

This form has two parts:

Part A – contact details

Part B – your representation

Please fill in a separate sheet for each representation you wish to make.

Ref:

(for official use  
only)

### Part A

1. Personal Details*		2. Agent's Details (if applicable)
<i>* If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in column 2.</i>		
<b>Title</b>	<b>Mr</b>	<b>Mrs</b>
<b>First name</b>	<b>Robin</b>	<b>Caroline</b>
<b>Last name</b>	<b>Woodbridge</b>	<b>Musker</b>
<b>Job title (where relevant)</b>	<b>Senior Vice President – Head of Midlands and North Markets</b>	<b>Planning Director</b>
<b>Organisation (where relevant)</b>	<b>Prologis</b>	<b>Lichfields</b>
<b>Address line 1</b>	<b>Prologis House</b>	<b>Ship Canal House</b>
<b>Line 2</b>	<b>Blyth Gate</b>	<b>98 King Street</b>
<b>Line 3</b>	<b>Blythe Valley Park</b>	
<b>City/Town</b>	<b>Solihull</b>	<b>Manchester</b>
<b>County</b>		
<b>Postcode</b>	<b>B90 8AH</b>	<b>M2 4WU</b>
<b>Telephone number</b>	<b>0121 224 8700</b>	<b>0161 837 6130</b>
<b>Email (if provided we will always contact you this way)</b>	<b>rwoodbridge@prologis.com</b>	<b>caroline.musker@lichfields.uk</b>

## Part B: Please use a separate sheet for each representation

Please note all comments will be made publically available. If you do not have sufficient space in the box please continue on a separate sheet or expand the box.

3. To which part of the Local Plan does this representation relate?	Paragraph number	Policy number	Policies Maps
	7.4.02	EC10	

4. Do you consider the Local Plan is: (please tick in the box below as appropriate and then provide details in the space below)				
4. (1) Legally compliant?	Yes	Yes	No	
4. (2) Compliant with the Duty to co-operate?	Yes	Yes	No	
4. (3) Sound?	Yes		No	No
<p><b>4 (1) Please give details of why you consider the Local Plan is not legally compliant, be as precise as possible.</b></p> <p>Prologis and RRSLP considers the Plan to be legally compliant, and in accordance with the Duty to Cooperate Background Paper (July 2018).</p> <p><b>4 (2) Please give details of why you consider the Local Plan does not comply with the duty to co-operate, be as precise as possible.</b></p> <p>Following discussions with DDC's Officers, we understand that it is the Council's intention for the Plan to be submitted in November 2018. Annex 1 of the NPPF2 (2018) [§214] sets out that policies in the Framework (2012) will apply for the purposes of examining plans, where those plans are submitted on, or before the 24<sup>th</sup> January 2019. Accordingly, these representations are made in the context of the Framework (2012) and the associated soundness tests.</p> <p>The Framework [§178] states public bodies have a duty to cooperate on issues that cross administrative boundaries, particularly those which relate to the strategic priorities. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.</p> <p>The Practice Guidance goes on to state [Paragraph: 001 Reference ID: 9-001-20140306] "that the Localism Act 2011, places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters... The duty to cooperate is not a duty to agree. But local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination".</p> <p>Prologis and RRSLP supports Daventry District Council's [DDC] efforts in the duty to cooperate. It considers that the Plan, plans positively for the future of the borough and addresses the economic need for the area. The allocation of DIRFT in the Part 2 Plan acknowledges the strategic importance of this site to Daventry as well as its national importance being a Nationally Significant Infrastructure Project.</p> <p>It is considered that the Plan reflects the findings of the Duty to Cooperate Background Paper (July 2018),</p>				

and has been positively prepared in the context of the Framework [§182].

(continue on a separate sheet/expand box if necessary)

**4 (3) Please give details of why you consider the Local Plan is not sound, referring to the tests of soundness as appropriate, be as precise as possible.**

Prologis and RRSLP support the identification of DIRFT in the Plan in the context of the Framework [[§7, §14, §18, §19, §20 and §162] on the premise that it is a strategic development of national importance. It is therefore appropriate for it to be an advanced draft allocation within the Plan on account of its scale and its importance to the economy.

However, whilst Prologis and RRSLP supports the Part 2 Plan, and consider that is generally legally compliant and in accordance with the Duty to Cooperate, they have concerns regarding the soundness of draft Policy EC10 (Daventry International Rail Freight Terminal), and whether it is effectively worded.

Prologis and RRSLP wishes to object to Policy EC10 Part (A) which states that the proposals for strategic B8 uses will be supported. The wording of Policy EC10 is overly restrictive and could confine development within DIRFT to strategic B8 uses. Part (B) of the Policy attempts to exercise a degree of flexibility by stating that alternative employment generating uses within DIRFT will be supported where they are able to demonstrate that they are required for the role and performance of the area. The reasoned justification [§7.4.02] supports the provision of small convenience retail, hotel accommodation and restaurants]. To ensure that Policy EC10 robustly reflects the Daventry International Rail Freight Interchange Order 2014, and the authorised development, the wording needs to be modified to enable B2/B8 and ancillary B1 uses.

In this regard, Part (B) of the Policy conflicts with the provisions of the Framework [§154] which requires policies included in the plan to be clearly written and unambiguous.

Prologis and RRSLP consider that Policy EC10 fails to meet the following test of soundness because:

1. Effective: As worded the Policy restricts development at DIRFT to B8 uses which is not reflective of the Daventry International Rail Freight Interchange Alteration 2014 and the authorised development. This is unduly onerous and will impact on the deliverability of development.
2. Consistent with National Policy: As worded, Part (B) of the Policy is unclear in its reference to employment generating uses. Clarification is required as to whether this encompasses traditional Use Class B development, or commercial development which is employment generating.

(continue on a separate sheet/expand box if necessary)

**5. Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the matter you have identified at part 4(1) or 4(3) above where this relates to soundness. (NB Please note that any non-compliance with the duty to cooperate is incapable of modification at examination). You will need to say why this modification will make the Local Plan legally compliant or sound.**

**It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.**

To address the conflicts identified above and ensure that Policy EC10 is sound, it is requested that DDC amends the wording of the Policy and reasoned justification to the following:

[§7.4.02] *“Due to its location on the rail network and operation as a rail freight terminal of international significance, it is important that the site is retained for strategic B2/ B8 and ancillary office uses, i.e. those over 10,000sqm. However, it is acknowledged that other alternative employment generating uses can*

support the role and performance of this employment area as an international rail freight terminal. This includes uses such as small convenience retail, hotel accommodation and restaurants. **Opportunities for recreation space ancillary to the use of the wider development will be considered.** This policy applies to the full extent of DIRFT as shown on the policies map under policy EC10.”

“A. Proposals for strategic **B2 / B8 and ancillary B1** uses will be supported.

B. Alternative employment generating uses within DIRFT will be supported where they are able to demonstrate that they are required to support the role and performance of the employment area as an International Rail Freight Terminal.”

C. Lilbourne meadows will be protected as a nature reserve, the extent of which is defined by the Development Consent Order masterplan.

D. For proposals within DIRFT 3, development will **broadly** reflect that of the Development Consent Order masterplan.”

(Continue on a separate sheet/expand box if necessary)

**Please note** your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

**After this stage, further submissions will be only at the request of the Inspector, based on the matter and issues he/she identifies for examination.**

6. If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? (please tick as appropriate)			
No, I do not wish to participate at the oral examination		Yes, I wish to participate at the oral examination	Yes

<b>7. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary.</b>
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On behalf of Prologis and RRSLP, Lichfields request that it attends and partakes in the Examination in Public [EiP] of the Plan. This is on account of the issues raised above regarding the soundness of Policy EC10. It is important that these matters are addressed to ensure that Policy EC10 is effective, and compliant with National Policy and reflects the Daventry International Rail Freight Interchange Alteration 2014 and the authorised development.

DIRFT is a strategic development, of national importance which contributes significantly to the local economy. Whilst Prologis and RRSLP supports the identification of DIRFT as a draft allocation, it is important that the associated Policy is reflective of the consent in the DCO.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

<b>8. Please tick the box if you wish to be notified of further progress of the Local Plan.</b>	Yes
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<b>9. Signature</b>	Poppy Hilton	<b>Date</b>	28/09/18
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**Thank you for taking the time to complete the form.  
Please return it to the Local Strategy Service at Daventry District Council  
by 4.30pm on Friday 5<sup>th</sup> October 2018.  
Responses received after this time will not be accepted.**