

SCHEDULES

SCHEDULE 2

Article 2(1) and 44

REQUIREMENTS

PART 1

REQUIREMENTS

Interpretation

1. In this Schedule unless the context requires otherwise—

“authorised buildings” means any buildings erected as part of the authorised development;

“component of the authorised development on the main site” means the components listed in requirement 3(1)(a) to (j) (components of development and phasing);

“construction and environmental management plan” means the document of that description contained in appendix 2.1 of the environmental statement;

“the design and access statement” means the document of that description referred to in Schedule 16 (certification of plans and documents) and certified by the Secretary of State as the design and access statement for the purposes of this Order;

“flood risk assessment” means the document of that description contained in appendix 7.1 of the environmental statement;

“framework site waste management strategy” means the document of that description in appendix 14.2 of the environmental statement;

“ecological mitigation works” means the relocation/translocation of hedgerows, grassland translocation and creation of an artificial badger sett;

“employment scheme” means a scheme for the provision of employment and training for those employed at the authorised development comprising—

- (a) details of how the initial employment opportunities at the authorised development will be advertised and how liaison with the relevant planning authorities and Northamptonshire County Council or any successor body will take place with the objective of maximising access to information about such employment opportunities for the local workforce and, in particular, unemployed persons;
- (b) details of how training opportunities will be provided for employees;
- (c) details of an apprenticeship scheme;
- (d) details of measures to be taken to provide college and/or work placement opportunities for students and unemployed persons within the locality;
- (e) other measures where appropriate (including but not limited to)—
 - (i) a recruitment/training programme for construction employees with a focus on the job centres in locations where employment deprivation has been identified;
 - (ii) provision of skills training; and

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(iii) preference to be given to procurement of local products and services where efficient, cost effective and lawful; and

(f) details of the reporting and monitoring of the above measures;

“Euro VI compliant” means compliant with the Euro VI emission standard for the vehicle in question contained in Regulation (EC) No 595/2009(1);

“HGV monitoring scheme” means a scheme dealing with the location, installation, operation and enforcement of the HGV monitoring system all as described in the transport assessment;

“HGV monitoring system” means a system of monitoring the number, and identity, of any HGV departing from the main site and travelling south along the A508 either by turning right out of the main site access or by turning left out of the main site access and using junction 15 of the M1 motorway to proceed around the roundabout and return along the A508 thus enabling the HGV to travel south along the A508;

“illustrative landscape plan (main site)” means the document of that description contained in chapter 4 of the environmental statement;

“landscape and ecological management plan” means the document of that description contained in appendix 5.12 of the environmental statement;

“lighting strategy” means the document of that description contained in appendix 11.3 of the environmental statement;

“main site built development and landscape surrounds proposed components and sequence plan” means the document of that description contained in chapter 2 of the environmental statement;

“main site phasing plan” means the document of that description contained in chapter 2 of the environmental statement;

“occupation” means occupation of the authorised buildings other than for the purpose of constructing, fitting out, commissioning or site security;

“Rail Central development” means the development of a rail freight interchange (as defined in section 26 (rail freight interchanges) of the 2008 Act) on land situated to the west of the Northampton Loop Line and to the north of the West Coast Main Line on the opposite side of the Northampton Loop Line to the authorised development;

“Rail Central footpath connections” means the connections of the footpaths leading from the Rail Central development to footpaths within the authorised development connecting at points A and B as shown on the Rail Central footpath connections plan or any alternative connections agreed between the undertaker (by which expression is meant the undertaker relating to the authorised development as defined in this Order) and the Rail Central undertaker, and approved by the relevant planning authority;

“Rail Central footpath connections plan” means the plan of that description referred to in Schedule 16 (certification of plans and documents) and certified by the Secretary of State as the Rail Central footpath connections plan for the purposes of this Order;

“Rail Central Order” means the order made by the Secretary of State under section 114(2) (grant or refusal of development consent) of the 2008 Act if development consent is granted for the Rail Central development pursuant to the application accepted for examination on 15th November 2018, including any amendment to that order; or any subsequent development consent order for the Rail Central development;

“Rail Central undertaker” means the undertaker as defined in the Rail Central Order (if made);

(1) OJ No. L 188, 18.7.2009, p. 1.

(2) Section 114 was amended by paragraph 55 of Schedule 13 to the Localism Act 2011 (c. 20).

“relevant body” means, in respect of each of the highway works, the body referred to in respect of each of those works in column (4) of the table in requirement 6 (design and phasing of highway works);

“relevant highway authorities” means both the local highway authority and Highways England;

“relevant planning authorities” means all the district planning authorities within whose administrative areas the Order limits lie;

“sustainable drainage statement” means the document of that description contained in appendix 7.3 of the environmental statement;

“sustainable drainage strategy” means the strategy for surface water drainage set out in the sustainable drainage statement;

“sustainability statement” means the document titled sustainability statement for planning contained in appendix 2.2 of the environmental statement;

“sustainable transport working group” means the group membership, duties and protocol of which is set out in Schedule 15; and

“water framework directive assessment” means the document of that description (document number NGW-BWB-EWE-XX-RP-YE-0004_S2_P2) contained in the statement of common ground dated 2nd November 2018 made between the Environment Agency and Roxhill (Junction 15) Ltd (examination library reference [REP1-015]).

Commencement Information

11 Sch. 2 Pt. 1 para. 1 in force at 30.10.2019, see [art. 1](#)

Time limit

2. The authorised development must commence within 5 years of the date on which this Order comes into force.

Commencement Information

12 Sch. 2 Pt. 1 para. 2 in force at 30.10.2019, see [art. 1](#)

Components of development and phasing

3.—(1) No component of the authorised development on the main site is to commence until details of the phasing of that component have been submitted to and approved in writing by the relevant planning authority (following consultation with Northampton Borough Council or any successor authority). The components for the purposes of this schedule are—

- (a) earthworks;
- (b) rail terminal and related infrastructure;
- (c) roads within the main site;
- (d) surface water and foul drainage;
- (e) development plots;
- (f) landscaping and ecological mitigation;
- (g) permanent advertisements in the locations identified as S1 and S2 on the parameters plan;
- (h) any temporary means of enclosure;

- (i) any temporary site notices or advertisements; and
- (j) services.

(2) The authorised development must be carried out in accordance with the approach to phasing set out on the main site phasing plan and the main site built development and landscape surrounds proposed components and sequence plan unless otherwise agreed in writing with the relevant planning authority.

[^{F1}(3) There is to be no occupation of any of the warehousing until the undertaker has completed the rail infrastructure within the area coloured pink on the rail infrastructure plan. On completion of the rail infrastructure, no more than 232,260 square metres of the warehousing is to be occupied (including any warehouse erected pursuant to the planning permission reference WNS/2021/1860/MAF, as amended) until both of the connections to the West Coast Main Line railway have been constructed and commissioned sufficient for the rail terminal to be operational.]

(4) Following the provision of the rail infrastructure, no rail infrastructure must be removed which would impede the ability of the rail terminal to handle four intermodal trains per day unless otherwise agreed in writing by the relevant planning authority.

Textual Amendments

F1 Sch. 2 Pt. 1 para. 3(3) substituted (7.4.2023) by [The Northampton Gateway Rail Freight Interchange \(Amendment\) Order 2023 \(S.I. 2023/418\)](#), arts. 1, **2(3)**

Commencement Information

I3 Sch. 2 Pt. 1 para. 3 in force at 30.10.2019, see [art. 1](#)

Sustainable transport

4.—(1) The provisions of the framework travel plan or any variation of such plan agreed by the transport working group must be complied with at all times following the commencement of the authorised development unless otherwise agreed in writing by the relevant planning authority.

(2) Prior to the occupation of each individual warehouse unit an occupier-specific travel plan is to be submitted to, and approved in writing by, the relevant planning authority. Each specific travel plan must be in accordance with the framework travel plan or any approved variation thereto pursuant to sub-paragraph (1) and must be complied with at all times following the occupation of the relevant warehouse unit to which it relates.

(3) The public transport strategy must be implemented and complied with at all times.

(4) Where in the framework travel plan or public transport strategy reference is made to employees in the context of sustainable transport measures then that reference must be construed as including all persons attending the authorised development as their usual place of work and is not to be confined solely to persons who are directly employed by an occupier of the authorised development.

(5) The undertaker must use reasonable endeavours to maximise the use of Euro VI compliant HGV and public transport vehicles in respect of—

- (a) any HGV fleets operated by occupiers of the warehouses which visit the warehouses; and
- (b) any public transport service provided pursuant to the public transport strategy and dedicated to serving the authorised development.

(6) Prior to the commencement of the construction of any warehousing, the undertaker must establish the sustainable transport working group to discharge the role of that group in relation to the provisions of the framework travel plan and public transport strategy in accordance with the

provisions of Schedule 15 (membership, role and protocol of the sustainable transport working group).

(7) The membership, role and protocol of the sustainable transport working group will be as set out in Schedule 15 and the group will be administered by the undertaker, and operated, in accordance with the provisions of Schedule 15.

(8) The sustainable transport working group is to continue its duties until the expiry of five years from full occupation of the authorised development unless otherwise agreed with the relevant planning authorities.

(9) Prior to the occupation of any warehouse, the HGV monitoring scheme (including the HGV monitoring system) must be approved in writing by the local highway authority. The monitoring system must be installed in accordance with the approved HGV monitoring scheme and must be operative prior to the occupation of any warehouse. Thereafter the HGV monitoring system must be kept in operation and in good working order at all times and any deficiencies in the operation of the system must be remedied as expeditiously as possible.

Commencement Information

I4 Sch. 2 Pt. 1 para. 4 in force at 30.10.2019, see [art. 1](#)

Design and phasing of highway works

5.—(1) The highway works must be carried out in accordance with details first submitted to and approved by the relevant body in accordance with the provisions of Parts 2 and 3 of Schedule 13 (protective provisions).

(2) The height of fencing along the Roade bypass (Works No. 13) is to be in accordance with Figure 8.6 of Chapter 8 of the environmental statement.

Commencement Information

I5 Sch. 2 Pt. 1 para. 5 in force at 30.10.2019, see [art. 1](#)

6. The undertaker must complete the highway works identified in column (1) of the table below by no later than the stage of the authorised development set out in column (3) of the table below or such alternative later stage or event as agreed by the relevant body identified in column (4).

(1) <i>Works as described in Schedule 1</i>	(2) <i>Description</i>	(3) <i>Stage of Development</i>	(4) <i>Relevant Body</i>
Works No. 7(1)	A508 dualling and main site access roundabout	To be completed prior to the occupation of first warehouse to be occupied	Local highway authority
Works No. 8(1), (2) and (3)	M1 Junction 15 improvements including A45	To be completed prior to the occupation of first warehouse to be occupied	Highways England
Works No. 9(1), (2) and (3)	Saxon Avenue, C67 Watering Lane and Collingtree Footpath	To be completed prior to the occupation of first warehouse to be occupied	Local highway authority

Changes to legislation: There are currently no known outstanding effects for the The Northampton Gateway Rail Freight Interchange Order 2019, SCHEDULE 2. (See end of Document for details)

(1) <i>Works as described in Schedule 1</i>	(2) <i>Description</i>	(3) <i>Stage of Development</i>	(4) <i>Relevant Body</i>
	Bridge (highway works)		
Works No. 11(1)	M1 Junction 15A improvements	Subject to requirement 31 to be completed prior to the opening to traffic of the A508 Road Bypass (Works No. 13)	Highways England
Works No. 11(2)	M1 Junction 15A improvements (A5123)	Subject to requirement 31 to be completed prior to the opening to traffic of the A508 Road Bypass (Works No. 13)	Local highway authority
Works No. 12(1)	A508 Blisworth Road junction improvement including footway improvements	To be completed prior to the opening to traffic of the A508 Road Bypass (Works No. 13)	Local highway authority
Works No. 13	A508 Road Bypass	To be completed within the earliest of— (i) 2 years of occupation of first warehouse to be occupied; or (ii) 4 years from the commencement of Works No. 8	Local highway authority
Works No. 14	A508/C26 Rookery Lane/ Ashton Road junction improvement	To be completed prior to the opening to traffic of the A508 Road Bypass (Works No. 13)	Local highway authority
Works No. 15	A508/C85 Pury Road junction improvement	To be completed prior to the opening to traffic of the A508 Road Bypass (Works No. 13)	Local highway authority
Works No. 16(1) and (2)	Knock Lane/Blisworth Road (Parish of Roade) improvements	To be completed prior to the opening to traffic of the A508 Road Bypass (Works No. 13)	Local highway authority
Works No. 17	A508 Grafton Regis improvements	To be completed prior to the opening to traffic of the A508 Road Bypass (Works No. 13)	Local highway authority

Commencement Information

I6 Sch. 2 Pt. 1 para. 6 in force at 30.10.2019, see [art. 1](#)

Commencement Information

I5 Sch. 2 Pt. 1 para. 5 in force at 30.10.2019, see [art. 1](#)

I6 Sch. 2 Pt. 1 para. 6 in force at 30.10.2019, see [art. 1](#)

Highway alternatives

7. The works described in Works No. 8(2)(b) and shown on Documents 2.4T and 2.4U are only to be constructed as an alternative to those described in Works No. 8(2)(a) and shown on Documents 2.4A and 2.4B in the event that—

- (a) the construction of that part of the M1 J13-16 Smart Motorway Project to be carried out within 1.5 kilometres of J15 (in a northerly and southerly direction) has not commenced and is not programmed to be commenced by Highways England by the expiry of a period of six months from the date upon which the undertaker wishes to commence Works No. 8; and
- (b) the undertaker so elects and serves notice of such election on Highways England, the local highway authority and the relevant planning authority.

Commencement Information

I7 Sch. 2 Pt. 1 para. 7 in force at 30.10.2019, see [art. 1](#)

Detailed design approval

8.—(1) The details of each component of the authorised development on the main site referred to in requirement 3 (components of development and phasing) must be in accordance with the parameters plan and the principles set out in the design and access statement. The design and access statement can be reviewed and updated by the undertaker in agreement, and in writing, with the relevant planning authority.

(2) No component of the authorised development on the main site (excluding archaeological investigation, ecological mitigation works and geotechnical or ground contamination investigation) is to commence until the details of that component have been submitted to and approved in writing by the relevant planning authority (following consultation with Northampton Borough Council or any successor authority). The details of each component must include details of the following where they are located within that component—

- (a) rail infrastructure and rail terminal (being Works No.1 and 2);
- (b) embankments and bunds;
- (c) hard landscaping, cycle tracks, footpaths and bridleways;
- (d) surface and foul drainage;
- (e) bicycle, motorcycle and vehicle parking (including (i) the location and quantum of electrical charging points which are to comprise a minimum of 5% of total car parking spaces with passive provision provided for a further 15% of the total car parking spaces and (ii) the location of car parking spaces for those car sharing which are to be at least 8% of the total car parking spaces);
- (f) built development design and layout (including external materials, sustainable energy measures and sprinkler systems in accordance with BSEN;12845:2004 unless otherwise agreed in writing with the relevant planning authority);
- (g) location and quantum of bin stores;
- (h) site levels and finished floor levels;
- (i) estate roads;

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- (j) weighbridges;
- (k) gatehouses;
- (l) height barrier at the entrance to the main site restricting HGV right turn movement (including operation and maintenance protocol);
- (m) in respect of the aggregates facility measures to provide for water suppression of stockpiles and wheel washing of vehicles;
- (n) permanent advertisements in the locations identified as S1 and S2 on the parameters plan;
- (o) any temporary means of enclosure;
- (p) any temporary site notices or advertisements;
- (q) fencing walls and other means of enclosure (including acoustic fencing) which must be a maximum height of 3 metres;
- (r) design of access points to public rights of way to deter any unauthorised use;
- (s) location of interpretation boards and litter bins;
- (t) substations; and
- (u) telecommunication masts.

Commencement Information

18 Sch. 2 Pt. 1 para. 8 in force at 30.10.2019, see [art. 1](#)

9. The details in requirement 8(2)(a) to (u) can be subject to alteration by approval in writing from the relevant planning authority. The authorised development must be carried out in accordance with the details as approved in writing by the relevant planning authority from time to time.

Commencement Information

19 Sch. 2 Pt. 1 para. 9 in force at 30.10.2019, see [art. 1](#)

Commencement Information

18 Sch. 2 Pt. 1 para. 8 in force at 30.10.2019, see [art. 1](#)

19 Sch. 2 Pt. 1 para. 9 in force at 30.10.2019, see [art. 1](#)

Provision of landscaping

10.—(1) No component of the authorised development on the main site which includes landscaping (excluding archaeological investigation, ecological mitigation works and geotechnical or ground contamination investigation) is to commence until a landscaping scheme for that component has been submitted to and approved in writing by the relevant planning authority (following consultation with Northampton Borough Council or any successor authority). The landscaping scheme must be carried out in accordance with the parameters plan and the landscape and ecological management plan and in accordance with the principles established in the illustrative landscape plan (main site) and must include details of all proposed soft landscaping works, including—

- (a) location, number, species, size, layout, method of trees’ support, plant protection measures and planting density of any proposed planting;
- (b) cultivation, importation of materials and other operations to ensure plant establishment;

- (c) details of existing trees to be retained, with measures for their protection during the construction period in accordance with British Standard 5837:2012, “Trees in relation to Design, Demolition and Construction Recommendations”, and to include a schedule of remedial tree works to be carried out in accordance with British Standard 3998:2010, “Tree Works Recommendations”, prior to construction commencing;
- (d) details of ecological mitigation; and
- (e) implementation timetable.

Commencement Information

I10 Sch. 2 Pt. 1 para. 10 in force at 30.10.2019, see [art. 1](#)

Landscape and ecological management plan

11.—(1) The authorised development must be carried out in accordance with the landscape and ecological management plan. The management plan may be subject to alteration by agreement in writing by the relevant planning authority.

(2) The ongoing management and maintenance of the green infrastructure (as described in the landscape and ecological management plan) following its completion must be agreed in writing with the relevant planning authority prior to the occupation of any warehouse, such management and maintenance must be in accordance with the principles set out in the landscape and ecological management plan and must be carried out as approved.

(3) Any ecological works carried out under the landscape and ecological management plan must be supervised by a suitably qualified person or body.

Commencement Information

I11 Sch. 2 Pt. 1 para. 11 in force at 30.10.2019, see [art. 1](#)

Construction environmental management plan

12.—(1) No part of the authorised development is to commence, including any preparatory earthworks or site levelling but excluding archaeological investigation, ecological mitigation works and geotechnical or ground contamination investigation, until a phase-specific construction environmental management plan (“P-CEMP”) for that part of the authorised development, drafted in accordance with the principles set out in the construction environmental management plan, and, insofar as on-site construction plant are concerned, having regard to the principles in “The Institute of Air Quality Management guidance on assessing dust emissions”, current from time to time, has been submitted to and approved in writing by the relevant planning authority (following consultation with Northampton Borough Council or any successor authority) or the relevant highway authority where the P-CEMP relates to the highway works.

(2) Each P-CEMP is to be reviewed and updated if necessary to address unacceptable impacts arising from construction works. Each P-CEMP (and revision) must be submitted by the undertaker for approval in writing by the relevant planning authority or the relevant highway authority where the P-CEMP (or revision) relates to the highway works. All construction works must be carried out in accordance with the relevant P-CEMP (as revised) as approved.

Commencement Information

I12 Sch. 2 Pt. 1 para. 12 in force at 30.10.2019, see [art. 1](#)

Earthworks

13. No component of the authorised development on the main site (excluding archaeological investigation, ecological mitigation works and geotechnical or ground contamination investigation) is to commence until details of—

- (a) an earthworks strategy including the management and protection of soils;
- (b) an earthworks specification;
- (c) cutting slopes and embankment design that would accord with the approved earthworks specification;
- (d) the extent of any material to be temporarily stored within the main site; and
- (e) any surplus material to be removed from the main site for disposal or material to be imported to the main site,

have been approved in advance and in writing by the relevant planning authority. The details can be subject to alteration with the approval in writing of the relevant planning authority. All earthworks must be carried out in accordance with the details as approved.

Commencement Information

I13 Sch. 2 Pt. 1 para. 13 in force at 30.10.2019, see [art. 1](#)

Archaeology and built heritage

14.—(1) No part of the authorised development is to commence (with the exception of Works No. 8(2)(a) and (b)) until the undertaker has commissioned a programme of further exploratory archaeological investigation to identify areas which should be excavated and archaeological remains recorded which has been submitted to and approved in writing by the relevant planning authority. The exploratory investigation must be carried out in accordance with the approved programme and must be timed so that the results can inform the scope of the further archaeological mitigation measures, referred to in sub-paragraph (2).

(2) No part of the authorised development is to commence until a programme of archaeological mitigation measures informed by the exploratory investigations referred to in sub-paragraph (1) and by earlier phases of investigation has been implemented in accordance with a written scheme of mitigation measures which has been approved in writing by the relevant planning authority. The written scheme of mitigation measures must include and make provision for the following elements—

- (a) mitigation fieldwork;
- (b) post-mitigation fieldwork and analysis;
- (c) reporting and dissemination of findings; and
- (d) preparation of site archive, arrangements for deposition and sustainable management at a store approved in writing by the relevant planning authority.

(3) The approved mitigation measures must be carried out in accordance with the written scheme of mitigation measures.

(4) No part of the authorised development on the main site (including demolition works) is to commence until a full Level 2 record of the buildings on the main site to be demolished has been undertaken. The record must be carried out in accordance with a written specification first agreed with the relevant planning authority and prepared by a competent building recorder in accordance with Historic England Understanding Historic Buildings, A Guide to Good Recording Practice, 2016 (as amended from time to time) and must be submitted to the relevant planning authority prior to the commencement of any part of the authorised development on the main site.

Commencement Information

I14 Sch. 2 Pt. 1 para. 14 in force at 30.10.2019, see [art. 1](#)

Lighting details

15.—(1) Prior to the commencement of each component of the authorised development on the main site which includes permanent lighting, details of the proposed permanent external lighting in that component must be submitted to and approved in writing by the relevant planning authority (following consultation with Northampton Borough Council or any successor authority). The lighting details must accord with the principles established in the lighting strategy.

(2) The approved lighting scheme must be implemented and maintained as approved in writing by the relevant planning authority during operation of the authorised development and no external lighting other than that approved under this requirement may be installed. The details can be subject to alteration with the approval in writing of the relevant planning authority.

(3) The details submitted under this requirement must include details of any lighting on any gantry cranes included in the component concerned.

Commencement Information

I15 Sch. 2 Pt. 1 para. 15 in force at 30.10.2019, see [art. 1](#)

Building sustainability

16.—(1) No construction of a warehouse must start until a BREEAM Pre-Assessment Report based upon the BREEAM 2018 method (or equivalent) has been submitted to and approved in writing by the relevant planning authority demonstrating that the warehouse concerned is expected to achieve at least a BREEAM 2018 “Very Good” rating (BREEAM Industrial 2008 “Excellent”).

(2) The construction of each of the warehouses must be carried out in accordance with the details in the BREEAM Pre-Assessment Report (or equivalent) for that warehouse and a certificate must be provided to the relevant planning authority within three months of completion or occupation (whichever is the sooner) of each warehouse confirming that the measures in respect of that warehouse committed to within the Pre-Assessment Report have been implemented.

(3) The authorised development must comply with the principles set out in the sustainability statement.

Commencement Information

I16 Sch. 2 Pt. 1 para. 16 in force at 30.10.2019, see [art. 1](#)

Flood risk and surface water drainage

17. The authorised development must be carried out in accordance with the mitigation measures detailed within the flood risk assessment and the water framework directive assessment, or be carried out in accordance with any variation to these measures agreed in writing with the Environment Agency, the lead local flood authority or the approving body under Schedule 3 (sustainable drainage) to the Flood and Water Management Act 2010⁽³⁾, whichever of these is the body having jurisdiction over the watercourse in question.

Commencement Information

I17 Sch. 2 Pt. 1 para. 17 in force at 30.10.2019, see [art. 1](#)

18.—(1) No component of the authorised development on the main site (excluding archaeological investigation, ecological mitigation works and geotechnical or ground contamination investigation) must commence until a surface water drainage scheme for that component based on sustainable drainage principles has been submitted to and approved in writing by the lead local flood authority. The scheme must be in accordance with the sustainable drainage statement and must be informed by additional infiltration testing in accordance with BRE standard 365 “Soakaway design”, the extent of which is to be approved in advance by the lead local flood authority, the aim of which is to identify the maximum extent of reliance upon infiltration in accordance with the drainage hierarchy set out in the sustainable drainage strategy.

(2) The surface water drainage scheme must be implemented in accordance with the details approved by the lead local flood authority or in accordance with any variations to those details agreed in writing by the lead local flood authority.

Commencement Information

I18 Sch. 2 Pt. 1 para. 18 in force at 30.10.2019, see [art. 1](#)

Commencement Information

I17 Sch. 2 Pt. 1 para. 17 in force at 30.10.2019, see [art. 1](#)

I18 Sch. 2 Pt. 1 para. 18 in force at 30.10.2019, see [art. 1](#)

Flood Risk

19. Any element of the authorised development which directly affects any floodplain must not be commenced until such time as a floodplain compensation scheme has been submitted to and approved in writing by the relevant planning authority. The scheme must accord with the principles established in the flood compensation measures set out in the flood risk assessment. Except for the floodplain compensation scheme itself, no above-ground part of the authorised development in any floodplain may be commenced until the relevant compensation scheme has been implemented in full. The scheme must be fully implemented and subsequently maintained in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing by the relevant planning authority.

(3) 2010 c. 29.

Commencement Information

I19 Sch. 2 Pt. 1 para. 19 in force at 30.10.2019, see [art. 1](#)

Foul water drainage

20.—(1) Prior to the commencement of the authorised development on the main site, excluding earthworks, archaeological investigation or ecological mitigation works, a foul water drainage strategy must be submitted to and approved in writing by the relevant planning authority. Except where it is constructed in accordance with the approved foul water drainage strategy, no component of the authorised development is to commence until written details of the foul water drainage system for that component have been submitted to and approved in writing by the relevant planning authority. Such details must be implemented as approved by the relevant planning authority.

(2) Works No. 10 must be completed prior to the occupation of the first warehouse to be occupied.

Commencement Information

I20 Sch. 2 Pt. 1 para. 20 in force at 30.10.2019, see [art. 1](#)

Construction hours

21.—(1) Subject to sub-paragraph (2), construction and demolition works on the main site (which for the purposes of this requirement excludes archaeological investigations and any non-intrusive internal fit-out works but does include start up and shut down and deliveries) must not take place other than between 07:00 and 19:00 hours on weekdays and 07:00 and 16:00 hours on Saturdays and not at all on Sundays nor on public holidays, unless otherwise agreed in writing by the relevant planning authority. Outside the above periods the following working is permitted—

- (a) pre-planned construction works to highway or rail infrastructure requiring possessions where first notified to the relevant planning authority and local residents;
- (b) emergency works; and
- (c) works which do not give rise to noise or vibration which cause an adverse impact at the boundary of the main site.

(2) Regardless of sub-paragraph (1), no piling operations are to take place before 08:00 and after 18:00 hours on weekdays or before 08:00 and after 13:00 on Saturdays, and not at all on Sundays nor on public holidays, unless otherwise agreed in writing by the relevant planning authority.

(3) Any emergency works carried out under sub-paragraph (1)(b) must be notified to the relevant planning authority within 72 hours of their commencement.

Commencement Information

I21 Sch. 2 Pt. 1 para. 21 in force at 30.10.2019, see [art. 1](#)

Construction noise

22. The management of construction noise must be carried out in accordance with the relevant phase-specific construction environmental management plan. If required by the relevant planning

authority, consents under section 61 of the Control of Pollution Act 1974⁽⁴⁾ are to be sought for the works or specific phases of the works.

Commencement Information

I22 Sch. 2 Pt. 1 para. 22 in force at 30.10.2019, see [art. 1](#)

Noise during the operational phase

23.—(1) Prior to installation, details of all mechanical and ventilation plant and any other noise-making machinery, or mobile plant (including HGV chiller units) that is intended to be used on any of the warehouses or other buildings within the main site, must be submitted to and approved in writing by the relevant planning authority. This will include an assessment of the expected noise impact at relevant receptors using a methodology first approved in writing by the relevant planning authority. The assessment will consider noise from the proposed plant and machinery to demonstrate compliance with government and local policy on noise. Any fixed plant or ventilation equipment must be installed and operated in accordance with manufacturers' instructions at all times.

(2) The undertaker must during the course of 2032 carry out a scheme of monitoring of the operational railway noise arising from the use of the authorised development. The scheme of monitoring must first be approved by the relevant planning authority and be designed to establish whether there is a significant adverse effect (as defined in paragraph 8.3.32 of Chapter 8 of the environmental statement) at any residential property arising from night-time maximum levels. In the event of there being significant adverse effects as a result of the use of the authorised development the undertaker must agree with the relevant planning authority a noise insulation scheme for the properties concerned, based on the principles of the 1996 Regulations, and must implement the agreed scheme in accordance with a timetable agreed with the relevant planning authority.

(3) In the event that between 2032 and 2042 there is an increase in the number of train movements at night arising from the use of the authorised development the undertaker must during the course of 2042 carry out a scheme of monitoring of the operational railway noise arising from the use of the authorised development. The scheme of monitoring must first be approved by the relevant planning authority and be designed to establish whether there is a significant adverse effect (as defined in paragraph 8.3.32 of chapter 8 of the environmental statement) at any residential property arising from night-time maximum levels. In the event of there being significant adverse effects as a result of the use of the authorised development the undertaker must agree with the relevant planning authority a noise insulation scheme for the properties concerned, based on the principles of the 1996 Regulations, and must implement the agreed scheme in accordance with a timetable agreed with the relevant planning authority.

Commencement Information

I23 Sch. 2 Pt. 1 para. 23 in force at 30.10.2019, see [art. 1](#)

Monitoring of complaints

24. In the event that complaints regarding alleged noise nuisance are received by the relevant planning authority during the construction and operational phase, the undertaker must, unless otherwise agreed in writing with the relevant planning authority, at its own expense, employ a consultant approved by the relevant planning authority to carry out an assessment of the noise which is the subject of the complaint. The assessment must be carried out according to an appropriate

(4) 1974 c 40.

methodology agreed with the relevant planning authority and the results of the assessment must be submitted to the relevant planning authority within 28 days of the assessment being completed. If it is found that the effect of noise from the authorised development is greater than was anticipated, recommendations for appropriate remedial measures must be made.

Commencement Information

I24 Sch. 2 Pt. 1 para. 24 in force at 30.10.2019, see [art. 1](#)

Contamination risk

25.—(1) None of the authorised development is to commence on any specifically identified localised areas of land within the Order limits potentially affected by contamination as identified within the desk study contained within chapter 6 of the environmental statement until further investigations and a risk based land contamination assessment (geo-environmental interpretative report) has been undertaken in line with the recommendations made within the desk study for that localised area of the Order limits and this has been submitted to and approved in writing by the relevant planning authority. The risk based land contamination assessment must be carried out in accordance with the Environment Agency’s Land Contamination: Risk Management manual (“the LCRM”).

(2) Should any unacceptable risks be identified in the risk based land contamination assessment, a remediation strategy scheme also detailing a proposed verification works plan must be prepared and submitted to and agreed in writing by the relevant planning authority. The remedial scheme must be prepared in accordance with the requirements of the LCRM. The verification plan must be prepared in accordance with the requirements of—

- (a) Evidence Report on the Verification of Remediation of Land Contamination Report SC030114/R1, published by the Environment Agency 2010; and
- (b) the LCRM.

(3) If, during the course of construction, previously unidentified contamination is discovered, construction must cease on that localised area of land within the Order limits and the contamination must be reported in writing to the relevant planning authority within 10 working days. Prior to the recommencement of construction on that localised area of land within the Order limits, suitable investigation and risk based land contamination assessment for the discovered contamination (to include any required amendments to the remedial scheme and verification plan) must be submitted to and approved in writing by the relevant planning authority. The authorised development must then be implemented in accordance with the details approved by the relevant planning authority and, unless otherwise agreed in writing by the relevant planning authority, retained as such in perpetuity.

Commencement Information

I25 Sch. 2 Pt. 1 para. 25 in force at 30.10.2019, see [art. 1](#)

26.—(1) Prior to the use of any part of the completed authorised development—

- (a) if no remediation scheme or verification was required under requirement 25 (contamination risk) a statement from the undertaker, or their approved agent, must be provided to the relevant planning authority, stating that no previously unidentified contamination was discovered during the course of construction of that part of the completed authorised development; or

- (b) if a remediation scheme and verification plan were agreed under requirement 25 for the relevant part of the completed authorised development, a verification investigation must be undertaken in line with the agreed verification plan for any works outlined in the remedial scheme and a report showing the findings of the verification investigation relevant to that part of the authorised development must be submitted to and approved in writing by the relevant planning authority.
- (2) The verification investigation report must—
- (a) contain a full description of the works undertaken in accordance with the agreed remedial scheme and verification plan;
 - (b) contain results of any additional monitoring or testing carried out between the submission of the remedial scheme and the completion of remediation works;
 - (c) contain movement permits for all materials taken to and from the land within the Order limits and a copy of the completed site waste management plan if one was required;
 - (d) contain test certificates of imported material to show that it is suitable for its proposed use;
 - (e) demonstrate the effectiveness of the approved remedial scheme; and
 - (f) include a statement signed by the undertaker, or the approved agent, confirming that all the works specified in the remedial scheme have been completed.

Commencement Information

I26 Sch. 2 Pt. 1 para. 26 in force at 30.10.2019, see [art. 1](#)

Commencement Information

I25 Sch. 2 Pt. 1 para. 25 in force at 30.10.2019, see [art. 1](#)

I26 Sch. 2 Pt. 1 para. 26 in force at 30.10.2019, see [art. 1](#)

Waste management during the operational phase

27. No component of the authorised development on the main site may be brought into use until a scheme for waste management for that component has been submitted to and approved in writing by the relevant planning authority. The scheme, which must be in accordance with the framework site waste management strategy, may be amended by agreement with the relevant planning authority. The approved schemes must be implemented and maintained for the duration of the operation of that component of the authorised development.

Commencement Information

I27 Sch. 2 Pt. 1 para. 27 in force at 30.10.2019, see [art. 1](#)

Employment

28.—(1) Prior to the commencement of the construction of any part of the authorised development an employment scheme in respect of employees to be involved in the construction of that part of the authorised development must be submitted to and approved in writing by the relevant planning authority.

(2) Prior to the occupation of the first warehouse to be occupied, and any subsequent change in occupation of any warehouse, an employment scheme, in respect of employees to be employed in that warehouse, must be submitted to and approved in writing by the relevant planning authority.

(3) The approved employment schemes in respect of employees to be involved in construction of the authorised development and in each warehouse must be implemented and complied with at all times.

Commencement Information

I28 Sch. 2 Pt. 1 para. 28 in force at 30.10.2019, see [art. 1](#)

Community liaison group

29.—(1) Prior to the commencement of the authorised development the undertaker must establish a community liaison group to facilitate liaison between various bodies in relation to the construction and operation of the authorised development.

(2) The following parties must be provided with the opportunity to participate in the community liaison group—

- (a) the undertaker;
- (b) the relevant planning authorities;
- (c) the relevant highway authorities;
- (d) representatives from Roade Parish Council, Blisworth Parish Council, Milton Malsor Parish Council and Collingtree Parish Council; and
- (e) any other stakeholder that the relevant planning authorities wish to be included.

(3) The community liaison group must be administered by the undertaker, and operated, in accordance with a protocol agreed with the relevant planning authorities prior to the commencement of the authorised development.

(4) The community liaison group is to continue to meet until the expiry of five years from full occupation of the authorised development unless otherwise agreed with the relevant planning authorities.

Commencement Information

I29 Sch. 2 Pt. 1 para. 29 in force at 30.10.2019, see [art. 1](#)

Rail Central

30. Upon the coming into force of the Rail Central Order, the undertaker must allow the Rail Central footpath connections to be made by the Rail Central undertaker in conjunction with the carrying out of the Rail Central development in accordance with a timetable agreed with the relevant planning authority in consultation with the Rail Central undertaker, the objective of such timetable to be to allow the timely provision of the Rail Central footpath connections consistent with the minimisation of any disruption to the construction or operation of the authorised development or development authorised by the Rail Central Order.

Commencement Information

I30 Sch. 2 Pt. 1 para. 30 in force at 30.10.2019, see [art. 1](#)

31. The undertaker must give Highways England and the local highway authority nine months' prior notice in writing of the commencement of Works No. 11 and if within the period of three months following the service of that notice Highways England and the local highway authority both notify the undertaker that Works No. 11 is not to be carried out due to the works authorised by the Rail Central Order being considered sufficient by Highways England and the local highway authority to mitigate the impacts of both the Rail Central development and the authorised development then there will thereafter be no requirement to carry out the works comprising Works No. 11 and the entries in respect of Works No. 11 in the table in requirement 6 (design and phasing of highway works) will no longer have effect.

Commencement Information

I31 Sch. 2 Pt. 1 para. 31 in force at 30.10.2019, see [art. 1](#)

32. If the Rail Central Order comes into force prior to the approval of the details of works comprised in Works No. 1(1)(d) under requirement 8 (detailed design approval), the relevant planning authority, after consultation with Network Rail, will only approve the details if satisfied that the works are compatible with the Rail Central development (meaning that the works do not prevent the construction of a new railway line from the Rail Central development to connect with the existing Northampton Loop railway line).

Commencement Information

I32 Sch. 2 Pt. 1 para. 32 in force at 30.10.2019, see [art. 1](#)

Commencement Information

I30 Sch. 2 Pt. 1 para. 30 in force at 30.10.2019, see [art. 1](#)

I31 Sch. 2 Pt. 1 para. 31 in force at 30.10.2019, see [art. 1](#)

I32 Sch. 2 Pt. 1 para. 32 in force at 30.10.2019, see [art. 1](#)

Article 44

PART 2

PROCEDURE FOR APPROVALS ETC. UNDER REQUIREMENTS

Applications made for certain approvals

1.—(1) Where an application has been made to a discharging authority for any consent, agreement or approval required or contemplated under the requirements the discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.

(2) For the purposes of sub-paragraph (1), the decision period is—

- (a) where no further information is requested under paragraph 2 of this Part of this Schedule, eight weeks from the day immediately following that on which the application is received by the discharging authority;
- (b) where further information is requested under paragraph 2 of this Part of this Schedule, eight weeks from the day immediately following that on which the further information has been supplied by the undertaker under paragraph 2; or

- (c) such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in paragraph (a) or (b).

Commencement Information

I33 Sch. 2 Pt. 2 para. 1 in force at 30.10.2019, see [art. 1](#)

Further information

2.—(1) In relation to any application to which this Schedule applies, the discharging authority has the right to request such further information from the undertaker as is necessary to enable it to consider the application.

(2) If the discharging authority considers such further information to be necessary it must, within 20 working days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the discharging authority does not give such notification as specified in sub-paragraph (2) it is to be deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

Commencement Information

I34 Sch. 2 Pt. 2 para. 2 in force at 30.10.2019, see [art. 1](#)

Fees

3.—(1) Where an application is made to the discharging authority for written consent, agreement or approval in respect of a requirement, a fee calculated in accordance with the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012⁽⁵⁾, as though the application were a reserved matter application, is to be paid to that authority.

(2) Any fee paid under this Schedule must be refunded to the undertaker within 42 days of—

- (a) the application being rejected as invalidly made; or
- (b) the discharging authority failing to determine the application within the decision period as determined under paragraph 1 of this Part of this Schedule, unless within that period the undertaker agrees, in writing, that the fee is to be retained by the discharging authority and credited in respect of a future application.

Commencement Information

I35 Sch. 2 Pt. 2 para. 3 in force at 30.10.2019, see [art. 1](#)

Appeals

4.—(1) The undertaker may appeal in the event that—

- (a) the discharging authority refuses an application for any consent, agreement or approval required or contemplated under the requirements, or grants it subject to conditions;

(5) [S.I. 2012/2920](#), as amended by [S.I. 2013/2153](#), [S.I. 2014/357](#), [S.I. 2014/2026](#), [S.I. 2015/643](#) and [S.I. 2017/1314](#).

Changes to legislation: There are currently no known outstanding effects for the The Northampton Gateway Rail Freight Interchange Order 2019, SCHEDULE 2. (See end of Document for details)

- (b) the discharging authority does not give notice of its decision to the undertaker within the decision period specified in paragraph 1 of this Part of this Schedule;
 - (c) on receipt of a request for further information under paragraph 2 of this Part of this Schedule the undertaker considers that either the whole or part of the specified information requested by the discharging authority is not necessary for consideration of the application; or
 - (d) on receipt of any further information requested, the discharging authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.
- (2) The appeal process is as follows—
- (a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision or determination, or (where no determination has been made) expiry of the decision period as determined under paragraph 1 of this Part of this Schedule;
 - (b) the undertaker must submit the appeal documentation to the Secretary of State and must within 7 working days provide copies of the appeal documentation to the discharging authority and the requirement consultees;
 - (c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to determine the appeal (“the appointed person”)(6) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person’s attention should be sent;
 - (d) the discharging authority and the requirement consultees must submit written representations to the appointed person in respect of the appeal within 20 working days of the date on which the appeal parties are notified of the appointment of a person under paragraph (c) and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;
 - (e) the appeal parties are to make any counter-submissions to the appointed person within 20 working days of receipt of written representations under paragraph (d)
- (3) The appointed person must make a decision and notify it to the appeal parties, with reasons, as soon as reasonably practicable.
- (4) The appointment of the person pursuant to paragraph (c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.
- (5) If the appointed person considers that further information is necessary to enable consideration of the appeal the appointed person must, as soon as practicable, notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted.
- (6) Any further information required under sub-paragraph (5) is to be provided by the party from whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person. Any written representations concerning matters contained in the further information must be submitted to the appointed person, and made available to all appeal parties within 10 working days of that date.
- (7) On an appeal under this paragraph, the appointed person must—
- (a) allow or dismiss the appeal; or
 - (b) reverse or vary any part of the decision of the discharging authority (whether the appeal relates to that part of it or not),
- and may deal with the application as if it had been made to the appointed person in the first instance.

(6) The appointment is made at the discretion of the Secretary of State, and such appointment may be made by the Planning Inspectorate on behalf of the Secretary of State.

(8) The appointed person must proceed to a decision on an appeal taking into account only such written representations as have been sent within the prescribed time limits, or time limits set by the appointed person under this paragraph.

(9) The appointed person must proceed to a decision even though no written representations have been made within the prescribed time limits.

(10) The decision of the appointed person on an appeal is to be final and binding on the appeal parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(11) If an approval is given by the appointed person under this Schedule, it is deemed to be an approval for the purpose of any consent, agreement or approval required under the requirement as if it had been given by the discharging authority. The discharging authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) is not to be taken to affect or invalidate the effect of the appointed person's determination.

(12) Except where a direction is given under sub-paragraph (13) requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person are to be met by the undertaker(7).

(13) On application by the discharging authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the Planning Practice Guidance published by the Department for Communities and Local Government on 6th March 2014 or any circular or guidance which may from time to time replace it.

Commencement Information

I36 Sch. 2 Pt. 2 para. 4 in force at 30.10.2019, see [art. 1](#)

Interpretation of Part 2 of Schedule 2

5. In this Part of this Schedule—

“appeal documentation” means the application submitted to the discharging authority, any further information submitted under paragraph 2 of this Part of this Schedule and any notice of a decision to refuse;

“appeal parties” means the discharging authority, the undertaker and any requirement consultees;

“discharging authority” means the authority from whom a consent, approval or agreement is required or requested by the undertaker under the requirement concerned;

“requirement consultee” means any body named in a requirement which is the subject of an appeal as a body to be consulted by the discharging authority in discharging that requirement; and

“working day” means a day other than Saturday or Sunday, Christmas Day, Good Friday or a bank holiday in England and Wales under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971(8).

(7) The costs of the appointed person are calculated based on the applicable day rate for a Single Inspector as if he or she were appointed under sections 78 and 79 of the 2008 Act. See the National Infrastructure Planning website for more information: <https://infrastructure.planninginspectorate.gov.uk/application-process/application-fees/>

(8) 1971 c. 80.

Changes to legislation: There are currently no known outstanding effects for the The Northampton Gateway Rail Freight Interchange Order 2019, SCHEDULE 2. (See end of Document for details)

Commencement Information

I37 Sch. 2 Pt. 2 para. 5 in force at 30.10.2019, see [art. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Northampton Gateway Rail Freight Interchange Order 2019, SCHEDULE 2.