



NORTHAMPTON
GATEWAY
STRATEGIC RAIL FREIGHT INTERCHANGE

DRAFT STATEMENT OF REASONS

DOCUMENT 4.1

The Northampton Gateway Rail Freight Interchange Order 201X

Regulation No: 5 (2) (h)

DRAFT STATEMENT OF REASONS | OCTOBER 2017

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ROXHILL

**The Infrastructure Planning (Applications: Prescribed Forms and Procedure)
Regulations 2009 (as amended)**

The Northampton Gateway Rail Freight Interchange Order 201X

STATEMENT OF REASONS

Pursuant to Regulation 5(2)(h)

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DRAFT

1. Introduction

- 1.1 This statement of reasons relates to an application made by Roxhill (Junction 15) Limited (“the Applicant”) to the Planning Inspectorate under Section 37 of the Planning Act 2008 for a Development Consent Order (“DCO”) to authorise the construction, operation, use and maintenance of a rail freight interchange, warehousing and associated highway works on land west of junction 15 of the M1 motorway in Northamptonshire including a new bypass to the north of the village of Roade (“the Application”).
- 1.2 This draft statement of reasons has been prepared for the purposes of statutory consultation (“the Stage 2 Consultation”) and sets out the potential scope of compulsory powers to be sought at the time of consultation. The Applicant continues to liaise with all interested parties and is committed to obtaining voluntary agreements with the owners of the land affected. It is hoped that at the time the Application is submitted, compulsory acquisition powers will be sought only in respect of unknown interests and the potential to interfere or extinguish third party rights which are inconsistent with the proposed development.
- 1.3 The plot numbers shown on the draft Land Plans, draft Book of Reference (and therefore in this draft Statement of Reasons) will be updated and re-ordered in the final application submission.
- 1.4 This statement has been prepared in compliance with the requirements of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) and in accordance with the Department for Communities and Local Government Guidance “Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land” (September 2013) (“the CLG Guidance”).
- 1.5 This statement is required to support the Application because the DCO would authorise:
- 1.5.1 the compulsory acquisition of:-
 - (a) land;
 - (b) rights; and
 - (c) rights over land,
 - 1.5.2 the extinguishment or overriding of existing rights over land; and
 - 1.5.3 the use and possession of land temporarily.
- 1.6 The land proposed to be the subject of compulsory acquisition and temporary possession is referred to in this statement as the “Order Land”.
- 1.7 This statement forms part of a suite of Application documents. It should be read alongside and is informed by those documents. In particular, whilst

considering this statement of reasons, the following Application documents should also be considered:

- 1.7.1 [The Funding Statement (Document 4.2)];
- 1.7.2 The Land Plans (showing the land which it is anticipated will be subject to powers of compulsory acquisition and temporary possession) (Document series 2.1); and
- 1.7.3 The Book of Reference (Document 4.3).

2. **Summary**

2.1 This statement explains why it is necessary and justifiable for the DCO to contain compulsory acquisition and temporary possession powers which relate to the Order Land.

2.2 The following areas are addressed in this statement:

2.2.1 **Section 3** contains the following:

- 2.2.1.1 A description of the Order Land and its location;
- 2.2.1.2 The Applicant's purpose in seeking to acquire rights over land including brief details of the wider scheme for which development consent is sought.

2.2.2 **Section 4** sets out the justification for seeking powers of compulsory acquisition including reference to how regard has been given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights together with details of the rationale behind the development.

2.2.3 **Section 5** contains any other information which may be of interest to persons who are or may be affected by the DCO.

3. **Scope of acquisition and purpose in seeking to acquire land and rights**

3.1 The land required for the development, as illustrated on the Land Plans, is mainly situated to the west of junction 15 of the M1 motorway in Northamptonshire. It also includes a strip of land (most of which is existing highway) to the east of the M1, a corridor of land to the north of Roade for a new bypass and various smaller parcels of land principally for associated highway works, most of which are existing highway. A full description of the Application site can be found in chapter 2 of the Environmental Statement accompanying the Application (Document 5.2).

3.2 The DCO seeks consent for the construction, operation, use and maintenance of a strategic rail freight interchange (SRFI), warehousing and associated highway works on land in the vicinity of junction 15 of the M1 motorway in Northamptonshire together with a new bypass to the north of the village of Roade. The land on which the rail freight interchange and warehousing will be

located is referred to throughout the Application documentation as the “main site”.

- 3.3 The DCO will, amongst other things, authorise the construction and operation of, in summary¹:-
- 3.3.1 An intermodal freight terminal including container storage and HGV parking, rail sidings to serve individual warehouses, and with the capability to also provide a ‘rapid rail freight’ facility as part of the intermodal freight terminal;
 - 3.3.2 Up to 468,000 sq m (approximately 5 million sq ft) (gross internal area) of warehousing and ancillary buildings, with additional floorspace provided in the form of mezzanines;
 - 3.3.3 New road infrastructure and works to the existing road network, including the provision of a new access and associated works to the A508, a new bypass to the village of Roade, improvements to Junction 15 and to Junction 15A of the M1 motorway, the A45, and other highway improvements at junctions on the local highway network;
 - 3.3.4 Strategic landscaping and tree planting, including diverted public rights of way; and
 - 3.3.5 Earthworks and demolition of existing structures on the main site.
- 3.4 The Land Plans and Book of Reference demonstrate that the Applicant has, through voluntary agreement, secured control over the freehold interest in the vast majority of the main site and part of the Roade bypass. These areas are shown coloured green on the draft Land Plans produced for the Stage 2 Consultation. The extent of compulsory acquisition powers sought in respect of those areas of land is to be confirmed but, it is anticipated that, it will be limited only to the suspension and/or interference with easements and/or other private rights and/or the extinguishment of easements and/or other private rights which are inconsistent with the development.
- 3.5 The draft Land Plans produced for the Stage 2 Consultation show several parcels of land coloured pink. As explained in paragraph 1.2 above, (except for existing highway land), where the owner is known the Applicant is liaising with the owners of those parcels of land to secure voluntary agreements. These negotiations are progressing well and it is expected that the extent of proposed compulsory acquisition of land will be significantly reduced before submission of the DCO Application.
- 3.6 In respect of land which is existing highway, where that land is adopted highway, it is shown coloured yellow on the draft Land Plans and the Applicant proposes only to use powers of temporary possession on that land in order to carry out the highway works under the DCO. Where the land is existing highway but not adopted, or where the land is unregistered and required to

¹ For further detail please see draft DCO Schedule 1 (Document 3.1)

form part of the proposed new highway works, these areas are shown coloured pink to allow the Applicant to acquire the land and dedicate it as public highway.

- 3.7 There are some parcels on the draft Land Plans shown coloured blue. These are parcels in respect of which the compulsory acquisition powers sought are limited to the creation of new rights and the suspension and/or interference with easements and/or other private rights and/or the extinguishment of easements and/or other private rights which are inconsistent with the development. With regard specifically to plot 90 which is shown coloured blue (bridge over the railway), the Applicant has contacted Network Rail to explain its position that the London and Birmingham Act 1833 confers rights to build crossings over the railway and therefore that the Applicant can use those powers to construct the bridge over the railway for the Road bypass, subject only to Network Rail's approval of the bridge plans and specifications. It is not clear whether Network Rail intends to contest those powers and the Applicant has therefore taken the prudent approach at this stage to safeguard the rights through compulsory powers to create new rights.
- 3.8 *[Explain in the following paragraphs extent of land deals/CPO required and review parcels in general (i.e. pink/yellow/blue land? Restrictive covenants sought? Unknown interests. This section will be determined by the extent of completed negotiations].*
- 3.9 A detailed description of the land and purpose for which the interest in each parcel is required is contained in Part 1 of the Book of Reference.
- 3.10 Paragraph 3.11 below contains a table summarising the land/rights required. Further detail on the purpose for which the land/rights may be acquired is in Schedule 1 of the draft DCO which describes the development in detail.
- 3.11 **Table summarising the purpose of compulsory acquisition:**

Number on Land Plan	Purpose for which land/right may be acquired
5	Structural landscaping including screen bunding, boundary treatments (Works No. 5), a new railway line from the rail freight terminal to connect with the existing Northampton Loop railway line including a tunnel under the screening bund (Works No. 1) and rail served warehousing including ancillary offices and other buildings (Works No. 3)
6, 7, 8, 16	Works to connect the new railway line from the rail freight terminal with the existing Northampton Loop railway line (Works No. 1) and structural landscaping (Works No. 5)
10 and 15	A new railway line from the rail freight terminal to connect with the existing Northampton Loop railway line

	including a tunnel under the screening bund (Works No. 1), construction of part of the new rail freight terminal (Works No. 2), rail served warehousing including ancillary offices and other buildings railway sidings and associated railway infrastructure (Works No. 3) and structural landscaping including screen bunding, boundary treatments (Works No. 5)
17	Structural landscaping including screen bunding, boundary treatments and retention of existing woodland (Works No. 5)
18	Construction of part of the new rail freight terminal (Works No. 2), rail served warehousing including ancillary offices and other buildings railway sidings and associated railway infrastructure (Works No. 3) provision of on-site infrastructure including private estate roads (Works No. 4) and structural landscaping including screen bunding, boundary treatments (Works No. 5)
19	Railway sidings and associated railway infrastructure (Works No. 3) and structural landscaping including screen bunding, boundary treatments and retention of existing woodland (Works No. 5)
20	A new railway line from the rail freight terminal to connect with the existing Northampton Loop railway line (Works No. 1), construction of part of the new rail freight terminal (Works No. 2), rail served warehousing including ancillary offices and other buildings, railway sidings and associated railway infrastructure (Works No. 3), provision of on-site infrastructure including private estate roads (Works No. 4) and structural landscaping including screen bunding, boundary treatments and retention of existing woodland (Works No. 5)
21	Rail served warehousing including ancillary offices and other buildings, (Works No. 3), provision of on-site infrastructure including private estate roads (Works No. 4), structural landscaping including screen bunding, boundary treatments, basins and ponds for surface attenuation, retention of existing woodland, development signage (Works No. 5) and works to create a new site access (Works No. 6)
22	A new railway line from the rail freight terminal to connect with the existing Northampton Loop railway line (Works No. 1), construction of part of the new rail freight terminal (Works No. 2), rail served warehousing

	including ancillary offices and other buildings, railway sidings and associated railway infrastructure (Works No. 3), provision of on-site infrastructure including private estate roads (Works No. 4), structural landscaping including screen bunding, boundary treatments, retention of existing woodland and agricultural land, development signage (Works No. 5) and works to create a new site access (Works No. 6)
23, 24, 28, 29, 410, 806	Structural landscaping including screen bunding, boundary treatments, retention of existing woodland, development signage (Works No. 5)
25	Rail served warehousing including ancillary offices and other buildings, railway sidings and associated railway infrastructure and relocation of existing communications mast (Works No. 3)
26, 27, 31, 33, 34, 46, 57, 58, 800, 807, 808, 855, 860, 865, 875, 885, 890, 905, 910	Works to Junction 15 of the M1 motorway and to the M1 motorway including realignment and widening of the motorway and slip roads (Works No. 7)
30	Rail served warehousing including ancillary offices and other buildings, railway sidings and associated railway infrastructure (Works No. 3), provision of on-site infrastructure including private estate roads (Works No. 4), structural landscaping including screen bunding, boundary treatments, basins and ponds for surface water attenuation (Works No. 5) and works to create a new site access (Works No. 6)
35	Structural landscaping including screen bunding, boundary treatments, basins and ponds for surface water attenuation and relocation of existing communications mast (Works No. 5)
40	Structural landscaping including screen bunding, boundary treatments, retention of existing woodland and agricultural land (Works No. 5) and works for the alteration of the junction between the A508 and Blisworth Road (Parish of Courteenhall) (Works No. 11)
48	Works to Watering Lane (Works No. 8)
54, 315, 320	Works to Saxon Avenue (Works No. 8)
44, 47, 50, 51, 52, 56, 200, 205,	Works to the A45 Trunk Road (Works No. 8)

225, 285, 290, 295, 310, 415, 425, 430, 470	
60, 61	Works to junction 51 of the M1 motorway including the slip roads (Works No. 7)
60, 61, 65, 421, 422, 423	Works to the A508 including widening to a dual carriageway, drainage improvements and the creation of a new access roundabout to the main site (Works No. 6)
75	Works to the A508 as part of alterations to the A508 junction with Blisworth Road (Works No. 11) and the construction of Roade bypass (Works No. 12)
265, 360, 265	A new railway line from the rail freight terminal to connect with the existing Northampton Loop railway line (Works No. 1)
80, 90, 95, 100, 105, 110, 120, 140, 145, 150, 160, 170, 180, 185, 190, 195, 250, 510, 595, 840	Construction of Roade bypass and associated drainage, ecological mitigation, a bridge over the west coast mainline railway and environmental mitigation bunds (Works No 12)
275, 335, 810, 820	Construction of new sewers and improvements and alterations to existing sewers (Works No. 9)
80, 570 and 590	Alterations to the A508 junction with Blisworth Road (Works No. 11)
680, 685, 695, 700, 705, 710, 720, 725, 730, 735, 740, 755, 765, 770, 775, 780, 785, 795	Works to junction 51A of the M1 motorway (Works No. 10)
545, 560, 605, 615, 620, 720	Improvements to the junction between the A508 and the C26 (Works No. 13)
625, 630, 640, 815	Improvements to the junction between the A508 and the C85 at Pury Road (Works No. 14)
825, 830, 835	Improvements to the junction between the C27 Stoke Road and Knock Lane (Works No. 15)

920	Improvements to the A508 at Grafton Regis (Works No. 16)
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3.12 The Applicant has been in dialogue with most of the landowners affected by the proposed development for a significant period of time and has sought to acquire interests by agreement before seeking powers of compulsory acquisition (thereby following general guidance for compulsory acquisition). The Applicant is committed to seeking to acquire all interests in the Order Land necessary for the delivery of the development through agreement with the relevant owners of the interests and continues to negotiate with the owners to achieve that aim. Compulsory acquisition powers would still be required however, to ensure that the remaining interests can be acquired in the event that negotiations are unsuccessful but also due to the number of unknown interests in the Order Land.

3.13 There is no Crown Land or special category land within the Order limits.

4. **Justification for seeking Compulsory Acquisition powers**

4.1 Section 122 of the Planning Act 2008 provides that:

- 1) *An order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State is satisfied that the conditions in subsections (2) and (3) are met:-*
- 2) *The condition is that the land:-*
 - a. *is required for the development to which the development consent relates,*
 - b. *is required to facilitate or is incidental to that development, or*
 - c. *is replacement land which is to be given in exchange for the order land under Section 131 or 132.*
- 3) *The condition is that there is a compelling case in the public interest for the land to be acquired compulsorily.”*

Section 122(2) Planning Act

4.2 The Applicant has a clear idea of how it intends to use the land which is to be subject to compulsory acquisition.

4.3 Section 3 above explains why each parcel of land is required for the development and the proposed use of each parcel of land and therefore demonstrates that the proposed acquisition as detailed in the Book of Reference is required in order to carry out the development. The compulsory acquisition is limited to the minimum necessary in respect of land (or, indeed, rights over land). Section 122(2) is therefore complied with.

- 4.4 With regard to section 122(2)(c), there is no common land or open space land in the Order limits and therefore no land is required to be given in exchange.
- 4.5 The Applicant therefore considers that section 122(2) is complied with.
- 4.6 In order to comply with the condition contained in Section 122(3), it must be demonstrated that there is a compelling case in the public interest for the compulsory acquisition. The CLG guidance states “*for this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired*”.²
- 4.7 In this regard, the Applicant relies on the public benefits of the proposal which are identified and detailed in the [Planning Statement (Document 6.6)].
- 4.8 The CLG Guidance suggests a number of general considerations which the applicant for a DCO should demonstrate to the satisfaction of the Secretary of State to justify their proposed compulsory acquisition. These are:
- i. That all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored;*
 - ii. That the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate;*
 - iii. That the applicant has a clear idea of how they intend to use the land which it is proposed to acquire;*
 - iv. That there is a reasonable prospect of the requisite funds for acquisition becoming available; and*
 - v. That the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of acquisition of a dwelling, Article 8 of the Convention.*³
- 4.9 The Applicant has considered all reasonable alternatives to compulsory acquisition (including modifications to the scheme) and the Applicant believes that the application documentation demonstrates that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and that it is necessary and proportionate. For further information in this respect reference should be made to Chapter 2 of the Environmental Statement (Document 5.2).

² Paragraph 13 CLG guidance.

³ Paragraphs 8-10 CLG Guidance

- 4.10 Regard has been had to the provisions of Article 1 of the First Protocol to the European Convention of Human Rights which protects the rights of everyone to the “*peaceful enjoyment of possessions except in the public interest and subject to the conditions provided for by law*”. Any interference with possessions must therefore be proportionate and in determining whether a particular measure is proportionate, a “fair balance” should be struck between the demands of the general interest and the protection of the individual’s rights.
- 4.11 Whilst the beneficiaries of the interests in the Order Land will be deprived of their interest if the DCO is confirmed, this will be done in accordance with the law. The DCO is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the proposed development are set out in the [Planning Statement (Document 6.6)].
- 4.12 Accordingly, the Applicant is satisfied that although the Convention rights are likely to be engaged, the proposed development does not conflict with those rights and will be proportionate because there is a compelling case in the public interest of the proposals which outweighs the impact on individual rights, in this instance.

5. **Other Information of Interest to those affected by the DCO**

- 5.1 Further information about the Application can be found on the Applicant’s project website – www.northampton-gateway.co.uk.
- 5.2 Owners, occupiers or any person with an interest in any of the Order Land who wish to discuss matters relating to the negotiation of agreements should contact Graham Pardoe of Roxhill (Junction 15) Limited at contact-us@northampton-gateway.co.uk or Northampton Gateway SRFI, PO Box 10570, Nottingham, NG2 9RG.