NORTHAMPTON GATEWAY
STRATEGIC RAIL FREIGHT INTERCHANGE

APPLICANT'S POST HEARING SUBMISSIONS (ISH 2 (19 DECEMBER 2019) AND ISH 3 & CAH1 (20 DECEMBER 2018))

DOCUMENT 8.10

The Northampton Gateway Rail Freight Interchange Order 201X

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THE NORTHAMPTON GATEWAY RAIL FREIGHT INTERCHANGE ORDER 201X

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1. Introduction

1.1 This document comprises the post-hearing submissions on behalf of the Applicant in relation to the hearings held on 19 and 20 December 2018, as follows:

- Issue Specific Hearing 2 on Environmental Matters;
- Issue Specific Hearing 3 on the draft Development Consent Order; and
- Compulsory Acquisition Hearing.

1.2 The submissions relating to these hearings are dealt with in turn below.

2. Issue Specific Hearing 2 – Environmental Matters

Preliminary Matters

2.1 At the outset of the hearing the ExA asked if any party wished to ask questions directly of other parties and no party indicated it wished to do so.

2.2 The ExA referred to matters arising from the accompanied site inspection (held on 18 December 2018) and requested:

2.2.1 a marked up plan showing levels on the main site and the cut and fill to be used in certain areas; and

2.2.2 information with regard to the height of the Clipper building at Grange Park adjacent to the Junction 15 of the M1.

2.3 The plan showing main site levels is contained in **Appendix 1** to this document. The most up to date information on the Clipper building is contained in **Appendix 2**. The building is 18 metres high to ridge, and has a finished floor level (FFL) of 84.8 AOD with a ridge height of 102.8 AOD.

2.4 The ExA dealt with issues raised by Rail Central, relating to the adequacy of the Northampton Gateway Environmental Statement (ES), as a preliminary issue. Rail Central outlined its concerns which, principally, related to the extent to which the development had been fully described in Chapter 2 of the ES rather than elsewhere within the ES. In addition, it was said on behalf of Rail Central that Schedule 4 of the EIA regulations requires a description of the main characteristics of the operational phase of the development and, whilst some information was included for construction, the information for the operational side of the development was relatively brief. It was said that it was difficult to know what had been assumed in the assessments.

2.5 In response the Applicant explained that, from Rail Central's submissions, it was clear that Rail Central have a particular view on how to prepare an environmental statement, which is relatively prescribed. The Applicant has a different view which is based on a more bespoke approach to the scheme. This is explained in the Applicant's response to ExQ1.0.4 (see **Document 8.2**, REP1-020 and REP1-021). Following that response some amendments were made to requirements and further amendments have been made in the latest dDCO (**Document 3.1C**) submitted for **Deadline 4**. Rail Central agreed that the amended Commitments Tracker (**Document 6.11A**, REP3-003) had clarified some aspects.

2.6 The major point of difference appeared to be the criticism of Chapter 2 and the suggestion by Rail Central that it did not appropriately refer to the Roade bypass or the highway works. The Applicant pointed out that was incorrect. The Chapter does refer to the Roade bypass and highway works as being part of the development assessed, however, it does not reproduce all the plans which are produced elsewhere within the ES. All the plans upon which the assessment is based are referred to in the ES, in the development topic chapters. The Applicant stressed that it had no concerns with regard to Chapter 2 of the Environmental Statement, however, if there are concerns on the part of the ExA the Applicant would wish to understand those concerns and have the opportunity to respond to them. This is all within the context of there being no prescribed form of how to prepare an environmental statement. In the Applicant's submission the Environmental Statement produced by the Applicant responds appropriately to Schedule 4 of the EIA Regulations, albeit not in a manner which is consistent with the approach that Rail Central would adopt.

2.7 In terms of the issue raised by Rail Central in relation to plant and machinery which has, allegedly, not been assessed in the noise chapter, the EIA regulations acknowledge that there will be unknowns (see Schedule 4 paragraph 6). The Applicant has drawn a line between what is known and what is not known and may therefore need to be dealt with by mitigation. Where the precise information is not known, it is dealt with by a requirement. If the Applicant simply guessed then the Applicant would be addressing an unrealistic worst case. If the approach being advocated by Rail Central is taken, whereby every warehouse has assumed to have the maximum noise-emitting machinery and other maximum worst case features the worst case is not being assessed but instead an unrealistic worst case.

2.8 The Applicant referred to the decision in Milne v Rochdale[1] and stressed that what is not said in Milne is that, in order to address the worst case scenario, one should assume a notional unrealistic worst case scenario. The court asks, and directs that, in looking at worst case scenarios one should assume that controlling regimes will be properly observed. The Applicant has sought to strike an appropriate balance to assume a realistic worst case scenario. There are noise sources which have been taken into consideration in the context of the Environmental Statement and there are those which have not because they are not known – they have not been taken into consideration because they can be controlled by requirements and eliminated at source.

2.9 There has not been a one size fits all approach to individual chapters within the ES. Rather, experts have employed a best and appropriate method of assessment for the topic concerned. Rail Central have suggested that the air quality chapter made an assessment assuming a totally worst case and not having regard to the provisions of the construction environmental management plan. The Chapter then added the

[1] R v Rochdale Metropolitan Council (ex parte Milne) [2001] Env LR 22

requirements in the CEMP to define residual effects. That is an approach criticised by Rail Central but which is completely appropriate. The ultimate outcome is that the "likely significant environmental effects" are identified and also a realistic worst case, i.e. a worst case assuming that controlling regimes are properly observed.

2.10 The criticisms of Rail Central seemed to be based on the fact that not every chapter approached its assessment in an identical fashion. As explained previously by the Applicant, that is seen as a virtue of the ES – allowing each discipline to approach the assessment in a manner best suited to the discipline and the development.

2.11 The ExA indicated that it would be helpful to receive an expanded version of Table 2 of Appendix 3 to the response to ExQ1.0.4 (**Document 8.2,** REP1-020 and REP1-021). That expanded table is contained in **Appendix 3** to this document.

2.12 The remainder of these submissions follow the order set out in the agenda for ISH2 notwithstanding the fact that that order was not precisely followed at the hearing.

Rail Access and Capacity

2.13 The ExA referred to the two caveats contained in the statement of common ground between the Applicant and Network Rail (**Document 7.13**, REP1-016).

2.14 The Applicant explained the up to date position was that discussions were continuing with regard to satisfying Network Rail in relation to speeds into the reception lines from the north, it being both parties' position that the connection speeds from the south were satisfactory.

2.15 With regard to the second caveat in the statement of common ground, regarding paths for occupants of the development in future years, it was explained that the caveat was not capable of being satisfied at this stage since it was entirely dependent upon the occupants of the development and their particular operations. No SRFI could satisfy that caveat prior to it being occupied. The Applicant pointed to Appendix 1 to the statement of common ground with Network Rail where the system of allocating paths is explained, along with the process of regular review.

2.16 In answer to the question from the ExA, the Applicant confirmed that the Rail Reports submitted with the Application (**Document 6.7**, APP-377) demonstrated that there were currently at least 22 freight paths available between 06:00 and midnight and at least 36 freight paths available between midnight and 06:00.

2.17 In response to a question from the ExA regarding the effect on passenger rail services the Applicant pointed out that Network Rail have responded on that point in their response to ExQ1.11.15; there is also a statement of common ground with Warwickshire County Council with regard to the impact on the Rugby Parkway station (**Document 7.9**, REP1-013) and, in addition, Network Rail have not at any point raised any issues with regard to the contents of the Rail Reports submitted with the Application.

2.18 The Applicant pointed out that the work carried out by the Applicant was more extensive than the limited capacity report carried out by Network Rail which only looked at the capacity of the Northampton Loop Line. The Applicant's report went much further.

2.19 The Applicant explained that there are currently spare paths available in the timetable and there are also paths in the timetable called "strategic capacity paths" which are "ghost paths" which are specifically there to accommodate growth. In addition, there are existing freight services being used by the aggregates company which is committed to taking a terminal at Northampton Gateway, so those paths would effectively be diverted into Northampton Gateway and no new paths would be required for those trains.

2.20 In response to some discussion on GRIP (Governance for Railway Investment Projects) – the Applicant explained that, whilst GRIP extended as far as GRIP level 8, GRIP 2 was the appropriate level to have reached at this stage and this is confirmed by paragraphs 22 and 23 of the statement of common ground with Network Rail (**Document 7.13,** REP1-016). The Applicant confirmed that no SRFI which had been permitted had reached more than GRIP 2 stage at the time of approval.

2.21 GRIP is a structured, gated, process for project development. GRIP 2 represents the feasibility stage and is intended to prove feasibility of technical facility and operational facility. It is the appropriate level of development in relation to planning applications.

2.22 The Applicant confirmed that the proposal does not rely on capacity from HS2 and referred the ExA to paragraph 33 of the statement of common ground with Network Rail (**Document 7.13,** REP1-016) which made this clear. However, to the extent that HS2 will influence matters, it would only do so positively.

2.23 In response to concerns raised by Blisworth Parish Council, the Applicant confirmed that the work carried out for the detailed examples on pathing took into account junction margins and recalculation of running times and crossing times.

2.24 The ExA observed that Network Rail did not appear to be likely to undertake any work on assessing capacity for both Northampton Gateway and Rail Central's schemes.

2.25 The Applicant confirmed that Network Rail has been provided with an assessment which demonstrates that there is sufficient capacity for both the Applicant's scheme and Rail Central's scheme, in the form of the Rail Reports submitted with the Application (**Document 6.7**, APP-377). It is noted that Rail Central's assessments, submitted with their own application, have reached a similar conclusion. Whilst in the tripartite statement of common ground, at paragraph 3.2 (**Document 7.18**, REP3-007), Network Rail say they would like further work to be done, Network Rail have not criticised the work that has been carried out and it is not clear what further work would be done or why it is necessary.

2.26 In response to concerns raised by the representative of Blisworth Parish Council, in relation to the impact on passenger services and whether DIRFT had been ignored, the Applicant referred to Appendix 1 to the statement of common ground entered into with Network Rail (**Document 7.13**, REP1-016). This explains the basis upon which capacity is allocated going forward. Network Rail have confirmed, as referred to previously, that there will not be an adverse impact on passenger services. The Applicant confirmed that DIRFT had not been ignored in the Applicant's assessment – this is apparent from the Rail Reports (**Document 6.7**, APP-377).

2.27 In response to a point made by Mr Bodman, in relation to pathing only looking as far as Wembley, the Applicant confirmed that the work had taken some paths further than Wembley and included the North London Line.

2.28 The ExA referred to the suggestion by Rail Central that the proposed rapid rail facility at Northampton Gateway would have a length 40 metres short of the express freight trains operated by Network Rail which might be expected to use it. The Applicant indicated it would provide a response on this point. The response is contained at **Appendix 4**.

2.29 In response to a query raised by the ExA, the Applicant confirmed that there are no implications of not having on-site maintenance of the servicing facilities for the trains. There will be cripple sidings where wagons are taken if they are having difficulties where normal running repairs can be done. It is not the norm to have on-site maintenance or repair facilities at RFI terminals, such as those proposed by Rail Central.

2.30 A representative of Blisworth Parish Council referred to the government forecasts and the GB freight model. It was suggested that the unconstrained freight forecasts do not take into account rail capacity. It was said that, if all the proposed rail freight interchanges in the area came to fruition it would increase the traffic on the Northampton Loop Line by three times to 180 trains. It was said also that the publisher of the GB freight model said this cannot happen and that the DIRFT trains would take up any available capacity. The Applicant indicated that it would respond to that suggestion and that response is contained in **Appendix 5**. However, the Rail Reports (**Document 6.7**, APP-377) demonstrate that this is not correct and Appendix 1 to the statement of common ground (**Document 7.13**, REP1-016) explains how paths are allocated and reviewed.

Road Access and Traffic Implications

2.31 The Applicant confirmed that the methodology which explains the 92 million HGV miles removed from the network per year is set out in paragraph 5.7 of the Transport Assessment (Appendix 12.1 of the Environmental Statement (**Document 5.2**, APP-231) and Appendix 34 to that assessment (APP-269) and is based on Department for Transport methodology.

2.32 In response to a query from the ExA, the Applicant confirmed the position with regard to the site access which works comfortably in the opening year and within capacity in the future 2031 year with all traffic growth from the strategic model. This includes all allocated and committed growth. The Applicant noted that the traffic growth included in the NSTM2 is not constrained to TEMPro, resulting in robust traffic flow forecast used in the assessment of the site access, particularly in the morning peak hour as explained at paragraph 8.19 of the Transport Assessment. Both the Arcady and VISSIM assessments demonstrate that the junction works satisfactorily.

2.33 The ExA queried whether or not the junction was at capacity in 2031 and the Applicant confirmed that it was not. It would have a ratio flow capacity (RFC) of 85%. The VISSIM assessment showed a queue on the A508 northbound arm of between 2-12 vehicles, depending on whether or not there is opposing right turn traffic. This queue is a significant improvement on the reference case position. The platooning which arises due to the signalisation of M1 Junction 15 as a result of the development assists the position, as there would be significant periods within each traffic signal cycle where very little of the traffic reaching the site access from M1 Junction 15 would turn right to oppose the A508 northbound arm.

2.34 In response to criticisms by Dr John P Davis, regarding the traffic simulation modelling of traffic around junction 15, the Applicant indicated that the VISSIM assessment

which has been carried out is a microsimulation model which was used at the request of Highways England and was calibrated for use on the project. It went through an audit process with Highways England and its suitability has been agreed in the statement of common ground with Highways England (**Document 7.1**, APP-382). The Applicant referred to the fact that there are instances in modelling where you can get the visual overlapping of vehicles because in a select few instances the programme cannot see the whole vehicle Whilst it is not to say that this occurred in the modelling undertaken, to account for the possibility of these isolated instances, VISSIM models are run a number of times, in this case 20, and the average of the results used. This allows the reported model results to take into account greater variability and provide more realistic outputs, whilst mitigating again any measurable effect of any occasional visual quirk. Therefore, the impact of such instances of partial overlapping, if present, is of no consequence to the overall results or reported operation of the junctions assessed. Highways England confirmed that it had had reviewed and validated the model.

2.35 In response to a question from the ExA with regard to the proportion of HGV parking provision within the dedicated HGV parking area, the Applicant confirmed that there is no relevant experience based on existing SRFIs, since there is no relevant precedent. The provision was in response to concerns raised by the police in relation to layby parking and 10% of the total HGV parking provision is considered to be a proportionate response. East Midlands Gateway had no requirement to provide any dedicated facility.

2.36 The ExA referred to concerns in relation to whether the A508 had been satisfactorily modelled as a bypass route for the M1 during any closures, given that the M1 is closed 16/17 times a year.

2.37 The Applicant explained that this had been considered. The A508 is an emergency diversion route and the Transport Assessment shows that, currently, a number of bottlenecks and pinch points hamper its function as such a route. Improvements to the corridor, and the provision of the Roade bypass will provide resilience to the A508 when required to be an emergency diversion route. Whilst there will be development traffic added to it, the worst case would be a southbound closure of the M1, in which case you would get southbound traffic diverting down the A508, however it would be an improved A508. In such a scenario without the development and with the M1 shut, the M1 southbound from Junction 15 would be predicted to carry around 6,000 vehicles during a peak hour which would be diverted onto the A508 southbound. The additional development traffic in that scenario would be an extra 200 vehicles and so would be a very small percentage of additional traffic onto a much improved route.

2.38 The Applicant confirmed, in relation to concerns raised by Declan Waters and referred to by the ExA, that the traffic model includes for all committed development and growth.

2.39 In answer to a query in relation to the Pury Road junction, the Applicant explained that the detail of this junction is referred to in paragraphs 10.88-10.92 of the Transport Assessment. The improvement at Pury Road extends the length of the ghost island (harbourage facility for right-turning traffic). It is considered to be a beneficial improvement to deliver through flow of traffic and avoid stationary traffic on the main route. The highway authority are content with the proposal.

2.40 The Applicant explained the working of the redesigned A508/Rookery Lane/Ashton Road junction on the A508, which becomes a staggered junction. The junction can

accommodate the turning movements of large agricultural vehicles and the proposals represent an improvement with improved visibility. Again, the highway authority are content with the proposal.

2.41 The ExA put several points of criticism to the Applicant from other parties in relation to the validity of the modelling and effectiveness of the weight restrictions. The Applicant made it clear that it does not accept the criticism. The modelling is robust and the mitigation identified as a result has been agreed with not only the local highway authority but also with Highways England. It is all explained and justified in the Transport Assessment and related Chapter of the Environmental Statement.

Air Quality

2.42 Reference was made by Mrs Bird, on behalf of Stop Roxhill Northampton Gateway Action Group (SRNG), to the fact that an assessment had not been carried out for $PM_{2.5}$ emissions. The Applicant referred to the Applicant's response to ExQ1.1.4 (see **Document 8.2**, REP1-020 and REP1-021) but agreed to provide a further response which is contained in **Appendix 6**.

2.43 The ExA queried the inclusion in the response to ExQ1.1.4 of Box 5.1 which seemed to apply to Northern Ireland only. The Applicant undertook to confirm the position and the response is contained **Appendix 7**.

2.44 In response to questions by the ExA with regard to the exclusion of "managed roads", the Applicant referred to paragraph 9.3.46 of Chapter 9 of the Environmental Statement. Reference was also made to paragraphs 9.3.45 to 53 in relation to the East Midlands zone of the UK Air Quality Plan. The Applicant undertook to provide a plan of the zones which is included in **Appendix 8**.

2.45 The Applicant explained that Northampton (including Northampton Gateway) is included within the UK Air Quality Plan East Midlands zone which is the relevant zone for the application of the air quality directive limit values. Within the zone there are two cities which have been required to implement clean air zones so that they will achieve compliance and these are Derby and Nottingham. The extent to which the East Midlands zone as a whole will be compliant will be dependent upon the progress of those areas. The Northampton area is compliant. Whilst there is an A45 AQMA, the A45 is not a clean air zone and the assessment demonstrates that with the development, it will still be in compliance with limit values.

2.46 The ExA referred to ExQ1.1.23 in relation to diffusion tubes and whether the concentrations referred to in the Applicant's response were within or above the limits for the AQMA. In response the Applicant referred to Table 9.17 in the air quality chapter of the ES and the receptors W1-W5. The table predicts the concentration of NO_2 in the Northampton AQMA. The relevant limits for the annual objective is 40 micrograms per cubic meter (of air) and all of the values in column C were below the objective.

2.47 The ExA referred to ExQ1.1.27, and the suggestion that vehicle emissions for the construction phase should also have been undertaken. In response the Applicant referred to the assessment which had been undertaken contained in Appendix 9.11 of the Environmental Statement (APP-106).

2.48 The ExA referred to ExQ1.1.32 and the issue of applying professional judgement in relation to the assessment of dust during demolition and construction. The Applicant

confirmed that professional judgements are required in relation to the sensitivity of impacts with the guidance giving assistance as to how to make those judgements. Accordingly, the location of where the demolition/construction is taking place is relevant.

2.49 In response to a discussion on Euro VI compliant HGVs and buses, the Applicant confirmed that discussions would continue with the Borough Council to identify the extent to which use of Euro VI compliant vehicles could be secured having regard to the realities of the development. The Applicant referred to requirement 8 of the dDCO already referring to the inclusion of electric charging points and that the contribution to the low emissions strategy that had been agreed with the Borough Council would be included in a future section 106 obligation.

2.50 The Applicant undertook to provide a Word version of the air quality chapter showing, in tracked changes, the corrections to the cross-references. A hard copy will also be provided, as requested. with all of the figures and drawings incorporated. The electronic copy will also include hyperlinks to the relevant figures and drawings.

2.51 In response to a question from the ExA the Applicant confirmed that the background concentrations provided by the government assume that the background gets better every year and, accordingly, 2015 data would ordinarily give a higher background concentration than 2016 data and be a worse case than 2016. However, in reality, as noted in paragraph 9.3.34 of the ES Chapter, the data shows that 2016 was an unusually higher concentration than 2015, and the model verification was therefore based on 2016, to ensure a conservative approach to the assessment.

Noise and Vibration

2.52 The ExA referred to ExQ1.8.1 and asked for an explanation as to how the study area and receptors were selected. The Applicant explained that the Applicant identified all the receptors close to the site likely to be affected to some extent by the proposal and that therefore defined the study area No specific buffer zone was used. If a large impact had been found there would have been a case for looking further away from the source. However, that situation did not apply in this case and all receptors likely to be affected have been identified. There was therefore no need for any buffer zone.

2.53 The ExA referred to noise measurements taken by SRNG in their written representations submitted for **Deadline 1** (REP1-054). The Applicant was asked for their view on the levels although the ExA noted that there was no-one from SRNG at the hearing to ask about who had undertaken the measurements and how they were verified. The Applicant explained that the results shown probably did represent the noise level at the time of the measurement, but there was insufficient information to determine what kind of decibel levels had been measured. Furthermore, for any assessment a degree of averaging was required to determine what the typical noise levels would be at a particular location

2.54 In relation to criticisms of the approach on the part of Stop Roxhill Northampton Gateway Action Group regarding the impact of night time operational noise from the aggregate terminal on receptors in Milton Malsor, the Applicant explained that noise from all operational sources associated with the SRFI, including the aggregate terminal, had been assessed and the results were in Appendix 8.18 of the Environmental Statement (APP-203). The impact has been assessed in accordance with the relevant British standard and the conclusions are set out in the environmental statement.

Landscape and Visual Impact

2.55 The ExA referred to a criticism by Rail Central in response to ExQ1.7.1 saying there was a lack of clarity in respect of earthworks calculations and uncertainty in relation to cut and fill, heights for the bunds and the basis of the LVIA.

2.56 The Applicant explained that the LVIA was based upon the parameters clearly set out on the Parameters Plan (**Document 2.10**, APP-065). The maximum height for the bunding and buildings had been assessed and the cut and fill had been calculated by the engineering consultants on the project.

2.57 In response to a criticism that the bunds and degree of slopes would not be natural, the Applicant explained that a lot of work had been done to look at the scheme and it's embedded in mitigation and whilst the slopes and gradients would be steeper than what is on site at the moment careful attention had been paid to how these might be seen from surrounding positions. It was explained that many of the views towards the mounding (e.g. from the west and general direction of Blisworth) would be looking more squarely towards them and not obliquely or along the slopes and thus the gradients would be less apparent. The proposed woodland planting would further soften their appearance.

2.58 The Applicant explained that the Parameters Plan included a note which indicated that the approach to the bunds would be based on the cross-sections in the landscape chapter. Accordingly, if the building heights are lower, then the bunds may be slightly lower, depending on the scheme. This was explained in a response to Stop Roxhill Northampton Gateway Action Group on page 18 of **Document 8.9** (REP3-009).

2.59 In response to it being said on behalf of Rail Central that the information on the cross-sections which would be applied as parameters was not clear, the Applicant undertook to give consideration to whether or not there was sufficient clarity as to what the fixed elements of that approach were. Further consideration is being given to that point and if the Applicant considers that any clarification is required, for example, with additional notes to the landscape cross sections, the Applicant will provide amended sections for **Deadline 5**.

2.60 In response to criticisms by the Stop Roxhill Northampton Gateway action group in relation to footpath KX13, and other footpaths, the Applicant explained that in visual terms it is appreciated that the nature of views were going to change. The public rights of way were being rerouted within the planting and attractive and relatively open and safe corridors. The diversion of footpath KX13 provides additional connectivity to Collingtree Road over and above that which currently exists.

2.61 The ExA referred to the action group's suggestion that there would be an additional 2.32km added to the length of footpath KX17 as a result of the scheme. The suggestion being that it would become less accessible to less able people. The Applicant did not recognise the figure of 2.32km (and has since established that the correct figure is approximately 240m, however footpath KX17 is being upgraded to a cycle track and is therefore more accessible by more users, which complies with the wider accessibility walking and cycling strategy. The Applicant also pointed out that it was common on developments such as this to be asked to provide additional public rights of way and therefore saw the increase in the overall network as a positive element.

Ecology

2.62 The Applicant confirmed that it had received confirmation from Natural England that they are content with both the draft European protected species licences required with only some minor queries. It is anticipated the letters of no impediment will be provided by mid-January 2019.

2.63 The ExA referred to the Roade Cutting SSSI and the reference to that SSSI in the statement of common ground with Natural England and others, in paragraph 7 on page 4 (**Document 7.3**, APP-384). The Applicant referred to paragraph 3.5 of the statement of common ground with Natural England alone (**Document 7.15**, REP1-018) where Natural England confirmed they were content if the DCO required compliance with the CEMP. Schedule 2 of the dDCO includes a requirement which requires compliance with the CEMP. In addition, the Applicant confirmed that there had been the intention to include a specific provision in the CEMP to acknowledge the SSSI. The CEMP has been amended accordingly and the revised CEMP submitted for **Deadline 4**.

2.64 In response to the ExA querying a wildflower meadow that abuts Knock Lane, the Applicant explained that detailed surveys of that field had been undertaken. It had been relatively recently created in ecological terms (15/20 years ago). Whilst it is of some interest, it does not represent an ancient meadow. It has been appropriately recorded and can be seen in Figure 3 of Appendix 5.1 and Figure 5.3 of the Environmental Statement (APP-140).

Surface Water and Flood Mitigation

2.65 The ExA referred to the level of outflow from the main site not exceeding 4.0l/s/ha. The Applicant confirmed that the statement of common ground with the local lead flood authority (Northamptonshire County Council) (**Document 7.2**, APP-383) specifically references run off rate of 4.0l/s/ha and confirmed it to be acceptable (see paragraph 4.3 of the statement of common ground). Reference should also be made to paragraphs 2.18 – 2.23 of Appendix 7.3 to the Environmental Statement (APP-185).

2.66 The ExA referred to concerns raised in relation to the efficacy of hydro-brake systems. The Applicant confirmed that the hydro-brake was a common device to control flows from developments. The use of the devices is widespread because they operate effectively.

2.67 The ExA referred to references to lack of any flood evacuation plan and the Applicant was asked to explain whether there had been any consultation on such a plan with the emergency services.

2.68 The Applicant confirmed that no such focussed consultation had taken place because such an evacuation plan is something that would be typically provided for sites in designated flood zones 2 and 3, whereas the site here is in flood zone 1 and there is therefore no need to provide such a plan. The buildings and access roads are designed to be safe from all flooding and a flood evacuation plan would be superfluous.

2.69 The ExA referred to a concern of the action group in relation to the Roade bypass and a claim that the impact of the development on a large pond in Hyde Farm, adjacent to the bypass, had not been considered.

2.70 The Applicant explained that the pond had been considered. The drainage from the bypass would go into the attenuation basin before it goes into the local watercourse to the north of Hyde Farm pond. As the outflow from the attenuation basin will not exceed the relevant greenfield run off rate there is therefore no increase in the flow to the Hyde Farm pond.

Socio-economic Effects

2.71 There was a discussion in relation to labour supply and GVA (gross added value) including the representations of Dr Andrew Gough in relation to labour supply and the Northampton Rail Users Group in relation to GVA. In response to that discussion the Applicant has produced a note to explain the position and how the approach adopted by the Applicant is appropriate. This note is contained in **Appendix 9**.

Historic Environment

2.72 The ExA referred to Hyde Farmhouse and the remains of a Dovecote at Hyde Farm, and a suggestion made by the action group that the assets had not been appropriately assessed. The Applicant explained that both assets were assessed as outlined in the Environmental Statement and the judgement reached was that the impact on the assets would be less than substantial in magnitude and on the lower end of the spectrum.

2.73 The ExA referred to Woodleys Farmhouse, London Road, and a representation suggesting that this asset had not been considered. The Applicant explained that this asset had been considered as part of the assessment process, being one of the 51 listed buildings within the search radius referred to in the Environmental Statement; however Woodleys Farmhouse shares no visual or known functional connection with the site and its significance will not be materially impacted. Detailed assessment work focused on assets with the potential to be affected by the proposals.

2.74 The ExA referred to the action group's suggestions that there would be major adverse effects on the conservation area in Milton Malsor rather than negligible as assessed by the Applicant. The Applicant stressed that there was a robust assessment of the potential impact on Milton Malsor conservation area included within the environmental statement and that any harm to the significance of the conservation area was at the lower end of the less than substantial harm and therefore the assessment was appropriate.

Waste

2.75 The Applicant explained that due to the extended hearing hours the waste consultant was not available and therefore some matters might need to be taken away and responded to later.

2.76 The ExA queried the issue of the exclusion of decommissioning from the scope of assessment. The ExA also referred to paragraph 5 of schedule 4 of the EIA Regulations which refers to the likely significant effects on the environment including "where relevant" demolition works.

2.77 The Applicant explained that the key to paragraph 5 is "where relevant". In the Applicant's view the relevant demolition works to be assessed were those that have been assessed and are being carried out prior to construction – being the barns in the middle of the site. Any other demolition, such as that arising at the end of the life of

the development, would be entirely speculative because no-one knows when, or how much of, the development it might relate to at the time.

2.78 The ExA queried whether waste from road shavings had been ignored and the Applicant confirmed that road shavings would be reincorporated into the works, for example within the footways, which is the common approach.

2.79 The ExA raised a query in relation to ExQ1.15.10 and the capacity for recycling. The applicant indicated a note would be provided on this and that note is contained in **Appendix 10**.

2.80 The ExA raised a queries in relation to ExQ1.15.19 and ExQ1.15.21 and the extent to which mitigation has been taken into account. The Applicant indicated it would respond and that response is contained in **Appendix 11**.

Lighting

2.81 The Applicant explained that baffles and shields had not been taken into account in the assessment on the basis that, as Appendix 11.3 of the ES (APP-228) explains (at paragraph A.11.3.23), they will be fitted only where it will provide a benefit for a receptor and this is dependent on precise locations and angles of the development as built. New products are developed all the time so it is anticipated that the performance of the lighting will be as good or better than that currently used today. The Applicant did think about what would be the effect on the assessment with baffles and shields included and concluded that, whilst there is a benefit, it is too small to make a difference to the assessment results.

2.82 In response to ExQ1.14.7, the Applicant undertook to give additional references to relevant paragraphs in the Ecology & Nature Conservation Chapter and these are contained in **Appendix 12**.

3. Issue Specific Hearing 3 - Development Consent Order

Preliminary

3.1 The ExA attached, to the agenda for ISH3, a table of issues and questions relating to the dDCO. The Applicant provided a response to those issues and questions to the ExA and other parties in advance of the hearing. That response is provided in **Appendix 13**.

Section 106 Agreement

3.2 Much of the hearing was concerned with issues raised in relation to the draft section 106 agreement (**Document 6.4A**, REP1-003) by the ExA. The issues were contained in two notes circulated by the ExA during the hearing and the Applicant undertook to consider the points raised and to amend the section 106 agreement appropriately and submit it by no later than **Deadline 5**.

3.3 The Applicant indicated that in any event, the local authority had indicated it wished many of the obligations to be converted into requirements. This has been done and can be seen in the revised requirements contained in the dDCO submitted for **Deadline 4** (**Document 3.1C**).

3.4 If, on consideration of the points made by the ExA, it is felt appropriate, a response to the ExA's points circulated during the course of the ISH3, will be provided with the amended section 106 obligations.

Environmental Impact Assessment and Changes to Authorised Development

3.5 The ExA referred to the change that had been made to article 4 in relation to significant adverse effects and the Applicant confirmed that this change was a result of the discussion at the previous DCO hearing (ISH1) and is based on applying the same approach to a change to an EIA DCO authorised development as applies to a change to an EIA non-DCO authorised development. Accordingly, the wording used is based on that contained in paragraph 13 of schedule 2 to the EIA Regulations.

3.6 The ExA queried whether or not the additional words of "*not identified at the time this order was made or any updated environmental information supplied under the 2017 EIA regulations*" were necessary and the Applicant undertook to give consideration to this. The point was understood, that there would be a need to look at the significant adverse effect of the change at the time when it took place and any significant adverse effect arising from the change would, by definition, not have been identified at the time the order was made or at any time prior to the change.

3.7 The Applicant explained that it did not feel that applying a system akin to that applying to "subsequent applications" would be appropriate since the most analogous situation is a change to an authorised development, which is explicitly dealt with in schedule 2, paragraph 13. Subsequent applications apply to pre-commencement conditions before all or part of a development is approved, which is a different situation. The approach taken in adopting schedule 2, paragraph 13, is to simply apply the same process to this DCO development that applies to all large scale EIA development.

Archaeology

3.8 In response to criticisms by the Council's archaeological advisor, the Applicant explained to the ExA why the approach taken to archaeological assessment was appropriate, particularly having regard to the relevant advice in the National Policy Statement for National Networks.

3.9 Firstly, the Applicant explained that there was a large degree of common ground with the Council's archaeological advisor. The work done by the Applicant falls into three phases:

3.9.1 A desktop study had been carried out (Appendix 10.2 to the Environmental Statement, (APP-220)) and was undertaken in accordance with best practice, as agreed with the Council's archaeological advisor – see statement of common ground **Document 7.8A**, REP3-005 – para 3.1, 3.3 and 5.3.

3.9.2 There was a geophysical survey undertaken (Appendix 10.4 to the Environmental Statement, (APP-222)). Two surveys were undertaken in accordance with best practice of which there is no criticism by the Council's archaeological advisor. The statement of common ground, at paragraphs 3.4 and 4.1, confirmed the extent to which the Council's archaeological advisor agrees with the geophysical survey and its conclusions are referred to in paragraph 5.3.

3.9.3 Trial trenching was undertaken on the main site by Cotswold Archaeology pursuant to a written scheme approved by the Council's archaeological advisor and monitored by the consultant. The County Council say in paragraph 5.13 of their Written Representations (REP1-035) that the work was undertaken to a high standard. The Council's archaeological advisor agrees, in paragraph 15 of the statement of common ground, that the results correlate with the geophysical survey.

3.10 The sole criticism of the assessment undertaken by the Applicant is that the Applicant has done too little trial trenching. That criticism has to be seen in context. There are five points that the Applicant would make:

3.10.1 It is common ground, as set out in paragraph 3.2 of the statement of common ground, that there are no designated archaeological assets within the Order limits.

3.10.2 The Council's archaeological advisor does not point to any substantive evidence suggesting it is likely that there are significant archaeological remains which might preclude development. During ISH1 the consultant described it as being a "possibility" that such remains existed on the site but did not put it any higher than that. The consultant indicated at this hearing that she did not need a "definitive" answer, but when you look at paragraph 10 of the statement of common ground this seems to be precisely what is being sought.

3.10.3 The relevant policy is contained in the National Policy Statement at paragraphs 5.127 and 5.142.

Paragraph 5.127 states that, "*Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, the applicant should include an appropriate desk-based assessment and, where necessary, a field evaluation".*

The Applicant has carried out a desk-based assessment. The field evaluation is not required in all circumstances. Geophysical survey is, however, a field evaluation and so some field evaluation has been carried out. In addition, a second strand of field evaluation has been carried out, which is trial trenching.

The second relevant policy in the National Policy Statement is paragraph 5.142 which states "*Where there is a high probability that a development site may include as yet undiscovered heritage assets with archaeological interest, the Secretary of State should consider requirements to ensure that appropriate procedures are in place for the identification and treatment of such assets discovered during construction"*.

This is important because the Secretary of State's policy states that, even where there is high probability of undiscovered heritage assets (which is not the case here), then the consequence is clear - the Secretary of State should consider a requirement.

3.10.4 The suggestion by the consultant that there is an industry norm of 2/3% is not accepted. The Council's archaeological advisor has not pointed the

ExA to any industry standard or document, and views vary depending upon the particular site in question.

In the response to the County Council's written representations the Applicant has already referred to the development at DIRFT[2] (**Document 8.7**, REP2-010, (pages 7-8)). The Council's archaeological advisor was the relevant officer at DIRFT and signed the statement of common ground relating to archaeology for DIRFT. At DIRFT the trial trenching was overseen by the same consultancy as the Applicants are using for this development. The percentage coverage of trial trenching for DIRFT was 0.42%, comparable to the 0.38% for the Northampton Gateway development.

3.10.5 What is being said by the Council's archaeological advisor is that they don't know what the position is and the only way to address that is to undertake trial trenching in respect of 2-3% of the site rather than the 0.38% already done. However, the 2-3% is not going to give comprehensive oversight nor even give any materially improved oversight as compared with the 0.38%. There will still be the risk of undiscovered remains. What we know, however, is that paragraph 5.142 of the National Policy Statement says that, even where there is a high probability of such remains, one simply imposes a requirement. There is no such high probability here, based on all the evidence, however, a requirement is proposed in similar form to that which was applied to the DIRFT DCO.

3.11 The ExA queried the purpose of the further trenching to be carried out pursuant to the requirement and the Applicant explained that the purpose was to undertake recording and to identify and collect any archaeological features in areas that had not been trenched.

3.12 The conclusion therefore that the Applicant makes, by reference specifically to paragraphs 5.127 and 5.142 of the National Policy Statement is that sufficient assessment has been undertaken to establish the likely significant environmental effects. In addition, and going beyond what is required in paragraph 5.142, notwithstanding the fact that there is no "high probability" that there may be as yet undiscovered heritage assets, the Applicant is proposing a requirement to safeguard against the "possibility" of such assets in the form of the investigating and recording requirements proposed in the dDCO.

4. Compulsory Acquisition Hearing

4.1 The Applicant updated the ExA in relation to current discussions with landowners and with Network Rail on protective provisions.

4.2 Rail Central confirmed that its compulsory acquisition objection was aimed at protecting the interaction between the two schemes in relation to the footpath and bund on the Northampton Gateway development which are also of relevance to the Rail Central development. Rail Central noted that the Applicant had indicated that it

[2] Daventry International Rail Freight Interchange

would be addressing the issue by way of requirements and the relevant requirement is now included in the dDCO submitted for **Deadline 4** (**Document 3.1C**).

Appendix 1

Illustrative Site Levels Plan

'Clipper Unit' FFL
84.8m AOD Ridge 102.8m AOD

+ Motorway @
81.7m AOD

+ Existing junction
@ 87m AOD

Collingtree

Collingtree typically 80-85m AOD

Temporary site Access see sketch
NGW-BWB-GEN-XX-SK-C-SK07

+ 4.5

+ 3.5

Mounding typically + 8.0 to + 9.0

Max Ridge 104.0m AOD

+ 0.5

- 0.5

+ 7.0

- 1.0

+ Motorway @
82.7m AOD

Mounding typically
+ 10.0 to + 13.0

+ 2.0

Max Ridge 104.0m AOD

- 2.0

OGL

Max Ridge 109.5m AOD

+ 4.5

+ 3.0

+ 2.0

- 0.5

- 6.5

Max Ridge 104.0m AOD

- 2.0

OGL

Max Ridge 109.5

OGL

- 1.5

+ 2.0

+ 5.0

NEW FOOTPATH

- 0.5

Max Ridge 109.0m AOD

- 9.0

+ 94.5

- 4.0

Churchills
(Trees up to approx
18m high)

OGL

Max Ridge 109.5m AOD

- 6.0

- 4.5

- 5.5

+ 98.5

+ 97.0

+ 98.9

+ 97.2

Highgate
(Trees up to approx
18m high)

Mounding
typically + 14.0
to + 18.0

Terminal typically -6.0 to -9.0
max containers / yard 105.0m AOD
max cranes 110.5m AOD

- 2.0

+ 99.0

+ 97.0

Mounding typically + 10.0 to + 12.0

Approximate area of additional
500,000m^3 excavation to
achieve year 1 Earthworks
requirements.

LINE OF EXISTING FOOTPATH (KX13)

KX15 footpath

Milton Malsor typically 73-85m AOD

Milton Malsor

Blisworth (approx 1.25km to south
west) typically 115-120m AOD on
north east edge

NOTES

Ordnance Survey base mapping - supplied by client.

N

0 50 100 150 200 250m

KEY

+ 2.0 — Levels (Illustrative) Relative to existing ground levels.
+ denotes increase in ground level (i.e. 'Fill')
- denotes decrease in ground level (i.e. 'Cut')

+ 94.5 — Approx existing levels above ordnance datum (based upon detailed site survey where available or ordnance survey)

Note:
The purpose of this marked up site visit plan is to provide a general understanding of the potential landform and level changes based upon the illustrative masterplan and earthworks. It also includes approximate levels for the existing woodlands on site and the surrounding settlement areas.

The underlying plan is the Main Site Phasing Plan Doc 5.2 (ES) Figure 2.3

rev	date	description	drn	chkd
A	07.01.2019	Minor amendment to title block	OFD	TRJ
^	04.01.2019	First issue.	OFD	TRJ

masterplanning
environmental assessment
landscape design
urban design
ecology
architecture
arboriculture

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client
Roxhill Developments Ltd

project
The Northampton Gateway Rail Freight Interchange Order 201X

drawing title
MARKED UP SITE VISIT PLAN (18 DEC 18)
ILLUSTRATIVE SITE LEVELS

scale	drawn / checked	revision date
1:2500 @ A0	OFD/TRJ	7 January 2018

drawing number
5772-L-55

rev
A

CAD file: J:\5700\5772\LAND\Plans\5772-L-55A Illustrative Site Levels.dwg

Appendix 2

Clipper Building (Grange Park J15) Information

DETAIL 1

Scale 1:20

NOTES

1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS ENGINEERS AND SPECIALISTS DRAWINGS AND THE SPECIFICATION.
2. NO DIMENSIONS TO BE SCALED FROM THIS DRAWING.
3. ALL DIMENSIONS ARE IN MILLIMETRES, UNLESS NOTED OTHERWISE.
4. FOR DRAINAGE DETAILS REFER TO DRAWING No. 3314/50–55.
5. FOR CONSTRUCTION THICKNESS & JOINT DETAILS REFER TO DRAWING No. 3314/32.

SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION

IN ADDITION TO THE HAZARDS/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE ADDITIONAL RISKS:

CONSTRUCTION

IT IS CONSIDERED THAT THE PROPOSED WORKS ARE WITHIN THE SCOPE OF A COMPETENT CONTRACTOR AND AS SUCH NO UNUSUAL HAZARDS HAVE BEEN IDENTIFIED, WITH THE EXCEPTION OF THE FOLLOWING:–

THE CONTRACTOR TO PROVIDE METHOD STATEMENTS TO HIGHLIGHT & MINIMISE RISKS FOR ELEMENTS OF WORK INDICATED ON THIS DRAWING MAINLY WORKING AT DEPTH & THE REQUIRED TEMPORARY SUPPORT FOR EARTHWORKS

MAINTENANCE/CLEANING/OPERATION

JETTING OF PIPEWORK/MANHOLES TO BE BY UNDERTAKEN AT REGULAR INTERVALS (APPROX 6 MONTHS) BY SPECIALIST

DECOMMISSIONING/DEMOLITION

NO SPECIAL REQUIREMENTS

IT IS ASSUMED THAT ALL WORKS WILL BE CARRIED OUT BY A COMPETENT CONTRACTOR WORKING, WHERE APPROPRIATE, TO AN APPROVED METHOD STATEMENT

LEGEND

CONCRETE ROADS & VAN PARKING
200mm THICK CONCRETE (C40 5%AE) SLAB ON
1200g POLYTHENE MEMBRANE ON
200mm DOT TYPE 1 SUB–BASE ON
5% CBR BASE (LIME STABILIZED IN FILL ONLY)

ACCESS ROAD SURFACING
40mm THICK SMA WEARING COURSE (SMA 14 SURF 40/60) ON
65mm THICK DENSE BINDER COURSE (REF AC20) ON
210mm THICK DENSE BASE COURSE (REF AC32) ON
450mm DOT TYPE 1 SUB–BASE ON
5% CBR BASE (LIME STABILIZED IN FILL ONLY)

CAR PARK BITMAC SURFACING
30mm THICK WEARING COURSE (10mm AGGREGATE) ON
70mm THICK BASE COURSE (20mm DTP 906) ON
350mm DOT TYPE 1 SUB–BASE ON
5% CBR BASE (LIME STABILIZED IN FILL ONLY)

PERMEABLE CAR PARK BITMAC ON ATTENUATION BASE
30mm THICK OPEN GRADE ASPHALTE WEARING COURSE (10mm AGG) ON
70mm OPEN GRADE DBM BASE COURSE DTP 906 20mm AGGREGATE ON
150mm 6–20mm CLEAN CRUSHED STONE (TYPE 3) ON
400mm GRANULAR FILL 10–63mm STONE TO B.S 882:1992 ATTENUATION ON
BUTYL LINER OR IMPERMEABLE MEMBRANE (WITH LINER PROTECTION) ON
5% CBR BASE (LIME STABILIZED IN FILL ONLY)

PERMEABLE CAR PARK BLOCK PAVING ON ATTENUATION BASE
80mm THICK FORMPAVE OR SIMILAR PERMABLE BLOCK PAVING (TO ARCH DETAILS) ON
50mm 2–6mm GRIT/STONE BASE ON
150mm 6–20mm CLEAN CRUSHED STONE (TYPE 3) ON
400mm GRANULAR FILL 10–63mm STONE TO B.S 882:1992 ATTENUATION ON
BUTYL LINER OR IMPERMEABLE MEMBRANE (WITH LINER PROTECTION) ON
5% CBR BASE (LIME STABILIZED IN FILL ONLY)

FOOTPATH PAVING
3m WIDE FOOTPATH CONSTRUCTION WITH
50mm THICK PCC PAVING SLAB ON
30mm CEMENT/SHARP SAND BED ON
150mm DOT TYPE 1 SUB–BASE ON
5% CBR BASE (LIME STABILIZED IN FILL ONLY)
(SEE DETAIL 1)

ENTRANCE BLOCK PAVING
60mm HERRINGBONE BLOCK PAVING (TO ARCH DETAILS) ON
30mm WELL COMPACTED ZONE 4 KILN DRIED SAND ON
150mm DOT TYPE 1 SUB–BASE
5% CBR BASE (LIME STABILIZED IN FILL ONLY)

GRASS CRETE PAVING (SEE ARCH FOR PATTERN)
GRASS CRETE BLOCK TYPE GC2 (A252 MESH REINFORCED) PAVING ON
50mm ZONE 4 WELL COMPACTED SAND/GRIT BED ON
200mm DOT TYPE 1 SUB–BASE ON
TERRAM 1000 WITH TENSAR TRIAX AX170 GEOGRID COMBINATION

GRAVEL BASE
75mm THICK 10–20mm PEA SHINGLE ON
200mm DOT TYPE 1 SUB–BASE ON
5% CBR BASE (LIME STABILIZED IN FILL ONLY)

ANCILLIARY CONCRETE SLABS

LANDSCAPING

NOTE:
FILL MATERIAL TO BE BULK LIME STABALISATION TO GIVE 95% COMPACTION WITH LESS THAN 5% AIR VOIDS & 5% C.B.R. & TO GIVE A BEARING PRESSURE OF 150kN/m² BELOW FOUNDATIONS

GATIC SLOTDRAIN DRAINAGE CHANNEL (200mm C40 CONCRETE SURROUND)

REV	DATE	DESCRIPTION	CHK	DRN
P5	26.03.15	LEVELS REVISED	TC	DW
P4	26.01.15	REVISIONS AS REQUESTED	TC	CE
P3	21.01.15	LAYOUTS REVISED	TC	CE
P2	18.12.14	PERIMETER REVISIONS	TC	CE
P1	17.12.14	PRELIMINARY ISSUE	TC	CE

NOTE: Where a "P" revision applies, this drawing is NOT to be used for construction

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PROJECT: ZONE C, GRANGE PARK NORTHAMPTON

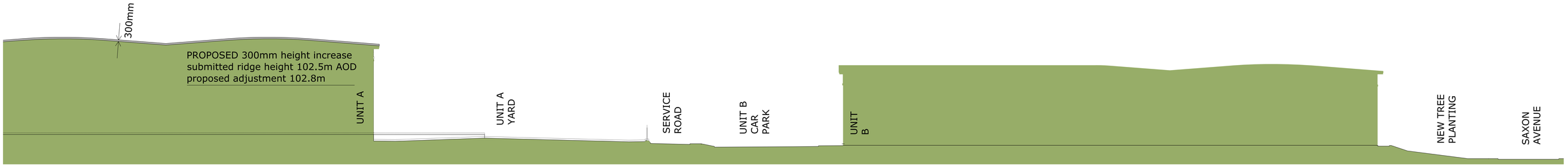
TITLE: EXTERNAL WORKS

ARCHITECT: STEPHEN GEORGE & PARTNERS LLP

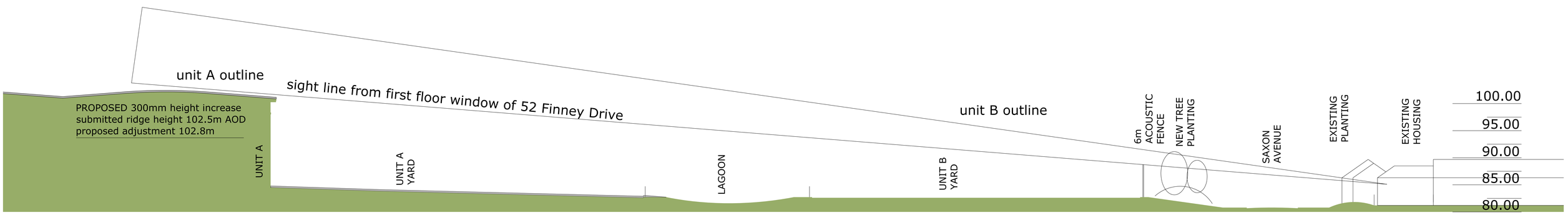
DRAWN	DESIGNED	CHECKED
CE	TC	DOB
DATE	**SCALE**	**STATUS**
Dec 14	1:400	Preliminary

INTERNATIONAL ACCREDITATION BOARD
Registration No. 0044/1

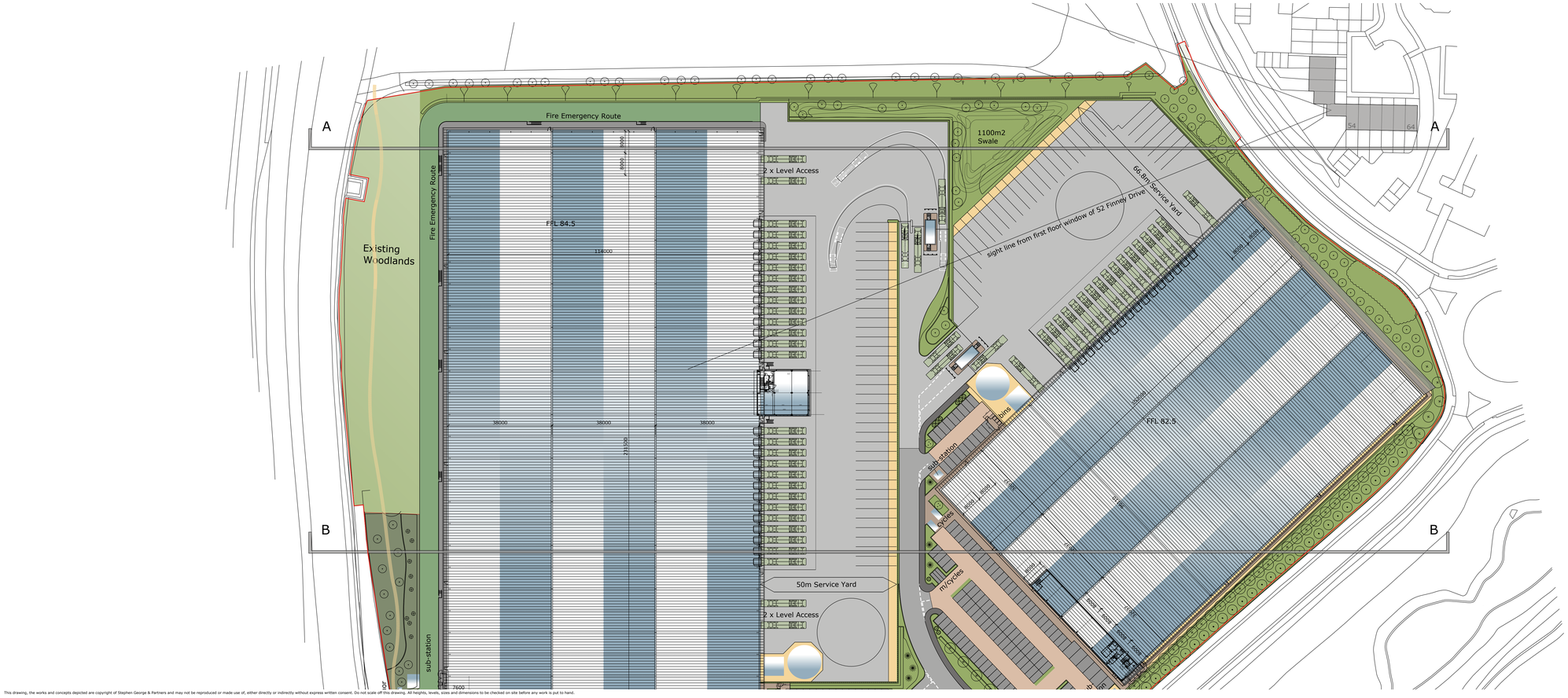
3314/30 P5



SECTION BB



SECTION AA



Notes:

Housing levels from OS 3D mapping

Revision:
A 10/06/2015 Height increase dropped 200mm

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SITE SECTION AA
& SITE SECTION BB

Drawing status:	Planning
Cad reference:	13-190-P002D
Drawn:	CDW
Team:	CDW
Date:	19/03/15
Scale:	1/250@ A0

Project no:	Dwg no:	Rev:
13-190	P016	A

Northampton Gateway Rail Freight Interchange Order 201X

Examining Authority Request for further information regarding Schedule 4 of Infrastructure Planning EIA Regulations 2017

8 January 2019

Information Required in an Environmental Statement (Schedule 4 of Infrastructure Planning EIA Regulations 2017):

Required Information		Chapter and Section of the ES
1	Description of the development, including in particular: □ A description of the location of the development; □ A description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases; □ A description of the main characteristics of the operational phase of the development (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used; and □ An estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases.	**ES Chapter 2 Description of Development and Alternatives.** This Chapter provides a detailed description of the Proposed Development (primarily in Section 2.3) which forms the basis of the ES as a whole – as explained in paragraph 2.1.2. **ES Chapter 3 Socio-Economic** Location – para 3.3.2; Figure 3.1; Section 3.4 Description – para 3.3.1 Main Characteristics - Table 3.9. **ES Chapter 4 – Landscape and Visual:** Description refers to Chapter 2. A description of the landscape design strategy and proposals is also included at Section 4.5. **ES Chapter 5 – Ecology and Nature Conservation** Summary description of proposals at 5.1.2 Physical characteristics - baseline section at 5.4 **ES Chapter 6 Geology, Soil and Groundwater:** Paragraph 6.1.2 refers to the description in Chapter 2. **ES Chapter 7 – Drainage and Water Resources:** Paras 7.11, 7.1.3, 7.4.17;

Required Information		Chapter and Section of the ES
		Section 7.5; Appendix 7.3. **ES Chapter 8 – Noise and Vibration:** Description provided with reference to Chapter 2. Paragraphs 8.1.2 and 8.1.3 provide an overview of the different types of potential noise and vibration sources (associated with construction and operation phases. Full, quantitative estimates of the noise 'emissions' from the different noise sources are provided in Appendices 8.12 to 8.18. Quantitative estimates of railway vibration emissions are provided in Tables 8.17 and 8.18. **ES Chapter 9 Air Quality:** Location - para 9.1.2 and 9.1.3; Description of physical characteristics – para 9.1.2; Description of the main characteristics – paras 9.3.14 to 9.3.17; Estimate type quantity of residues and emissions – paras 9.3.18 - 9.3.20. **ES Chapter 10 – Cultural Heritage:** Description - paras 10.5.1 to 10.5.5 Physical characteristics - para 10.1.3 with reference to Chapter 2. Main characteristics – para 10.6.2. Residues/emissions not applicable to this chapter. **ES Chapter 11 Lighting:** Paragraph 11.1.1 refers to the description in Chapter 2.

Required Information		Chapter and Section of the ES
		ES Chapter 12 Transportation: • Description and relevant characteristics - paragraphs 12.1.2, and 12.4.1 refer to ES Chapter 2; paragraph 12.5.12 refers to the specific transport 'study area', with cross-reference to Appendix 6 of the Transport Assessment; • Section 12.7 describes the transport and travel associated with Construction (paragraphs 12.7.1 to 12.7.27), and Operational phase (paragraphs 12.7.28 to 12.7.38); modal shift effects are described in paragraphs 12.7.39 to 12.7.53. **ES Chapter 13 Agricultural Land Quality** Paras 13.1.2 – 13.1.3. **ES Chapter 14 Waste:** Description of physical characteristics - Section 14.4; Estimate type quantity of residues and emissions – Section 14.5, and Tables 14.3 and 14.4.
2	A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.	**ES Chapter 2 Description of Development and Alternatives.** Section 2.4 refers to Alternatives – with cross-references to the Market Analysis Report (**Document 6.8**).
3	A description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge.	**ES Chapter 3 Socio-Economic:** Section 3.4, and paragraph 3.6.13. **ES Chapter 4 – Landscape and Visual:** This is detailed at paragraphs 4.3.1 – 4.3.118. For the relevant baseline of the Main Site and local landscape this is included at paragraphs 4.3.68 – 4.3.113.

Required Information		Chapter and Section of the ES
		ES Chapter 5 – Ecology and Nature Conservation: ES Chapter 5 section 5.4 and accompanying appendices outline the relevant baseline scenario. **ES Chapter 6 Geology, Soil and Groundwater:** Section 6.4 describes the relevant baseline (summarised in paragraphs 6.4.78 - 6.4.82). Appendices 6.1 and 6.4 to 6.12 provide further technical detail which is referred to within the ES Chapter. **ES Chapter 7 – Drainage and Water Resources:** Section 7.4 describes the relevant baseline. The Flood Risk Assessment Report (ES Appendix 7.1) is also relevant regarding the detailed description of the baseline. **ES Chapter 8 – Noise and Vibration:** A description of the relevant baseline noise and vibration environment is provided in Section 8.4, supported by Appendices 8.9 and 8.11. Railway noise, railway vibration and road traffic noise have also been predicted for current baseline years at the relevant receptors - scenarios are listed in paragraphs 8.3.15, 8.3.35 and 8.3.42, and the results provided in Appendices 8.13 to 8.16. The likely evolution of the noise and vibration environment without implementation of the development is an integral part of the assessment, based on the prediction and comparison of future year Do-Minimum (DM) and Do-Something (DS) scenarios. The future year DM scenarios considered in the assessment are listed in paragraphs 8.3.15, 8.3.35 and 8.3.42. The impact of the Proposed Development assessed against the future year DM scenarios (i.e. the future baseline) as

Required Information		Chapter and Section of the ES
		described in Section 8.5 and further detailed in Appendices 8.13 to 8.17. **ES Chapter 9 Air Quality:** Baseline – described in detail in Section 9.4. Likely change without the proposed development (future baseline) is addressed in paragraphs 9.4.25 - 9.4.26. **ES Chapter 10 – Cultural Heritage:** Relevant baseline conditions are described in Section 10.5. **ES Chapter 11 Lighting:** Details of the relevant baseline are given in Section 11.4 and Appendix 11.2 (Lighting Baseline Survey). **ES Chapter 12 Transportation:** Details of the relevant baseline are given in Section 12.4, including public transport and walking/cycling conditions and characteristics of the area (with relevant cross-references to the Transport Assessment and Appendices). **ES Chapter 13 Agricultural Land Quality** Details of the relevant baseline are given in Section 13.4. **ES Chapter 14 Waste:** Details of the relevant baseline are given in Section 14.4.
4	A description of the factors specified in regulation 5(2) likely to be significantly affected by the development: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation),	**ES Chapter 3 Socio-Economic** Population – a range of likely effects on the local population are considered throughout Chapter 3. Health – paras 3.4.28 – 30; paras 3.6.27 – 31.

Required Information		Chapter and Section of the ES
	material assets, cultural heritage, including architectural and archaeological aspects, and landscape.	**ES Chapter 4 – Landscape and Visual:** For landscape and visual receptors, this is detailed in Section 4.2, and described in Section 4.3 (at paragraphs 4.3.1 – 4.3.118). **ES Chapter 5 – Ecology and Nature Conservation:** Chapter 5 section 5.4 and accompanying appendices provides a summary of biodiversity features. Important Ecological features with the potential for be affected are listed in Table 5.12 **ES Chapter 6 Geology, Soil and Groundwater:** Section 6.5 describes key receptors and environmental factors likely to be affected, with specific reference to human health, surface water, and groundwater – these are also outlined in the Appendix 6.2 construction phase impacts and effects, and Appendix 6.3 Operational phase impacts and effects assessment matrices. **ES Chapter 7 – Drainage and Water Resources:** Section 7.3 describes the key receptors with reference to the water environment in general, including flood-risk. Table 7.3.5 (Chapter 7, page 5) refers to specific environmental receptors. Section 7.4 describes these in more detail regarding the baseline, and Section 7.5 with regards to potential effects. Appendix 7.2 assesses the effect of the proposals on the water environment with reference to the requirements of the Water Framework Directive. **ES Chapter 8 Noise and Vibration** The factors used in the assessment are described in Section 8.3 and listed in Table 8.12.

Required Information		Chapter and Section of the ES
		Other factors have been considered where appropriate, including the Roade Cutting Site of Special Scientific Interest (SSSI) in terms of railway noise and vibration, and the Roade Quarry Local Wildlife Site (LWS) in terms of road traffic noise (see the corresponding assessments in Section 8.5). **ES Chapter 9 Air Quality:** Specific references made throughout to 'health' issues in context of policy context (Section 9.2), and assessment methodology (Section 9.3), including with reference to the designated AQMAs of relevance. Also Appendix 9.6 re: 'cost calculator'. Biodiversity receptors/factors also specifically included (e.g. Section 9.3 – paragraphs 9.3.59 – 9.3.63). Specific actions or operations that may cause "Likely significant effects" are identified – e.g. Demolition, track-out and construction regarding dust effects at paras 9.5.2 - 9.5.38. **ES Chapter 10 – Cultural Heritage:** Section 10.6 onwards, including with reference to a range of potential types of effects (paragraph 10.6.2) such as visual, soil and earthworks, construction and traffic noise, etc. Later paragraphs within Section 10.6 also refer to consideration of vibration effects, aswell as potential noise and visual effects. **ES Chapter 11 Lighting:** Potential adverse effects are considered with reference to human health, biodiversity and landscape (night time only) as set out in Section 11.3, including Table 11.7.

Required Information		Chapter and Section of the ES
		ES Chapter 12 Transportation: Section 12.1 (Introduction), and paragraphs 12.5.12 to 12.5.21 describe the potential receptors and local factors which might be affected. **ES Chapter 13 Agricultural Land Quality** Section 13.5 **ES Chapter 14 Waste:** N/A regarding the Waste ES Chapter as there are no likely direct and significant effects on any of the listed environmental 'factors'.
5	A description of the likely significant effects of the development on the environment resulting from, inter alia - (a) the construction and existence of the development, including, where relevant, demolition works; (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources; (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste; (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters); (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources; (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change; (g) the technologies and the substances used.	**ES Chapter 1 – Introduction.** **ES Chapter 3 Socio-Economic** a) Section 3.5 e) Section 3.9 Remaining topics not directly relevant to this chapter. **ES Chapter 4 – Landscape and Visual:** This is detailed at Section 4.4: Construction landscape and visual effects at 4.4.1 - 4.4.54 and 4.6.3 – 4.6.7. Operational landscape and visual effects at 4.4.55 – 4.4.143 and 4.6.8 – 4.6.14. Appendices 4.4 and 4.5 detail the likely significant effects upon the landscape and visual receptors. **ES Chapter 5 – Ecology and Nature Conservation** ES Chapter 5 Section 5.5 provides a description of likely Significant Environmental Effects on Important Ecological Features, with particular attention to species and habitats

Required Information		Chapter and Section of the ES
		protected under Directive 92/43/EEC(1) and Directive 2009/147/EC(2). **ES Chapter 6 Geology, Soil and Groundwater:** Section 6.5 describes likely impacts of the proposed development – including references to earthworks (soils), natural resources, and potential receptors including aquifers/controlled waters and end users. The ES chapter explicitly considers risk to human health and the environment associated with ground instability, contamination, gas and groundwater as well as reuse of materials(earthworks) and natural resources to minimise any impacts. These assessments are supported by the findings of the baseline investigations and assessments detailed in the appendices 6.1 to 6.13. **ES Chapter 7 – Drainage and Water Resources:** a) Section 7.5 describes likely environmental effects; b) Paragraph 7.4.17 regarding water supply; c) N/A d) Section 7.5, Appendix 7.2 with regard to risks to human health and environment. e) Section 7.8 regarding cumulative effects; f) Appendix 7.1 regarding climate change in the context of flood-risk; g) N/A. **ES Chapter 8 Noise and Vibration:** A description of the likely significant effects on the environment prior to mitigation is provided in Section 8.5 and supporting Appendices - including: a) and b) Construction noise (including from demolition and earthworks – paragraphs 8.5.1 – 8.5.26;

Required Information		Chapter and Section of the ES
		c) noise 'emissions' from operation – including paragraphs 8.5.27 – 8.5.59 (railway noise and vibration); 8.5.60 -8.5.124 (road traffic noise); 8.5.125 – 8.5.169 (operational noise from the SRFI). d) Identification of likely significant adverse effects on health and quality of life is fundamental to the noise assessment, as described in Sections 8.2 and 8.3. e) Section 8.8 considers cumulative noise effects with committed developments; f) n/a re: noise and vibration; g) assumptions, including any limitations are set out in Section 8.3, and Appendix 8.19. **ES Chapter 9 Air Quality:** Description of likely significant effects is provided in Section 9.5. (a) Demolition – paras 9.5.3 – 9.5.4 (b) Earthworks – paragraphs 9.5.5 - 9.5.6 (c) Emissions (relevant to Air Quality) are assessed throughout Section 9.5 (and Section 9.7 regarding residual effects); (d) Health effects considered implicitly and explicitly throughout Section 9.5 (and Section 9.7 regarding residual effects) with regard to human receptors; (e) Section 9.8 refers to cumulative effects, cross-referring to the Transport Assessment; (f) Paragraphs 9.3.16-9.3.21, Appendices 9.10 and 9.11 regarding transport/traffic effects, as well as Section 9.5 assess emissions reductions of PM_{10} and NOx. (g) n/a

Required Information		Chapter and Section of the ES
		ES Chapter 10 – Cultural Heritage: Description of likely significant effects on cultural heritage discussed in full from Section 10.6. Inter-relationship with other environmental effects considered and cross-referenced to other chapters where relevant. **ES Chapter 11 Lighting:** a) c) and d) Details are given in Section 11.5, as well as Appendix 11.4 (Construction and Operation). (e) Cumulative Effects are considered in Section 11.8. f) N/A. g) referred to in Appendix 11.3 (Lighting Strategy). **ES Chapter 12 Transportation:** a) Introduction (Section 12.1), plus Section 12.5 regarding potential effects. Construction effects are described in para 12.7.1 to 12.7.27; existence (operation) effects 12.7.28 to 12.7.116; b) n/a c) n/a - although traffic flows generated by the Assessment feed into other chapters that assess these – e.g. Air Quality, and Noise and Vibration; d) n/a – see c) above. Road safety issues are explicitly assessed, referred to in Section 12.6 (detail in Transport Assessment Appendix 30 and 31) – Section 12.7 of the ES refers to range of safety improvements associated with the changes proposed; e) Section 12.8 addresses cumulative effects, with cross-reference to the Transport Assessment (TA Appendix 36); f) Section 12.7 presents the residual effects (post mitigation) – this includes reference to the benefits

Required Information		Chapter and Section of the ES
		associated with modal shift which are of direct relevance to climate change. Outputs from the TA inform the analysis in Chapters 8 (Noise) and 9 (Air Quality). g) n/a **ES Chapter 13 Agricultural Land Quality** Section 13.5 (potential effects) and Section 13.7 (residual effects, including d) cumulative effects). **ES Chapter 14 Waste:** a), b) and c) are covered in Section 14.5 and Section 14.7; d) n/a; e) Section 14.8 provides the assessment of cumulative impacts. **ES Chapter 15 – Cumulative Impacts** e) The Chapter provides an assessment of the cumulative effects, including with committed developments – including in Section 15.4 and the associated Matrices. f) Paragraphs 15.2.33 – 15.2.38 provide a summary of the relationship with climate change issues, drawing on the ES as a whole.
6	A description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.	**ES Chapter 1 – Introduction.** **ES Chapter 3 Socio-Economic** Section 3.3, and paragraph 3.3.12. **ES Chapter 4 – Landscape and Visual:** The methodology for forecasting and assessing the likely significant effects is detailed at 4.2 and at Appendix 4.1.

Required Information		Chapter and Section of the ES
		Any limitations or assumptions relating to the assessed landscape and visual effects are confirmed at 4.2.34 – 4.2.35. **ES Chapter 5 – Ecology and Nature Conservation:** Section 5.3 provides details of the evidence and information sources – a combination of desk-based study, and a range of field surveys. **ES Chapter 6 Geology, Soil and Groundwater:** Section 6.2 sets out the planning and policy guidance context for assessments and Section 6.3 the methodology and approach taken to determine effects. These are supported by the baseline investigations and assessments detailed in Appendices 6.4 – 6.13 and brought together in the impact and effects assessment matrices for the baseline, construction and operational phases in Appendices 6.1 – 6.3 all summarised in the body of the chapter Section 6.5. **ES Chapter 7 – Drainage and Water Resources:** App 7.1 Tables 7.3.1 – 7.3.5 **ES Chapter 8 Noise and Vibration:** A description of the forecasting methods and associated information is provided in Section 8.3 and supporting Appendices. A description of the main uncertainties and limitations of the noise and vibration assessment is provided in Appendix 8.19. **ES Chapter 9 Air Quality:** Forecast/assessment methodology: - paragraphs 9.3.1 to 9.3.4; - paragraphs 9.3.5 to 9.3.10;

Required Information		Chapter and Section of the ES
		- paragraphs 9.3.16, 9.3.21 to 9.3.24, 9.3.27, 9.3.28, 9.3.30. Limitations/uncertainty - paragraphs 9.3.32 to 9.3.36; - paragraphs 9.3.37 to 9.3.41. **ES Chapter 10 – Cultural Heritage:** Paragraphs 10.4.3 to 10.4.5 – includes reference to ZTV, site visits and 1km adopted search radius to assess potential for impact arising from both visual and functional associations with surrounding built heritage assets. Cross-reference made where relevant within the assessment of individual receptors to the findings of other chapters (e.g. noise, lighting). In terms of Archaeology, references are made to the evidence base within the Chapter, such as the DBA, Geophysical Survey and Trial Trenching. **ES Chapter 11 Lighting:** Section 11.3 - the assessment is informed by baseline surveys, and based on experience of effects from other similar scale industrial/commercial developments and highway improvements, as well as knowledge of best practice lighting technology and design. **ES Chapter 12 Transportation:** Sections 12.2 and 12.5, with cross-reference to the Transport Assessment which is appended to the ES Chapter and contains further details. **ES Chapter 13 Agricultural Land Quality** Section 13.2 provides details of the data sources.

Required Information		Chapter and Section of the ES
		ES Chapter 14 Waste: Section 14.3, paragraph 14.38. Section 14.4. Appendix 14.1.
7	A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phase.	**ES Chapter 3 Socio-Economic** Paragraphs 3.7.1 – 3; Paragraphs 3.7.4 – 10. **ES Chapter 4 – Landscape and Visual:** For landscape and visual receptors, this is detailed in Section 4.5. The description of how the effects are avoided, prevented, reduced or offset is also further covered at 4.6.1 – 4.6.14. **ES Chapter 5 – Ecology and Nature Conservation** Section 5.6 covers specific mitigation and/or compensation measures. Detailed measures to ensure legal compliance are also provided. Section 5.7 presents the assessment of Residual Effects. **ES Chapter 6 Geology, Soil and Groundwater:** Mitigation measures are described in Section 6.5 – paragraphs 6.5.6 – 6.5.32 for the Construction phase, and 6.5.33 – 6.5.58 for the Operational phase. Section 6.6 presents the Residual Effects post mitigation measures. **ES Chapter 7 – Drainage and Water Resources:** Section 7.6 sets out mitigation measures. Section 7.7 refers to Residual Effects.

Required Information		Chapter and Section of the ES
		ES Chapter 8 Noise and Vibration: A description of the measures envisaged to avoid any likely significant adverse noise and vibration effects is provided in Section 8.6. A summary of the identified significant adverse noise effects together with the measures used to avoid them is provided in Section 8.7. All identified significant adverse effects are considered to have been avoided. **ES Chapter 9 Air Quality:** Section 9.6 contains Mitigation measures, including references to the CEMP which includes provision for proposed monitoring. Also Appendix 9.8. Residual Effects are set out in Section 9.7. **ES Chapter 10 – Cultural Heritage:** Measures in respect of both construction and operational phases outlined in full at section 10.7. **ES Chapter 11 Lighting:** Measures to avoid and reduce significant adverse effects are set out in the Lighting Strategy (Doc 5.2 - ES Lighting Appendix 11.3). Requirement 15 in the dDCO requires that lighting details be approved and such details must accord with the principles set out in the lighting strategy. **ES Chapter 12 Transportation:** Section 12.6 provides a summary of the 'design' measures proposed which form the mitigation strategy to off-set, reduce or eliminate adverse effects. Section 12.7 provides an assessment of the residual effects (based on the effectiveness of those measures).

Required Information		Chapter and Section of the ES
		If helpful, also see the summary table of residual effects provided in response to ExQ1.0.3. **ES Chapter 13 Agricultural Land Quality** Section 13.6 provides details of mitigation measures. Section 13.7 presents Residual Effects (post mitigation). **ES Chapter 14 Waste:** Section 14.6 sets out mitigation measures. Section 14.7 presents Residual Effects.
8	A description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.	**ES Chapter 1 – Introduction.** Section 1.4 of the ES covers the requirement to consider 'major risks' in the ES.
9	A non-technical summary of the information provided.	**Non-Technical Summary (Document 5.3).**
10	A reference list detailing the sources used for the descriptions and assessments included in the environmental statement.	Each chapter of the ES contains relevant references to sources of guidance or evidence, using a combination of references within the text, footnotes, or in specific 'references' sections at the end of the Chapters.

Appendix 4

Length of Rapid Rail Freight Platform

1. Rail Central state in their written representations that *"The suggested length of the rapid rail freight facility of 200m would be some 40m short of the maximum length of express freight trains already operated by the Royal Mail."* (REP1-029).

2. Rail Central's criticism is based on the Illustrative Masterplan (**Document 2.11**, APP-066) (which demonstrates one way in which the site could be developed in accordance with the parameters) rather than the Parameters Plan (**Document 2.10**, APP-065).

3. Rapid Rail Freight would be operationally similar to existing Royal Mail services utilising traction and rolling stock with passenger running characteristics that will enable faster point to point journey times for the movements of parcels and retail/consumer goods. These services are envisaged to operate between rail served hubs but could also service key urban centres potentially using existing stations. Royal Mail rail services currently run with trains ranging from 78 metres to 234 metres however there is no set length of train for either a Royal Mail service or a Rapid Rail Freight service.

4. Northampton Gateway provides the opportunity for a Rapid Rail Freight facility to enable the distribution of parcels and suitable consumer goods to other hubs and urban centres. Whilst the illustrative masterplan shows a platform of 200m in length, the Parameters Plan allows for a siding length of up to 363 m capable of serving express freight trains. The final design of the Rapid Rail freight facility will be subject to subsequent detailed design development.

5. The Northampton Gateway site is therefore designed to allow for such a facility. The Rapid Rail Freight facility comprises a covered platform, with cross-dock facilities from a wide road circulation area. This will enable palletised goods to be moved directly from the deck of road vehicles into dedicated rail vehicles.

6. As this is an emerging and untested market the platform length of 200m was based on the fact that a train of such size could be accommodated at most "standard" stations and therefore this was included in the illustrative master plan. As indicated above, and for the avoidance of any doubt, the siding length could accommodate a longer platform if need be, as currently provided for in the Parameters Plan. The actual length of platform will be dictated by the length of trains required to be accommodated at the time the service is provided.

Appendix 5

Note on GB Rail Freight model and suggestion on behalf of Blisworth Parish Council that the publisher of the model stated DIRFT when full will use up all the rail capacity

1. MDS Transmodal are the publisher of the GB Freight Model. They have a post on their website dated 25 April 2018 describing further work undertaken by them to update the forecasts made in 2013 taking account of 'exogenous developments' since 2013 that have impacted the competitive position of rail and recognising low and high market growth scenarios.

2. Within the post they clarify that the forecasts are of demand only and do not recognise any capacity constraints. It is correct therefore to say that "the unconstrained freight forecasts do not take into account rail capacity."

3. The purpose of the model is not to identify or address capacity on the rail network. It is principally to inform Network Rail's long term planning process and help identify options for funders, e.g. the DfT, to allocate funds to projects that will increase network capacity in line with predicted growth in demand. The model assumes that capacity at seven known bottlenecks (not defined) on the UK rail network will limit demand in high market growth scenarios.

5. It was said on behalf of Blisworth Parish Council that the publisher of the GB Rail freight model said that the DIRFT trains, once DIRFT is fully occupied, would take up any available capacity. This statement is incorrect. The model predicts freight volumes between origin and destination and does not break this down into train paths on specific routes. The Applicant is not aware of any statement made by the publisher regarding what can or cannot happen on the network nor any statement about the capacity and DIRFT.

Appendix 6: Note on $PM_{2.5}$

1. **$PM_{2.5}$**

1.1 Mrs Bird, on behalf of Stop Roxhill Northampton Gateway Action Group (SRNG), asked why "an assessment had not been carried out for PM2.5 emissions".

1.2 $PM_{2.5}$ was screened out from the assessment following standard practice in assessing air quality using Defra guidance (LAQM.TG (16)). LAQM.TG(16) Table 5.1 (see **Appendix 7** to this document) identifies pollutants of concern with regard to types of processes or activities that produce emissions to air.

1.3 LAQM.TG(16) recognises that the majority $PM_{2.5}$ comes from non-localised sources i.e. transported regionally and across international boundaries. The regional, international contributions of annual mean ambient $PM_{2.5}$ concentrations at urban background locations in the UK are 45% and 20% respectively, with local urban traffic only responsible for approx. 14% of concentrations (Defra[1]).

1.4 LAQM.TG(16) 1.09 states "Local authorities in England have a flexible role in working towards reducing emissions and concentrations of $PM_{2.5}$", however there is no statutory obligation to achieve the annual mean objective for $PM_{2.5}$ in England. $PM_{2.5}$ is not monitored in NBC nor SNC.

1.5 $PM_{2.5}$ is not a pollutant of concern with regard to the NGSRFI development.

[1] https://laqm.defra.gov.uk/public-health/pm25.html (accessed 04/01/2019)

Appendix 7: Clarification on Box 5.1 (ExQ1.1.4)

1. LAQM TG16 - Box 5.1

1.1 The ExA requested clarification regarding the table in the Applicant's response to ExQ1.1.4 – table "Box 5.1" and its relation to the UK/Northern Ireland.

1.2 ExQ1.1.4 requested justification for the Air Quality Chapter assessing only PM_{10} and NO_2 in paragraph 9.4.3. The response text identified that authorities (under LAQM) do not need to consider a raft of pollutants and only need to report on those of localised concern namely NO_2, PM_{10} and SO_2. In the case of SO_2, this pollutant was also screened out.

1.3 To demonstrate why only PM_{10} and NO_2 were considered, "Box 5.1" (table) from LAQM.TG(16) (which governs England, Scotland, Wales and Northern Ireland) was provided to give an example of which emission sources and relevant pollutants are considered in the assessment of air quality. Although this table sits under Chapter 5 which relates to guidance to local authorities in Northern Ireland, it was provided to demonstrate which sources are considered and why most pollutants are excluded from an assessment. As emission sources and pollutants are the same across the UK, the NI example is relevant.

Appendix 8: Plan of Air Quality Zones

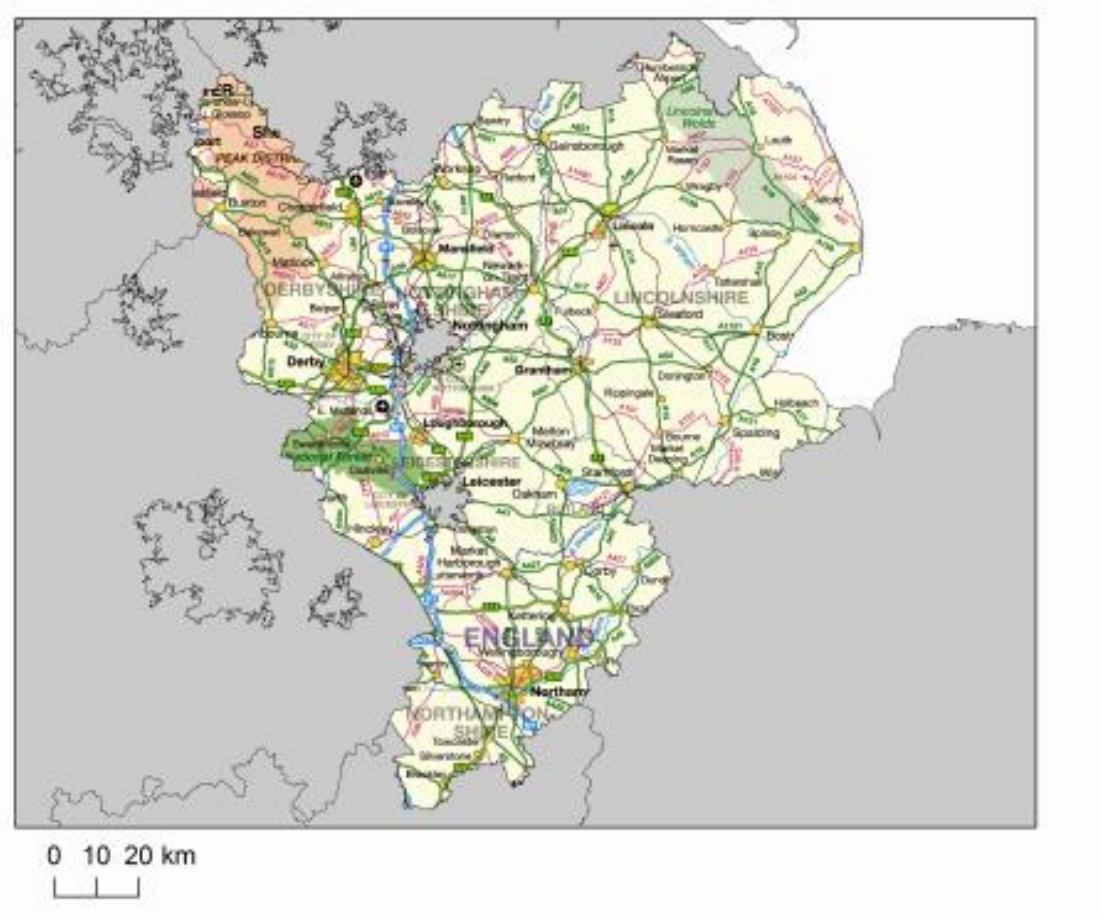
1. Plan of Zones

1.1 Northampton is within the “East Midlands Non-Agglomeration” compliance zone. Derby is also in the East Midlands Non-Agglomeration zone and was identified to have LV exceedences and was mandated by government to have a Clean Air Zone (CAZ). The closest mandated CAZ to the NGSRFI is Derby with Nottingham also nearby to the north (It should be noted that Nottingham is not within the East Midlands Non-Agglomeration Zone. Nottingham forms its own ‘Agglomeration‘ Zone).

1.2 There is no requirement for a CAZ in Northampton.

1.3 The *Air Quality Plan for tackling roadside nitrogen dioxide concentrations in East Midlands*[1] provides the list of authorities within the zone and the following map of the zone (Figure 1.1).

Figure 1.1: Map showing the extent of the East Midlands non-agglomeration zone (UK0032)



1.4 Derby has yet to determine the geographic area of the CAZ (to date Dec 2018). Additionally, Nottingham City Council is no longer considering introducing a Clean Air Zone after outlining other measures to improve air quality in the area. (https://www.transportnottingham.com/no-clean-air-zone-for-nottingham/)

[1] https://uk-air.defra.gov.uk/assets/documents/no2ten/2017-zone-plans/AQplans_UK0032.pdf

1.5 CAZs have been mandated by the UK Government (Defra) to comply with European Air Quality Limit Values (LVs) as the UK is in breach of the NO2 LV (annual average 40 µg/m-3) in a number of zones and agglomerations across the UK. The introduction of CAZs forms part of the UK government strategy to comply with European LVs along with the Local Air Quality Management (LAQM) regulations and other national emissions strategies (i.e. Euro-standards, industrial, climate change commitments etc).

Air Quality Management Areas

1.6 AQMAs are not CAZs.

1.7 LAQM requires local authorities to declare Air Quality Management Areas (AQMAs) where there are exceedences of the Air Quality Standards (AQSs) for various pollutants under the Environment Act (1995) and LAQM regime.

1.8 Local authorities under LAQM are required to support national government in managing local air quality. In the case of the NBC and SNC these local authorities have declared AQMAs due to exceedances of NO2 annual average 40 µg/m-3 AQS. The following figures (Figure 1.2 and 1.3) show the locations of areas where there are AQMAs.

1.9 Figure 1.2 identifies the locations of the (7) NBC AQMAs.

Figure 1.2: NBC AQMAs (AQMA 1, 2, 3, 4, 5,6, 8)

1.10 Figure 1.3 identifies the location of the SNC AQMA in Towcester.

Figure 1.3: SNC AQMA (Towcester)

Appendix 9

Note on Labour Supply

Questions arose at ISH2 on 19th December 2018 in relation to Employment, labour market and the relationship with projected population growth. A written response to the matters raised is set out below including specific written response to the matters raised in relation to representations made by Andrew Gough and by the Northampton Rail Users Group (NRUG).

Employment, labour market and relationship with projected population growth

After taking into account leakage (10%) and displacement (25%), the additional workforce employed directly would be some 5,100. (7,544 -10%, -25% = 5,092) There will be a progressive increase in the number of employees supported in the new premises as they are completed over time (ES 3.6.17). Assuming an even rate of delivery and occupation of five years, this indicates an addition of some 1,000 staff per year over this period.

In relation to the jobs growth target in the WNJCS, this includes a net growth of 28,500 jobs through to 2029. It is relevant to note that this figure is not intended as a maximum number, as acknowledged in the SOCG between the Applicant and Northampton BC.

Across the six broad categories of job type created (ES Table 3.9) the new positions would be taken by people changing jobs (displacement), people that are new to the area (housing delivery forming new households in the Study Area), others that will be new to the job market because they have reached working age, and some that will undergo re-training.

Housing delivery projections across the Study Area (6 LPAs) indicate an average annual supply of 5,600 additional dwellings over the period 2021-2026. These could accommodate 13,440 people (5,600 x 2.4). The population age structure indicates that 65% can be expected to be of working age (16-64), which would be 8,736 people, of which 82% are likely to be economically active, so 7,163 people added to the existing workforce resource each year. As noted above, it is expected that Northampton Gateway would be progressively occupied with some 1,000 job opportunities each year until completion.

To put this in the wider context, in 2026 the projected population of working-age people resident in the Study Area is projected to be 548,738 (Population predictions, NOMIS, 2016). The additional workforce required therefore represents 0.9% of the working-age population.

There is also a potential to grow the workforce resource - the current unemployment estimate (NOMIS 1st November) shows that there are some 17,000 people unemployed in the Study Area, and that the greater proportion of these are in Northampton and Milton Keynes (4,900 and 6,300 respectively). In respect of recruiting people at the right level of qualification, the Applicant is committed to engagement with local colleges and training providers and focussing recruitment within the local area.

Origin of potential workforce

Using the Travel to Work Census information combined with the strategic transport model which includes the predicted movements associated with planned development, the expected commuting patterns indicate in broad terms that some 40% originate in the Northampton area and areas to the north east; 25% from the area to the south east (M1 south); 25% from the north west (M1 north); and 10% from South Northamptonshire.

The change in commuting patterns is likely to reduce the amount of the net outward movements from South Northampton into Northampton and Milton Keynes. For Northampton, it may also potentially alter by reducing the net outward movements from Northampton to Milton Keynes.

REP1-065 TR050006 Andrew Gough

Page 7 of the above submission under the sub-heading '*Limitations of the Socio-Economic Assessment'* was identified by the Examining Authority. The text on page is replicated below using italic text. **The Applicant's responses to the ExA's queries are shown in bold text**

I note that the Socio-Economic Assessment that was included in the consultation derives several of its estimates from population forecasts published by the Office of National Statistics (ONS).

The calculations would appear to have been based on gross population projections, and not on estimates of the working age population. This is likely to have led to a number of errors, not only in terms of the estimation of socio-economic benefits but also in the inputs to other workstreams that will have taken note of the results of the socio-economic aspects.

I will illustrate my point by way of a worked example:

Section 3.4.6 states that "the forecast growth of the population in South Northamptonshire between 2011 and 2029 is an additional 15,890 people".

Section 3.4.9 further states that "people of working age (16-64) currently represent 65% of the population".

The gross population projections are illustrated and the proportion of working age people that relates to these is stated in the baseline section of the assessment chapter and then considered in the assessment.

However, the population of working age and retirement age people in the UK are growing at very different rates. In 2029, the working age population in South Northamptonshire is expected to be 55,700, only some 57% of the total. The increase in working age population in South Northamptonshire between 2011 and 2029 is, in fact, less than two thousand.

Taken across the study district, the effect of using gross population instead of working age population is to over-estimate the benefit to South Northamptonshire.

The low rate of unemployment and the limited increase shown by the population projection is recognised. These, amongst other aspects, influence the extent of the study area used, which includes six local authority areas, not just South Northamptonshire.

Furthermore, the study does not appear to be adapted to the very high percentage of logistics jobs, and vacancies, in the study region. At approximately 12%, the percentage of logistics employment is already twice the national average. The level of vacancies remains stubbornly high, especially in regard to HGV drivers. Unemployment is low, but wages in the sector are not rising because margins are under pressure.

It is therefore not likely that jobs can be added in a manner that increases logistics employment as a percentage of total employment beyond the observed maximum (12%) that Northampton represents. If it were possible, it would have been done.

At this maximum, for every person that works in logistics, seven do not. This preference can be expected to be repeated in Northampton's SUEs, hence it is incorrect to assume that the increased population of Northampton is can be seen in its entirety as a pool of potential employees. Only a maximum of one in eight should be so considered, as now.

As set out above, the assessment identifies the different factors which will contribute to the provision of labour for the proposed scheme. This will include factors such as unemployment and net out-commuting patterns, as well as the growth of the population in the area. It is also

important to note here that the study area extends to six local authority areas, not just Northampton.

One effect of these two factors is to increase the percentage of commuters from areas with a lower reliance on logistics. The proportion of employees originating in Milton Keynes is probably under-estimated, with consequences for workstreams such as junction modelling, car parking provision, cycling and public transport.

The proportion of workers likely to be resident in the area to the south east of the proposal, which includes Milton Keynes, is c.25%, it is not considered that this is an underestimate. There is currently net out-commuting flows from both Northampton and South Northamptonshire to Milton Keynes and the proposal could help to address this.

A further effect will be to question the very low level of leakage of economic benefits to other areas outside of the study, which is likely to be far higher than currently predicted.

The explanation of leakage is ES paragraphs 3.6.8 – 3.6.10 and with the main effects extending to six local authority areas, the prediction is considered appropriate.

The overall impact of these deficiencies is to highlight non-compliance with NPSNN requirements on availability of labour (Sections 2.52, 4.87).

The interpretation of the information selected by Mr Gough does not demonstrate deficiencies in the assessment.

REP1-092 Northampton Rail Users group

The Examining Authority requested that the Applicant comment on the level of GVA identified on page 13 of Northampton Rail Users Group submission REP1-092.

NRUG references the Northamptonshire Strategic Economic Plan (March 2014) where at page 18 it provides a tabulation of GVA 'per head' for various sectors. GVA for the transport and storage sector is shown to be £36,000. The figures in the table are for 2013.

Applicant's response to ExQ 1.10.6 (ii) at page 138 of Document 8.2, indicates a GVA figure released in February 2018 by the Office for National Statistics relating to West Northamptonshire of £47,148 GVA per filled job.

There are several reasons why the figures differ.

The Applicants information is the most recent available from the ONS, whereas the GVA referenced by NRUG is dated as 2013, sourced from a comparison against UK productivity by Oxford Economics.

The GVA figure referenced by NRUG relates to a figure 'per head of population'. The ONS states that GVA per head is a useful way of comparing regions of different sizes. It is not, however, a measure of regional productivity. ONS advises* that 'GVA Per Hour Worked' or 'GVA Per Filled Job' are more appropriate measures of regional and sub-regional productivity than the often cited 'GVA Per Head of Population' because they only count the input of those who are directly employed in the production process (rather than the whole population) and additionally, they provide a workplace-based labour input denominator to match the workplace-based GVA numerator, thus fully accounting for the impacts of commuting.

For these reasons it is considered that the GVA per 'filled job' figure used by the Applicant is appropriate. Note that it will show a higher figure than that for 'per head' of population.

The Applicant has used a GVA figure for West Northamptonshire, which is considered to relate better to the Study Area when compared to the area covered by Northamptonshire, which includes Corby and East Northamptonshire (beyond the Study Area).

*
https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/labourproductivity/articles/regionalandsubregionalproductivityintheuk/jan2017

Appendix 10

Recycling Capacity

The figures below show the available waste management/recycling capacity in Northampton (as detailed in the Applicant's written response to ExQ1.15.16).

The figures are obtained from the "Northamptonshire Minerals and Waste Local Plan for Adoption - May 2017" which states the below capacity per management option (million tonnes per annum):

- Materials Recycling Facilities- 3.04mtpa;
- WEEE recycling- 0.33 mtpa;
- Inert recycling- 0.78mtpa;
- Composting- 0.23mtpa;
- Hazardous treatment- 0.22mtpa;

The Construction Demolition and Excavation waste arising totals specified within the ES chapter (Table 14.3 of Chapter 14) are set out in the table below:

Waste Arising Scenario	**Waste Arising Amount (tonnes per annum)**
Total waste to be recycled once 89% recycling rate has been applied.	73,577.00 (82,670 total arisings minus 9,093 tonnes of waste to be disposed of at landfill)

The likely types of waste arising from the construction demolition and excavation phase in broad terms would comprise predominantly inert wastes or wastes of a nature that can be managed at material recycling facilities.

Therefore, regionally there is a combined capacity between Materials Recycling Facilities and Inert Recycling facilities of 4.18mtpa.

On this basis there is adequate regional capacity to recycle the 73,577 tpa waste arising from the construction phase.

Appendix 11

ExQ1.15.19 – Offsite Construction

The ExA queried whether the use of offsite construction had been taken into account, given the Applicant's response to ExQ1.15.19 that the extent to which that is used will depend on the nature of the construction materials to be sourced and that it will determined by the contractor at construction stage.

Offsite construction methods are techniques that primarily bring construction activities from the building site into the confines of a controlled factory environment. Traditional construction methods would be to order material in by bulk. However, offsite construction helps to reduce overall waste arising amounts on the basis that the manufacturing facilities producing those elements such as modular units or pre-cast units work on precision basis informed by detailed designs. Therefore, helping to reduce waste.

The use of this method could therefore have a positive effect further reducing the assessment of "negligible" environmental impact. However, as confirmed below, the assessment does not take this into account, and the conclusions are drawn only in respect of the 9,093tpa, as in Table 14.5.

ExQ1.15.21 – Clarification in respect of Mitigation

The ExA requested clarification in respect of whether mitigation has been taken into account, noting that paragraph 14.7.1 states that mitigation has been taken account of.

As can be noted from paragraph 14.7.2, construction waste arisings have been assessed as negligible prior to mitigation and therefore the assessment results in terms of residual impact remain as negligible (as in Table 14.5).

As is explained at paragraph 14.7.3, operational waste arisings have been assessed (prior to mitigation) as minor adverse with the recycling rate of 52% applied. The Applicant's view is that this is a realistic worst-case. The response to ExQ1.15.21 is therefore correct in that the assessment does not rely on mitigation measures over and above the 52% recycling rate in order to determine that there is a minor adverse effect (as in Table 14.5).

If, however, further mitigation measures such as those outlined in paragraphs 14.6.10 to 14.6.13 are provided, then the residual effect would be classified as negligible as stated at paragraph 14.7.3. However, as noted above, the assessment is not reliant on this further mitigation in terms of there being a minor adverse effect.

Appendix 12

ExQ1.14.7 – Additional References in Ecology & Nature Conservation Chapter of ES

As requested, a full list of references to lighting effects on ecology, in Chapter 5 Ecology & Nature Conservation is as follows:

- 5.5.75 - 5.5.76 – no potential impact on Upper Nene Valley SPA/Ramsar;
- 5.5.90 – unmitigated lighting has the potential for Minor significance effect on bats;
- 5.5.91 – unmitigated lighting has the potential for Minor significance effect on barn owl, buzzard and kestrel;
- 5.6.45 – lighting mitigation for bats;
- 5.7.58 and 5.7.61 – residual effects on bats due to mitigated lighting will be Negligible significance.

Appendix 13

Applicant's Responses to ExA's Questions and Issues Raised in Table to Agenda for ISH3

THE NORTHAMPTON GATEWAY RAIL FREIGHT INTERCHANGE ORDER 201X

APPLICANT'S RESPONSES TO ExA QUESTIONS IN TABLE TO ISH3 AGENDA

Q. No	Persons in *addition to the applicant* to whom the question is directed	Part of DCO	Drafting Example (Where relevant)	Question	Applicant's response
1		**Preamble**	Exclusion of Sch 5 para 25 from the list of powers exercised by the SoS	Given the provisions of Art 21, why is para 25 of Sch5 omitted from the list of powers	If the list of paragraphs of Schedule 5 is to be included then paragraph 26 (not 25) should be referred to, having regard to the provisions of article 21. However, on review of other DCOs, there seems to be a variety of approaches to the preamble. Some refer solely to s120 without reference to Sch 5, some refer to both s120 and Sch 5 but without reference to specific paragraphs within Sch 5 and some, as here, refer to specific paragraphs in Sch 5. On reflection, it is felt that it is unnecessary to refer to specific paragraphs of Sch 5 in the preamble and thus running an unnecessary risk of failing to refer to a relevant paragraph. The Applicant would therefore suggest the middle course be adopted with reference being made to Part 1 of Sch 5 but not to specific

					paragraphs and will amend the dDCO accordingly for submission at **Deadline 4.**
2	**RPAs, NCC**	**Authorised development Arts 2 & 3**		S.26 PA 2008 defines a strategic rail freight interchange and states that it must be capable of receiving at least four goods trains per day. Is this an ongoing requirement which applies throughout the life of an SRFI and if so, should it be secured by a formal requirement in Sch 2?	The purpose of s.26 is to set out the criteria which determine whether or not the consenting of a proposed development is to be dealt with under the Planning Act 2008 or under other legislation. That is, it governs the consenting route rather than the development itself. Whilst those criteria are not provided as governing criteria for the development following consent, the Applicant has provided, in requirement 3(3), that those criteria are to be met before any warehouses are occupied, thus going further than any previously approved SRFI. The Applicant does not consider that any further requirement is required, however, the Applicant will include, within the next dDCO, a further requirement which is to the effect that no rail infrastructure will be removed which would impede the capability of the terminal to handle four goods trains per day. The Applicant does not believe such a requirement is appropriate because, having delivered the SRFI, it is inappropriately constraining its operation into the future which may be affected by matters completely outside

					the control of the Applicant. Nonetheless the requirement will be added for the ExA's consideration.
3	**NCC**	**Art 10**	*Permanent stopping up of streets*	Art10 enables the permanent stopping up of streets, and provision of substitutes. The requirement in s136(1) PA 2008 is that an alternative is provided in the case of the stopping up a highway, or that the SoS is satisfied that no alternative is required. (a) Are the streets to be stopped up all highways? (b) Are there any cases where alternatives are not being provided? (c) If there are, is there evidence to enable the SoS conclude that an alternative is not required, and what is that evidence?	(a) Yes, the streets proposed to be stopped up are all highways (b) No, there are substitutes being provided for all streets being stopped up. (c) N/A
4	**HE**	**Art 10 and Sch 4 Column 2**	*M1 slip road*	The M1 slip road to be provided appears to be shorter but wider than the length to be stopped up. See doc 2.3B [APP-022]. This may be a realignment as well as widening. Other plans need to be consulted. See Doc 2.4B [APP-028]; which describes the new Jn 15. However, technically the new substitute appears to end short of the dumb-bell roundabout. (a) Is this the case?	In response to the questions raised: (a) The substituted M1 southbound diverge slip road stops at the end of the special

					road that would be subject to motorway regulations and is consistent with the highway classification plan (**Document 2.5A,** APP-047). The extent of the special road stops slightly short of the enlarged dumbbell roundabout in order to provide a pedestrian and cycle crossing. This crossing cannot be provided where motorway regulations apply. (b) There is a difference between when a highway is widened as opposed to being reconstructed on a new alignment. The M1 southbound diverge slip road is clearly on a wholly new alignment and hence the existing slip road is to be stopped up and replaced with a new slip road on a new alignment. In the case of the other areas of the junction the change in the alignment is less, and hence the highway in these areas is to be widened.
				(b) Why does Art 10 stop up part of the slip road when there does not appear to be any stopping up of the other redundant parts of the Junction?	
5	**NCC**	**Art 10 and Sch 4 Column 2**	*A508 highway; The three stoppings up at the Rookery Lane/ Ashton Road/ A506 jn (x, xii and xiv on Doc*	The three stoppings up at the Rookery Lane/ Ashton Road/ A506 jn (x, xii and xiv on Doc 2.3E [APP-025] are replaced by a new junction in three separated parts (xi,	This should refer to the A508 rather than A506. There is no intention to implement the stopping up referred to in part resulting

			2.3E [APP-025])	xiii, and xv), one for each of the stoppings up. When combined they appear to be an alternative. But taken separately they would be inadequate. For example if the portion of Rookery Lane to be stopped up, which is currently the mouth of the junction with the A506, was only replaced by the corresponding new highway it would not reach the A506 because the new part of the A506 is located further east. The stopped up part of Rookery Lane is marked xii and the alternative is marked xiii on Inset 5C. Is not something needed on sequencing to enable the SoS to be satisfied that there will be an alternative? If so, please could the Applicant provide suitable drafting?	in a new road ending in a field. This is dealt with in the protective provisions dealing with the carrying out of the County Highway Works. Paragraph 3(1) of Part 3 of Schedule 13 provides that no work can be carried out on any Phase until both the Detailed Design Information and a Programme of Works has been agreed for that Phase. Programme of Works is defined as "a document setting out the sequence and timetabling of the Phase in question". Paragraph 4(3)(c) requires that the works be carried out in accordance with the approved programme. It would clearly not be acceptable to provide a programme for approval that sought to stop up and substitute one section of road that is then not connected into the wider road network.
6	**NCC, Messrs AW, W & R Irlam**	**Art 10 and Sch 4 Column 2**	*A508 highway The three stoppings up at the Rookery Lane/ Ashton Road/ A506 jn (x, xii and xiv on Doc 2.3E [APP-025])*	The Relevant Representation from Berrys on behalf of AW, W & R Irlam says this: "The current layout [of the junction] facilitates tractors with cultivators, long combine harvester headers, etc., to swiftly across [sic] the junction without any road furniture/ structures impeding the route. The revised layout includes a central	The Applicant does not propose to amend the design of the junction from that submitted. The Applicant has provided a detailed response to this point in the response to the Relevant Representations (**Document 8.3**,

				island which will impede or possibly even prevent agricultural vehicles swiftly and safely crossing. … The conclusion is that if the DCO is granted then it must incorporate a further revision to the road layout at this junction to ensure the on-going safety of large vehicles including agricultural machinery. Any change to junction layout must also minimise land taken from agricultural production." Does the Applicant propose any redesign of the junction? If so, how? Does this representation go to the question of whether the stopping up can be approved at all, because of the design of the alternative? Or does it go to the question of whether the adverse impact of the NSIP would outweigh the benefits, rather than to whether there is an alternative highway? Or does it go to something else, and if so, to what?	REP1-022) ref RR-789 and can confirm that the layout has been agreed with Northamptonshire County Council. The proposed scheme provides significant improvements to visibility (as confirmed in the A508 Geometric Design Strategy Record, which is Appendix 29 of the Transport Assessment (TA), the TA being Appendix 12.1 of the Environmental Statement, Document 5.2) and removes the crossroads, replacing it with a staggered crossroads. Furthermore the tight bend to the south will be removed. The Applicant appreciates that the layout needs to accommodate the needs of large agricultural vehicles. Analysis of the tracking of large agricultural vehicles has been undertaken using vehicle information supplied by Messrs Irlam. This demonstrates that the proposed layout will not prevent such large vehicles from crossing from Rookery Lane onto Ashton Road and vice versa. This has been shared with Northamptonshire County Council who have confirmed that the proposals are acceptable given the occasional use and such movements are by no means unusual on the rural road network.

					Whilst a road safety audit has already been undertaken on the proposed layout, the detailed design will be subject to a second road safety audit in due course – followed by further audits following completion of the works. The Applicant believes the representation simply refers to the previous preference that no works be undertaken to this junction. The Applicant further understands that Messrs Irlam now agree with the proposal.
7	**NCC**	**11**	*Temporary stopping up of streets*	Please can the Applicant explain how these temporary stoppings up relate to the development or to matters ancillary to the development (bearing in mind the words of s120(3) of PA 2008); or give some other power for the SoS to include Art 11.	As identified in **Document 8.1** (REP1-019), the article is derived from the model provisions and is included in most DCOs. The article includes suitable protections for users of the streets and allows conditions to be attached to any consent issued by the relevant highway authority. The Applicant considers that the power is related to the various highway works included in the authorised development. Article 11(1) explicitly refers to the authorised development. The inclusion of Article 11 goes to submissions previously made in respect of the DCO being a 'one stop shop' and ensuring that the undertaker

					is able to exercise such powers, subject to the appropriate consents from the relevant highway authority, without having to undergo a further, separate application for the temporary stopping up, diversion or alteration of streets. It is necessary to close for a limited period, i.e. temporarily stop up, sections of highway in order to safely construct the highway works.
8	**NCC**	**12 and Sch 5 Pt 1**	*Stopping up of Bridleway KZ10 and RZ1*	In the case of the stopping up of Bridleways KZ10 and RZ1 and their replacement by a crossing of the new Roade Bypass from points 18-21-20 do they not need to be done together as KZ10 and RZ1 currently connect together. Otherwise, on the moving of one without the other, it would terminate in what appears currently to be a field. See Doc 2.3D [APP-024]. Currently the crossing 18-21-20 is provided in two parts, one relating to each of the two stoppings up.	The same applies here as applies to Article 10 (see point 5 above).
9	**NCC**	**12 and Sch 5 Pt 2**	*Stoppings up where no alternative is to be provided*	As to the stoppings up in Part 2, where no alternative is to be provided, a judgment is needed on each of them as to whether no alternative is required. They are KZ19, RZ3 and RZ6. In the case of the stopping up of Bridleway RZ6 at the roundabout on Stratford Road it is not clear whether or not the new	The extent of stopping up of RZ6 is between points 25 and 26 on

				highway will reach all the way to Point 25, where the stopping up begins. This needs to be clarified. Please will the Applicant explain why an alternative is not required? Will horses and pedestrians be able to reach the carriageway?	**Document 2.3E** (APP-025). It is proposed to stop up Bridleway RZ6 within the area of land that would be dedicated as highway. This means that the termination point of RZ6 will be at the point of the new highway boundary. No alternative is required because, as with the existing situation, the bridleway will continue to join with the highway. A route within the new public highway will be available and will connect the revised termination point of RZ6 to: a) the carriageway to enable horses to join the carriageway as they do at present; and b) to the footway/cycleway that is proposed to connect into the wider network along the Roade Bypass, thus providing a significant improvement for pedestrians and cyclists using the bridleway.
10	**NCC**	**12 and Sch 5 Pt 3**	*New PROWs to be created*	The Explanatory Memorandum does not explain why these new PROWs are to be created. Please will the Applicant explain why, and what power in PA 2008 they submit enables the SoS to include this, and guide the ExA to the evidence in the	The justification for the new public rights of way (i.e. those listed in Schedule 5 Part 3) is found within the Transport Assessment (ES Appendix 12.1) and more specifically within the Walking, Cycling, Horse-riding

				application which shows that the power may be exercised in this case. Please will the Applicant explain how the PROWs listed in Sch 5 Pt 3 fall within the Works described in Sch 1.	Assessment and Review (WCHAR) assessment report (TA Appendix 18) and review report (TA Appendix 19). These new rights of way are therefore considered a necessary requirement of the overall development proposals. The Applicant will include the appropriate reference to the justification in the updated Explanatory Memorandum. The Applicant considers that the power to create PROWs is contained in s.120(3) PA 2008, in that it is a provision 'relating to the development for which consent is granted'. The power in s.120(3) is a wide power which allows the inclusion of a provision in the DCO which is "*relating to, or to matters ancillary to, the development for which consent is granted*." The only purpose for which the provisions relating to the creation of PROWs are included in the DCO is to facilitate the development consented by the DCO. In the Applicant's view, it is therefore clearly related. Notably, s.120(3) does not contain a test of "necessary or expedient", in contrast to s.120(5)(b) and (c). Regarding the link between the new rights of way in Schedule 5 Part 3 and the definitions of the works in Schedule

					1, the Applicant will provide this in the updated Explanatory Memorandum. If it is desired, column (3) of Part 3 Sch 5 of the dDCO can be amended to include reference to the Works in which the relevant PROWs are contained. This amendment can be made in the next dDCO to be submitted for **Deadline 4**.
11	**NCC**	**12 and Sch 5 Pt 3**	*New PROWs to be created: cycle track between points 9 and 10 on Doc 2.3C [APP-023]*	The new cycle track between points 9 and 10 on Doc 2.3C [APP-023] however runs straight into and becomes a footpath at point 10. Looking at the illustrative masterplan [APP-066] an entrance into the site is anticipated there, with a 20 cycle rack space. A cycle track might therefore be acceptable as long as the entrance is there. But if it is not, the cycle path will not be needed but will still be available and there might be a temptation to ride on along the footpath. That might be an adverse impact to weigh under s104(7) against benefits. Please could the Applicant comment and address how the adverse impact could be avoided or mitigated? This cycle path is in the area of Works No 6 but does not appear to be described in	Schedule 5 Part 3 provides that the detailed alignment of the cycle track between points 9 and 10 is to be agreed with the local highway authority. This will enable the detail to reflect the actual form of development. It is also proposed to add an extra element to Requirement 8 (Detailed design approval) whereby the design of public footpath and cycle track access points will be included so that, if it is felt necessary to include measures to deter access to the footpath by cyclists, this can be secured. The same would apply to prevent vehicles using the cycle track. Thus no adverse impact would arise. The provision of cycle tracks is included in the "Further works" (paragraph (2)(b)) along with footways, permissive cycle tracks, bridleways

				Sch 1. Please can the Applicant comment and clarify? Is it necessary to describe it in Works No 6? (For clarity, the posing of the last question does not imply that the ExA has a view.)	and footpath linkages. This is because the precise alignment has not been fixed.
12	**NCC**	**Art 13 - accesses**	*Art 13(5) permits some closures without substitutions. The justification is given in para 7.41 of the EM*	Please will the Applicant explain why closing access H is acceptable? The adjacent land appears to be the development site (in which case would not the reason for the closure of E be applicable – the site is being developed and the access is not needed), but the reason refers to the adjacent landowner having a nearby alternative access? Please will the Applicant explain and clarify the reason no replacement is needed for J? The ExA is having difficult seeing that the closure of AG on the Roade Bypass is explained in the EM.	Closure of access H is needed because it is accessing the land that would form the main SRFI development site and the existing access is incompatible with the development proposals. Hence the Applicant agrees that the description should match that for access E and the description in an updated Explanatory Memorandum will be amended accordingly. Access J is another existing access into the land that would form the main SRFI development site. It is effectively replaced by M, but due to the significant difference in size, scale and use between J and M it is considered that in reality J is closed without substitution and M is a new access. Access AG is a new means of access created from the bypass and is not an access to be closed. This can be seen from **Document 2.3D** [REP2-004] where the access is shown hatched turquoise (not shaded purple as for a closure) and cross reference is made to it in Schedule 6 Part 3. Hence it is

				The same applies to AR (which includes a crossing of the WCML which may already be in existence). Note that Land Plan 2.1D [AS-019] has rights to be acquired on the line of this access, presumably so as to provide it (shaded blue). (There is also a khaki thick dashed shading on this route, which is not listed in the Legend to that plan. Please could the Applicant address that also?). And also to C on Inset 1A of Doc 2.3A [APP-021].	not listed in the Explanatory Memorandum. AG is required in order to maintain access to farmland in this location i.e. the land beyond parcel 4/18 shown on the Land Plans. Again, AR is a new means of access provided rather than an existing access to be closed. AR is required to provide access to severed land on the southern side of the bypass and direct access from the bypass is not possible at this location. The length of AR is due to the need to connect the severed land to the end of the public highway on Bailey Brooks Lane. The khaki line on the land plan is a public right of way. It is the yellow line as shown on the plan and referred to in the legend. It may look more khaki than yellow on the blown up inset. Access C was originally incorrectly identified as a new access from Collingtree when in fact simply the status quo was being maintained. It has now been removed from the proposals. Therefore Access C was removed from Part 3 of Schedule 6 and from the relevant Access and Rights of Way plan (**Document 2.3A** (REP2-003)). The revised Access and Rights of Way

				Please can the Applicant fully explain AG, AR and C so that the SoS can know how they relate to the development and are within s120(3), or provide explanation and evidence of the use of some other power to which the Applicant directs the ExA.	Plan (Document 2.3A revision P6) was issued for **Deadline 2** and reference to C has been removed from the dDCO (**Document 3.1B,** REP2-005), again issued for **Deadline 2**. Please refer to the Applicant's submissions for **Deadline 2** (in particular, the explanation of the changes to Schedules 5 and 6 of the dDCO in the dDCO Tracker (page 16), **Document 3.4A**, REP2-007). The above explains the position in relation to AG, AR and C, and also the need for creation of AG and AR.
13	**NCC**	**Art 17(1)**	*Art 17(1) revokes the Northampton Church Lane, Blisworth) Weight Restriction) Order 1971 which imposes a 3 ton (sic) restriction on Church Lane, Blisworth. According to Google Maps Church Lane is a short lane of about 100 metres leading from Stoke Road to the High Street.*	It is currently not clear to the ExA that Art 17(1) makes a provision which is "related to, or to matters ancillary to, the development" – the test in s120. The EM appears to give no explanation. Will Church Lane be covered by a new weight restriction? Please can the Applicant and NCC explain the reason for this revocation, direct the ExA to the relevant evidence or otherwise explain the connection?	For the cross reference to where the need for weight restrictions is explained please see the response to point 14. below. There is an existing environmental weight limit on Church Lane in Blisworth. The new environmental weight restriction is to include Stoke Road in Blisworth which connects to the eastern end of Church Lane. As the two roads meet each other they need to be included within the same environmental weight restriction zone and this has been agreed with

					Northamptonshire County Council. This requires that the existing weight limit order is revoked and that the new restriction will include Church Lane. This can be seen by the extent of Zone B including Church Lane and there is a zone termination point at the High Street end of Church Lane. These are shown on the Traffic Regulation Plan (**Document 2.6B** APP-053). The Applicant will include appropriate references to the justification in an updated Explanatory Memorandum.
14	**NCC**	**Art 19**	*There are zones, which the EM explains are shown on Doc 2.6C [APP-054] where a weight restriction of 7.5 tonnes is applied.*	The ExA presumes that the reason is mitigation explained in the transport section of the ES. Please can the Applicant however explain and point the ExA to the relevant sections? Please can the Applicant also demonstrate that the Article satisfies the tests in s120(3)?	Paragraphs 8.63 to 8.66 of the TA (ES Appendix 12.1) and the HGV traffic flow plots provided at TA Appendix 43 demonstrate that, if unmitigated, there is potential for development HGV traffic to use unsuitable local roads when travelling to and from the south of the development; through Roade, on Blisworth Road (Courteenhall); the unnamed road to Quinton, and on Main Road (Shutlanger). Paragraph 8.67 of the TA concludes that *"…a scheme of HGV management measures to control and restrict HGV movements on the local roads, in combination with the proposed A508 Roade Bypass, would be beneficial".* The Applicant also received feedback from members of

					the public as part of the Stage 2 consultation, who were concerned about the potential for HGV traffic from the Proposed Development to use Rowtree Road in East Hunsbury. A series of 7.5T environmental weight restrictions, as described at paragraph 4.40 of the TA, were therefore proposed. The principle and extent of the restrictions were agreed with Northamptonshire County Council. Paragraph 4.41 of the TA describes how the proposed 7.5T environmental weight restrictions would complement the existing 7.5T environmental weight restrictions that are in place on Watering Lane and Pury Road. Appropriate references to the justification for the weight limits will be included in an updated Explanatory Memorandum. The Applicant considers that the power to apply weight restrictions is contained in s.120(3) PA 2008, in that it is a provision 'relating to the development for which consent is granted'. The power in s.120(3) is a wide power which allows the inclusion of a provision in the DCO which is "*relating to, or to matters ancillary to, the development for which consent is granted*." The only purpose for which

					the provisions relating to the application of the weight restrictions are included in the DCO is to facilitate the development consented by the DCO. In the Applicant's view, it is therefore clearly related. Notably, s.120(3) does not contain a test of "necessary or expedient", in contrast to s.120(5)(b) and (c).
15	**NCC, Highways England**	**Art 20**	*The EM says this is for agreements to construct highways and alterations in accordance with the DCO.*	Please will the Applicant explain how these meet the "relate" test in s120. Without limiting the generality of this question, please consider particularly how the works in Art 20(1)(a) and (d) meet the "relate" test.	All of the matters listed in Article 20 are included to provide a power for further agreements relating to the authorised development to be entered into with the relevant highway authority. The Applicant has experience of needing to enter into such an agreement at East Midlands Gateway, as a direct result of the development authorised by the DCO because there were inadequate powers within the Highways Act 1980 to deal with the issue in question. The Applicant is therefore satisfied that the powers are "related" to the authorised development, however, if it would assist to be more specific it is suggested that the first line of Article 20 of the dDCO be amended with the words "related to the authorised development" being inserted after "agreements".

16	**Environment Agency, NCC, Highways England**	**Art 21**	*This Article allows for drainage into watercourses, public sewers and drains in connection with the carrying out or maintenance of the development. Consent is needed, not to be unreasonably withheld, from the watercourse etc owner. Consent is deemed after 28 days unless there is an express decision. There are other safeguards – see the terms of the Article for details.*	Is this Article affected by s150 PA 2008? See also the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015/462 Sch 1 and the reference to the Water Resources Act 1991 Sch 25 paras 5 and 6. Please will the Applicant supply evidence that s150 does not apply, or direct the ExA to where the consent under s150 can be found.	The Environment Agency has confirmed that it is content with Article 21 - see paragraph 3.8 of SoCG (**Document 7.12,** REP1-015). Discussions in relation to Article 21 are ongoing with NCC and Highways England. Section 150 provides that a DCO may include provisions the effect of which is to remove a requirement for a prescribed consent or authorisation to be granted only if the relevant body has consented. Prescribed consents are identified in the 2015 regulations referred to in the question. They are set out in Part 1 Schedule 2 of those regulations. Schedule 2 refers to a consent under byelaws made by the Environment Agency under paras 5 or 6 of Sch 25 of the Water Resources Act 1991. There were byelaws issued under the WRA 1991 which relate to the Order Limits (Land Drainage and Sea Defence Byelaws Anglian Region October 2008). However, the Applicant has established that all the requirements in

					these byelaws for a person to obtain the Environment Agency's consent were repealed by the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016. The byelaws introduced a requirement to obtain an environmental permit for certain flood risk activities. That requirement is now contained in the Environmental Permitting (England and Wales) Regulations 2016. Article 21(8) makes it clear that Article 21 does not override the need for any environmental permit.
17		**42**	*Defence to statutory proceedings in nuisance*	The ExA notes that this is based on the model order. Would the Applicant please comment on the necessity for this given Article 5 and the decision of the House of Lords in Allen v. Gulf Oil Refining [1981] A.C. 1001?	The 1981 House of Lords decision is authority for the proposition that development carried out pursuant to a statutory powers confers immunity for any nuisance which might be the inevitable result of exercising those powers. The Applicant feels that it is far preferable for the position in relation to nuisance to be expressly dealt with in the DCO rather than being left to case law which is capable of being distinguished or interpreted differently in the future. This provides certainty for the Applicant and any potential claimant. For this reason Article 42 is

					included in this dDCO, as it is in virtually every DCO.
18	**Natural England**	**43**	*Felling or lopping of trees and removal of hedgerows*	Is this Article affected by s150 PA 2008? The list in the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015/462 includes s.16 of the Wildlife and Countryside Act 1981, which is a power to grant licences for various activities to do with fauna and flora. The ExA notes that Natural England has not raised any objection. How does Art 43 relate to s.16? Is s16 abrogated by anything in the DCO as a whole?	As the ExA are aware, Article 43 is another commonly used article. The purpose of the article is clearly not to dis-apply the need to obtain any licences relating to the protection of flora and fauna. The ExA are concerned this might be an unintended consequence. The ExA are concerned that the power in Article 43 may be a provision "the effect of which is to remove a requirement for a prescribed consent" which, by virtue of s.150, would need the consent of Natural England. That interpretation of the power in Article 43 is new to the Applicant. In so far as any physical works are capable of impacting on flora and fauna then the consequences of the interpretation are wider than Article 43 and could apply to all powers to carry out works contained within the order. Further consideration will be given to this point (other DCO may have addressed it), however one possible outcome would be the inclusion of an overriding provision – perhaps within Article 46 – making it clear that any

					power to carry out works within the order does not override the need to obtain any of the licences required to be obtained under the provisions of section 16 of the Wildlife and Countryside Act 1981. This would be similar to the carve out in Article 21(8) relating to the need to obtain an Environmental Permit.
19	**Environment Agency**	**46(1)(a)(formerly 46(3))**	*"(a) Regulation 12(1)(a) (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 ( ) in relation to the carrying on of a relevant flood risk activity for the purpose of the works" does not apply*	Will the Applicant please explain how Reg 12 relates to the development (so that Art 46(1)(a) is within s120(5) PA 2008 and direct the ExA to where evidence of the consent of the Environment Agency as required by s150 PA 2008 and the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015/462 is to be found, or provide such consent?	The Applicant has reviewed the provision and, having regard to the acceptance that environmental permits may be required and would need to be applied for (as contained in Article 21(8)), is content to delete this provision. Article 46 (1)(a) and 46 (2) will be deleted in the next dDCO to be submitted for **Deadline 4**.
20		**46(1)(b) (formerly 46(3))**	*"(b) the provisions of any byelaws made under, or having effect as if made under, paragraphs 5, 6 or 6A of Schedule 25 (byelaw- making powers of the authority) to the Water Resources Act 1991" do not apply*	(a) Will the Applicant please explain how these paragraphs of Sch 25 WRA 1991 relate to the development (so that Art 46(1)(b) is within PA s120(5). (b) Will the Applicant please explain who are the "appropriate agencies" under paragraphs 5 and 6 of Sch 25 WRA 1991 and direct the ExA to where provide evidence of the consent of the Environment Agency as required by s150 PA 2008 and the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations	See response to item 16 above. Given that there is no intention to dis-apply the Environmental Permitting Regulations, Article 46(1)(b) will be deleted in the next version of the dDCO to be submitted for **Deadline 4**.

				2015/462 can be found, or provide such consent?	
21		**46(1)(c) (formerly 46(3))**	*"(c) section 23 (prohibition of obstructions, etc. in watercourses) of the Land Drainage Act 1991( ) in relation to watercourses for which Northamptonshire County Council is the drainage board concerned;" does not apply*	(a) Will the Applicant please explain whether there are any such watercourses to which the development relates, or whether s.23 relates to another matter for which provision may be made in the order? That is needed if s120(5) (a) is to authorise the provision. (b) s23 of the Land Drainage Act 1991 is listed in Schedule 2 Pt 1 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015/462 and therefore s150 applies. Please will the Applicant direct the ExA to where evidence of the consent of the drainage board can be found, or provide such consent?	There are watercourses to which section 23 applies. One outcome of ongoing discussions with Northamptonshire County Council regarding the drafting of Article 21 is NCC being prepared to give consent for the purposes of s.150(1) in relation to (s.23) because their interests will be adequately protected. However, if consent is not forthcoming Article 46(1)(c) will need to be deleted.
22		**46(7) (formerly 46(9))**	*"(7) Schedule 14 (miscellaneous controls) to this Order which makes provision applying/ modifying and excluding statutory provisions which relate to matters for which provision may be made by this Order has effect"*	(a) The Article says these relate to matters for which provision may be made by the order. Please will the Applicant to confirm this statement and explain the connection so as to demonstrate with evidence that there is a power for the SoS to make Art 46(7), and state which power is being relied on?	(a) This provision adopts the approach taken in Thames Tideway Tunnel DCO. It is included to ensure that the statutory provisions referred to do not constrain the ability to carry out the authorised works and is included by virtue of s.120(5)(a). Unlike, s.120 (5) (b) or (c) there is no test of necessity or expediency. All that is required is for the statutory provision to "relate to any matter for which provision may be made in the order".

					The disapplication of the statutory provisions is with the intent that the power given in the order to carry out certain works are not negated by controls under other legislation which might constrain those works in circumstances where: - the acceptability of the works has already been adjudicated on; or - the control of the works concerned by virtue of the statutory provisions is rendered superfluous by virtue of controls contained within the DCO. So, for example, Sch 14 para 2 dis-applies parts of the Highways Act 1980. S. 141 of the HA 1980 may conflict with the detail of the landscaping to be agreed under the requirements and Sch 13 protective provisions and s.167 is unnecessary because any retaining walls included in the authorised works are governed by detailed approvals to be obtained under the requirements and protective provisions.
				(b) Please will the Applicant state whether s150 does or does not apply to Art 46(7) and, if it does, point the ExA to evidence of the relevant consents or provide the consents?	(b) None of the statutory provisions referred to in Schedule 14 include prescribed consents or authorised consents as set out in Part 1 of

					Schedule 2 to the Infrastructure Planning (Interested parties and Miscellaneous Prescribed Provisions) Regulations 2015. Therefore s.150 does not apply.
23	**NCC, Highways England**	**2**	*Definition of HGV*	The Article 2 definition Uses 7.5 tonnes. But other websites including https://www.gov.uk/government/publications/guide-to-lorry-types-and-weights HGV = vehicle over 3,500 kgs, i.e.3.5 tonnes. Please will the Applicant, Highways England and the County Council clarify and if 7.5 tonnes is intended explain and justify, so as to avoid any confusion.	The 7.5 tonne limit is the usual weight limit applied to HGV in this situation and it is definitely intended. It equivalent to the definition of a heavy commercial vehicle within Section 138 of the Road Traffic Regulation Act 1984. It is also the limit used for environmental weight restrictions (Article 19). As mentioned in **Document 3.4A**, (REP2-007 (page 1)) a change to the definition has been agreed with the County Council to ensure that vehicles which might be carrying very low weight goods (but are capable of carrying 7.5 tonnes) are captured by the definition.
			Explanatory Memorandum		
24		**1.2**	*States the DCO has been drafted in accordance with the October 2015 version of Advice Note 15. Since then, in July*	Please will the Applicant confirm that the DCO has been drafted in accordance with the new version?	This is confirmed. As noted in **Document 8.1** (REP1-019) and **Document 3.4A** (REP2-007), some amendments have been made to accord with the new version of AN15,

			2018, a new version was issued.		issued since first dDCO was submitted with the Application in May 2015.
25		**3.2**	*This says the Main Site is the area for Works 1-7. But the August and November drafts of the DCO definition of Main Site says it is Works 1-6.*	Will the Applicant please explain which it is to be?	The latest dDCOs are correct. The Explanatory Memorandum will be corrected when updated.
26		**3.2**	*This also says the highways works are Works 8, 9 and 11 – 17. But the August and November drafts of the DCO say they are 7, 8, 9 and 11-17.*	Will the Applicant please explain which it is to be? (Work 7 is the work on the A508 to create the new access, temporary access, widening of the A508 up to Jn 15 and associated work)	The latest dDCOs are correct. The Explanatory Memorandum will be corrected when updated.
27		**All**		Given the above questions on powers, and bearing in mind also para 1.4 of Advice Note 15, please will the Applicant update the Explanatory Memorandum to explain, for each and every provision of the DCO, which power in the PA is being used to make that provision, having regard also to, for example, s120 and all its subsections, s.150, and any other limits on the powers to make the DCO and its provisions? (The ExA appreciates that in many cases the provisions have appeared in other DCOs but that is not necessarily an assurance of validity.) Please can the update also include an explanation of how	The Applicant will provide an updated Explanatory Memorandum for **Deadline 5**.

				the tests for the powers in PA 2008 being used to make this DCO are met?	
			Section 106 Agreement		
28	**SNDC, NBC and NCC**			Please will the relevant planning authorities and the County comment on the fact that some parts of the main site are not to be bound by the s106 agreement? Please will those of them who are to be parties to the s106 agreement (currently SNDC and NCC) please confirm that they are satisfied, after proper consideration, that the development cannot be cannot be constructed, occupied or used by any person without compliance with the obligations entered into by the First Owners, the Second Owner and the Developer in the s106 agreement? Should any other parts of the land over which the proposed development is to be carried out (whether on or off the Main Site) be bound by the s106 agreement and if so, why?	Discussions have progressed with both the County Council and District Council and the s.106 is to be re-drafted, with some matters to be dealt with by amendments to requirements instead. A revised draft s.106 agreement will be submitted with the next version of the dDCO for **Deadline 4**. The parts of the main site proposed to be bound by the Section 106 Agreement are those parts which are currently within the control of the Applicant. As with many DCO applications, it is not possible to bind the entirety of land required to secure the s.106 obligations prior to the DCO being approved because some of the land has yet to be acquired. The DCO application itself includes an application for compulsory powers to acquire that land. Equally, it is not necessary for all the land within the "order limits" to be bound since the order limits do not

					equate to a conventional planning application area but are related instead to the contents of the works plans and land plans, being land "affected by the development". The limits therefore include land such as parts of existing roads, railway and also include the proposed Roade Bypass. These areas are affected by the Application but are not required for compliance with the obligations in the Section 106 Agreement. Binding a substantial part of the main site is sufficient secure payment the payment of contributions and occupier obligations which will be bound within the Section 106 initially. Notably, the vast majority of the land on which the warehousing will be located is bound. This is the same approach as was taken at East Midlands Gateway.