/A	Yes	No
		R218 Collingtree Road North			N/A	Yes	No
		R32 Bridge Cottage South			N/A	Yes	No
		R39 Bailey Brooks Lane West			N/A	Yes	No
Road Traffic Noise	Around Main Site	R27 Blisworth High Street	2021 Day	Minor Adverse	≥SOAEL	Yes	No (Temporary Short- Term Effect)
		R30 West Lodge Cottages – East Façade	2031 Day/ Night	Minor Adverse	≥SOAEL	Yes	Yes
	Other Highway Works	R57 The Lodge	2031 Day	Minor Adverse	≥SOAEL	Yes	Yes

Appendix 2

Document 2.15: Public Rights of Way Connections between Northampton Gateway and Rail Central

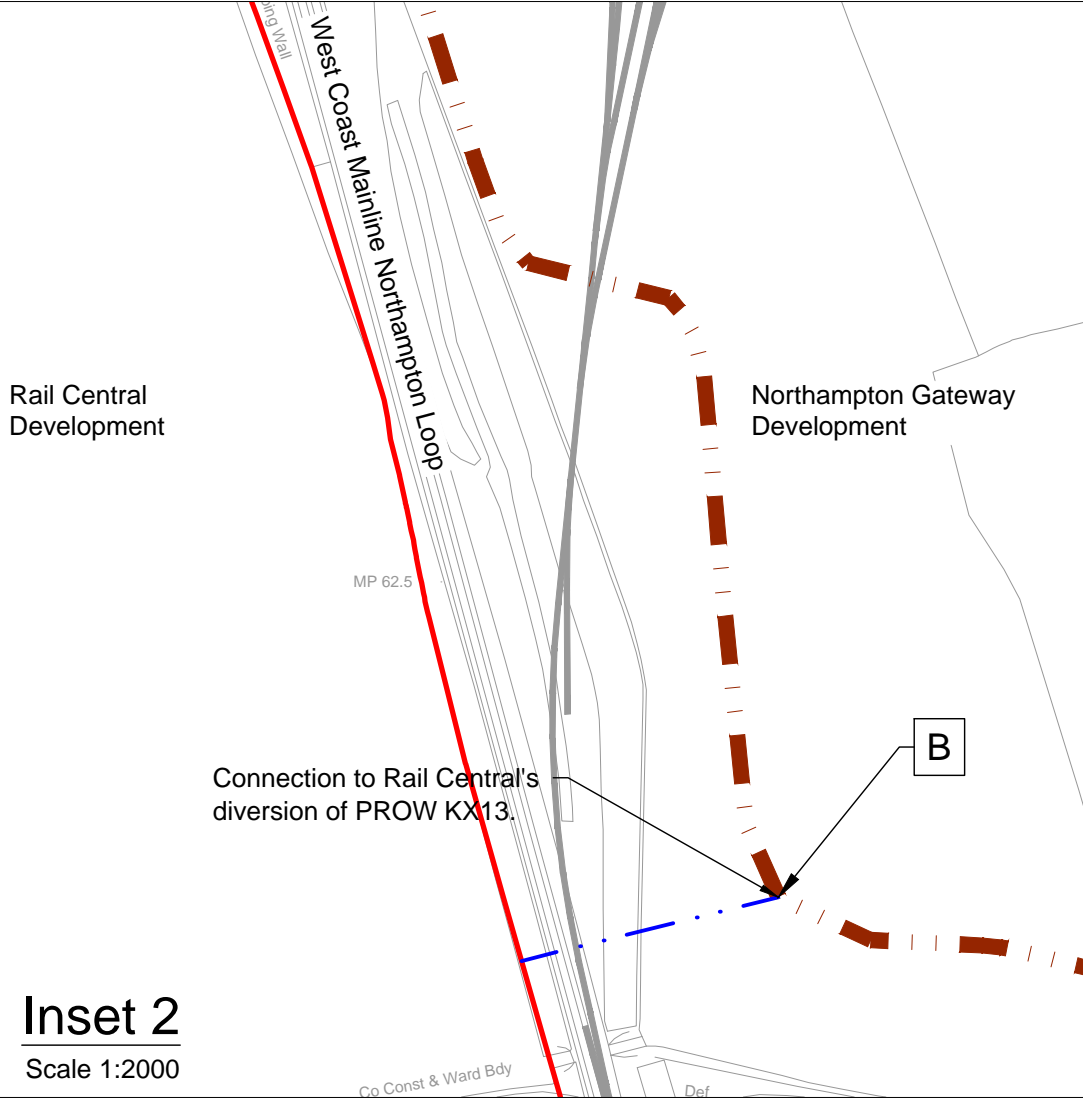
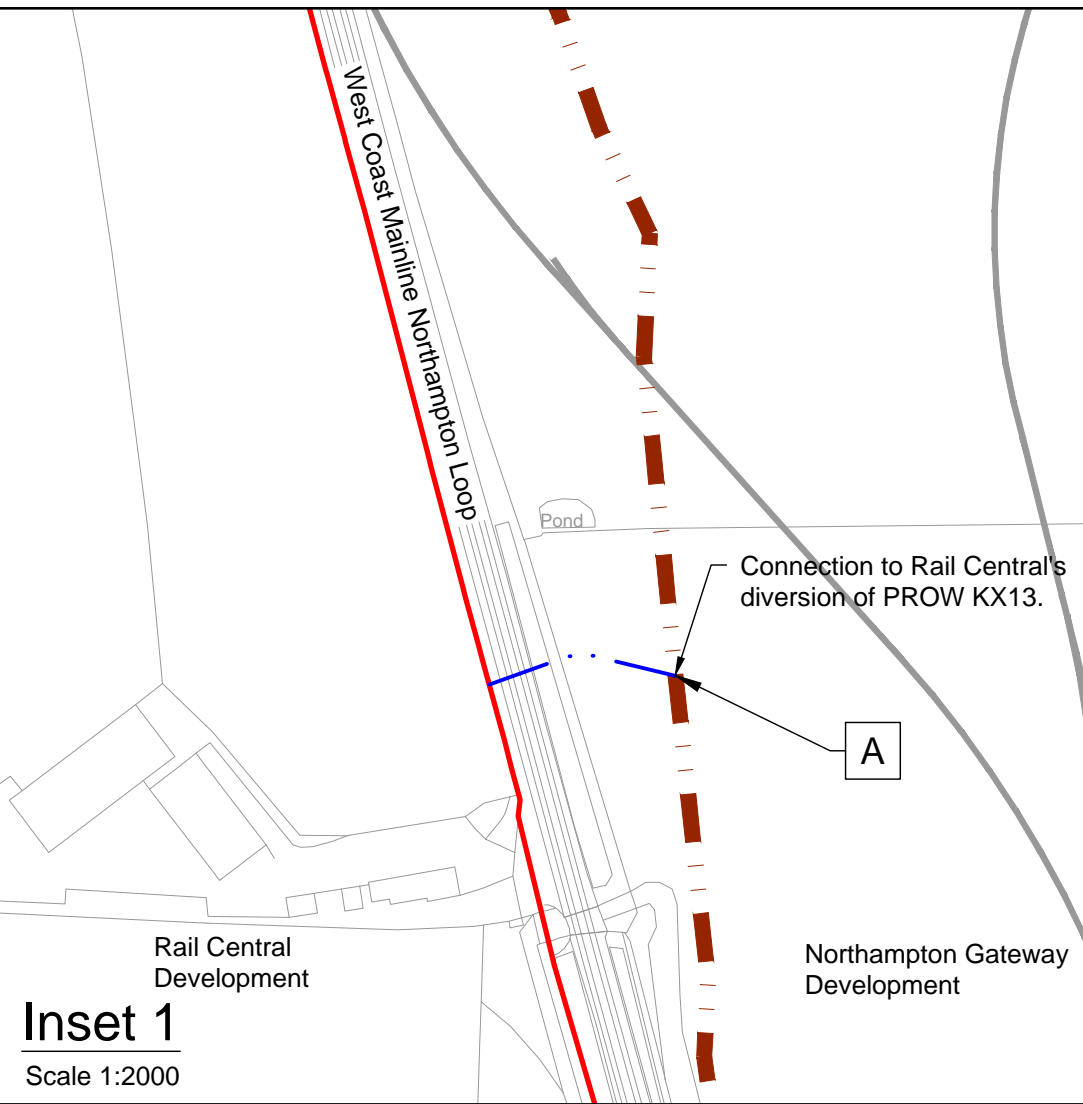


Rail Central Development
Public Rights of Way proposals not shown.
Please refer to Rail Central Documents;
Doc 2.6.2 (RC-ALG-PLN-2.6.2) &
Doc 2.6.3 (RC-ALG-PLN-2.6.3)

Northampton Gateway Development

Inset 1

Inset 2



Notes

- Do not scale this drawing. All dimensions must be checked/ verified on site. If in doubt ask.
- This drawing is to be read in conjunction with all relevant architects, engineers and specialists drawings and specifications.
- All dimensions in millimetres unless noted otherwise. All levels in metres unless noted otherwise.
- Any discrepancies noted on site are to be reported to the engineer immediately.

Legend

NORTHAMPTON GATEWAY PUBLIC RIGHTS OF WAY PROPOSALS

- ORDER LIMITS
- EXISTING PUBLIC RIGHT OF WAY RETAINED
- EXISTING PUBLIC RIGHT OF WAY STOPPED UP
- NEW PUBLIC FOOTPATH CREATED
- NEW CYCLE TRACK CREATED (ALL PURPOSE HIGHWAY FOR USE BY PEDESTRIANS AND CYCLISTS ONLY)

INTERACTIONS WITH RAIL CENTRAL'S PUBLIC RIGHTS OF WAY PROPOSALS

- RAIL CENTRAL PUBLIC RIGHT OF WAY CONNECTION REFERENCE
- FOOTPATH TO BE PART OF RAIL CENTRAL DEVELOPMENT

P3	07.01.19	Minor Amendments	PG	SRH	
P2	04.01.19	Updated following comments	PG	SRH	
P1	04.01.19	Preliminary Issue	PG	SRH	
Rev	Date	Details of issue / revision	Drw	Rev	

ISSUES & REVISIONS

ROXHILL

NORTHAMPTON GATEWAY
STRATEGIC RAIL FREIGHT INTERCHANGE

THE NORTHAMPTON GATEWAY RAIL FREIGHT INTERCHANGE ORDER 201X

Drawing Title

PUBLIC RIGHT OF WAY CONNECTIONS BETWEEN NORTHAMPTON GATEWAY AND RAIL CENTRAL

Scale	1:5000	Drawn	P. Goodyear
Size	A1	Reviewed	S. Hilditch
Regulation	5(2) (o)	Document	2.15
Drawing Status	SUBMISSION		
Drawing No.	NGW-BWB-GEN-XX-SK-C-SK91	Revision	P3