



NORTHAMPTON
GATEWAY
STRATEGIC RAIL FREIGHT INTERCHANGE

STATEMENT OF REASONS

DOCUMENT 4.1

The Northampton Gateway Rail Freight Interchange Order 201X

Regulation No: 5 (2) (h)

STATEMENT OF REASONS | MAY 2018

EVERSHEDS SUTHERLAND

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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

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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 and maintenance of a rail freight interchange, warehousing on land west of junction 15 of the M1 motorway in Northamptonshire, including associated highway works and a new bypass to the north of the village of Roade (“the Application”).
- 1.2 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 guidance produced in September 2013 by the (then named) Department for Communities and Local Government “*Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land*” (“the CLG Guidance”).
- 1.3 This statement is required to support the Application because the DCO would authorise:
- 1.3.1 the compulsory acquisition of:-
 - (a) land;
 - (b) rights; and
 - (c) rights over land,
 - 1.3.2 the extinguishment/suspension/interference with or overriding of existing rights over land; and
 - 1.3.3 the use and possession of land temporarily.
- 1.4 The land proposed to be the subject of compulsory acquisition and temporary possession is referred to in this statement as the “Order Land”. Land inside the boundary of the DCO is referred to as “Order Limits”.
- 1.5 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:

- 1.5.1 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);
- 1.5.2 The Funding Statement (Document 4.2);
- 1.5.3 The Book of Reference (Document 4.3);
- 1.5.4 The Planning Statement (Document 6.6) and
- 1.5.5 The Market Analysis Report (Document 6.8).

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 An explanation of the Land Plans;
- 2.2.1.3 An explanation of the current status (as at submission of the Application) of the Applicant's discussions with relevant parties;
- 2.2.1.4 The Applicant's purpose in seeking to acquire land and rights over land including brief details of the wider scheme for which development consent is sought; and
- 2.2.1.5 The Applicant's consideration of those persons considered to fall within Category 3 (as defined in section 57 of the Planning Act 2008).

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.

2.2.3 **Section 5** addresses compliance with the relevant CLG Guidance.

2.2.4 **Section 6** 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 As illustrated on the Components of Proposed Development Plan (Document 2.13), the land required for the Proposed Development 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. The Location Plan (Document 2.12) shows the Order Limits and its surroundings. A detailed description of the proposals can be found in chapter 2 of the Environmental Statement (Document 5.2).
- 3.2 The application seeks consent for the construction, operation and maintenance of a strategic rail freight interchange (SRFI), warehousing and associated highway works 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”. The land on which the proposed bypass is to be constructed is referred to as the “Roade Bypass” or “Bypass Corridor”.
- 3.3 The DCO will authorise the construction and operation of, in summary¹ (referred to as the “Proposed Development”):-
- i) An intermodal freight terminal including container storage and HGV parking, rail sidings to serve individual warehouses, and the provision of an aggregates facility as part of the intermodal freight terminal, with the capability to also provide a ‘rapid rail freight’ facility;
 - ii) 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;
 - iii) A secure, dedicated, HGV parking area of approximately 120 spaces including driver welfare facilities to meet the needs of HGVs visiting the site or intermodal terminal;
 - iv) 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 J15A of the M1 motorway, the A45, other highway improvements at junctions on the local highway network and related traffic management measures;

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

- v) Strategic landscaping and tree planting, including diverted public rights of way;
 - vi) Earthworks and demolition of existing structures on the Main Site.
- 3.4 The extent of compulsory acquisition or powers of temporary possession sought is explained in the table at paragraph 3.31 below and in column (2) of Part 1 of the Book of Reference in respect of each parcel referred to on the Land Plans, with reference to the relevant articles in the draft DCO.
- 3.5 The Book of Reference has been produced in two sections with one section covering that part of the Order Limits within the District of South Northamptonshire and the other section covering that part of the Order Limits within the Borough of Northampton. The parcel numbers remain sequential and are not dependent upon which section of the Book of Reference the relevant parcel falls.

Explanation of Land Plans and Applicable Powers under the DCO

Land shown tinted pink on the Land Plans

- 3.6 Land shown tinted pink on the Land Plans is proposed to be subject to the compulsory acquisition of the freehold, leasehold, tenant and/or occupier interests as well as any third party rights or the creation of new rights pursuant to articles 24 and 25 respectively of the draft DCO. This land will also be subject to the general powers in Part 5, such as the power to override private rights where they are inconsistent with the authorised development.
- 3.7 Where:
- 3.7.1 the land is existing highway but not adopted, or
 - 3.7.2 the land is unregistered and required to form part of the proposed new highway works, or
 - 3.7.3 the existing highway is proposed to be stopped up and new highway created,
- the land concerned is shown coloured pink to allow the Applicant to acquire the land and dedicate it as public highway and in the case of stopping up, to ensure that the Applicant retains the ownership in order to ensure the deliverability of the new highway works.
- 3.8 With regard specifically to the land required for the Roade Bypass, this land is the subject of compulsory acquisition powers to enable the title to be cleansed,

to ensure there are no restrictions on the delivery of the infrastructure, as explained at paragraph 3.19 below.

Land shown tinted blue on the Land Plans

- 3.9 These are parcels in respect of which the compulsory acquisition powers sought are limited to the creation of new rights pursuant to article 25 of the draft DCO. This land will also be subject to the general powers in Part 5 such as the power to override private rights where they are inconsistent with the authorised development. An example of this is where rights are needed to improve the existing sewer and to construct a new sewer on land near the A45 (parcels 2/1-2/5). the Applicant is seeking only the creation of new rights, to minimise the extent of compulsory acquisition in accordance with general compulsory acquisition principles.

Land shown tinted green on the Land Plans

- 3.10 There are several parcels on the Land Plans which are shown tinted green. These are parcels over which the Applicant only seeks powers to acquire existing rights pursuant to article 25 of the draft DCO or to override third party rights or powers to extinguish, suspend or interfere with any third party rights pursuant to articles 27 and/or 28 of the draft DCO. For example, there are some third party rights registered on land adjacent to the Northampton Loop Line (parcels 1/10, 1/11a, 1/11b, 1/30 and 1/30b) which may be inconsistent with the development. The Applicant requires the ability to extinguish, suspend or interfere with these rights in the event that they are inconsistent.

Land shown tinted yellow on the Land Plans

- 3.11 Land shown tinted yellow on the Land Plans is proposed to be subject to powers of temporary possession pursuant to article 35 of the draft DCO. As an example, there are two parcels along the Bypass Corridor required for temporary construction compounds.

Other land

- 3.12 There are some parcels of land shown on the Land Plans which are not proposed to be subject to powers of compulsory acquisition, but which are included in Part 1 of the Book of Reference. These parcels are:
- 3.12.1 land over which the Applicant has secured voluntary agreement and does not intend to acquire any new or existing rights; or
 - 3.12.2 land which is existing adopted public highway over which the Applicant proposes only to carry out highway works or “street works” under Part 3 of the DCO.

- 3.13 These parcels do not have any delineation on the Land Plans other than a parcel number. They are included in Part 1 of the Book of Reference because there are interests in the subsoil and therefore, in strict accordance with the wording of the Act and the Regulations, these persons are “interested in the land” and the land will be subject to “rights to use the land”. These interests will not be affected. These parcels therefore are not listed in the table at paragraph 3.31.

Other powers under the DCO

- 3.14 The power for the extinguishment of private rights over land which is subject to compulsory acquisition, pursuant to article 27 of the draft DCO, will apply to all Order Land (being land which is subject to powers under articles 24 and/or 25).
- 3.15 The power for the overriding of or extinguishment, suspension or interference with any third party rights contained in article 28 of the draft DCO will apply to all land within the Order Limits and is applicable only to such rights as are inconsistent with the authorised development.
- 3.16 The power for the temporary use of land for the maintenance of the authorised development (article 36) will apply to all land within the Order Limits within the terms set out in that article.

The Main Site

- 3.17 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. There are only a few parcels over which the Applicant seeks compulsory acquisition powers and these are explained below:
- 3.17.1 **Parcel 1/5:** the Applicant has secured voluntary agreement with the freeholder but compulsory acquisition powers are sought in respect of the tenancy agreement to cover the potential (but unlikely) scenario whereby the freeholder cannot deliver vacant possession of the land through terminating the tenancy. Powers are also sought to extinguish unknown restrictive covenants which may exist over the land;
- 3.17.2 The Applicant has attempted to negotiate with the freehold owners of **parcels 1/7 and 1/12** but the land is subject to an agreement with the proposed developer of the potential development site to the west of the Northampton Loop Line (known as Rail Central) and therefore the owners are not able to enter into a voluntary agreement with the Applicant. The Applicant therefore requires compulsory powers to

acquire the land and any rights which may be inconsistent with the authorised development;

- 3.17.3 There are several parcels along/under/over the railway which are subject to third party rights (**1/8, 1/10, 1/11a, 1/11b, 1/26, 1/30a, 1/30b** and **3/1**). The Applicant seeks powers to acquire these third party rights should it be necessary;
- 3.17.4 **Parcel 1/15:** this land is registered to Highways England, but is not existing highway land. The Applicant is in discussions with Highways England and Highways England have acknowledged that the process for the relevant agreement will be slow and that it expects the Applicant to include this land within the application for powers of compulsory acquisition as part of the DCO;
- 3.17.5 **Parcels 1/16, 1/16a, 2/46, 2/46a, 2/46b** and **2/46c:** compulsory powers are sought to enable the relocation of the existing communications masts in the event that the break clauses in the current leases are not consistent with the development timetable. Discussions have been ongoing with the freeholders, leaseholders and the various mast operators (including meetings onsite to discuss the proposed relocation) and it is anticipated that the relocation can be secured by voluntary agreement, however the powers are required to ensure that failure to secure the agreement on suitable terms and in sufficient time, does not inhibit the development.
- 3.17.6 **Parcels 1/17, 1/18** and **1/18a:** these parcels are owned by Northamptonshire County Council. The Applicant is in discussion with the County Council and although those discussions are favourable, progress is slow. The County Council is aware that the Applicant has included these parcels (and others owned by the Council, which are explained below) in its application for compulsory acquisition and that in the event an agreement is reached before the Examination concludes, the freehold of these parcels will be removed from the proposed compulsory acquisition;
- 3.17.7 **Parcels 1/20, 1/21** and **1/24:** These are very small slivers of land owned by Bellway Homes Limited, which the Applicant understands is a legacy from the previous Grange Park development. The Applicant is in discussions with Bellway Homes and expects that agreement will be reached, following which the freehold can be removed from the proposed compulsory acquisition. Parcel 1/24 specifically, has been registered to two parties and therefore is subject to compulsory acquisition to ensure acquisition is not

inhibited pending resolution of the ownership position at the Land Registry.

- 3.17.8 **Parcel 1/23** is a very small unknown sliver of land required for the carrying out of works to the motorway (Works No. 8). The Applicant has not been able to ascertain the ownership of this parcel.
- 3.17.9 **Parcel 1/38**: the Applicant has secured one voluntary agreement with the freeholder but a further, simple, agreement is required to update the original arrangement. Compulsory acquisition powers are sought until that new agreement has been completed, at which point the powers will be reduced to the tenancy agreement, to cover the potential (but unlikely) scenario whereby the freeholder cannot deliver vacant possession of the land through terminating the tenancy, together with any third party rights.
- 3.17.10 **Parcel 3/3**: This land is owned by the landowner of the majority of the Main Site, with whom the Applicant has already secured voluntary agreement. The Applicant is securing a further agreement with the owner to tie up various smaller land matters, including rights to use this land temporarily to deliver the relevant part of Works No. 6 (being construction of earth bunds for visual screening, soft landscaping and floodplain compensation). Until that agreement is completed, temporary possession powers are sought to carry out those works.

Road Bypass

- 3.18 With regard to the proposed Road Bypass, the Applicant is seeking full compulsory acquisition over those parcels in order to ensure uninhibited delivery of the road infrastructure.
- 3.19 It is commonplace for highway development to “cleanse” the title through seeking compulsory acquisition powers, in order to be certain that there are no interests which may impede the delivery of the proposed highway and its subsequent “dedication” to the relevant highway authority for maintenance. This is a reasonable position, given that the highway must be accessible to the public. In this case, the Applicant needs to demonstrate to the local highway authority that it can deliver the Road Bypass and its associated infrastructure and services without restriction. Furthermore, it is important to demonstrate to the local highway authority that there will be no such restrictions upon the authority once it has taken the maintenance responsibility.
- 3.20 In addition, the Applicant is committing to delivering the Road Bypass within 2 years from the occupation of the first warehouse on the development, or 4

years from the commencement of Works No. 8 (whichever is the earliest). This requires certainty of land acquisition.

- 3.21 Whilst the Applicant is seeking compulsory acquisition powers over all the land, it still continues to pursue voluntary agreement with the landowners. Those agreements are structured so that only the land required for the final alignment of the bypass and/or associated infrastructure, ecological mitigation or landscaping will be permanently acquired and any residual land, whilst required for construction purposes, will be restored and returned to the landowner. The proposed compulsory acquisition powers will be exercised in the same manner; that is to say that permanent acquisition powers will only be exercised in respect of that part of the bypass corridor that is permanently required for the bypass (and its infrastructure, ecological mitigation and landscaping) and any areas of land surrounding that land will be used only temporarily, for the construction of the bypass.
- 3.22 With regard specifically to parcels 4/7 and 4/8 which are shown coloured blue (bridge over the railway), the Applicant has advised Network Rail of 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 Roade bypass, subject only to Network Rail's approval of the bridge plans and specifications. It is not clear whether Network Rail accept the existence of the rights and the Applicant has therefore taken the prudent approach of safeguarding the rights through compulsory powers to create new rights, in order that it can ensure the delivery of the Roade Bypass.
- 3.23 Designs of the overbridge have been developed to the satisfaction of Network Rail. Following DCO consent the Applicant will be responsible for submitting further technical design details for approval by Network Rail. This detailed design approval will be governed by an existing Basic Asset Protection Agreement (BAPA) already entered into with Network Rail. The construction of the bridge will be subject to the Protective Provisions included in Schedule 13 of the DCO.
- 3.24 There are other parcels shown tinted blue on the Land Plans; these relate to the creation of new rights for drainage from the Roade Bypass (**4/3, 4/4, 4/7**) and improvements to and maintenance of Bailey Brooks Lane (the ownership of which is unknown) to ensure that the lane may be used by other users, because the access to their land will be severed by the Bypass Corridor (**4/5, 4/5a and 4/5b**).

J15 and A45

3.25 There are several parcels of land shown coloured pink along the A45 and over Junction 15 itself. Most of these parcels fall within the categories explained at paragraph 3.7 above (i.e. land connected with highway use). The parcels which do not fall within this category are:

3.25.1 **2/1, 2/2, 2/3 and 2/4:** rights are required over these parcels for the construction of and improvements to sewers for the foul outfall from the Main Site. The Applicant is seeking to secure those rights by voluntary agreement, but compulsory powers are sought until those discussions are finalised;

3.25.2 **2/33:** this is land owned by Northamptonshire County Council. As explained above, the Applicant is in discussions with the County Council and the Council is aware that the land is to be included in the application for compulsory acquisition powers until that agreement has been finalised;

3.25.3 **2/34:** this is land owned by Zinc Hotels (the Hilton Hotel). The Applicant has had discussions with the owner over several years and the owner is now in administration. It has therefore not been possible to conclude negotiations and the owner is aware that the Applicant is seeking compulsory acquisition powers;

3.25.4 **2/43 and 2/44:** these parcels are similar to those mentioned at paragraph 3.16.7 in that they are a historical legacy of Grange Park, and currently owned by Bellway Homes Limited. The Applicant's discussions with Bellway include these parcels;

3.25.5 **2/45:** this parcel is owned by the owner of the main part of the Main Site. As explained at paragraph 3.16.10 above, the Applicant is securing a further agreement with the owner to tie up various smaller land matters, including this parcel and others required for highway works. Once that agreement is finalised, the freehold of the land will be removed from the powers of compulsory acquisition.

Land required for other highway works

3.26 Most of the land required for other highway works is either within existing highway or falls within one of the categories listed at paragraph 3.7 above. The parcels which do not fall within those categories are listed below.

3.27 Works No. 14:

- 3.27.1 **5/6:** Discussions with the landowner are ongoing and have been very positive, albeit very slow. The Applicant continues to seek voluntary agreement but compulsory acquisition powers are sought until that agreement has been reached.
- 3.27.2 **5/9:** Having originally indicated they were content to proceed, the owner has confirmed they do not want to further engage in discussions and whilst the Applicant continues to attempt to negotiate, it is left with no option at this stage but to require powers of compulsory acquisition in order to deliver the highway works.
- 3.27.3 **5/10:** Temporary possession powers are sought to allow works to be carried out the private access, which is required as a result of the highway works near this land.
- 3.27.4 **5/14:** The owners are not willing at this point to negotiate terms for this parcel, although they have engaged and are progressing discussions on other land which they own, required for the Roade Bypass. At this point the Applicant therefore must seek powers of compulsory acquisition over this small area of land at Knock Lane in order to deliver the highway works.

3.28 Works No. 16:

- 3.28.1 **6/2:** The owners have not engaged with the Applicant and whilst it continues to seek to engage and reach voluntary agreement with the owners, at this stage the Applicant must seek powers of compulsory acquisition in order to deliver the highway works.

Purpose for which land is required

- 3.29 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.
- 3.30 Paragraph 3.31 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.

3.31 **Table summarising the purpose of compulsory acquisition or temporary possession powers**

Parcel Number on Land Plan	Purpose for which land/right may be acquired
1/5	Structural landscaping including screen bunding, boundary treatments and provision of footpaths (Works No. 6), 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), rail served warehousing including ancillary offices and other buildings (Works No. 4) and (in so far as the limits of deviation shown on the Works Plans (Document series 2.2) permit) provision of on-site infrastructure including private estate roads (Works No. 5)
1/7	Structural landscaping including screen bunding, boundary treatments and provision of footpaths (Works No. 6), 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. 4)
1/8 (in respect of underpass only), 1/10, 1/11a, 1/11b, 1/26 (in respect of bridge only), 1/30a, 1/30b	To connect the new railway line from the rail freight terminal with the existing Northampton Loop railway line (Works No. 1)
1/12	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), a rail freight terminal (Works No. 2), railway line to serve the warehousing (Works No. 3), rail served warehousing including ancillary offices and other buildings (Works No. 4) and structural landscaping including screen bunding, boundary treatments and provision of footpaths (Works No. 6)

Parcel Number on Land Plan	Purpose for which land/right may be acquired
1/14 (in respect of bridge only)	Improvements to footbridge over M1 motorway to allow for cycletrack (Works No. 9)
1/15	Structural landscaping including screen bunding, boundary treatments (Works No. 6), rail served warehousing including ancillary offices and other buildings (Works No. 4) and works to the M1 motorway including realignment and widening of the motorway (Works No. 8)
1/16, 1/16a	Rail served warehousing including ancillary offices and other buildings and relocation of existing communications mast (Works No. 4)
1/17	Works to the M1 motorway including realignment and widening of the motorway (Works No. 8)
1/17a	Structural landscaping including screen bunding, boundary treatments, footpaths, retention of existing woodland (Works No. 6) and works to the M1 motorway including realignment and widening of the motorway (Works No. 8)
1/18	Structural landscaping including screen bunding, boundary treatments, footpaths, retention of existing woodland (Works No. 6)
1/20, 1/21, 1/23, 1/24	Works to the M1 motorway including realignment and widening of the motorway (Works No. 8)
1/38	Structural landscaping including screen bunding, boundary treatments, drainage and attenuation ponds and provision of footpaths (Works No. 6), rail served warehousing including ancillary offices and other buildings (Works No. 4), provision of on-site infrastructure including private estate roads (Works No. 5) and provision of a site access (Works No. 7)
1/40, 1/44, 1/45	Improvements to footbridge (and its approach) over M1 to allow for cycletrack (Works No. 9)

Parcel Number on Land Plan	Purpose for which land/right may be acquired
2/1, 2/2, 2/3, 2/4, 2/5	Construction of new sewers and improvements and alterations to existing sewers (Works No. 10)
2/13	Alterations and improvements to the A45 (Works No. 8)
2/20, 2/26	Alterations and improvements to the A45 (Works No. 8) and construction of new sewers and improvements and alterations to existing sewers (Works No. 10)
2/28, 2/34	Works to the M1 motorway including realignment and widening of the motorway and slip roads at junction 15 and its connection to the A45, improvements and alterations to A45 (Works No. 8) and construction of new sewers and improvements and alterations to existing sewers (Works No. 10)
2/33, 2/35	Works to the M1 motorway including realignment and widening of the motorway and slip roads at junction 15 and its connection to the A45, improvements and alterations to A45 (Works No. 8)
2/43, 2/44, 2/45, 2/46, 2/46a,	Works to the M1 motorway including realignment and widening of the motorway and slip roads at junction 15 and its connection to the A508, relocation of the existing communications mast (Works No. 8)
2/46b, 2/46c, 2/47	Works to the M1 motorway including realignment and widening of the motorway and slip roads at junction 15 and its connection to the A508, relocation of the existing communications mast (Works No. 8) and alternations and improvements to the A508 (Works No. 7)
3/1 (in respect of bridge only)	To connect a new railway line from the rail freight terminal with the existing Northampton Loop railway line (Works No. 1)
3/3	Structural landscaping including screen bunding, boundary treatments, retention of existing woodland and agricultural land, floodplain compensation works (Works No. 6)

Parcel Number on Land Plan	Purpose for which land/right may be acquired
3/6, 3/8	Works for the alteration of the junction at the A508 with Blisworth Road (Parish of Courteenhall) (Works No. 12)
3/9	Alterations to access with the A508 (Works No. 12)
3/11, 4/9, 4/10, 4/11, 4/12, 4/13, 4/17, 4/18, 4/19, 4/20, 4/21, 4/22, 4/24, 5/1, 5/1a, 5/4, 5/5	Construction of a new Roade bypass and associated drainage, ecological mitigation, and environmental mitigation bunds including stopping up existing highways and private accesses and associated alterations to the A508 (Works No. 13)
4/2a, 5/2	Temporary construction compound for construction of the Roade bypass (Works No 13)
4/1, 4/2	Temporary works to existing accesses (Works No. 13)
4/3, 4/4, 4/7	Drainage works for the Roade bypass (Works No. 13)
4/5, 4/5a (in respect of bridge only), 4/5b	Improvements to existing track and creation of new access and maintenance rights (Works No. 13)
4/8	Construction of the Roade bypass and its associated drainage, ecological mitigation, a bridge over the west coast mainline railway and environmental mitigation bunds (Works No 13)
4/14, 4/15, 4/16	Temporary works to private accesses for new access onto public highway as part of the construction of the Roade bypass (Works No. 13)
4/20a	Temporary works associated with the construction of the new Roade bypass including bunding (Works No. 13)
5/3	Temporary works to carry out works to private access (Works No. 13)
5/6, 5/8a, 5/9, 5/11a, 5/12a, 5/13, 5/14	Improvements to and widening of the junction between the A508 and the C26 (Works No. 14)

Parcel Number on Land Plan	Purpose for which land/right may be acquired
5/10	Temporary works to carry out works to private access (Works No. 14)
6/2	Improvements to the junction at Knock Lane with Stoke Road (Works No. 16)

3.32 The Applicant has been in dialogue with all of the known parties with an interest in the land affected by the scheme, and with most of them 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).

3.33 An explanation of the current position with the owners/beneficiaries of the relevant interests is set out in paragraphs 3.17 – 3.28 above.

3.34 Compulsory acquisition powers will be required, 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. In particular, as explained above (paragraph 3.19), compulsory powers are sought in respect of the Bypass Corridor to cleanse the title so as to ensure there are no restrictions on delivery of the new bypass or its dedication to the local highway authority.

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

Consideration of Category 3 Parties

3.36 The Book of Reference sets out at Part 2 those persons considered to fall within Category 3 (as defined in section 57 of the Act). A person is within Category 3 if the applicant thinks that, if the order as sought by the application were to be made and fully implemented, the person would or might be entitled:

3.36.1 as a result of the implementing the order;

3.36.2 as a result of the order having been implemented; or

3.36.3 as a result of the use of the land once the order has been implemented,

to make a relevant claim.

3.37 A “relevant claim” is defined in the Planning Act 2008 as –

- 3.37.1 a claim under section 10 of the Compulsory Purchase Act 1965 (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);
 - 3.37.2 a claim under Part 1 of the Land Compensation Act 1973 (compensation for depreciation of land value by physical factors caused by use of public works); or
 - 3.37.3 a claim under section 152(3) of the Act.
- 3.38 Part 2A of the Book of Reference covers qualifying persons under Section 10 of the Compulsory Purchase Act 1965 and Section 152(3) of the Planning Act 2008. The Applicant does not consider that there are any potential claimants in this regard and therefore there are no entries in Part 2A.
- 3.39 Section 10 and section 152(3) both relate to claims made in respect of the execution/carrying out of the works.
- 3.40 There are however, limitations on the right to compensation under those sections. The effect is that a claimant, in order to have a right to compensation, would have to show that, but for the authority granted by the DCO, he would have an action for damages for public or private nuisance.
- 3.41 The nuisance would need to be an unreasonable interference with the interest in land and relate to the construction of the proposed development.
- 3.42 It would therefore arise in relation to construction impacts relating to noise, dust, vibration or physical impacts on properties.
- 3.43 As set out below, in the opinion of the Applicant, the limitations on a relevant claim will preclude a claim being brought. The impact of the construction of the proposed development has been assessed in the Environmental Statement (Document 5.2) by reference to:
- 3.43.1 Noise and Vibration – Chapter 8;
 - 3.43.2 Air Quality – Chapter 9;
 - 3.43.3 Lighting – Chapter 11; and
 - 3.43.4 Transport – Chapter 21.
- 3.44 None of these Chapters identify an adverse impact as a result of construction sufficient to give rise to a cause of action and there are no other environmental impacts which, in the opinion of the Applicant, might give rise to a claim.
- 3.45 Part 2B of the Book of Reference covers qualifying persons under Part 1 of the Land Compensation Act 1973 (claims which may be brought as a result of the use of the works rather than the execution of the works) and lists those parties

with an interest outside the Order limits whose interests are not proposed to be subject to compulsory acquisition. The parties listed in this Part of the Book of Reference were identified as part of the Applicant's assessment of traffic noise impact resulting from the proposed development. As explained in the Applicant's assessment of the noise impact, which is considered in detail in Chapter 8 of the Environmental Statement (Document 5.2), the assessment of the expected change in road traffic noise at receptors around the main site and associated with the highway mitigation measures has indicated largely negligible impacts due to the proposed development. Potentially significant adverse effects have been predicted at two receptors, both located on a section of the A508 just south of the main site. It is possible that these effects might entitle occupants to a claim under the Noise Insulation Regulations. One of those receptors is The Lodge, being the Gatehouse to the Courteenhall Estate and the other comprises four cottages. Those parties are therefore listed in this Part.

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. This is explained in the table at paragraph 3.31 above.

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)(a) and (b) are 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;
- 4.7.1 the acknowledged need for and public benefits of SRFI in general which are set out in the National Policy Statement for National Networks (NPS) (particularly paragraphs 2.42 to 2.58);
- 4.7.2 specifically, the need for, and public benefit of an SRFI in this location as set out in the Planning Statement (Document 6.6, Section 4); and
- 4.7.3 the market need for the proposals as set out in the Market Analysis Report (Document 6.8).
- 4.8 A summary of the key conclusions of the Planning Statement, incorporating the conclusions of the NPS and Market Analysis Report, are set out in the paragraphs that follow.
- 4.9 The NPS is explicit in stating that there is a “**compelling need for an expanded network of SRFIs**” (NPS, paragraph 2.56) to enable and encourage an accelerated shift in the movement of freight from road to rail. It is clear from the NPS that there are both economic and environmental objectives and priorities behind this policy. SRFIs form part of the national infrastructure which is described in Government’s vision in the NPS as “*supporting a prosperous and competitive economy*”, There are numerous references to the role these national networks, including SRFIs, have in supporting or creating economic growth and productivity.

² Paragraph 13 CLG guidance.

- 4.10 For example, the NPS provides a ‘**summary of need**’ (at paragraphs 2.1 – 2.11) which states (emphasis added):

*“The national road and rail networks that connect our cities, regions and international gateways **play a significant part in supporting economic growth**, as well as existing economic activity and productivity”* (NPS paragraph 2.1)

*“Well-connected and high-performing networks with sufficient capacity are **vital to meet the country’s long-term needs and support a prosperous economy**”* (NPS paragraph 2.1)

*“There is a critical need to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient **networks that better support social and economic activity**; and to provide a transport network that is capable of **stimulating and supporting economic growth**.”* (NPS, paragraph 2.2)

*“There is also a need for **development on the national networks to support national and local economic growth and regeneration**, particularly in the most disadvantaged areas. Improved and new transport links can **facilitate economic growth by bringing businesses closer to their workers, their markets and each other**. This can help rebalance the economy.”* (NPS, paragraph 2.6)

Conversely, it also states:

*“In their current state, **without development, the national networks will act as a constraint to sustainable economic growth**, quality of life and wider environmental objectives.”* (NPS, paragraph 2.9)

- 4.11 Therefore, Government’s clear view that there is a compelling need for growth and investment in the national road and rail networks, including SRFIs, is supported by further more detailed information and evidence regarding the drivers and components of need, as set out in the NPS. With reference specifically to the need for development of SRFIs, the NPS refers to rail freight becoming increasingly significant, and becoming “*an important driver of economic growth*” (NPS paragraph 2.42)

- 4.12 The key economic and transport benefits, as outlined in Chapters 3 (Socio Economic) and 12 (Transport) of the Environmental Statement, include:

- The Proposed Development will result in around 7,400 additional jobs once fully operational bringing additional (temporary) employment during

the construction period. The operational development would bring significant and positive economic effects at both the local and regional level, including wider economic effects on local and regional supply-chains and other business to business links;

- The Environmental Statement assessment indicates that the development would generate a contribution to Gross Value Added of some £348 million annually, and a total construction investment of around £400 million;
- The benefits of a substantially improved M1 Junction 15 which will improve journey reliability and safety with reduced congestion at this key junction, consistent with the 'vision and objectives' of the NPS; and.
- The transport improvements and benefits delivered will support delivery of already planned housing and population growth in and around Northampton as the single principal urban area within West Northamptonshire.

- 4.13 These economic benefits are of relevance to the national economy as well as the sub-regional and local economy, and are a key factor in the '*compelling need*' for a network of rail freight interchanges identified by Government in the NPS.
- 4.14 The 'Freight Network Study' (2016) by Network Rail identifies the amount of SRFI warehousing space needed to meet rail freight forecast (the same forecasts that are relied upon by the NPS), and refers to a need for 5.9 million sq.m of rail connected warehousing by 2023, 9.6 million sq.m by 2033, and 13.3 million sq.m by 2043. The approach is logical and rational – if rail freight is to grow as forecast there will need to be a significant increase in the number of SRFIs to enable and support its integration into supply chains and distribution networks.
- 4.15 The Government's clear expectation is that this floorspace will be delivered by the private sector as part of the continuing development of the UK's logistics and distribution sector. Furthermore, the NPS is clear about the economic growth imperative behind the national policy of enabling and encouraging more SRFIs as part of a national transport system which drives national economic growth.
- 4.16 The Market Analysis Report includes an analysis of the potential supply of SRFI's to meet these capacity forecasts. It concludes that supply will fall significantly short unless further SRFI's are planned and delivered. Given the time it takes to identify, plan, secure consent for and then deliver SRFI's, new SRFI's need to be brought forward now to secure the necessary infrastructure to meet requirements over the next 10-15 years. Even with the full delivery of

committed schemes, the total SRFI's floorspace in 2023 is likely to be around 3.7 million sq.m, only just over half the 5.9 million sq.m identified in the Freight Network Study as being required by 2023 and some considerable way short of the 9.6 million sq.m by 2033. Put in this context the figures are quite stark in revealing the extent of the requirement for additional SRFI's.

- 4.17 The '*compelling need*' for more SRFIs is presented in the context of international and national trends and market demands which are driving the increased requirement for movement of freight in general, and which create the opportunity to increase the role of rail in the UK distribution and logistics sector. Intermodal freight, together with the construction sector, now accounts for nearly 65% of all freight moved by rail. The amount of intermodal freight which comprises both traffic to and from ports and inland terminals, and movements between those inland terminals, has risen consistently - by 93% over the period from 1998-99 to April 2017. DfT and Network Rail expect intermodal traffic to continue to grow considerably over the next 30 years and at least double in volume again.
- 4.18 The key drivers of the growth in rail freight and the resulting need for SRFI's as recognised by Government and reinforced by the evidence presented in the Market Analysis Report, are:
- Rail freight volumes and flows are growing, and the market is changing. Total tonne kilometres are forecast to grow by 3% annually to 2043, with intermodal and port traffic representing a key element of that change;
 - Logistics and distribution activity supports economic development and productivity, and represents a key economic sector in its own right - estimates included in the NPS are that it contributes £1.5 billion per year to the UK's economy;
 - Road infrastructure is increasingly congested and unreliable, and forecast to get worse - each freight train can remove between 43 and 77 HGVs from the road (depending on the load);
 - There are environmental imperatives to be pursued and delivered, including regarding climate change and air quality - tonne for tonne, rail freight produces 70% less CO₂ than road freight, up to fifteen times lower NO_x emissions and nearly 90% lower PM₁₀ emissions.
- 4.19 The NPS does not identify specific sites or locations for SRFI's, anticipating that the identification, promotion and delivery of SRFI's will be market led. It does however identify locational and functional requirements or criteria which new SRFI's should meet. The NPS requires SRFI's to have good connectivity to both the road and rail network, in particular the Strategic Freight Network, and recognises that the number of locations suitable for SRFI's will be limited.

- 4.20 There are limited locations within the UK where SRFI's will be both capable of meeting the necessary criteria and be economically viable. Northampton Gateway provides excellent access to both the strategic road and rail network. It is also capable of meeting all of the SRFI requirements set out in the NPS as described in the Compliance Statement included in the Planning Statement at Appendix 1.
- 4.21 The Market Analysis Report describes the ways in which SRFI's function within the logistics supply chain notably the relationship with National and Regional Distribution Centres (NDCs and RDCs), and explains why Northampton is an important location in key logistics supply chain routes. Its location allows it to meet the needs of logistics operations requiring access to markets in major urban centres across the UK including London.
- 4.22 The Applicant has examined other sites upon which the need identified in the NPS and Market Analysis Report might be met. The Planning Statement and the Environmental Statement (Description of Development and Alternatives Chapter 2) explain that there are no known preferable or reasonable alternative sites upon which that need can be met.
- 4.23 Only two potential and relevant sites were identified. A site at Junction 13 of the M1 has been discounted due to landowner aspirations, location and environmental impact. (Planning Statement paragraphs 4.175 – 4.177).
- 4.24 A site across the Northampton Loop Line, known as Rail Central, which is anticipated to be the subject of an application for a DCO for a SRFI in due course, has been looked at in detail. The conclusion is that the development of that site would have greater adverse environmental impacts than the Northampton Gateway site and could not therefore be considered to be a preferable or reasonable alternative (see Paragraphs 4.178 to 4.192 and Appendix 4 to the Planning Statement).
- 4.25 With regard specifically to the need for the Roade Bypass, as explained in paragraph 2.41 of the Planning Statement, the bypass is required to help mitigate the impacts of development traffic, but would also deliver significant local transport and other environmental benefits. These are described in detail in Chapter 12 (Transport) of the Environmental Statement, but in addition to significant reductions in through-traffic in Roade, local residents would also see improved air quality, and reductions in noise through the village centre.
- 4.26 Options for the route of the Roade Bypass have been examined and were the subject of consultation, as set out in the Consultation Report (Document 6.1). Technical discussions with the Highways Authority and Transport Working Group were also held to help inform a decision about the most appropriate route. Details of the alternatives considered, and reasoning for the option

chosen are provided in the Transport Assessment (the Transport Assessment Environmental Statement Appendix 12.2).

5. Compliance with Guidance

5.1 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, and where they are addressed in this statement, are set out in the table below:

Guidance	Compliance
<p><i>i. That all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored;</i></p>	<p>The Applicant has considered all reasonable alternatives (see paragraphs 4.22 – 4.26 and Appendix 4 of Planning Statement and Chapter 2 and 12 of the Environmental Statement). 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.</p>
<p><i>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;</i></p>	<p>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.</p>
<p><i>iii. That the applicant has a clear idea of how they intend to use the land which it is proposed to acquire;</i></p>	<p>The table in Paragraph 3.31 of this Statement sets out clearly how each plot is to be used.</p>
<p><i>iv. That there is a reasonable prospect of the requisite funds</i></p>	<p>The Funding Statement sets out why there is a reasonable prospect</p>

Guidance	Compliance
<p><i>for acquisition becoming available; and</i></p>	<p>of the requisite funds for acquisition becoming available (Document 4.2)</p>
<p>v. <i>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.</i>³</p>	<p>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 “<i>peaceful enjoyment of possessions except in the public interest and subject to the conditions provided for by law</i>”.</p> <p>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.</p> <p>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 need for, and public benefits associated with, the proposed development are set out in the NPS in general and the Planning Statement, specifically as summarised in paragraphs 4.7 to 4.21 above.</p>

³ Paragraphs 8-10 CLG Guidance

Guidance	Compliance
	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.

6. Other Information of Interest to those affected by the DCO

- 6.1 Further information about the Application can be found on the Applicant's project website – www.northampton-gateway.co.uk.
- 6.2 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.