

Bart Bartkowiak  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Sent by way of email

Dear Bart,

**Planning Act 2008 (as amended) – Section 55**

**Application by Tritax Symmetry (Hinckley) Limited for an Order Granting Development Consent for the Hinckley National Rail Freight Interchange (HNRFI)**

**Adequacy of Consultation representation**

Please find enclosed Blaby District Council's representation in respect of the adequacy of the consultation undertaken in respect of the HNRFI.

Separate to the matters related to the adequacy of Tritax Symmetry's consultation, I wish to point out several inaccuracies or misrepresentations in the submitted consultation report, listed below for your information:

- 13.2.9 – While meeting dozens of times the Local Authority Working Group only discussed the creation of a place shaping officer role on one occasion in 2018. While the Council sees the huge value of this post, the Applicant has failed to progress these discussions any further or make any financial commitments in this regard.
- 5.8.11 – this paragraph contains reference to a proposed community hall. However, this has not featured in any written documentation to the Council's knowledge and the Applicant has failed to make any financial commitments in this regard.
- 13.2.13 – the Council wishes to strongly refute that its Officers had not read the relevant materials ahead of the 2 March 2022 working groups.

Also attached are representations from two local interest groups – Elmesthorpe Stands Together and Stoney Stanton Action Group.

Yours sincerely,

Ed Stacey

Major Schemes Officer  
Planning & Strategic Growth  
Blaby District Council

**Cat Hartley, Planning & Strategic Growth Group Manager**

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Date: 30 March 2023  
My Ref: HNRFI  
Your Ref: TR050007  
Contact: Ed Stacey  
Email: [REDACTED]  
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## **Adequacy of Consultation Representation**

### **On behalf of Blaby District Council**

**1. In this representation, the Council will expand upon the following points:**

- The consultation exercise undertaken by the Applicant has been inadequate and falls short of the standard expected.
- Incomplete, inaccurate, and vague information has been provided and requested information remains outstanding.
- The Applicant's approach is inconsistent with government guidance and the legal principles of consultation.
- While the Statutory Consultation began January 2022, the highways modelling inputs were not agreed until March 2022 and the impacts and mitigation are still not agreed and may change. There has been premature and inadequate consultation in this regard.
- There is incomplete information on the need for and operation of the development as a rail freight interchange.
- The impacts of increased barrier down time at Narborough Level Crossing, including detrimental air quality for residents, have not been satisfactorily considered.
- The landscape impacts have not been adequately mitigated.

## 2. Executive Summary

- 2.1 The Applicant, Tritax Symmetry (Hinckley) Limited, (**“the Applicant”**) has applied for a Development Consent Order for the Hinckley National Rail Freight Interchange (**“the Scheme”**). Prior to the application being accepted for examination, Section 55 of the Planning Act 2008 (**“PA 2008”**) requires that certain local authorities must be consulted upon whether an applicant has *“complied, in relation to that proposed application, with the applicant’s duties under sections 42, 47 and 48”* (**“the Adequacy of Consultation representation”**).
- 2.2 This representation, prepared by Blaby District Council (**“the Council”**), is the Council’s Adequacy of Consultation representation. The representation comments on the Applicant’s consultation in respect of sections 42, 47 and 48 of the PA 2008 held January to April 2022 (**“the Statutory Consultation”**), informal consultation carried out in 2018 and 2019 and the wider pre-application process. It also sets out the Council’s position in relation to whether the Applicant has complied with its duties under S42 PA 2008 and for completeness comments on compliance with S47 and S48 of the PA 2008.
- 2.3 For any consultation exercise to be effective, there must be genuine dialogue between the parties and meaningful consideration of the consultation responses by the Applicant. In addition, the information provided by the Applicant needs to set out the methodology and be capable of being fully scrutinised by stakeholders. While reviewing the consultation documents, it was found that a number of key elements of the evidence base and assessments underpinning assumptions regarding the Scheme were not available. This is the case despite the Council’s frequent requests for additional information made in both writing and verbally during working groups and at other meetings between the Council and the Applicant. In reaching this conclusion, the Council consider that (a) incomplete information has been provided (b) inaccurate information has been provided (c) vague information has been provided and (d) information requested remains outstanding.

- 2.4 During the Statutory Consultation which commenced in January 2022 and throughout discussions relating to the preparation of the Statement of Community Consultation (“**SoCC**”), several key aspects of the Scheme remained unclear or lacked real world certainty. For example, Leicestershire County Council (“**LCC**”) and National Highways did not agree the highways modelling inputs until March 2022 and the modelling impacts and proposed mitigation are still not agreed. The Applicant failed to adhere to the Council’s request that this certainty must be resolved prior to the Statutory Consultation taking place.
- 2.5 The Council is of the opinion that should the highway impacts or mitigation change, further Statutory Consultation is essential and required due to the significance of this topic and interrelated topics such as air quality. In this regard, the adequacy of the Statutory Consultation rests on the assumption that the highway impacts and mitigation will not change. Following discussion with LCC who themselves have discussed mitigation measures with National Highways, the Council understands there is a reasonable likelihood of such a change taking place. Therefore, it is reasonable to conclude the Statutory Consultation was undertaken prematurely and was inadequate.
- 2.6 In addition, there was no demonstration of the lighting, construction phase or health impacts of the Scheme during the Statutory Consultation, all of which are fundamental aspects of the proposal’s impacts on the surrounding area. This means that the Council and the public were not able to adequately review the potential impact of the infrastructure.
- 2.7 Therefore, it is reasonable to conclude that the consultation exercise undertaken by the Applicant was premature, falls short of the standard expected and was inadequate. The failure of the Applicant to provide a necessary assessment of the emissions of the construction process and traffic re-routing (which was identified by the Planning Inspectorate when the application was originally submitted, and ultimately led to its withdrawal) is further evidence of this.



- 2.8 The effect of the above is that the information provided by the Applicant throughout the pre-application stage did not enable the Council, and all those affected by the proposal, to fully understand the scope of the Scheme, its predicted impacts and the proposed mitigation measures. Accordingly, information has not been provided that is crucial to fully understanding the impacts of the project.
- 2.9 Furthermore, it is likely that the incomplete, inaccurate, vague and outstanding consultation material means that substantial negotiation on key elements of the Scheme will now need to take place during the examination phase of the Development Consent Order (“**DCO**”) process. This could lead to elements of the Scheme being the subject of negotiation without having first been the subject of proper and full consultation, in the event that the application is accepted in its current form.
- 2.10 The Applicant’s approach to the Statutory Consultation is inconsistent with government guidance and the legal principles of consultation set out in section 5 of this document, which require the consultation to be meaningful, provide accurate information that gives consultees a clear view of what is proposed, of the required standard and sufficient to enable consultees to develop an informed view of the project.
- 2.11 Full details of the shortcomings in the formal S42 consultation are set out in our S42 consultation response (“**S42 Response**”) (see **Appendix 1**). Of particular concern however is:-

#### Transportation and Highways

- 2.11.1 The Applicant fixed their highways mitigation measures which included ruling out the Sapcote or Stoney Stanton bypasses (“**the EVL/EVB**”) prior to the Statutory Consultation. The Council are of the view that this decision, indeed any decision around highways mitigation measures, is premature. While the consultation on these mitigation measures began in January 2022, the modelling inputs were not agreed until March 2022 and the modelled impacts and resulting mitigation were still not agreed at the point of submission on 17

March 2023. The highways impacts and mitigation influence a range of other technical topic areas such as noise, air quality and sustainable travel. The Council understands that it is likely the highways impacts and mitigation will change following further LCC and National Highways scrutiny.

#### Need for and operation of the development

2.11.2 There are a network of existing and recently approved rail freight interchanges and distribution centres in the Midlands. The Council is concerned that the Applicant has not sufficiently demonstrated the specific market need for this Scheme in this open countryside location, close to a Site of Special Scientific Interest. In addition, the Scheme is well served by the strategic highway network. The Council are concerned that any Requirement relating to the simple provision of the rail freight interchange infrastructure (and not the operation of the same) in effect means that the Scheme will be capable of operating substantially as a road served distribution centre and constitute a development type that should more properly have been assessed against the Council's adopted Local Plan under the Town and Country Planning Act 1990.

#### Impacts of Narborough level crossing barrier down time

2.11.3 The Council has significant concerns around the wide ranging impacts of additional barrier down time on Narborough and Littlethorpe, for example in respect of highways congestion, detrimental air quality for residents, increased pollution to residential properties and to children walking to school, and increased noise pollution. The Council draws little comfort from paragraphs 11.2.52 and 11.3.58 of the Consultation Report which uses the thresholds of Network Rail to justify a highway impact that would more properly be assessed by the Local Highway Authority, LCC. The Applicant has failed to propose any mitigation to account of the impacts from increased barrier down time at Narborough level crossing. This would include the matters listed above i.e., mitigation in respect of the impacts from traffic congestion, detrimental air quality for residents and increased noise pollution.

## Landscape Impact

2.11.4 The Scheme will result in significant environmental effects in respect of the landscape of the area. The 12.5-17.5m of additional tree planting detailed in paragraphs 1.2.9 and 11.3.55 of the Consultation Report is an unacceptably minimalistic approach to the Council's requested 'strategic landscaping' in this area. Therefore, the Applicant has failed to adequately mitigate the impacts resulting in unnecessary and excessive harm to the rural landscape.

2.12 With regard to the formal elements of this response, the Council takes the view that the Applicant may have complied with the strict letter of the law as set out in Section 42 PA 2008 in that a Statutory Consultation was undertaken and the Council were afforded an opportunity to comment. Given however the limitations of the consultation material, the reasonable likelihood of changes to highways impacts and mitigation measures, inconsistency with government guidance and the legal principles of consultation, and for the reasons set out herein, the Applicant's pre-application consultation falls short of the standard expected. Therefore, the Statutory Consultation was wholly inadequate and has hampered the voice of residents.

### **3. Consultation Undertaken**

3.1 The Applicant has undertaken the following consultation exercises on the proposed Scheme:-

- 22 October – 7 December 2018 (public consultation)
- 8 July – 6 September 2019 (highways consultation)
- 26 August – 24 September 2021 (SoCC consultation)
- 12 January – 8 April 2022 (the Statutory Consultation)

### **4. Issues**

4.1 As indicated above, overall the level of information and materials provided throughout the consultation process are considered to be inadequate. In

reaching this conclusion, the Council consider that (a) incomplete information has been provided (including that the highways modelling impacts and mitigation strategy have not been verified by LCC and National Highways), (b) inaccurate information has been provided (c) vague information has been provided (including that there is uncertainty in relation to impacts and mitigations) and (d) information requested remains outstanding.

4.2 The effect of the above is that the information provided does not enable the Council, all stakeholders and the community as a whole, including all those affected by the proposal, to fully understand and scrutinise the scope of the Scheme, its predicted impacts and the proposed mitigation measures. Accordingly, information has not been provided that is crucial to fully understanding the impacts of the project.

4.3 In relation to the Statutory Consultation, full details of our concerns are set out in our response to the consultation (see **Appendix 1**). We do not intend to repeat those concerns in this response but we respectfully request that these representations are considered in full when considering whether the Applicant has met the required consultation standard.

4.4 It is acknowledged that the Applicant has sought to address some of our concerns however that response has been piecemeal and largely inconclusive. The Council remains unclear on the final mitigation measures of the proposed development and whether its concerns have been addressed or simply disregarded, notably in respect of the highways mitigations. However, in relation to items (a) to (d), (and whilst there is inevitably some overlap between headings), by way of a summary only:-

**(a) Incomplete Information**

4.5 Notwithstanding paragraph 7.5.1 of the Consultation Report regarding adherence to the SoCC, concerns remained around the completeness of the information being consulted on.

4.6 It has been difficult to obtain copies of the supporting information that provides the background to the views of the Applicant on the impact of the Scheme on the communities and environment of the local area. In addition, unless the Council and other consultees are afforded details justifying and explaining the decision-maker's rationale for the proposals put forward or the key factors that are likely to be important in the decision-making process, it may be difficult for any effective response to the proposed Scheme to be made. For example, the Preliminary Environmental Information Report ("**PEIR**") provided no details of the construction phase (including carbon emissions) or the lighting impacts of the proposal; the latter of which was identified as an important consideration as far back as the stage 1A consultation in 2019 (see localised impacts of Appendix 6.12 of the Consultation Report and the Planning Inspectorate's Section 51 advice dated 7 March 2023).

4.7 As set out in full in the Council's S42 Response and as consistently re-iterated in informal meetings, the Council are gravely concerned about the proposed highway/transport proposals and mitigation. The Statutory Consultation began in January 2022; the inputs were not agreed with LCC and National Highways until March 2022 and the modelled impacts and proposed mitigation have still not been agreed as at the time of submission. Changes to these impacts and mitigation measures, which the Council understands is likely, could have significant knock-on effects to other technical reports such as noise and air quality. Therefore, the Statutory Consultation was undertaken prematurely and cannot be considered meaningful.

4.8 Other absent/incomplete information includes:-

- Lack of holistic assessments of impacts of Narborough level crossing barrier down time including air quality, noise, health, connectivity, Narborough Conservation area and so on;
- Ongoing trial trenching for archaeological evaluation;
- Further background assessment of highway noise;
- Unconfirmed details for gantry crane to be included in noise assessment (and mitigation implications);

- No details for technical assessment of Combined Heat and Power (CHP) proposed;
- Need for further ground water monitoring;
- Inadequate Assessment of Tranquillity; needs expanding to cover whole area and incorporation of visual element;
- No Health Impact Assessment;
- No assessment of emissions from the construction process and resulting re-routing of existing traffic from highways works.

**(b) Inaccurate Information**

4.9 Our S42 Response also sets out concerns relating to inaccurate/inconsistent information relating to the expected number of employees and the potential affect of any inaccuracy when assessing the environmental impacts of the proposal (air quality, noise, landscape and visual settings). In response we are told that *“Transport impacts are -as established practice- calculated on floorspace rather than employee numbers and the transport modelling has been done on a worst-case scenario basis in terms of trip generation. Trip generation has been agreed with the Transport Working Group. The appropriate transport data has been used to inform the air quality and noise modelling”*. This matter needs further discussion to ensure there has been an appropriate degree of consistency and quality control for figures used across the technical topic areas.

4.10 Both the Council's S47 response on the SoCC dated 17 September 2021 (attached for ease at **Appendix 2**) and the S42 Response refer to the potential EVL/EVB. The response on the SoCC clearly states that *“Until the necessity of the EVL is known, the Council does not expect the next stage of public consultation to be carried out. Moreover, a decision by Tritax Symmetry (Hinckley) Ltd to consult the public at this stage will have a bearing on the Council's adequacy of consultation representation.”* Despite this response, the Applicant published the SoCC without providing any further technical justification or statutory consultee approval in relation to the EVL/EVB. Furthermore, the Councils S42 response reads, *“The transport impacts are*

*addressed fully in Chapter 8, but there appears to be errors in the assumed impact severity to Stoney Stanton and Sapcote, underplaying the impact upon these villages. For Sapcote in particular, traffic increases are very high, and it is considered that further consideration of a bypass should be re- evaluated once the highway modelling has been refined. As part of the current proposals, the scheme creates a preferred link road as far as the M69, but then does not extend this route any further, leaving the extra traffic to travel through the villages with little upgrades proposed, causing notable permanent harm to these settlements.”* In response the Applicant notes, *“The need for an eastern villages bypass has been reviewed in light of the modelling data, much of the new traffic is diverted from existing routes and local villages. The modelling demonstrates that the volumes are not high enough to justify a full bypass.”*

- 4.11 Within the Consultation Report, Paragraph 6.8.4 states “traffic modelling demonstrated that the EVB was not necessary” and 6.8.5 states “it was determined that the EVB / EVL would not be taken forward to the Stage 2 consultation”. This position is not, as yet, supported by LCC and National Highways. Given the lack of support from the Highway Authorities, the Council remain uncertain as to whether the EVL/EVB will be required. As a result, it is likely that the inaccurate information precluded meaningful Statutory Consultation.
- 4.12 The Applicant has also sought to justify its exclusion of the EVL/EVB with responses received in a dedicated highways consultation in 2019 which state great opposition to the bypasses. Paragraphs 6.8.4, 11.2.73, 11.2.80, and 11.3.68 of the Consultation Report say that the EVL/EVB were perceived very negatively by the public. The Council has significant reservations about the accuracy with which the report represents the public feeling towards the bypasses around Sapcote and Stoney Stanton. The Council questions the likelihood that 85-95% of respondents would rather have the traffic travelling through their villages than around them via a bypass. Moreover, in 2019 at the time of this consultation, residents did not have the full picture of the highways impacts and mitigation and so could not be said to be commenting in an informed way. It is worth reiterating that those mitigation measures are still not

agreed with LCC and National Highways. Given the above, no weight can be given to this point.

- 4.13 In relation to air quality, the Council's S42 Response reads, "*The baseline transport movement figures need to be finalised, so all assessments within this report need to be updated once this has occurred. Current assessment work is also undertaken on an incorrect assumption that train arrivals/departures are spread out across the whole day. Timetabling slots will result in clustering of trains which may affect the air quality outcomes*". In response, we are told that, "*Updated air dispersion modelling will be undertaken and presented in the ES which will utilise the updated traffic data as agreed with the Transport Working Group. Clustering of trains cannot take place as no more than two trains in any one hour can the site.*" Again, the above provides another example of where the Council are told to wait for the ES to be finalised before a proper/full assessment can be made. Moreover, if the highways mitigation measures change following further modelling and LCC and National Highways consultation, which the Council understands is likely, the air quality impacts presented in both the PEIR and ES could prove to be inaccurate.
- 4.14 In relation to the business rates the Council will retain from the Scheme once operational, the PEIR significantly overstated the benefits to the Council; failing to account for a 50 per cent levy on any additional rates above our baseline funding which demonstrably undermines the financial benefits of the Scheme to the Council. Accuracy, particularly in respect of the economic benefits of the Scheme, is crucial to adequate consultation.

### **(c) Vague information**

- 4.15 Often the information contained in the Statutory Consultation documents has been vague and unsubstantiated. The provision of detailed evidence and information could have enabled a better understanding of these issues, and potentially resolved some of them.



- 4.16 By way of an example, the Council's S42 Response notes that the proposed Public Rights of Way Scheme reduces connectivity, is marginalised to the edge of the complex, is squeezed in adjacent to the M69 and does not consider horse riders. In response we are told that *"This element is being reviewed for both setting and additional connectivity throughout the park..."*.
- 4.17 In relation to policy and need, the Council's S42 Response states, *"With a large number of rail freight interchanges in the surrounding area, the proposal needs to clearly demonstrate how it relates to those other interchanges and does not oversaturate the market."* and further that, *"NPS paragraph references not completed in a number of places – e.g. 5.83, 5.91"*. Establishing the need for the proposal and economic viability of the same is crucial. To date the information provided has been incomplete and vague.
- 4.18 Whilst it is accepted that the S42 consultation process is iterative, it should not be the case that proposals are not sufficiently advanced to be meaningful with proposals which affect the public being an after-thought. The Council considers it likely that due to the inaccuracy and vagueness of the consultation material, substantial negotiation on key elements of the Scheme will now need to take place during the examination phase of the DCO process.

#### **(d) Outstanding information**

- 4.19 The Council have consistently requested further information from the Applicant in order to reach more informed judgements about the impacts of the Scheme and to allow it to work more effectively on any mitigation proposals. If the Council do not fully understand the assumptions then it is unable to interrogate the conclusions. For example, our informal and formal SoCC responses in 2021 and a letter from the Council's Leader at the start of the Statutory Consultation asked that consultation be carried out after the highways mitigation proposals, including the ruling out of the EVL/EVB, are agreed with LCC. As the mitigation proposals have still not been agreed or discussed in significant depth with LCC and National Highways, this issue remains

outstanding. The Council remains of the opinion that the Statutory Consultation was inadequate in this regard.

### **Inability to fully understand and assess the impacts of the proposed Scheme**

- 4.20 The results of the above outlined deficiencies mean that the Council has been unable to fully engage in the pre-application consultation process.
- 4.21 The Council's S42 Response concludes, "*As it currently stands, we have considerable misgivings on the indicative weighting of the magnitude of the effects of the Proposed Development at this stage, given the concerns raised above on the methodology of the assessments and the lack of information and detail in the documentation*". The Applicant's response indicates that a number of the Council's comments will be addressed in the ES. Nonetheless, the Council's broad position as set out in the Council's S42 Response remains the same at this stage.
- 4.22 The lack of care in the preparation of the Statutory Consultation material is indicative of the approach of the Applicant in seeking to gloss over significant issues or seek to deal with those issues "down the line". This is inconsistent with government guidance and the legal principles of consultation set out in section 5 of this document, which require the consultation to be meaningful, provide accurate information that gives consultees a clear view of what is proposed, of the required standard and sufficient to enable consultees to develop an informed view of the project. This was further evidenced when the Applicant was forced to withdraw their initial application on 2 March, having failed to provide all the necessary information for the Planning Inspectorate's consideration. No true clarity on the Scheme, its effects and accordingly the proposed mitigation was provided during the Statutory Consultation.

### **Other Stakeholders**

- 4.23 The DCO process is predicated on co-operation and collaboration between key stakeholders. We have held regular joint-working groups for the last 18 months

with Hinckley and Bosworth Borough Council and LCC and are aware that they, like us, have significant concerns about the level of information provided.

- 4.24 We are also aware that Elmesthorpe Parish Council, Stoney Stanton Parish Council, Sapcote Parish Council and Sharnford Parish Council have each formally expressed concerns to the Applicant in relation to the consultation exercise undertaken as part of their respective S42 consultation responses. Copies of those responses are attached for ease at **Appendix 3**. In particular, Elmesthorpe Parish Council's S42 consultation response states at paragraph 2.1 that residents, "were unable to obtain basic information at the public consultation events" and the Stoney Stanton Parish Council's response refers frequently to errors in data, significant shortcomings in information provided to date and unclear information. It is clear from reviewing the various Council's and Parish Councils' S42 consultation responses that concerns relating to a lack of certainty around impacts and mitigations, insufficient information and factually inaccurate information are a common theme running through the S42 consultation responses.
- 4.25 Paragraph 8.4.21 of the Consultation Report details the webinars undertaken during the Statutory Consultation. Several residents and District Councillors have expressed their frustration that the webinars were not a true question and answer session. They noted that comments could not be submitted verbally during the session (the only ability to do ask questions was through a chat function in writing) and that the Applicant failed to answer their submitted questions.
- 4.26 There has been insufficient data for stakeholders, including technical consultees, to be adequately informed during the consultation exercises. The concern is that this lack of information for all parties has diminished the quality of their responses to the consultation exercise and in turn this makes it more difficult for the Council to consider the potential impacts in terms of its administrative area.

## 5. Compliance with Guidance and Advice on Pre-Application Process

- 5.1 Regulation 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“**the 2017 Regs**”) relates to consultation statement requirements and requires that the consultation statement must set out if the development is Environmental Impact Assessment development, how the applicant intends to publicise and consult on the preliminary environmental information. Regulation 12 (2) provides that “Preliminary Environmental Information is information which is *“reasonably required for the consultation bodies to develop an informed view of the likely significant environmental effects of the development...”*”
- 5.2 In addition, the Government has issued guidance, “Planning Act 2008: Guidance on the pre-application process” (March 2015) (“**the 2015 Guidance**”). The following paragraphs of the 2015 Guidance are particularly pertinent:-
- 5.2.1 Paragraph 15 states, “*Effective pre-application consultation will lead to applications which **are better developed and better understood by the public, and in which the important issues have been articulated and considered as far as possible** in advance of submission of the application to the Secretary of State. This in turn will allow for shorter and more efficient examinations”.*
- 5.2.2 Paragraph 20 states, “*Experience suggests that, to be of most value, consultation should be based on **accurate information that gives consultees a clear view of what is proposed including any options....**”.*
- 5.2.3 Paragraph 88 states, “*It is important to stress that pre-application consultation is a statutory duty for applicants, and it should, as this guidance makes clear, **be carried out to a certain standard**.”*
- 5.2.4 Paragraph 93 states, “*For the pre-application consultation process, applicants are advised to include sufficient preliminary environmental information **to enable consultees to develop an informed view of the project...The key issue is that the information presented must provide clarity to all consultees**”.*

(our emphasis added)

5.3 The courts have also provided guidance on the general principles of consultation. These principles were set out in [REDACTED] [REDACTED]. At [108], Lord Woolf MR specified that: "It is common ground that, whether or not consultation of interested parties and the public is a legal requirement, **if it is embarked upon it must be carried out properly**".

5.4 Furthermore, if consultation is to be fair the following guiding principles must be followed which are set out in [REDACTED] [REDACTED] are frequently referred to as "the *Gunning* principles":

5.4.1 **Principle 1:-** To be proper, consultation must be undertaken at a time when proposals are still at a formative stage:

If consultation is to be meaningful, it needs to be undertaken at a point where the mind of the decision-maker is still open to change and can, therefore, be influenced by the responses to the consultation - [REDACTED]

[REDACTED]. In relation to this principle, the Applicant began the Statutory Consultation in January 2022 prior to the modelled inputs and impacts and the proposed mitigation being agreed with LCC and National Highways; The inputs weren't agreed until March 2022 and impacts and mitigation are still not agreed one year later. Given this significantly premature consultation, the Applicant had clearly closed its mind on the highways impacts and mitigation, including the provision of, and potential necessity for the EVL/EVB.

5.4.2 **Principle 2:-** The proposer must give sufficient reasons for any proposal to allow those consulted to give intelligent consideration and an intelligent response - those consulted should be aware of the criteria that will be applied when considering proposals and which factors will be considered decisive or of substantial importance at the end of the problem:

Unless consultees have some idea of the decision-maker's rationale for the proposals put forward or the key factors that are likely to be important in the decision-making process, it may be difficult for any effective response to be made. Therefore, consultees should be made aware of the basis on which a proposal for consultation has been considered and will be considered afterwards. They should be aware of the criteria that will be applied by the decision-maker when considering proposals and the factors that will be decisive or of substantial importance at the end of the process - ■

■ It is difficult to see how this principle can be satisfied in a scenario when consultation was undertaken without the modelling, impacts and mitigation having been agreed with LCC and National Highways.

**5.4.3 Principle 3:-** Adequate time must be given for consideration and response:

Whether the time given for responding to proposals is "adequate" depends on the context and relevant considerations, including the: size of the group to be consulted; capabilities and resources of consultees; urgency involved; means of consultation; and complexity of the issues. As detailed in paragraph 9.2.1 of the Consultation Report, the Applicant failed to consult all the relevant parties during their initial Statutory Consultation. Once new parties had been identified and consulted, the consultation period was extended by four weeks. Once extended, the Statutory Consultation timetable was acceptable to the Council, but it is noted that some members of the public felt the volume, technicality and presentation of the consultation information made it difficult to understand within the prescribed time.

**5.4.4 Principle 4:-** The product of consultation must be conscientiously taken into account when the ultimate decision is taken. Meaningful consultation should elicit change. Sections 11.2 and 11.3 of the Consultation Report demonstrate that out of the 60 topic areas:

- Only 13 areas resulted in Scheme changes
- Many of these 13 areas refer to the same changes

- A further 6 areas reference Scheme changes that are more correctly recorded as the provision of explanatory information, or strategies that would have been required to be provided in any event

Given the substantial number of suggested amendments behind each of these topic areas, the applicant has failed to conscientiously take the responses received into account. In addition, the juxtaposition between the strategic landscape woodland proposed in the Council's S42 response and the 12.5-17.5m wide tree planting response of the Applicant demonstrates a failure to conscientiously take into account consultation comments.

5.5 Finally, the question of what lawful consultation entails is one for the court: the test is not one of "best practice", but of what fairness requires - [REDACTED]

5.6 It is clear from the Council's consultation responses and letters (attached at **Appendices 1, 2 and 4**) that there has been an ongoing concern that technical evidence has not been agreed with key consultees on some fundamental elements of the Scheme which could influence the mitigation required. For example, the lack of LCC and National Highways agreement on highways mitigation measures and therefore real world certainty in terms of whether the EVL/EVB is required. Given the scale and magnitude of this piece of infrastructure, certainty by way of the impacts and mitigations is key in order to allow parties to gain a full understanding of what is being proposed.

5.7 More specifically, whilst it is acknowledged that the Statutory Consultation material responds to the PEIR, which is 'preliminary' in nature and that such assessments will be completed for submission of the application and included in the ES, the Council is not content with the information provided during the Statutory Consultation, nor is the Council content with the Applicant's informal response to the Council's concerns. As a consequence, the Council were unclear as to the detailed elements of the proposed Scheme, which in turn

makes it impossible to assess/comment in full on the current, yet potentially incomplete, mitigation proposals.

5.8 It is clear from the Council's responses at each stage of public consultation that we have requested more detail on a consistent basis. In this regard please refer to the following correspondence, (copies attached at **Appendices 1, 2 and 4**):-

- BDC's letter dated 27 July 2021 (**Appendix 4**)
- BDC's letter dated 17 September 2021 (**Appendix 2**)
- BDC Leader's letter dated 14 January 2022 (**Appendix 4**)
- BDC's S42 Response dated April 2022 (**Appendix 1**)
- BDC Leader's letter to the Secretary of State dated 13 April 2022 (**Appendix 4**)

5.9 This absence of elements of information has not just created difficulties for the Council but, for a wide number of consultees as well.

5.10 In addition to a lack of adherence to the Government Guidance and case law principles governing consultation, the Council also consider that the following matters of process for the pre-application phase have not been undertaken in full by the Applicant:-

#### **Requirements and S106**

5.11 PINS Advice Note 13 states that the draft DCO should be made available to parties and recommends that the Applicant should seek to agree wording for proposed requirements with the body to whom details are to be submitted for subsequent approval. The draft DCO consulted upon did not include any requirements and draft requirements were not provided by the Applicant until 19 December 2022. We are told that this is because the requirements are informed by the ES.



- 5.12 Whilst we accept that the ES may not be complete until relatively late in the pre-application process, the lack of certainty on the Scheme's impacts and mitigations which in turn informs the ES and mitigation requirements, demonstrates the Applicant's own difficulties in finalising and therefore assessing the Scheme. If the Applicant is unable itself to assess and confirm what mitigation measures are required, then it is not reasonable for the Council to be expected to understand the Scheme and its effects.
- 5.13 The same rationale as set out above applies to the S106 Agreement. To date there have been minimal discussions between the Council and the Applicant in relation to producing and progressing a S106 Agreement. The absence of this is evidence of a lack of meaningful and adequate consultation.

#### **Statements of Common Ground**

- 5.14 To date there have been no substantive discussions between the Applicant and the Council in relation to preparing a Statement of Common Ground or the exchange of drafts of that document.
- 5.15 PINS Advice Note 2, notes at paragraph 22.2, "*It is often beneficial (and can reduce resourcing requirements) if you work proactively to prepare a SoCG in the pre-application and pre-examination stages*". It is telling that the Applicant has not substantively engaged with the Council to date.

#### **6. Compliance with Statutory Provisions Contained in Sections 42, 47 and 48 PA 2008**

##### **Section 42 PA 2008 – Duty to Consult**

*"S42(1), the applicant must consult the following about the proposed application –*

- a. such persons as may be prescribed,*
- b. each local authority that is within section 43,*
- c. each person who is within one or more of the categories set out in section 44."*

- 6.1 In relation to S42(1)(a), certain prescribed persons are listed in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the Regulations). A list of those consulted during each phase of consultation has been provided by the Applicant.
- 6.2 In relation to S42(1)(b) Local Authorities under S43, the Applicant has provided a list of the local authorities consulted on the project which includes LCC and Hinckley and Bosworth Borough Council. The Council can confirm it was engaged by the Applicant on the Statutory Consultation that took place between 12th January and 8th April 2022.
- 6.3 As required by S42(b), the S42 consultation material was not sufficient to enable us to give a full and informed consultation response. Accordingly, whilst the letter of the statutory requirement may have been complied with, the ability of BDC to provide meaningful input has been restricted due to the information available.
- 6.4 In relation to S42(1)(c), categorised persons set out in section 44 of the PA 2008, the Applicant must consult each person who is within one or more categories set out in section 44. This would include owners, lessees, tenants or occupiers of land included within the boundary of the order limits or those with an interest in the land or with a power to sell or convey the land. A list of landowner and statutory undertaker consultation has been provided in the Consultation Report.

**Timetable for consultation under section 42 - Section 45 of Planning Act 2008**

- 6.5 Section 45 of the PA 2008 requires the Applicant to notify the consultee of the deadline for receipt of comments in relation to the consultation which must not be earlier than 28 days after the consultation documents are received.

6.6 The Statutory Consultation took place between 12th January and 8th April 2022. This time period, once extended to April, was acceptable to the Council but it is noted that some members of the public felt the volume, technicality and presentation of the consultation information made it difficult to understand within the prescribed time.

6.7 In addition to commenting on S42 as set out above, the Council's comments in relation to the provisions of S47 and S48 are set out below for completeness.

**Duty to consult the local community – Section 47 of Planning Act 2008**

6.8 Section 47 requires the Applicant to prepare and publish a statement setting out how it proposes to consult local people about the proposed application (the SoCC). The Applicant must consult with the relevant local authority before publishing the statement, and the local authority must reply within 28 days. The consultation must be carried out in the manner set out in the statement.

6.9 The Applicant originally published its SoCC in December 2021. Prior to finalising and publishing the SoCC, the Applicant formally consulted with the Council in August 2021, and informally in June 2021. Prior to 2021, the Council had previously been provided with two other versions of the SoCC, in August 2018 and December 2020.

6.10 The Council has received multiple reports of significant numbers of the letters not being delivered to addresses as set out in the SoCC. For example, the Stoney Stanton Action Group have stated that in one street in Stoney Stanton, 14 out of 16 houses did not receive information. The Applicant sought confirmation from Royal Mail that there were no known issues with their distribution and told residents that there were other means of communication for residents to hear about the development. Nevertheless, the consultation remains inadequate in this regard.

6.11 Section 47(3) provides that the deadline for the receipt by the applicant of a local authority's response to consultation is the end of the period of 28 days that begins with the day after the day on which the local authority receives the

consultation document. The Council confirm that a period in excess of 28 days was provided within which to respond to the consultation documents.

- 6.12 Paragraph 8.4.5 suggests that only one response was received by the Gypsy and Traveller community located at and around Aston Firs which is immediately adjacent to the application site. This is of great concern to the Council and if true, suggests that the consultation material for these traditionally hard to reach communities was potentially inadequate.

## **7. Conclusions**

- 7.1 In advance of the DCO submission, the Council has had very late copies of key documents such as draft Requirements and has not seen the full ES, nor draft copies of some of the more critical documents including for example Heads of Terms for the Section 106 Agreement. There has been piecemeal feeding of further information on elements of the project. It is likely that the Council would have been able to deliver significant inputs which would have resulted in benefits to the Scheme if the Applicant had engaged in a more open and transparent pre-application process.
- 7.2 Only now at the point of submission will the Council be able to review the proposal in substantial detail and make a considered and informed judgement. Such an approach means the Council have not been able to provide a response to date in respect of certain issues. It has also meant that the Scheme has been subject to inadequate and unmeaningful consultation during the phases of the project where substantive changes were still possible.
- 7.3 Government guidance anticipates applications being well-developed and understood by the public, with important issues articulated and considered as far as possible in advance of submission, allowing for shorter and more efficient examinations. Both the Council and other stakeholders share the view that there has not been adequate information available at the consultation stages to allow a properly informed response from stakeholders and the public.

- 7.4 The Council considers that this approach to the Statutory Consultation is inconsistent with government guidance and the legal principles of consultation set out in section 5 of this document, which require the consultation to be meaningful, provide accurate information that gives consultees a clear view of what is proposed, of the required standard and sufficient to enable consultees to develop an informed view of the project.
- 7.5 It likely that the incomplete, inaccurate, vague and outstanding consultation material means that substantial negotiation on key elements of the Scheme will now need to take place during the Examination phase of the DCO process.
- 7.6 The Council has been keen, at every stage, to progress with all the outstanding elements in a constructive way with all parties but are concerned that, with the substantial and complex work still to be done on the Requirements, the Section 106 Agreement and Statements of Common Ground there may not be adequate opportunity for the Examining Authority to undertake its work fully within the six months from the Preliminary Meeting. Therefore, the Council urgently requests the Applicant progress priority matters including highways, need for and operation of the development, Narborough level crossing and landscape impact for imminent discussion to ensure they are resolved within the examination timeframe.

## **List of appendices**

Appendix 1 BDC S42 Response

Appendix 2 BDC SoCC Response

Appendix 3 Parish Council S42 Responses

Appendix 4 BDC Letters

## Appendix 1 BDC S42 Response

**BLABY DISTRICT COUNCIL**



**National Infrastructure Project Section 42 Planning Act 2008 Response  
by Blaby District Council**

**For:**

**Hinckley National Rail Freight Interchange**

**At:**

**Junction 2 of the M69, Leicestershire**

**April 2022**



## Introduction

1. This document (hereafter referred to as ‘S42 Response’) provides comments from Blaby District Council (“the Council”) on the HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE (“HNRFI”) Preliminary Environmental Information Report (“PEIR”), published by Tritax Symmetry (Hinckley) Limited (“TS(H) Ltd”) in January 2022 as part of their public (S47) and statutory (S42) consultation exercises. Our comments have been prepared with input from technical consultees at both the District Council, Hinckley and Bosworth Borough Council and Leicestershire County Council where possible.
2. The remit of the S42 Response is the review of the content of the PEIR and in particular the scope of the design, its interfaces from the construction and operation of the Rail Freight Interchange and associated infrastructure.
3. The following table provides comments for each PEIR chapter, maps figures and supporting appendices relevant to the S42 Response, with specific paragraph/table/figure references where applicable.

## Approach to Response

4. The response has been prepared to respond on a chapter by chapter basis, with references to paragraphs, tables and figures provided where possible to offer clarity. Each section has been graded in terms of the level of impact in a positive and negative manner in accordance with the five-point scale system set out in the PINS Advice Note 1 where views need to be provided. This is outlined below:

### Five Point Scale

Strongly Negative	Negative	Neutral	Positive	Strongly Positive
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5. These comments seek to collate and coordinate the range of technical internal consultation responses that the Council has received and identify the most substantial elements of those technical responses. However, the S42 Response must be read alongside those comments which are included at Appendix 1: Internal Consultation Responses, which form part of our formal S42 consultation response, and should also be carefully considered by TS(H) Ltd.

## Overall Summary

6. Blaby District Council have a number of negative and strongly negative concerns in respect of the proposal as currently proposed.

### Operation of the development

7. There are significant concerns over the operation of development. The layout does not appear to provide the ability for the majority of the units to be rail-connected, or provide the potential to be rail-connected in the future. Paragraph 4.88 of the National Policy Statement for National Networks (NPS) (2014) states that a significant number of the buildings proposed should be rail connected from the outset. Connectivity to 4 of the 9 units (units 4, 7 – 9) as shown on the illustrative masterplan (Figure 3.1) indicates that the scheme as currently proposed does not meet this baseline criteria to accord with the designation as a freight interchange in accordance with Nationally Significant Infrastructure Project requirements (Section 26 of the Planning Act 2008). The parameters plan (Figure 3.2) would not offer the flexibility to address this issue, and thus the principle is questioned for the proposal unless a fundamental redesign of the scheme/parameters plan is undertaken.

### Quantum of development

8. It is questioned whether the quantum of development as proposed can be appropriately accommodated on the site as defined. Unnecessary operational issues/traversing of the A47 link road appears to be a resolvable solution with a different layout design, whilst there may be issues over delivery of the surface water drainage solution, a significant shortfall in biodiversity value, landscape harm, mitigation and poor consideration towards the desirability of the rerouted public highways (footpaths, cycles and bridleways) currently exists within the proposals.

### Incomplete information

9. For the proposed layout/scheme, the technical evidence is not yet concluded on some fundamental elements, which could massively influence how the proposal needs to be delivered. This includes transport modelling, which could have knock-on effects to numerous other technical reports such as noise and air quality. Other absent/incomplete information includes:
  - Incomplete highways modelling and mitigation proposals with significant potential knock-on effects mitigation measures and other technical areas such as air quality and noise;
  - Lack of holistic assessments of impacts of Narborough level crossing barrier down time including air quality, health, connectivity, Narborough Conservation area and so on;
  - Ongoing trial trenching for archaeological evaluation;
  - Further background assessment of highway noise;
  - Unconfirmed details for gantry crane to, be included in noise assessment (and mitigation implications);
  - No details for technical assessment of Combined Heat and Power (CHP) proposed;

- Need for further ground water monitoring;
- Inadequate Assessment of Tranquillity; needs expanding to cover whole area and incorporation of visual element;
- No light assessment;
- Unquantified construction phase impacts;
- Suggested need for a Health Impact Assessment.

### Inaccurate information

10. Augmenting the need for further consideration of the proposal, there are a number of discrepancies/inaccuracies between the various reports. A fundamental baseline position is the expected number of employees; dependent upon the approach taken, this is noted to be either 8,410 or 10,400, with the latter referenced in terms of benefits resulting from the scheme (PEIR paragraph 7.153). Where the impact of a proposal is being considered, it needs to be a worse-case scenario that is assessed. If the number of employees at a site is potentially miscalculated by 2,010 (or roughly 20%) this can have a major impact upon the technical reports. For example, from a transport movements perspective (where 8,400 employees has been used), it may have a fundamental impact upon air quality and noise, and thus the quantum of mitigation required. This then impacts the landscape and visual setting of the scheme, which affects the experience of anyone using the area. An incorrect baseline appears to have been used for many of the reports in terms of expected maximum employee numbers. Consistency between all the technical reports needs to be provided. Finally, there are inaccuracies in some of the claimed benefits of the scheme, for example the amount of business rates the Council would receive.

### Conclusion

11. In light of the above significant concerns, further detailed below, Blaby District Council cannot currently support the proposal. Given the quantum of additional information required, and the potential changes needed to the proposals, the Council expects that further public and statutory consultation is undertaken prior to submitting the application to the Planning Inspectorate.
12. The technical response on a chapter by chapter basis in terms of the proposals' impact is summarised below against the five point scale:

Chapter	Topic Area	Development Impact
1	Introduction	N/A
2	Site Description	N/A
3	Project Description	Negative
4	Selection and Evolution	Negative
5	Policy and Need	Negative
6	EIA Methodology	Neutral

7	Land Use and Social-Economic	Strongly Negative
8	Transport	Strongly Negative
9	Air Quality	Strongly Negative
10	Noise and Vibration	Strongly Negative
11	Landscape and Visual Effects	Strongly Negative
12	Ecology	Strongly Negative
13	Cultural Heritage	Negative
14	Surface Water and Flood Risk	Negative
15	Hydrogeology	Neutral
16	Geology, Soils and Contamination	Neutral
17	Materials and Waste	Neutral
18	Energy and Climate Change	Strongly Negative
19	Accidents and Disasters	Neutral
20	Cumulative and In-Combination Effects	Neutral
21	Conclusions	Negative

### Detailed response

Ref.	S42 Response Comment
<b>Chapter 1 Introduction</b>	
Para 1.36 – 1.37	Supportive of the parameters approach to the development to provide flexibility to market demands. However, please note separately the concerns in respect of the current layout for the parameters plan – see Chapters 7 (Land Use and Socio Economic), 8 (Transport), 11 (Landscape and Visual Effects) and 14 (Surface Water and Flood Risk).

Ref.	S42 Response Comment
<b>Chapter 2 Site Description</b>	
Para 2.34	Reference is made to the 2008 Blaby District Character Assessment. This has been superseded by the 2020 Blaby District Landscape and Settlement Character Assessment.
Para 2.35	Wording inaccurate. Burbage Wood and Aston Firs adjoin the south-western boundary.

Ref.	S42 Response Comment
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<b>Chapter 3 Project Description NEGATIVE</b>	
Overall	Conceptually, no issue as it is describing the proposal; however this needs to be accurate.
Para 3.7 (d)	If certainty can be provided that the energy generation capacity of the roof-mounted solar panels is 'up to 38 MW' then the evidence elsewhere within the information needs to confirm how this is deliverable.
Para 3.7 (e)	Given the timeframe to deliver this scheme and future policy aims of Government to deliver energy from renewable sources and given the recent issues of gas cost and supply, it is disappointing to see a gas-fired combined heat and power plant within the proposal. This is explored further within comments in Chapter 18.
Para 3.17	<p>The main function of the rail terminal is repeatedly described as being to transfer freight from Felixstowe Port to the Midlands. It is intended that 32 train movements per day would be undertaken (16 in-bound and 16 out-bound). Many of these movements would need to be both in-bound and out-bound to the west, opposed to from Felixstowe which is to the east (see Section 4 of the Draft Rail Report). It is therefore unclear where the rail cargo serving this facility would actually come from.</p> <p>Additionally, there are capacity issues during the daytime, limiting the number of movements possible. Most trains would need to arrive during the night-time period. This may limit the number of trains that can be serviced on the site on the lines/sidings proposed. It also has direct influences upon a number of technical reports, which indicate that trains will arrive at roughly hourly intervals. A night-time skew towards train arrival and departures is particularly relevant to the noise assessment. Information needs to be amended to reflect the actual timetabling of trains, or clarification needs to be provided to confirm that the intended operation is deliverable.</p>
Para 3.36	The East Midlands region was found to have the greatest number of HGV vehicles parking in less suitable off-site locations and the highest freight crime rate in the National survey of lorry parking (2018). It is critical that the site meets its own needs in terms of facilities and overnight parking. Additionally, the Council strongly encourages the use of this lorry park to contribute towards the regional need for additional HGV services including overnight parking. If it is available for use by non-HNRFI vehicles, then this would need to be factored into the transport movements and adequately controlled to avoid overloading of the facility (causing highway safety issues). An inability to contribute to the regional need of facilities must be clearly justified. If the facilities will

	be for HNRFI vehicles only, it will be necessary to impose requirements limiting the use of the lorry park and welfare facilities to those vehicles operating out of the HNRFI.
Table 3.9	<p>Unclear why lorry park is within Years 5 – 6 for phasing. This is after the warehousing is complete for Zone A so nowhere initially for lorries to go. This has potential issues for the drivers in terms of their tachograph driving hour restrictions and potentially for the displacement off-site of vehicles in the early years. The lorry park must be delivered prior to the first occupation of the first warehouse or the first operation of the rail freight terminal, whichever is sooner. It must remain available for use in perpetuity thereafter.</p> <p>Timings for Phases 4 and 5 do not match. Both need to refer to extending to 15 years time given flexibility of demand to deliver them.</p>
Para 3.85	<p>Significant concern over lorry-hauling containers for collection and off-site delivery.</p> <p>(1) If off-site delivery is to be offered, clarity as to the likely proportion of containers arriving at the site for this purpose needs to be provided, and most likely a cap on the proportion that can be accepted into the facility by way of a requirement/legal agreement.</p> <p>(2) The suggestion stated in the HNRFI is that onward movements from the facility would generally be up to 80km. This is a significant distance which is not recognising the intention to minimise road haulage/CO2 reductions. This radius would include Stoke-on-Trent to the north-west, Telford to the west, Oxford to the south (just over 80km), Peterborough to the east and Chesterfield to the north. There are a number of alternative rail freight interchanges that are closer to these facilities. Given the intention that this interchange will serve a more localised/regional need, the potential for inclusion of a requirement/legal agreement on a lower maximum onward journey distance for any off-site collection should be included.</p>

Ref.	S42 Response Comment
<b>Chapter 4 Selection and Evolution <span style="color: orange;">NEGATIVE</span></b>	
Para 4.15	Agree with criteria and principles used in assessing location options.
Paras 4.17 – 4.63; Map 4.2	Question the relevance of site options 1 – 3 (Brooksby, Syston Fosse Way Junction and Syston Barkby Lane) as these are all located to the north-east of Leicester. Whilst located on the same freight line, they do



	<p>not accord locationally with the <i>Leicester and Leicestershire Enterprise Partnership's Strategic Economic Plan 2014-20</i> (March 2014) growth area option of 'South West Leicestershire' (Option 5) to which this proposal has been grounded within paragraph 4.6 of the HEIR. These options also do not correlate with the more recent Leicester and Leicestershire Authorities Warehousing and Logistics in Leicester and Leicestershire: Managing growth and change (April 2021) with Area of Opportunity 1 identified as between Leicester and Hinckley (paragraph 11.8 and figure 15). If 3 of the 7 sites assessed do not fall within the perceived area for growth then these cannot realistically be considered feasible alternatives.</p>
<p>Paras 4.32 – 4.41; Map 4.4</p>	<p>Notwithstanding the above comment, the Syston Fosse Way Junction site was discounted largely as it was within the floodplain. Although the exact site search area is not shown, it appears to clearly relate to land between the A46, Railway line and the Fosse Way. However land theoretically also appears accessible to the north of the A607 junction with the A46, and to the west of the A46. Neither option appears to have been considered.</p>
<p>Map 4.2</p>	<p>Question whether all alternative sites have been explored. There is potential on the extensive tracks of land to the north of Stoney Stanton; and scope to position between Hinckley and Nuneaton to the south of the A5. It is questioned whether the current alternative assessment options accords with the requirements of the NPS paragraphs 4.26 – 4.27.</p>
<p>Para 4.130 (i)</p>	<p>The ability to increase the number of rail-connected units through provision of a central railport is not considered to have been fully considered:</p> <p>The site is repeatedly referenced as being level, so to suggest here that its gradient does not permit a central railport is contrary to the position set out elsewhere in the PEIR. Whilst the current aim is to provide two plateaus of land, this could be provided as a single level area.</p> <p>It is possible to design the site so that buildings are positioned either side of the railport, with highway access on the opposite sides. The quantum of building footprint may however be lower, but functionality and the ability to appropriately mitigate it should take precedence over the quantum of development. This is the approach that has been taken forward at East Midlands Gateway. If such a solution cannot be delivered here, then perhaps the site is either overly constrained and/or not suitable for the development proposed.</p>

	Notwithstanding the above, rail chords, or future potential rail chords, fail to connect to a significant portion of the site.
Paras 4.136 – 4.143	<p>These paragraphs consider the potential Bypass Options A and B to the eastern villages. The transport impacts are addressed fully in Chapter 8, but there appears to be errors in the assumed impact severity to Stoney Stanton and Sapcote, underplaying the impact upon these villages. For Sapcote in particular, traffic increases are very high, and it is considered that further consideration of a bypass should be re-evaluated once the highway modelling has been refined. As part of the current proposals, the scheme creates a preferred link road as far as the M69, but then does not extend this route any further, leaving the extra traffic to travel through the villages with little upgrades proposed, causing notable permanent harm to these settlements.</p> <p>In reference to the bypass and joint impact of developments, numerous references have been made in the PEIR to the Leicester and Leicestershire 2050: Our Vision for Growth (2018). This includes the provision of an A46 Distributor Road that is envisaged to connect between the M69 around the south and east of Leicester to the A46. The westernmost phase is shown to connect into a point around the location of Junction 2 on the M69. The proposals should clearly explain the status of the Leicester and Leicestershire 2050: Our Vision for Growth (2018) and how it relates to the proposals.</p> <p>To some extent, the joined-up strategy should also include consideration of the potential relationship of the rail freight to residential development proposals being promoted through the emerging Blaby District Local Plan to the east and west of the main HNRFI site. No comment has been provided on these potential large housing allocations. Since one such development is being promoted by TS(H) Ltd, it would appear in the applicant's interest to undertake such an assessment.</p>

<b>Ref.</b>	<b>S42 Response Comment</b>
<b>Chapter 5 Policy and Need <span style="color: yellow;">NEGATIVE</span></b>	
Overall comment	Inconsistent approach to content in chapter: some sections provide a partial explanation of how the policy has been applied/complied with; others simply set out the policy. Consistency is required. Given the various following chapters, all relevant policies should be explained in respect of the various technical elements and then brought back together within the conclusions and the Planning Statement. Outlining



	<p>the context of relevant policy and then which chapters cover consideration of said policy should be sufficient for this section.</p> <p>With a large number of rail freight interchanges in the surrounding area, the proposal needs to clearly demonstrate how it relates to those other interchanges and does not oversaturate the market.</p>
-	NPS paragraph references not completed in a number of places – e.g. 5.83, 5.91
Para 5.73	Reference in respect of land use and the assessments undertaken makes reference to Burbage Common, but not the connecting of footpaths, cycleways and bridleways beyond the SSSI. Assessment of the impact upon these routes does not appear to have been thoroughly undertaken, but is necessary. The PEIR needs to include this and as a result expansion of the text within the paragraph. See Chapter 7 for further comment.
Para 5.79	The statement is provided in this paragraph that noise from the construction and operational phase upon ecological receptors does not need to be considered. This leads from the conclusions supposedly provided in Chapters 10 and 12 (Noise and Ecology) but is factually inaccurate. Some assessment has been undertaken, and there is a 1.8 metre high acoustic fence section included on the A47 to protect Burbage Common. Concern over the impact upon ecological areas is raised by the Council, with comment provided in Chapters 10 and 12 accordingly.
Para 5.100	NPPF section 8: Promoting Healthy and Safe Communities is considered relevant but excluded from the list and following paragraph summaries.

<b>Ref.</b>	<b>S42 RA Comment</b>
<b>Chapter 6 EIA Methodology NEUTRAL</b>	
-	No comment – approach appears to accord with legislation

Ref.	S42 Response Comment
<b>Chapter 7 Land use and Socio-Economic Effects STRONGLY NEGATIVE</b>	
Para 7.24	Does the temporal scope consider the cumulative effects of the short, medium and long term effects? Some effects can fall into both construction and operational phases. Analysis provided through the various chapters uses this same (or similar) break-down but it is not always clear whether the cumulative impacts are addressed.
Table 7.3	<p>Reference is made to Aston Firs being a community asset. This land is not publicly accessible so cannot be considered as a community asset.</p> <p>Agriculture within the development site ('Development Land') and 'Businesses in the study area' should be disaggregated. The impact upon these two uses are fundamentally different and should not be conjoined. When subdivided, the farm shop within the development site should be considered separate to the agricultural holding as it will offer a range of products not produced on the holding itself (i.e. it represents more than just a subsidiary element of the agricultural holding).</p> <p>Disagree with the 'Medium' categorisation for the impact upon walkers, cyclists and horse-riders. Many routes across the site are being removed, with just one redirection route proposed along the edge of the M69. This reduces the opportunities available, particularly when crossing closures over the railway line are considered, and the fact that there is only one route option from the stables to the north of the site southwards towards Burbage Common. Alternative routes are not always available and thus a high receptor sensitivity is considered more appropriate.</p>
Para 7.35	Chapter constructed on a basis of pre-coronavirus baseline. Activity patterns and work life has changed since this time and this dated baseline information needs to be updated. Important as more home working has increased leisure time available to many people, and thus affected use of community facilities and public footpaths etc.
Para 7.47	NPS paragraph 2.52 references the need to ensure that there is an available workforce. Unemployment in the area is lower than the national average and no confirmation has been provided to ensure that the workforce will be available, or any commitments made towards supporting additional training to grow the workforce in either the construction or logistic industries. The development must ensure the provision and implementation of a work and skills programme during

	the construction and operational phases of the development which shall be secured in the Section 106 Agreement.
Para 7.67	Error in information provided. The Fosse Villages Neighbourhood Plan has been through referendum in line with the legislation. Following 84% support from resident responses, it was formally adopted in June 2021. Moreover, the plan is undergoing a formal consultation on updates. The amendments relate to the proposed designation of 17 open spaces as Local Green Spaces.
Para 7.115	When referencing the Leicester and Leicestershire 2050: Our Vision for Growth, and the connectivity to the surrounding infrastructure networks, no reference is made to the proposed distributor road. Co-ordinated strategies for growth should be delivered as part of any large-scale development. This link road is also important in terms of how it affects access to the site/area and thus potential draw of employees/companies and the benefits/harms to the surrounding area.  The proposals should clearly explain the status of the Leicester and Leicestershire 2050: Our Vision for Growth (2018) and how it relates to the proposals.
Para 7.127	Reference is made to the surrounding study area, but no clarification is provided as to the area this encompasses. A plan should be included.
Para 7.133	Notes that health determinants are noise and air quality and simply refers to respective chapters. Disappointing that the health impact is not considered in any way within this chapter as it forms a fundamental aspect of social benefits/harm. Failure to address this skews the outcomes as not all factors have been appropriately considered.
Para 7.135	The average turnover per construction employee in the East Midlands is calculated over a very short period (2018 – 2020). A longer period should be used.  This approach fails to reflect the fact that construction workers are likely to come from a wider geographic area than the East Midlands, given the content of paragraph 7.5 and figures 7.2 and 7.3 of the PEIR. This would include a substantial number of employees predicted to come from Coventry and Nuneaton/Bedworth which are within the West Midlands. Reconsideration of this baseline information needs to be provided to reflect a longer time period and wider area that matches the employee area of influence.

Para 7.141	Same issue as noted for paragraph 7.35. Post pandemic statistics need to be incorporated in terms of employment levels within the construction sector.
Para 7.153	Two density levels for employees are given, providing figures of 8,410 and 10,400 workers expected to be employed on-site. The higher figure is used as support for employment, but baseline figure for impacts via transport (for example) use the 8,410 figure. This inconsistency renders many of the other reports potentially inaccurate by roughly 20%, and thus the traffic impacts, noise and air quality and any associated mitigation measures may all be under-estimated. This is potentially a fundamental discrepancy that needs to be rectified and technical reports updated accordingly.
Paras 7.168 – 7.171; Table 7.12	The Business Rate information stated is incorrect. The County Council receive 9% of rates, with the other 1% for the Fire Authority. The current Business Rates Retention Scheme does allow districts to retain 40% of any additional rates generated, but we then have to pay a 50% levy on these rates over and above our baseline funding, so this information is misleading around what we actually will receive. In addition, the Levelling Up White Paper ends the potential for a 75% retention as it conflicts with the concept of levelling up. The Business Rates information needs to be updated to reflect the true situation for Blaby, as it is currently over-emphasised as a benefit. While it is difficult to exactly calculate the final business rate figures that would be generated, our current estimates are that it will be at least half the annual £9.86 million figure stated in table 7.12 and quite possibly even less than that.
Table 7.13	Provides a summary of technical documents. Conclusions of many of these reports are questioned. See Chapters 8 (Highways), 9 (Air Quality) and 10 (Noise and Vibration).  No detailed lighting scheme has been undertaken so how a summary of it can be provided is intriguing.
Para 7.183 – 7.184	It is noted that the development has the ‘potential’ to increase the connectivity of the Public Rights of Way (PRoW). However, the scheme does not show this at present. A number of traversing PRoWs and crossing points to the railway are being removed, and only a single new route provided. This reduces the connectivity, whilst the new route proposed is very much marginalised to the edge of the complex, offering an unattractive and indirect route for users. It is squeezed in adjacent to the M69, which has potential health issues from noise and air quality and make the routes less attractive to use which do not appear to have been considered. The acceptability of this route to horse riders also

	<p>appears to have been ignored, it must be clearly demonstrated that this route would be safe for these users. An array of noises and lights from the service yards, or the flicking of vehicle movements through the trees from the M69 are likely to startle horses rendering the route unusable and thus the stables to the north are segregated from Burbage Common to the south.</p> <p>The route proposed along the southern part of the site is also not ideal. It is squeezed on the edge of the site, close to the new highway and associated lorry park, with views principally towards large sets of banking. The route is not direct or particularly attractive for users. It also offers no circular route to encourage interaction with the open spaces by employees of the site.</p> <p>The PRoWs need further consideration to provide a truly functional and attractive route that is not marginalised. As currently proposed, it is considered to notably truncate accessibility for all, with additional issues created for horse riders. The long-term effects are considered to be significant, opposed to neutral.</p>
<p>Paras 7.188 – 7.190</p>	<p>Impact upon the noise and air quality of the new PRoW does not appear to have been considered and thus how the conclusion that only a minor adverse impact has been reached is unjustified. Provision of a footpath adjacent to the M69 and the new link road will generate high levels of NOx and noise that may well be above acceptable limits. Even if it is not, it is likely to provide a less than inviting route to users. A significant adverse impact is considered to be most likely appropriate.</p>
<p>Para 7.191</p>	<p>Health outcomes only considered noise and air quality. It provides no assessment of the quality of the environment and the impact visual setting makes to health. Reference at paragraph 10.53 to a Tranquillity Assessment highlights that the visual component of this has not yet been undertaken but will be included within the Environmental Statement. This is a major short-coming of any conclusions in respect of impact upon the area for health and well-being.</p> <p>Access to high quality, inviting routes encourage people to enjoy the open spaces and countryside around them and engage in physical activities, which has been shown to have important impacts to the mental and physical health. Replacing a PRoW across a field with one penned in between the M69 (noise and air quality implications that have not been assessed for the relocated Right of Way) and warehouse units/car parking and railway lines will significantly alter the enjoyment of anyone using these routes. The proposed new route is also not considered appropriate for horse riders. A full Health Impact</p>

	<p>Assessment is required that also considers other areas of impact, for example that of increased Narborough level crossing barrier down time</p> <p>These issues are expanded upon within Section 10, but the suggested minor adverse effect on the health of local residents is considered to significantly under-estimate the impact.</p>
Para 7.216	<p>The conclusion of having a significant beneficial effect by generating net additional jobs. This is an inaccurate conclusion, with paragraph 7.163 concluding that job creation would be a <u>moderate benefit</u> over the long term.</p> <p>In terms of the job creation, it is questioned whether a factoring needs to be attributed to the creation of these additional jobs, as generally the logistics section offers lower paid positions. Using the information provided within this chapter as evidence, the wages paid are below the average for Blaby District and would not generally enable employees to apply for mortgages within the local area. Travel from more affordable urban areas, and thus longer commuting distances would therefore need to occur, as illustrated by the expected high number of employees from Leicester, Coventry and Nuneaton/Bedworth. The quality of job creation as well as quantity should also be factored into any assessment.</p>

Ref.	S42 Response Comment
<b>Chapter 8 Transport STRONGLY NEGATIVE</b>	
Overall comment	It is very disappointing that the PEIR consultation has been undertaken prior to the completion of discussions/modelling of the highway work with Leicestershire County Council. This has the potential to substantially alter the content of this chapter, as well as many others such as noise and air quality.
Pins ID para 4.2.4; Para 8.5; Table 8.1	<p>The Planning Inspectorate (PINS) identified a need to consider the impact of freight trains on the Narborough level crossing. The response from the developer was that there is only one slot available for an additional train through Narborough in the AM and PM periods. This does not however appear to answer the question stated.</p> <p>Narborough level crossing will have the barriers down for a longer period when additional (and longer) trains are passing through for freight purposes associated with the HNRFI and other freight interchanges. No meaningful comment is provided within the transport assessment at any point to outline the situation in respect of this</p>



	<p>transport node. There is extensive queuing at the level crossing in the peak periods so to provide no meaningful commentary on this highway matter is a notable oversight.</p> <p>There are a wider series of impacts of increased barrier down time that must be given significant attention including, but not limited to, air quality, noise pollution, health, connectivity and character and appearance of the Narborough Conservation Area.</p>
Table 8.5	<p>Errors in calculating the sensitivity of locations as facilities have been missed – for example:</p> <p>The inclusion of a primary school footpath connecting onto Stanton Lane/Hinckley Road, Stoney Stanton; and the presence of an open space/equipped playground with direct access, children’s nursery and substandard footpath widths on B4669 Hinckley Road, Sapcote (between Stanton Lane and Sharnford Road).</p> <p>This has under-valued the traffic flow sensitive receptors and thus the apparent harm to these road sections/the community. All affected areas assessed need to be considered thoroughly and accurately to ensure any mitigation reflects the harm that would be generated.</p> <p>Given the level of additional transport movements and the elevated level of sensitivity to these neighbouring settlements (Stoney Stanton and Sapcote), thorough re-consideration of a bypass should be given. Currently a transport solution is provided to connect Hinckley with the M69, but with no additional solution provided to the east of the M69/HNRFI. This will inevitably lead to additional through traffic being funnelled through these settlements; a bypass could resolve this cumulative issue.</p>
Paras 8.58 – 8.59 and 8.241 – 8.244	<p>It is stated that 40% of construction traffic until completion of the south facing slip roads would be from the B4669 to the west and east of the sites ‘split equally’. It is acknowledged that traffic will be above the 30% level on some highways but simply concluded as having no significant effects as its only short-term in nature. Whilst it is noted that further assessment will be included within the Environmental Statement and management measures included in the Construction Environmental Management Plan (CEMP), the lack of any information at this stage constrains the provision of this information with the local community and consultees such as Blaby District Council for this consultation. It also means as a knock-on effect, no accurate assessment is provided for noise or air quality.</p>

	Failure to include this information in a transparent manner at this stage is considered to harm all consultee respondents and considered a notable short-coming of the PEIR.
Para 8.60	Post-construction of the slip roads is noted in the PEIR as resulting in construction traffic being ‘focused’ on the strategic road network. This assertion will need to be adequately managed to ensure construction traffic does not affect the local community for 10 – 15 years. Careful consideration of the CEMP contents and potentially a legal clause will have to be investigated.
Para 8.61	<p>It is questioned whether the accuracy of the baseline data for trip generation in the operational phase is accurate. There is a discrepancy as to the number of supposed employees on the site, potentially elevating this figure by circa 20%.</p> <p>Assessment works on the basis of it being a reliant car dependent scheme. The Council fully endorses this approach, as it effectively offers a worst-case scenario. This needs to be planned within the layout of the scheme. Displacement of vehicles onto the surrounding public highway could cause significant highway safety implications. Notwithstanding this, Blaby District Council would like to see alternative transport options and initiatives prioritised and incorporated into proposals/Travel Plans etc.</p>
Para 8.63	It is believed that the highways information does not take account of the recent approval to extend the life of Croft quarry (2019/CM/0125/LCC) relating to the excavation of 6.3 million tonnes of aggregate over a 12 – 22 year period. This is important to include within the current road and rail traffic modelling.
Para 8.79	The NPPF makes reference to the provision of electric car charging facilities (para 112d). It is noted that there is an intention to ensure that the site is future proofed for both car and lorry charging points within the report in terms of its provision and energy requirement management. This needs to be appropriately delivered/secured through legal means/requirements.
Paras 8.206 – 8.209	The re-routing of footpaths, cycleways and bridleways (although this heading does not reference bridleways) seeks to reduce the number of routes available across the site and to marginalise them such that they become unattractive PRowS. Provision of a central, direct PRow across the site should be designed into the scheme, with appropriate landscaping and crossing points provided and any container movements kept away from any public users.



<p>Paras 8.222 – 8.223</p>	<p>These paragraphs accept that the M69 Junction 1 and 2 will experience the largest flow changes and need further micro-simulation modelling. Again, it would have been helpful to all if this had been complete before the consultation was undertaken.</p> <p>Additionally, it is important to assess the impact on the highway network at both ends of the M69. These experience significant delays at peak hours and thus could impact upon selected travel routes if no mitigation is proposed. No assessment appears to have been included within the submitted information.</p>
<p>Paras 8.263 – 8.265; Table 8.8</p>	<p>This section covers off-site highway mitigation proposed. However, it is not a complete list. Consideration of the M69 needs to be undertaken in order to deliver a site that functions correctly and will allow any constraints on lorry movements to the strategic highway network to be delivered (i.e. in accordance with the strategy set out in paragraph 8.268).</p>
<p>Paras 8.287 - 8.288</p>	<p>Disagree with a long-term negligible to minor adverse impact upon non-motorised users' amenity. The pleasantness of the journey will be significantly eroded, creating an urban appearance in place of a rural setting. A much greater negative impact would occur, as discussed in greater detail in Chapter 7.</p>
<p>Para 8.290</p>	<p>The site is seen as a rural location; the description here as being 'edge of town' is considered inaccurate. The provision of a footpath / cycleway / bridleway that runs adjacent to a motorway, classified link road (with crossing necessary), plus an open watercourse will have a direct impact upon the ability for everyone to feel safe for it to be used as a route. Greater harm than the negligible to minor adverse significance is considered to occur.</p>
<p>Para 8.296; Table 7.7</p>	<p>Presumably supposed to be Table 8.7. This states that the development will save a total of 83 million HGV miles per annum. This figure is significantly different to the 1.6 billion km (circa 994 million miles) stated within the main documentation and presentation material. The latter figure appears to be a clear overstatement, but no information to justify the assertion of even the 83 million miles figure is presented. This figure is also questionable without any evidence.</p>
<p>Appendix 8.2: Travel Plan</p>	<p>Section 3 considers bus service opportunities. Table 4 considers the ability to link existing services to the site and via the railway stations. Provision of bus routes to the site is important, but it should seek to serve the main population areas where employees are expected to be drawn from. In this respect, connection with Hinckley Railway Station</p>

	<p>and creation of an intermodal system needs thorough consideration. This could be through train and bus connectivity and/or inclusion of a free bicycle hire scheme at Hinckley Railway Station to allow onward journeys. Private bus transfers could also be offered if appropriate. Discounted train fares should also be considered.</p> <p>Given the rail-side location of the site, consideration should be given to the provision of an additional passenger station to serve the development, existing surrounding settlements and proposed future developments in the broad area. The quantum of existing and future residential and employment land increases the viability of this option. Difficulties around its deliverability are acknowledged, but the passenger station must be explored. The station could form the basis of a series of preferential options that are discounted if certain deliverability milestones are not met.</p> <p>Any solution proposed using public transport needs to be carefully considered given the 24/7 nature and shift pattern working of staff to make it a realistic prospect for employees.</p> <p>Section 6 sets out the measures and incentives to encourage non-car borne journeys. These are all very generic and do not attempt to maximise the opportunity to avoid use of the car.</p>
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Ref.	S42 Response Comment
<b>Chapter 9 Air Quality <span style="color: red;">STRONGLY NEGATIVE</span></b>	
Overall summary	<p>The baseline transport movement figures need to be finalised, so all assessments within this report need to be updated once this has occurred. Current assessment work is also undertaken on an incorrect assumption that train arrivals/departures are spread out across the whole day. Timetabling slots will result in clustering of trains which may affect the air quality outcomes.</p> <p>Also, additional assessment is needed to provide a robust Air Quality position, including consideration of the construction phase, energy plant centre and impact upon the re-routed PRowS.</p>
Absence from chapter	<p>Within the assessment undertaken, no consideration of the air quality on the HNRFI appears to have been undertaken. Given that there will be thousands of people working in the site, air quality here is of importance and needs to be assessed. In part there may be scope of on site movements by electric site-based vehicles, reducing additional vehicle emissions.</p>

Para 9.15 and 9.143	Appears a significant short fall of the assessment that construction phase traffic emissions have not yet been undertaken. This must be completed and should be available for public review.
Para 9.32	Energy plant emissions not yet undertaken. Again, this is a shortfall of the assessment information provided and leads to the conclusion that the consultation was premature. This assessment must be undertaken.
Para 9.78 – 9.80	Air Quality Management Area 6: Mill Hill, Enderby appears to have been omitted from the consideration list. This has frequently exceeded acceptable limits so must be considered as part of this proposal.
Para 9.120; Table 9.30	Identified significant increases expected to levels of NO <sub>x</sub> to Martinshaw Wood AW, Aston Firs SSSI and Narborough Bog SSSI. Whilst it notes that it has been referred to the ecologist team (Chapter 12), it provides no resolution here. This should be dealt with within this chapter.
Paras 9.126 – 9.128 and 9.148; Table 9.26	<p>There are incorrect assumptions here. The trains cannot be provided at a movement rate of one per hour given existing capacity availability on the railway line (see Rail Report paragraphs 4.3.4 and 4.5.2). Clustering of trains within certain time periods will need to occur. This changes the baseline assumptions and thus may need to be relooked at. The PEIR does not consider that there could be incidents where particulates could be elevated due to a concentration of train movements within a set time. This could include the need to hold trains in Nuneaton, and/or have freight trains crossing at Hinckley Station.</p> <p>Table 9.26 confirms the number of existing movements along the rail section adjacent to the HNRFI as 131 in total over a 24 hour period. The HNRFI is proposing an additional 32 movements, which is an uplift of 24.4%. this is not a 'small' uplift as concluded in paragraph 9.128, and thus the negligible assumption of its impact is incorrect. This needs to be properly assessed.</p> <p>Additionally, there are locations where residential receptors are located within 30 metres of the railway line; most notably this is in Narborough and Hinckley adjacent/close to the railway stations. It is considered that some assessment and meaningful discussion needs to be provided as part of any proposal to confirm an acceptable relationship is maintained to all residential receptors in respect of the rail movements. This also needs to consider the additional 'barrier down' time at Narborough and thus the implications of idling vehicles.</p>
Table 9.28	Reference is made to 'avoiding' bonfires and burning of waste materials under the 'Waste Management' heading of mitigation. This is

	<p>ambiguous in its meaning and it should be rephrased to be 'no burning of waste materials'.</p> <p>There is a long list of mitigation requirements; to ensure these are complied with, monitoring costs should be further discussed and ultimately secured via a legal agreement.</p>
Paras 9.142 and 9.144	Both paragraphs conclude a 'not significant' conclusion to air quality for the construction and operational phases of the main HNRFI site. However, it will be important to ensure that air quality is delivered at the levels expected; consequently a financial contribution towards air quality monitoring equipment should be provided for the surrounding communities/sensitive locations.
Additional comment	Virtually no consideration of odour appears to have been undertaken. This needs to be incorporated within the air quality assessment.

Ref.	S42 Response Comment
<b>Chapter 10 Noise and Vibration <span style="color: red;">STRONGLY NEGATIVE</span></b>	
Overall summary	<p>The acoustic screening proposed fails to adequately protect the residential properties close to the site, such that their amenity would not accord with national requirements for noise. The layout and design of the site may be able to be redesigned to better address these sensitive noise receptors.</p> <p>Significant concern is also raised in respect of the relationship of the proposed road to the Aston Firs traveller site (NSR15) and the appropriateness of providing a 6.0 metre high acoustic fence on the boundary to this sensitive receptor.</p> <p>Baseline assumptions are also based on incorrect information on train timetabling and potential vehicular movements. Crossing and waiting of trains is much more likely to occur, elevating noise and vibration as a result. There are also assumptions built into the modelling on aspects that are currently unknown – such as the on-site energy centre. This may affect the modelling and results; this should be subject to further scrutiny prior to it being submitted to PINS.</p>
Paras 10.47 – 10.54	Recognition is made that for a Tranquillity Assessment there is a need to consider both noise levels and visual appearance. Only consideration of the noise levels has been undertaken to date. The visual impact needs to be considered as this has a fundamental impact upon the experience of any user of an area.

<p>Table 10.14</p>	<p>Existing noise sensitive receptors are listed within this table. However, no consideration appears to have been given to the noise levels of the new noise sensitive receptors being created through the rerouted PRow. There appears to be an assumption that this is acceptable without being tested. Given part of this is adjacent to the M69, it will almost certainly be in excess of 55 dB, whilst Figure 10.3 shows sections of the PRow adjacent to the A47 link road also exceed this level. It does not therefore create an attractive and inviting environment to potential users.</p> <p>In terms of all the NSR, these are all selected in relation to the main HNRFI. No consideration appears to have been given to other locations relating to the rail line. For instance, in Narborough and Hinckley, the additional trains (particularly at night) may increase noise level incidents above acceptable levels on a more frequent basis to the housing that back onto the line. Consideration of the stationary traffic at the level crossing also needs to be considered at Narborough, with more barrier downtime affecting noise levels within localised areas.</p>
<p>Paras 1085 – 10.97; Tables 10.22 – 10.23</p>	<p>The assessment only refers to generic equipment. Given the construction phase has the potential to increase noise levels by more than 3 dB, further information in respect of the specific plant to be used would assist.</p> <p>Additionally, the modelling and assessment does not account for the proposed earthworks. Further information is required in the noise mitigation strategy to reflect this from an acoustic perspective.</p>
<p>Para 10.137</p>	<p>Typographical error – refers to a figure of 3.5 dB when it should be 3.7 dB.</p>
<p>Paras 10.121 – 10.146; Tables 10.35 – 10.41</p>	<p>These identify a number of exceedances of noise levels to the sensitive receptors due primarily from container placement. Potentially these could be avoided if the site was arranged differently, using the proposed buildings as sound barriers to such activity.</p> <p>Excesses at night-time are likely to represent more important considerations given the time tabling for when trains will be able to access and leave the railport.</p>
<p>Paras 10.170 – 10.181</p>	<p>Unacceptable impact upon NSR14 identified, with high noise levels and a change in excess of 5 dB as a result of traffic noise. The text suggests that as the dwelling is not on the roundabout the impact will be less and therefore is acceptable. It would appear however that in order to reach this conclusion, more modelling/noise level collection is required.</p>

	<p>Assumptions cannot simply be made when the change in noise levels are so high.</p>
<p>Paras 10.185 – 10.189; Table 10.48</p>	<p>This table identifies noise level exceedances at NSR 1, 15, 19, 20, 21 and 22 from the A47 link road. These would all have permanent moderate to major adverse impacts from this highway without mitigation. It then concludes unhelpfully that further road traffic noise monitoring is required. Given the number of receptors that it affects, further consultation needs to be undertaken on this matter once the evidence has been completed.</p>
<p>Paras 10.190 – 10.205; Table 10.49</p>	<p>There is a fundamental flaw within the Tranquillity Assessment as it only covers the daytime (paragraph 10.198). However, footpaths are frequently used in the early morning and evening for running/sport activity and dog walking in particular. The assessment period therefore needs to be reconsidered. It also needs to be related back to good design concepts on layout and its impact – something akin to the Healthy Streets Approach would be sensible to adopt.</p> <p>It is unclear how the conclusion of noise levels to Burbage Common, Freeholt Wood and Aston Firs has been calculated. Presumably it is to a mid-point in both, given the comment in paragraph 10.203 in respect of Burbage Common that it may be higher close to the link road. When considering such areas, the closest receptor position must surely be used. If you have circular routes within these areas, for example, then the user will always be exposed to these higher noise levels. Moreover, if the noise levels are too high for even part of these spaces, it has the potential to also impact upon fauna using the area which will again change the appearance and sensation to anyone using the area.</p> <p>Reflecting the above assumption that it is not the edge of Burbage Common and Aston Firs that has been assessed, it is considered that the levels stated are an under representation. For Aston Firs, it is cited in Table 10.49 as being 10 dB lower than the very close-by NSR15 figures (51 compared to 61 dB), despite the wood actually projecting closer to the A47 link road. This suggests that Aston Firs would then exceed the 55 dB recommended limit and thus generate an unacceptable relationship.</p> <p>In respect of Burbage Common/Freeholt Wood, the fact that a section of acoustic barrier on the railway bridge has been noted as necessary to protect this area highlights that there is a relationship issue. The elevated nature of much of the road section between the railway line and the B4668 to the west where it crosses the floodplain raises</p>



	concern as to whether this acoustic fence needs to be significantly extended in order to provide an acceptable relationship.
Para 10.216	<p>Agree that it is important to recognise that development is not only acceptable if completely screened; it would not be appropriate to completely screen the gantry cranes within the current layout configuration, but in a different arrangement they could be largely concealed from most views by the warehouse buildings.</p> <p>Any matters to reduce noise is beneficial where it causes no harm. Agree that it is commonplace that acoustic screens above 6 metres have little additional benefit; they do however have significant visual impacts. Consideration of even 6 metre high screens needs to be given careful consideration from a visual impact perspective.</p>
Paras 10.219 – 10.239; Tables 10.50 – 10.55; Figure 10.4	<p>These refer to the proposed noise levels and mitigation to protect against noise from the development. Tables 10.50 – 10.53 show that there are exceedances at a number of NSR, especially at night-time. The overall impact is reduced when the existing higher than acceptable background noise levels are considered. However, it is very questionable whether making an unacceptable situation worse should be allowable. Moreover, some of the noise levels even with mitigation are not met – notably for NRS24. It is also questionable how acceptable the mitigation proposed is in some instances; a 6 metre high fence adjacent to a caravan park at NSR15 for example.</p> <p>It is suggested that additional consideration of the operational arrangement and the associated mitigation proposed needs to be undertaken.</p>
Paras 10.225 – 10.239; Tables 10.50 – 10.55	<p>In terms of operational noise, there should be a desire to seek the use of all electric vehicles on the site opposed to fossil fuel based engines. This would have multiple benefits to the development, including potential reduction in operational noise levels. If possible this should be considered within the operational section if it is a realistic prospect.</p>
Paras 10.240 – 10.242	<p>Reference is made to a number of elements that can be installed to reduce the operating noise of the gantry cranes. However, no proof of this has been provided. It all appears hypothetical.</p>
Paras 10.243 – 10.244;	<p>Operational maximum noise levels are noted as being exceeded for 6 of the 26 NSR locations, or 23% of the receptor locations. The suggestion that this is a worst case scenario and would not happen all the time. However, it is expected that the fact it 'would not happen all the time' would be of little comfort to any surrounding noise sensitive</p>

Table 10.56	receptors if they are repeatedly disturbed by this 24 hour operation. Maximums are in place for a reason and presumably should not be exceeded. The mitigation as currently proposed does not therefore appropriately offset harm as a result of noise.
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Ref.	S42 Response Comment
<b>Chapter 11 Landscape and Visual Effects <span style="color: red;">STRONGLY NEGATIVE</span></b>	
Overall comments	<p>The scale of the development is likely to always result in significant harm and change to the character of the area and associated views and vistas. However, it would appear that there are means to improve upon the current arrangement and mitigation proposed to reduce the overall harm which generally is noted as significant even at Year 15.</p> <p>There are no cumulative impacts provided within this Chapter. This should be provided here, as well as summarised within Chapter 20.</p> <p>No NSR locations are provided for the existing or proposed PRoWs within the site. This shortfall was set out in the Scoping Report and has not been rectified. Given the impact upon these PRoW they need to be adequately considered, particularly when the replacement route is marginalised and provided in a less than desirable location adjacent to the M69 and A47 Link Road.</p> <p>Work on lighting impacts needs to be undertaken to establish any impacts to the wider landscape. No scheme has been provided to date.</p>
Figure 11.7	This plan illustrates the zone of influence, denoting the ability to be seen from a greater distance due to the topography to the south-east. The ability to screen the development from this direction in particular is therefore highlighted. Additional screening by natural means to the north, south and west, and to a lesser extent the east, would also be beneficial.
Para 11.105	The construction period is referred to being 'temporary' within the PEIR. At 10+ years, it is considered that the construction phase and any associated impacts need to be considered medium term from a temporal perspective.
Paras 11.118 – 11.119;	The LVIA records significant residual effects at Years 1 and 15 for two Landscape Character Areas (LCA) LCA1: Aston Flamville and LCA6: Elmeathorpe Floodplain). This indicates that the mitigation proposals



<p>Table 11.11</p>	<p>are not effective in reducing significant effects and need to be reconsidered/augmented.</p> <p>It is also considered by the District Council that there will be an underestimation of effects on landscape, the surrounding landscape receptors are only judged to be subject to the direct effects of actual development proposed within the Character Area. The indirect effects related to impact on views and perceptual character of the whole development are not recorded. This is important, as noted above, the LCAs frequently refer to the nature of the topography and long views to adjacent areas as part of their character and sensitivities. Not enough information is provided within the PEIR or the LVIA (Appendix 11.1) to allow clarification on how the judgements on the impact to the LCAs have been determined.</p> <p>The LVIA also does not currently take into account effects on the urban and settlement character areas within the 2 km study area as requested in the scoping consultation.</p>
<p>Table 11.2; figures 11.8 – 11.12;</p>	<p>Those viewpoints closest to the site will always be most affected. These are viewpoints 1, 4 – 9 and 37. Even at Year 15, significant visual impacts are noted to occur to these viewpoints, and in fact at 21 of the 56 viewpoints assessed. This illustrates a fundamental failure to provide adequate vegetative landscaping to assist in softening the development from the surrounding area.</p> <p>The vegetation to the east along the M69 is largely relied upon to deliver screening from this direction. The current arrangement offers little opportunity to improve this.</p> <p>To the north, little space is offered for planting between the rail siding and the site boundary, offering clear views from Elmesthorpe. Additional landscaping should be included, with a reduction in floor space proposed if necessary.</p> <p>To the west, a narrow bund with planting is proposed, but given the view across the lower land here from the B4668, there is significant scope to provide additional tree planting. This is also on land under the control of TS(H) Ltd so could be delivered.</p> <p>To the south, the impact upon the setting of the Aston Firs community and any users of Burbage Common would be massive. Landscaping is proposed to the south to protect the designated areas in particular, but is shown to be largely grassland so offers little screening.</p> <p>Whilst it is recognised that the buildings cannot be entirely screened, more comprehensive vegetative belts would notably augment the</p>

arrangement. Materials of buildings, and in particular their colour can aid the integration into the wider landscape. However, the position of the container storage needs specific mention as this incorporates a multitude of coloured boxes which appear alien in the landscape. Proposed to be stacked up to 20.3 metres high and covering a width of 40 metres (see PEIR paragraphs 3.19 – 3.20), this has the potential to be very visually imposing from the west and south-west. It is these sides in particular that are open to close views and likely to be most readily used by the public.

Although unlikely to mitigate significant effects, it is considered that the design of the current layout could be improved by considering the objectives as a minimum:

- The siting and form of buildings and use of materials and colours should be given careful consideration (noting that TS(H) Ltd intends to submit a design code for buildings to the District Council for approval, to be secured as a requirement of the DCO, see Table 11.2);
- Mitigation of the potential effects associated with lighting, in line with current lighting standards (noting that TS(H) Ltd intends to submit a Lighting Strategy as part of the DCO);
- Refer to measures in HBBC updated Green Infrastructure Strategy (May 2020) - range of interventions and opportunities for GI provision within the Southern GI Zone which could contribute towards enhancement and mitigation opportunities including enhancing the Southern Green Wedge, delivering a more resilient Burbage Common and Woods Sites of Special Scientific Interest (SSSI) and increased woodland planting;
- Refer to HBBC Hinckley/Barwell/Earl Shilton/Burbage Green Wedge Review April 2020;
- Plans for much larger areas of community woodland planting, particularly to the north-west;
- Wider corridors for PRoWs to improve experience;
- Realignment of the link road so it does not dissect the proposed public open space.

The Chapter as a whole makes no specific reference to listed buildings/heritage assets. As the site is visible from the edge of a number of settlements, there is the potential to impact upon a number of heritage assets. Although further mitigation plans are expected from a Landscape perspective, consideration in particular on visual impact to

	the setting of heritage assets needs to be undertaken (also considered within Chapter 13).
Appendix 11.4 Arboricultural Impact Assessment	<p>There is a need to ensure that the Ancient Woodlands and main wooded areas, particularly Aston Firs, Burbage Common and Freeholt Wood are maintained without harm. The physical construction works should not cause harm to these areas, provided protective fencing is erected in accordance with agreed details and maintained during appropriate construction phases.</p> <p>It will be necessary to ensure also that the trees will not be harmed by increased pollution levels. Additional work to this effect may well be required.</p>

Ref.	S42 Response Comment
<b>Chapter 12 Ecology and Biodiversity <span style="color: red;">STRONGLY NEGATIVE</span></b>	
Overall comment	<p>Surveys and Assessments of habitats and species have been undertaken as necessary and the loss of the farmland is acceptable in principle, as it has no special value. The areas of value have been retained (southern boundary hedges).</p> <p>Access to additional open space is supported, but additional buffering is required to the ancient woodland (Freeholt Wood). It also appears a missed opportunity from a biodiversity perspective to have a considerable loss of 60 biodiversity units given the proximity to designated nature areas and thus the creation of additional connected habitats. There is scope to substantially add to the value in this area and connect habitats together, particularly through careful selection of off-site biodiversity net gain sites or the expansion of the application site's area to incorporate these areas.</p> <p>Work on lighting impacts needs to be undertaken to establish any impacts to ecology. Nothing has been provided to date.</p>
Para 12.128	All of the proposed key mitigation measures as shown on the mitigation plan are supported. Additional enhancement of these may well also be beneficial though, particularly in relation to the separation to the designated areas to the south-west. It is important to ensure that the long-term health of the planting within these designated areas is maintained. Any risk to them needs to be appropriately considered.
Para 12.142	Agree the loss of 258 scattered mature and early mature trees across the site is considered to be a significant negative effect at a District level.

Para 12.145	Agree the loss of 74.1% of existing hedgerow on site is considered to be a significant negative effect at a District level. Retention of all the protected hedgerow is however welcomed.
Paras 12.156 – 12.174	The loss of habitats on site for birds, bats, otters, hares and toads are all recognised to have negative impacts upon existing fauna, largely at a local level.
Para 12.175	Agree that these four items are very important elements that could have a fundamental impact upon flora and fauna habitats.
Para 12.176	Potential harm to Burbage Wood and Aston Firs SSSI and Burbage Common and Wood LNR from air pollution and hydrology changes need to be fully addressed. The scheme should be amended accordingly to ensure that these protected areas are not harmed. The NPS paragraph 5.29 states that development should not normally be granted where it has an adverse effect on an SSSI. Protection of these areas and thorough consideration is therefore pivotal to the acceptability of proposals.
Para 12.199 – 12.201	The lack of detail on the noise, vibration, light and air quality (including dust) impacts of the construction phase are of significant concern and cannot be discounted given the long build out time for this development.
Paras 12.202 – 12.205	Protection measures via an Ecological Construction Method Statement is supported and would be recommended as a requirement to any approval.
Para 12.219	Whilst supportive of the creation of additional meadow grassland and other structural, hedgerow and aquatic planting, additional woodland planting may also offer additional habitat benefits and connectivity with the existing designated woodland areas. It can also dovetail with enhancing the visual screening of the development.
Para 12.230	It is not agreed that the proposals would result in a positive effect overall at a site level. The provision of some better habitats is supported, but overall the loss of 60 biodiversity habitat units represents a significant reduction in the value on site. There is potentially scope to increase the ecological value on site through inclusion of additional landscape elements, and/or reduction in the built form. An alternative is to include additional land within the site to allow for more planting and screening. This would be particularly useful to the north-west, on the other side of the train line from the main site, where it is understood TS(H) Ltd have land options.

Para 12.233	It is expected that to meet the 10% net gain in biodiversity, offsite mitigation will be required/provided. Whilst this does not in itself contravene the legislation, given the extensive scale of the site, it is disappointing that the net loss to the site itself cannot be reduced. Consideration should be given to expanding the limits of the site to include more strategic woodland planting and biodiversity net gain land on the site's peripheries. Given the site's existing ecological relationship to Burbage Common, commitment to deliver off-site biodiversity net gain in the local area is expected.
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Ref.	S42 Response Comment
<b>Chapter 13 Cultural Heritage <span style="color: orange;">NEGATIVE</span></b>	
Overall Summary	<p>Overall it is considered that no substantive harm would result to any heritage assets, subject to completion of all necessary work (trial trenching; visual appraisal once finalised information produced) and subsequent assessments on the impacts of light, noise, vibration and odour to all designated and non-designated assets. However, this conclusion cannot be confused with 'no harm'. The conclusions of this chapter therefore require any decision maker to consider the balance of benefits versus harm in accordance with the NPS, NPPF and Planning and Listed Building Act.</p> <p>One Listed Building appears to have been missed off the list – Hillfoot Farmhouse, Station Lane, Croft.</p>
Para 13.8 – 13.19	Largely agree with the methodology selected to assess assets and the relative impacts.
Para 13.42; Appendix 13.2	One Listed Building appears to have been missed off the list – Hillfoot Farmhouse, Station Lane, Croft.
Paras 13.46 – 13.101	In principle no issue with the conclusions provided for the relationship to each asset. However the impacts of light, noise, vibration and odour should be considered for all designated and non-designated assets. The assessment undertaken is largely a visual relationship only.
Paras 13.124 – 13.125	The conclusions on archaeology are written in a finalised manner. Trial trenching is on-going and thus these conclusions cannot be made until this work has been completed. Once complete, comment can be provided on archaeological matters.

<p>Paras 13.156 – 13.159</p>	<p>Mitigation is proposed in the form of landscape planting. The suggested additional landscape mitigation within the comments to Chapter 11 if implemented would offer additional mitigation protection to the heritage assets (excluding archaeology on the site itself).</p> <p>However harm to the setting of three Listed Buildings would still be occurring as these are not to be mitigated. Whilst this harm is not significant it cannot be conflated with ‘no harm’. A balance of benefits versus harm will need to be undertaken by PINS to determine whether the proposal is acceptable against the NPS, NPPF and Planning (Listed Buildings and Conservation Areas) Act 1990.</p>
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Ref.	S42 Response Comment
<p><b>Chapter 14 Surface Water and Flood Risk <span style="color: yellow;">NEGATIVE</span></b></p>	
<p>Overall summary</p>	<p>It is important to ensure that the baseline situation is fully established so that modelling work and the drainage solutions proposed are effective. It is currently questioned whether the background information is sufficiently robust. The finalised drainage system from a flood risk perspective and surface water storage ability is therefore questioned.</p> <p>Disappointing that more surface water storage is not incorporated at ground level and integrated to provide amenity and ecological benefits.</p> <p>It is understood that The Environment Agency is providing a two pronged response, in terms of their usual function but also on behalf of the County Council as the Lead local Flood Authority for the area. The County Council have confirmed that they have been providing the Environment Agency with information in respect of local knowledge, understanding and context that will be incorporated into the Environment Agency’s consultation response. If the Environment Agency’s consultation response does not include sufficient depth of local knowledge, the Council is prepared to engage further with TS(H) Ltd in this respect and lend our own local knowledge and expertise to aid the drainage assessment of the proposals.</p>
<p>Paras 14.85 – 14.86</p>	<p>Recognition is made by the PEIR that the Flood Map for Planning may not be accurate for the site, due to it being within a catchment area of less than 3 km for the Thurlaston Brook Tributary. Local resident evidence suggests that flooding of the site either from river flooding or surface water pooling is more expansive than the plans and information suggests. Additional work to establish fully the baseline is therefore</p>



	required. If these need to be amended, it may have significant implications upon the whole drainage design.
Para 14.99	<p>Paragraph confirms that groundwater was found between 3.1 and 3.9 metres below ground level. The FRA at para 3.38 (Appendix 014.1) notes a low risk of groundwater flooding. However, it is unclear the survey period length undertaken to establish this baseline. The exact levels may be questionable.</p> <p>The development is seeking cut and fill to create two plateaus which will lower the depth of the groundwater below the surface in places. This depth is important to the design of the surface water storage as it only provides a relatively narrow depth between the groundwater and the foundations to the buildings. If surface water capacity is not deliverable underground as anticipated, then the quantum of development would need to be reconsidered.</p>
Para 14.111	The impact upon the SSSI designations is considered to not have 'any significant effects.' However, the effects even if below the level of significant are not stated and no meaningful discussion on this matter is provided. Harm to the SSSIs is a harm to which significant harm can be attributed. The case presented needs to be sufficiently robust to stand up to scrutiny.
Para 14.122	Part of the site is within Flood Zones 2 and 3 (see Figure 2.3 of the Hydraulic Modelling Assessment included in Appendix 14.1). The potential harm to construction workers is not fully explored; clearly there is a need to take additional precautions when working within Flood Zones 2 and 3; this matter needs to be appropriately covered.
Paras 14.136 – 138	The operation of the areas of the site within Flood Zones 2 and 3 have no mention at all. It is unclear to what depth the water inundation across part of the railport and the northern rail access would be and the impact this may have upon the operation of the site, both from the ability for the trains to run during flood periods, and for any maintenance works needed during such times. These matters should be appropriately covered.

Ref.	S42 Response Comment
<b>Chapter 15 Hydrogeology NEUTRAL</b>	
Para 15.30	Reference is made to the need for further deeper strata borehole assessment of the main HNRFI site and the need for all work to the A47 link road land (areas 2 and 3). These assessments should be

	undertaken but it is acknowledged that they are unlikely to cause any issue in respect of the proposed development.
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Ref.	S42 Response Comment
<b>Chapter 16 Geology, Soils and Contamination NEUTRAL</b>	
General comment	<p>The approach to considering contamination and the proposed remediation of the site in general is accepted.</p> <p>Appropriate measures to control the proposed use can be put in place to offer greater protection against contamination and any leaching into water courses from these sources.</p>
Para 16.90	<p>There are a number of potential contamination sources on the site. The District Council has not declared any of the land under its District as contaminated land; however, the Council has a responsibility for monitoring and reviewing such land. If during development works any contamination should be encountered including migrating landfill gas which was not previously identified or is derived from a different source and/or of a different type to those considered under the contamination proposals; then the LPA shall be notified immediately and remediation proposals formulated/amended for consideration by the LPA.</p>

Ref.	S42 Response Comment
<b>Chapter 17 Materials and Waste NEUTRAL</b>	
Paras 17.72 – 17.76	<p>Agree with the ambitions to reuse most demolition materials from existing buildings and barns within the development. Off-site removal to landfill should be minimised, with the exception of any contaminants (e.g. asbestos). This should be included as an aim within a Site Waste Management Plan/Materials Management Plan.</p>
Paras 17.78 – 81	<p>Agree with the ambitions to use cut and fill to minimise the off-site removal of earthworks. A cap on the quantity of material that can be removed can be included within a Site Waste Management Plan/Materials Management Plan to ensure this aim is achieved.</p>
Para 17.94	<p>Within the impacts of construction, no mention is made of the location of materials. Locally sourced materials should be used where appropriate/possible in order to reduce travel miles/CO2 footprint for construction. This aim can be included within a Materials Management Plan. The also generates potential localised economic benefits.</p>



Ref.	S42 Response Comment
<b>Chapter 18 Energy and Climate Change STRONGLY NEGATIVE</b>	
Para 18.58	The Green House Gas (GHG) emissions from worker commuting has not yet been finalised; so the assertions provided within the document may not be accurate. This is a significant source of GHG so must be accurate and updated appropriately within the Environmental Statement.
Para 18.65	Average journey lengths are used for calculating train journeys/GHG. The location of the site and ports it will serve are known, as is the quantum of train slots for journeys in either direction so the location of ports it can serve should be largely known. A specific journey length calculation should be provided to make any analysis site specific.
Para 18.94	The climate change impacts for the construction period has not yet been assessed. Given this will occur over a 10 – 15 year period, this must be included within the finalised Environmental Assessment.
Para 18.164	<p>A number of options to reduce GHG below the figures are provided within this paragraph. One includes the possible future provision of a CHP/on-site heat network. There is an energy centre being proposed and reference to the provision of a CHP has been made. If a CHP is to be provided, then this must be included within any GHG/energy requirement calculations. It is however disappointing that reliance is being placed on fossil fuels for a main energy source to the facility. This shows a lack of ambition for this project, particularly given it will be constructed over the next 10 – 15 years and thus needs to comply with future requirements on such matters.</p> <p>Reference is also made to the option to include on-site charging for HGVs. If the site is to be future proofed, then this must be included within the plans. Additionally, an aim to have all site based vehicles as electric/ non-fossil fuel should be included.</p>
Paras 18.194 – 197	This outlines the importance of the ‘fabric first’ approach to development. This approach is supported to minimise the energy requirements of the buildings for operation. What innovative approaches are being considered and allowed for in this development? For example, could large screens of climbing plants be erected outside the buildings to reduce solar gain, insulation and / or visual softening of the buildings. It does however need to be brought forward in association with renewable energy generation as well.

	Meeting certified standards in terms of building performance is supported and can be incorporated into a requirement / legal agreement.
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<b>Ref.</b>	<b>S42 RA Comment</b>
<b>Chapter 19 Accidents and Disasters NEUTRAL</b>	
-	No comment

<b>Ref.</b>	<b>S42 RA Comment</b>
<b>Chapter 19 Cumulative and In-combination Effects NEUTRAL</b>	
Appendix 20.1	In association with site 11 – Croft Quarry, it appears the latest approval has been omitted. This is reference 2019/CM/0125/LCC.

<b>Ref.</b>	<b>S42 RA Comment</b>
<b>Chapter 21 Conclusions NEGATIVE</b>	
Overall comment	Specific concerns in respect of the scheme are set out within each chapter above. Some significant issues are highlighted that may amend the conclusions reached within the summary sections of Table 21.1 as a result.

<b>Ref.</b>	<b>S42 RA Comment</b>
<b>Glossary</b>	
Page 0-13	<p>This defines the “Main Order Limits” as: “The draft Order Limits that contain the Main HNFRI Site together with the corridor of a proposed link road to the B4668 / A47 Leicester Road (the ‘A47 Link Road’), proposed works to M69 Junction 2 and a section of the B4669 Hinckley Road towards the village of Sapcote.”, this is again confirmed at paragraph 2.4 (page 2-3).</p> <p>Concern is raised in respect of whether the 5 km distance buffer from the boundaries of the Main Order Limits are accurate (see Figure 20.1). It is not clear what the furthestmost eastern extent of the Main Order Limit is on the drawings, and therefore what the 5 km buffer should be. This could affect the integrity of the whole Preliminary</p>

	<p>Environmental Report on topics such as: nature conservation (distance to SSSIs, SACs, LWS), cultural heritage (distance to Conservation Areas and Listed Buildings), where distances have been measured to different sources from the extents of the Main Order Limits. This point needs to be clarified on the associated plans.</p>
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## **Appendix 1: Internal Consultation Responses**

## Planning Policy Initial Comments

### Chapter 4 Site Selection and Project Evaluation

#### NPS Assessment principles

NPS	HNRFI proposals
Judgement of viability within the market framework taking account of Government interventions	Not aware
Environmental Impact Assessment	PEIR
Habitat Regulations Assessment	Not applicable
Alternatives	Sections on site options
Criteria for good design	
Climate change adaptation	
Pollution control and environmental protection	
Nuisance	
Safety	
Security	
Health	

#### Key elements of NPS specific requirements for SFRI

Paras 4.5 to 4.10 refer to the LLEP-SEP 2014 to 2020. But the LLEP has now published a new Economic Strategy 2020-2031. The LLEP-SEP is therefore less relevant.

Para 4.10 of the PEIR indicates that the applicant recognises that a SFRI on the F2N strategic rail freight route ideally within GA5 South West Leicestershire Growth Area, with good access to M69/M1/A5 would provide optimal multi-modal connectivity and a nodal point for the expressed need for growth. It does not explain why other **broader areas of search**, outside Leicestershire, were not considered.

Para 4.14 indicates that Baker Rose Consulting examined potential locations on the rail network in Leicestershire. It is understood that potential locations for an SFRI along the F2N strategic rail freight route were considered. It is not clear why the **search area** for potential locations along this route is restricted to Leicestershire.

Potential additional areas of search in Leicestershire

- North of Cossington
- Near Potters Marston

Para 4.15 sets out the **criteria** used to assess the seven potential sites options. The criteria for the site options appraisal used by the applicant is broadly consistent with those highlighted by the NPS. However, the applicant refers to a number of criteria in the commercial and economic section that are not clearly explained and nor do they appear to be utilised in the site options appraisal.

NPS specific requirements for SFRI (Paras xx)	Applicant criteria for selecting site (Para 4.15)
<ul style="list-style-type: none"> <li>• Accommodate rail and-non rail activity</li> <li>• Located close to markets will serve – major urban centres or groups of centres / key supply chain routes</li> <li>• Good road access</li> <li>• Adequate links to road and rail networks: <ul style="list-style-type: none"> <li>○ Rail - route with gauge capacity of W8 or more</li> <li>○ Road - in line with Circular 02/2013 The Strategic Road Network and the delivery of sustainable development</li> </ul> </li> <li>• Unsuitable adjacent to residential areas</li> <li>• Unsuitable adjacent to environmentally sensitive areas</li> <li>• Existence of an available and economic local workforce</li> <li>• Include rail connected / rail accessible buildings for initial take-up and rail infrastructure for more extensive rail connection within the site longer term</li> <li>• Initial stages includes operational rail network connection and areas for intermodal handling and container storage</li> <li>• Capable of handling at least 4 trains per day</li> <li>• Capable of handling 775m trains</li> <li>• Configuration giving main line access for trains from either direction</li> <li>•</li> </ul>	<p><u>Rail</u></p> <ul style="list-style-type: none"> <li>• Rail access to Felixstowe to Nuneaton strategic rail freight route</li> <li>• Able to receive 775m long freight trains</li> <li>• Able to connect to SFRI site from more than one direction</li> <li>• Availability of train paths to avoid conflict with passenger services and capacity to handle 4 trains per day</li> </ul> <p><u>Road</u></p> <ul style="list-style-type: none"> <li>• Access to motorway and other routes on strategic highway network</li> <li>• Access route that would not cause disturbance to neighbouring and nearby land uses</li> </ul> <p><u>Amenity and environmental</u></p> <ul style="list-style-type: none"> <li>• Avoid existing residential properties and neighbourhoods</li> <li>• Avoid Flood Zones 3 and 3</li> <li>• Avoid significant harm to protected environmental assets – landscape, ecological and cultural heritage</li> <li>• Minimising loss of best quality soils</li> <li>• Avoid significant policy conflict</li> </ul> <p><u>Commercial and economic</u></p> <ul style="list-style-type: none"> <li>• Broadly level topography</li> <li>• <b>Tract of land largely free of built development (minimum 60 hectares)</b> capable of accommodating warehouse development</li> <li>• <b>Compatible with objectives of LLEP Strategic Economic Plan</b></li> <li>• <b>Compatible with existing infrastructure</b></li> <li>• <b>Avoid conflict with existing rail terminals</b></li> <li>• <b>Demand profile for users and occupiers</b></li> <li>• Proximity to a labour force</li> <li>• <b>Potential availability of land</b></li> </ul>

But it is less clear is how some aspects set out in the **generic principles and impacts** section are considered in terms of the alternative potential sites.

For example it is not clear how the assessment takes account of **sensitive environmental and residential impacts** and nuisance and health.

Para 4.86 of the NPS highlights that SFRI are large scale commercial operations, likely to involve 24 hour operation, and involve large structures, buildings and the operation of heavy machinery. Such operations may not be considered suitable adjacent to residential areas or environmentally sensitive areas such as National Parks or AONBs, due to the impact of noise and movements.

Paragraph 4.113 (iv) recognises that there are **residential properties within close** proximity to the site. Of particular concern are the various gypsy and traveller sites and mobile home sites located on Smithy Lane, Aston Firs. Approximately 70 gypsy and traveller pitches and 40 mobile homes are located in this area. One of the sites directly adjoins the boundary and the remaining are within 200m of the boundary of the SRFI site. Given the scale of the buildings, the 24 hour operating nature of the SFRI and the scale of the artificial lighting, it is concerning that the residential amenity and health of the residents will be significantly affected by the construction and operation of the SFRI.

Given the nature of the accommodation, caravans and mobile homes, there is the potential that the occupants will be affected to an extent that they will require relocation. This is of concern because it is difficult to find suitable locations for the gypsy and traveller community and this is a significant population to relocate.

Burbage Common and Woods – This directly adjoins the proposed SRFI. It is a **sensitive environmental asset** due to its designation as a SSSI but it is also an important location along with the surrounding footpaths and bridleways for recreation. In respect of recreation, it is the largest natural and open space and relatively tranquil area serving the population of Hinckley and the wider south Leicestershire area. The scale of the buildings, the 24 hour operating nature of the SFRI and the scale of the artificial lighting will have significant impacts on both the sensitive environmental asset and its enjoyment as an area of recreation.

Para 5.28 of the NPS is clear that SSSIs that are not covered by an international designation should be given a high degree of protection.

Paragraph 5.29 indicates that where a proposed development on land within or outside a SSSI is (either individually or in combination with other developments), development consent should not be granted. Where an adverse effect on the site's notified special interest features is likely, an exception should be made only where the benefits of the development at this site clearly outweigh both the impacts that are likely to have on the features of the site that it is likely to have on the site that make it of special scientific interest, and any broader impacts on the network of SSSIs.

Have the issues in Paragraph 5.29 been adequately considered? (I will leave this to the ecology specialists). Has the proposal been considered in combination with other nearby proposed developments (eg. Barwell and Earl Shilton SUE)? The SUEs will add to the recreational pressure to Burbage Common and Woods which may impact on the SSSI but also highlights the need to maintain the integrity of Burbage Common and Woods for recreation and enjoyment.

## **Chapter 5 Need and Policy**

### **National Need**

The NPS, prepared in 2014, is national planning policy for xxx

### **Local evidence on Need**

The strategic study 'Warehousing and Logistics in Leicester and Leicestershire: Managing Growth and Change' (2021) considers, alongside other related issues, floorspace and land needs for the warehousing and logistics sector across Leicester and Leicestershire.

In terms of rail served sites, the Study recommends that the authorities plan for an outstanding need for 768,000 squares metres of rail-based warehousing and logistics space.

The Study notes that the proposed HNRFI (if permitted) would meet this scale of growth.

The PEIR report appears to muddle the amount of need by suggesting a higher figure of need around 1.6m square meters that includes replacement need. My understanding is that the figure of 768,000 square meters is the outstanding need when taking account of existing commitments. I am not sure whether there is a deliberate inflation of need or whether there is a misunderstanding.

### **Local Policy**

The current Development Plan includes:

Core Strategy (2013)

Delivery DPD (2019)

Leicestershire Minerals and waste Plan (2020?)

Fosse Villages Neighbourhood Plan (2021)

The following policies of the Development Plan are relevant. Many of these are issues highlighted in the NPS that will need to be considered in terms of the general assessment principles and general impacts. These are considered through the PIER Report. Key issues are highlighted below:

### **Core Strategy**

CS1 Strategy for locating new development – Sets the overall scale of growth for housing and employment growth and directs most development towards the Principal Area of Leicester and then to other sustainable settlements as set out in a settlement hierarchy.

*The proposal does not accord with the development plan in terms of the locational strategy. However, it is recognised that the locational requirements of a SFRI, including good access to the strategic rail freight and strategic road network and the need to avoid residential will limit the potential locations for such facilities.*



Policy CS2 design of new development – Seeks to secure a high quality environment respecting distinctive local character, creating places of high urban design quality that contribute to a better quality of life for the local community. Key elements of the policy relate to: Local context; safe and socially inclusive places; enhancing natural and historic environment including improvements to Green Infrastructure and promoting biodiversity; access and mobility; building for life principles.

*The design of the SFRI should seek a high quality design taking account of the local context and character and in particular the green infrastructure and biodiversity importance of the area adjoining the proposed SFRI.*

Policy CS6 Employment – Seeks to ensure that the District has a range of employment opportunities for residents and wider communities and to plan for growth of existing businesses and inward investors particularly those in the ‘priority employment sectors’ (not stated). To meet strategic needs the policy supports strategic employment sites, smaller employment sites, protecting key employment sites from non-employment uses, allowing the use of agricultural buildings in rural areas for employment, allowing live work units, promoting local labour agreements and supporting local businesses to improve their environmental performance.

The policy supports Policy CS1 in terms of explaining how the employment land growth is to be accommodated across strategic and smaller sites. It does not specifically address SFRIs.

*The penultimate bullet of the policy indicates that the Council will promote local labour agreements with developers to enable local people to secure employment and skills development. Given the current labour / skill shortages in this sector, this approach should be undertaken to ensure that sufficient local employees with relevant skills are available to resource the proposed SFRI.*

Policy CS10 Transport Infrastructure – the policy promotes modal shift and sustainable and accessible transport modes. Key actions include: giving priority to pedestrians, cyclists and public transport users through the design of new developments, exploring new and improved safe cycling, walking and bridleway routes, solutions for improving public transport. The policy supports the exploration of realistic opportunities for improving rail based movement of goods and people. A transport statement and travel plans will be required and area wide travels to provide a comprehensive approach where there will be multiple users will be encouraged.

*The policy supports the rail based movement of goods and a shift from private cars to sustainable modes for passengers. The SFRI should seek to improve the number of commuting trips made by sustainable modes by providing new and improved links (walking, cycling and public transport) to key commuter travel origins/destinations. It is concerning that the PEIR (Chapter 7 Socio economic) expects employees to travel up to 30km.*

Policy CS11 Infrastructure, Services and facilities to Support Growth – requires new development to be supported by physical, social and environmental infrastructure at the appropriate time.

Development should provide the necessary infrastructure, services and facilities to meet the needs of the community and mitigate any adverse impacts of development.

Policy CS12 Planning Obligations and Developer Contributions – Where evidence identifies requirements for infrastructure, services and facilities it is expected that developers will contribute to their provision (and in some cases maintenance).

*The applicant will provide appropriate infrastructure, as identified, to support the proposed SFRI. The applicant will also provide mitigate against the adverse impacts of the development. Where the infrastructure is not provided by the applicant developer contributions will be sought. The NPS supports the approach xxx*

Policy CS14 Green Infrastructure- seeks to protect existing and provide new ‘networks of multi-functional green spaces’. This includes:

- Seeking to improve and enhance the Green Infrastructure Network, taking account of evidence, to improve access to (but not limited to) the network of Green Wedges that adjoin the urban areas.
- Taking opportunities to incorporate key landscape features such as woodlands, ponds, rivers, streams and the local topography to create high quality design incorporating high quality functional and useful open space and links;
- Consider maintenance of GI early in the process;
- Aston Firs/Burbage Common, amongst other areas, are to be retained as important recreation resources and valuable wildlife habitats.

*The SFRI should protect the green infrastructure and wildlife assets associated with Burbage Common and Woods and Aston Firs. If development is permitted, the SFRI must be of a high quality design taking account of the green infrastructure and biodiversity importance of the area adjoining the proposed SRFI.*

Policy CS18 Countryside - The land sits within land designated as Countryside through Policy CS18. Planning permission will not granted for built development or other development that would have significantly adverse effect on the appearance or character of the landscape. Exceptions are limited small scale employment or leisure development and essential dwellings.

The restrictive policy includes a clause to give flexibility. The need to retain Countryside will be balanced against the need to provide new development in the most sustainable locations.

*The principle of development in the Countryside will need to be balanced against the need for the proposed development. There will also need to be a consideration of whether the development will have a significant adverse effect on the appearance or character of the landscape. I understand Land Use Consultants have been engaged to advise on this matter.*

Policy CS19 Biodiversity and Geodiversity – Seeks to safeguard and enhance **sites of ecological and geological importance at the national, regional and local level**. The policy is clear that development

on land within or outside a SSSI having an adverse effect on a SSSI (individually or in combination with other development) will not normally be granted. Where an adverse effect on the site's notified special interest features is likely, an exception will only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the network of SSSIs. Conditions and / or planning obligations will be used to mitigate the harmful aspects of the development and where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest.

In addition, the policy seeks to maintain / extend network of natural habitats to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats. It also seeks to protect species of national importance.

*A similar approach is taken in the NPS in terms of SSSIs. Given that the site adjoins the Burbage Common SSSI, expert advice is required to confirm whether or not the SSSI will be adversely affected and the impacts that are likely and/or whether there is sufficient evidence to justify refusal of the proposed SSSI. As a minimum, advice is required as to the scale and approach to mitigation required.*

Policy CS20 – Historic Environment and Culture – Seeks to preserve, protect and where possible enhance **important buildings, sites and areas of historic value** including Scheduled Monuments, Listed Buildings, Conservation Areas, archaeological remains and other heritage assets.

*Such assets must be preserved, protected and where possible enhanced in line with Policy DM12.*

Policy CS21 Climate Change seeks to ensure that all development minimises vulnerability and provides resilience to climate change and flooding. Key elements include seeking site layout and sustainable design principles to reduce energy demand and increase efficiency and encouraging the use of renewable, low carbon and decentralised energy.

*The policy encourages (not requires) measures to ensure that all development minimises vulnerability and provides resilience to climate change and flooding. We should strongly encourage such measures in the design, layout and operation of the SFRI given the focus climate change now has despite national policy being behind the curve.*

Policy CS22 Flood Risk Management directs development to locations at the lowest risk of flooding, giving priority to land in flood zone 1.

*Most of the site is located within Flood Zone 1. A small part of the northern extent is affected by Flood Zones 2 and 3. The surface water flood maps indicate large areas of **surface water flood risk** (at 0.1%AEP) close to the railway and motorway boundary edges.*

*Chapter 15 of the PEIR considers flood risk.*

Policy CS24 – Presumption in favour of Sustainable Development - sets out a presumption in favour of sustainable development in line with the NPPF.

*The SRFI is not being determined by the Local Planning Authority but through the DCO process which is guided by the NPS.*

### **Delivery DPD**

**DM2 Development in the Countryside** – Detailed requirements for development consistent with the Core Strategy policy CS18. The key elements include:

Development to be **in keeping with the appearance and character of the landscape**, development form and buildings taking account of the latest evidence on landscape character, historic landscape character and national Character Areas.

Development to provide **a satisfactory relationship with nearby uses** that would not be significantly detrimental to the amenities enjoyed by existing or new occupiers.

*These issues are highlighted by the NPS and therefore relevant considerations to this application.*

**DM3 Employment Development on Unallocated Sites** – Seeks to provide some flexibility in terms of supporting economic growth where there are no suitable sites available within existing settlements or on allocated sites.

*The policy supports proposals on the edge of settlements and ii particular supports proposals providing accommodation for small and medium sized businesses. As such it is not specifically relevant to the SRFI proposal.*

**DM4 Connection to Digital Infrastructure** – seeks to ensure that developers of commercial properties provide connections to superfast and reliable **broadband**.

*It is expected that the SRFI proposal will provide appropriate broadband connections.*

**DM7 Road Related facilities for HGVs** – seeks to ensure that appropriate **facilities for HGV drivers** are provided when new storage and distribution development takes place.

*The Delivery DPD recognises the benefits of suitable lorry parking and welfare facilities in retaining and recruiting drivers. The proposals include a lorry park, driver welfare building and lorry filling station. This should include both facilities for driving breaks and overnight rest (for drivers to comply with driving time regulations). The facilities should include: decent and clean toilets /shower*

*facilities, provision of hot food / drinks and areas for drivers to relax. The lorry parking should be secure. (see DFT Local Authority Freight management Guide and National Survey of Lorry Parking)*

*As a minimum, the lorry park with welfare and fuelling facilities should be available to any driver who delivers or collects goods from the HNFRI. It is unclear what is meant by 'HNFRI-related hauliers'.*

DM8 Local Parking and Highway Design Standards – seeks to provide a consistent approach to local car parking standards and highway design by using the **Leicestershire Highway Design Guidance**.

*The Leicestershire Highway Design Guidance should be used where appropriate.*

DM12 Designated and Non-Designated Heritage Assets – seeks to ensure that **heritage assets** are suitably considered and where necessary protected when affected by a development proposal.

*This issue is covered by Chapter 13 of the PEIR. Further advice is required in terms of the impact on heritage assets and whether or not suitable mitigation is proposed.*

DM13 Land Contamination and Pollution – seeks to ensure that development proposals are not affected by or cause land contamination or **pollution (water, air, noise, light and soils)**.

*The proposal has the potential to be the source of various pollution aspects in terms of water, air, noise, light and soils. Suitable investigations will be required and unacceptable impacts will need to be satisfactorily mitigated.*

*The PEIR Report Chapters 9, 10, 15, 16 cover these issues. Further advice is required in terms of the impact and mitigation proposed.*

DM15 Mineral Safeguarding Areas – highlights that mineral resources of national or local significance should not be needlessly sterilised by non-mineral development.

The SRFI is not located in a Mineral Safeguarding Area.

### **Fosse Villages Neighbourhood Plan**

The following policies are relevant to the SRFI proposal. These cover the same ground as Local Plan policies with the exception of Policy FV2 which may be impacted by the proposal.

Policy FV1: Road Traffic

Policy FV2: Rail - Proposals for the delivery of a railway station, associated parking and access at Station Road Croft, as shown on Policies Map, will be supported. Conversely, proposals which would prejudice the delivery of such infrastructure will be resisted.

Policy FV4: Biodiversity

Policy FV6: Design

Policy FV16: Renewable Energy

Many of these are issues highlighted in the NPS that will need to be considered in terms of the general assessment principles and general impacts. These are considered through the PIER Report

### **Emerging Local Plan**

The District Council is preparing a new Local Plan. The work is at an early stage and as yet there are no specific proposals. However, the site promoters for the HNRFI has submitted the rail freight site and the land north of the railway for consideration as site allocations in the Local Plan.

## **Chapter 7 Land Use and Socio Economics**

This Chapter is confusing in terms of its layout. There are sections covering construction workers, demand for housing and land use and accessibility throughout the Chapter. This makes it very difficult to interpret.

Chapters should be standalone.

### **Labour market and commuting**

The Study areas for construction employment and operational employment extend to a 30km commuting distance (Paras 7.3 to 7.10). This is concerning in terms of the opportunity to encourage workers to use sustainable transport modes. The mitigation package should include approaches to encourage sustainable modes of travel.

The report sets out data to show there is a history of a shortage of workers in the logistics sector (Paras 7.83 to 7.91). This is concerning as there is already evidence of long distance commuting. The mitigation package should include an approach to provide the skills for this work area as well as to encourage sustainable modes of travel.

It also raises the question of whether there are sufficient construction workers in the area to be able to fulfil other construction projects in the area (and the potential impacts on housing delivery test etc). The PEIR report does address this by stating that the District/Study Area is a net exporter of such workers so this means such workers could work more locally. Ultimately, this will affect construction projects

elsewhere. The mitigation package should include an approach to provide the skills for this work area

Construction worker calculations. Para 7.135 explains the calculation but it is difficult to understand without further explanation of the assumptions. It seems odd to link the number of construction workers to the value of the project.

Data on size of the labour market and specifically the construction and logistics sectors.

Logistics and Distribution Sector Growth Action Plan (LLEP 2015). Refers to a Business Survey in 2015 that reports difficulties in filling logistics sector vacancies.

Logistics UK Survey (2021) – logistics companies facing recruitment difficulties – HGV drivers and mechanics roles

Housing and Economic Demand Needs Assessment HEDNA (2017). For Leicester and Leicestershire and Coventry and Warwickshire employment forecasts show an increase in jobs in the transport and storage sectors.

The section titled 'Legislation, policy and guidance' sets out information from:

- NPS for National Networks (2014)
- NPPF
- Leicester & Leicestershire Economic Partnership Strategic Economic Plan 2014-2020 (2014). Note - This may be superseded by the L&L Economic Strategy 2020-2031 (2021). The later document is much less focused on mapping growth areas.
- Leicester and Leicestershire Strategic Growth Plan (2018)
- Warehousing and Logistics in Leicester and Leicestershire: managing growth and Change (2021). Note - This is evidence and not policy.
- Blaby District Core Strategy (2013) but no reference to the Delivery DPD (2019)
- Fosse Villages Neighbourhood Plan (2021)

### Demand for Housing

Chapter 7 of the PEIR mentions the demand for housing on a number of occasions (Paras 7.12, 7.100 to 7.111, 7.173 to 7.178) and my interpretation is that the report concludes there is no need for additional housing to meet potential demand created by the SRFI. This should be made clear given some of the statements as below.

The PEIR highlights that the HEDNA includes growth scenarios taking account of planned and committed investments but this does not include the HNFRI.

The PEIR refers to the 35% uplift in housing afforded to Leicester and the need to redistribute to the Leicestershire Districts.

It also refers to housing need related to strategic distribution development being distributed based on forecasts of warehousing and distribution development cross checked with the 2014 Leicester and Leicestershire Strategic Distribution Sector Study.

My view is that the HEDNA is relatively old and predates the Government's introduction and changes to the standard methodology for calculating housing need. The 2014 L&L Strategic Distribution Sector Study has been superceded by the 2021 study. These should not be relied on to determine the housing demand arising from the HNFRI.

#### Community land and assets

It is unclear what is meant by this. Currently Burbage Common and Woods and Aston Firs are highlighted as community assets. Does this mean they are publically accessible? My understanding is that Burbage Common and Woods is accessible but not Aston Firs given the number of signs indicating it is private property. Aston Firs is highlighted as an alternative community asset but in terms of what?

Paragraph 7.191 makes reference to Freeholt Woods. I do not understand this to be a publically accessible site.

#### GVA and business rates calculations.

The report should clearly state whether these are gross calculations or whether they take account of the potential for some businesses to relocate as assumed elsewhere in the Report. This may have an impact on the effect score.

#### Land use and accessibility

The sections (Paras 7.181 to 7.190) assessing the effects in terms of:

- Private property and housing
- Community land and assets
- Development land and assets
- Agricultural land holdings
- Walkers, cyclists and horse riders



Appear to be showing very limited effects that are not consistent with the scale and impact of the scheme. Further explanation is needed in terms of the relative impacts in terms of socio-economic effects and how this relates to wider effects on other issues such as biodiversity and landscape.

#### Human Health outcomes

Para 7.191 also underplays the effect on health. Refers to a minor adverse effect that is 'applicable only in the unlikely event of the effect on the tranquillity of Freeholt Woods discouraging people from walking or cycling'. The statement doesn't give much confidence given that Freeholt Woods isn't accessible for walking and cycling as far as I am aware, let alone the actual conclusion.

#### Long List of Cumulative Sites

Appendix 20.1 / Figure 20.1

Will need to check this once the criteria for inclusion are clear.

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**From:** Stefanos Zymis [REDACTED]@savills.com>  
**Sent:** 21 March 2022 11:26  
**To:** Gemma Yardley  
**Cc:** Edward Stacey; Erin Banks; Karl Cradick; Alex Reynolds  
[REDACTED]@tritaxsymmetry.com); Sinead Turnbull  
[REDACTED]@tritaxsymmetry.com); peter.frampton; Mark Powney  
**Subject:** HNRFI Socio Economic Chapter Queries Response  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Gemma,

Thank you very much for sending your queries.

Please find below my responses as discussed during our call on Wednesday 16/03. The responses follow the order of your queries.

1. Community Land: Definition is provided under 7.22 and it is noted that Aston Firs is not publicly accessible and its classification as community land will be removed.
2. LLEP Economic Strategy 2020-2031 will also be added with links with other LLEP documents to be clarified.
3. Housing impact: Clarification in terms of HEDNA findings and how these relate to HNRFI will be added
4. Construction workers: Estimation approach will be clarified in a table with all steps detailed. Please find an example [here](#) using a similar approach. Potential knock on effects at the national/regional will be assessed with additional information provided under the baseline if needed and specific reference under the assessment section.
5. Additional Jobs: All types of jobs are considered. Jobs in the supply chain of HNRFI's are considered under the multiplier impacts as per the Additionality Guide.
6. GVA and Business Rates: GVA estimates provide a breakdown to consider displacement. Similar approach will be followed for business rates. Clarification on the uncertainty on the future of business rates will also be added.
7. Land Use and Community: Other chapters were sent for review. The ES chapter structure followed is a standard approach to EIA and reporting of effects and is explained in the front end of the ES and applied across all chapters for consistency purposes.
8. Cumulative List: Chapter and list have been sent separately.

Many thanks.

Kind regards,

**Stefanos Zymis**  
**Associate Director**  
**Economics**

Savills, 33 Margaret Street, London W1G 0JD

Tel [REDACTED]  
Mobile [REDACTED]  
Email [REDACTED]  
Website : [REDACTED]



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**From:** Gemma Yardley [REDACTED]@blaby.gov.uk>  
**Sent:** 16 March 2022 09:32  
**To:** Stefanos Zymis [REDACTED]@savills.com>  
**Cc:** Edward Stacey [REDACTED]@blaby.gov.uk>  
**Subject:** Socio Economic

**EXTERNAL EMAIL: Be cautious when opening attachments or clicking links**

Hi Stefano

Please find below some queries relating to the Socio-Economic Chapter:

Community land – what is the definition? Publically accessible?

Refs to LLEP Strategic Economic Plan 2014-2020. Has this now been replaced by the LLEP Economic Strategy 2020-2031?

Demand for housing – The PIER report seems to indicate that there is no additional demand for housing based on the HEDNA 2017 and Strategic warehousing Study 2014. Is this the case? These studies are outdated and do not include HNFRI.

Construction workers – explain the assumptions for the calculations in para 7.135

Will the construction of the HNFRI affect other construction projects in the study area or elsewhere that construction workers are currently working

Do the jobs forecasts for the site include only on-site workers. What about those who deliver to and from the site?

Do GVA and business rate calculations take account of the fact that some of the businesses will be relocations?

Please explain the effects especially in relation to land use and accessibility. These seem to underplay the impacts and the need for mitigation.

The cumulative effects section refers to a 'long list of cumulative sites'. Where is this list?

Happy to hear a response this morning or by email over the next few days.

Kind regards

**Gemma Yardley**  
**Principal Planning Policy Officer**  
Telephone [REDACTED]

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**From:** Thomas McGowan  
**Sent:** 24 March 2022 17:06  
**To:** Edward Stacey  
**Cc:** Gemma Yardley; Vicky Chapman  
**Subject:** Comments on HNFRI  
**Attachments:** Notes on Rail Report.docx; HNFRI PEIR partial review.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Ed,

I have looked at parts of the PEIR, leaving sections on technical matters to other consultees, such as ecology and hydrology, etc.. I have noted comments in the PEIR Review template you provided me with. These can be read in conjunction with Gemma's comments and I have tried to avoid overlap.

There is one large application missing from the list of committed developments for the cumulative impact work: Aggregate Industries obtained planning permission from Leicestershire County Council in January 2022 for the: proposed lateral extension to the mineral extraction area within Croft Quarry, retention of access and ancillary development and reclamation via the importation of restoration material. Application reference: 2019/CM/0125/LCC applies. Taken from the planning application documents, the proposal includes:

- The lateral extension of approximately 5 hectares of land which would release 6.3 million tonnes of aggregate, taking between 12 and 22 years based on extraction rates of between 300,000 and 500,000 tonnes per annum (tpa)
- The importation of approximately 22 million m3 of restoration material via the railway line (up to 750,000 m3 per annum), which would raise the level of the existing quarry void to approximately 30m AoD and preserve the geological SSSI at the quarry.
- The rail siding will be relocated to run parallel with the Leicester to Birmingham mainline and will involve consultation with Network Rail.
- For three years, the concrete block plant will need to import material via road or rail as the lateral extension development takes place. This is 1,000 tonnes of aggregate per day (275,000 tpa) equating to 66 vehicle movements per day.
- The ready mix concrete plan will require the importation of 60,000 tonnes of aggregates and

I have taken a look at the Rail Report to see if it factored in any committed developments, such as the reclamation of Croft Quarry through the importation of restoration material, and it hasn't. There are a litter of errors in that report I have noted in the attached word document.

I am concerned that the PEIR doesn't accurately reflect the content of the Rail Report, namely that the Rail Report finds that the 32 train movements will be during the day time, whereas the PEIR assumes they'll be spread through the day, at about one train per hour and so not being too harmful to people via noise and air pollution, etc.. The Rail Report says that timetabling will be tricky and some trains will be crammed at certain times of the day, including the prospect of two trains passing each other at once in Hinckley Station. This impact is not considered.

Thanks,

**Tom McGowan**  
**Principal Planning Policy Officer**  
**Blaby District Council**  
Tel: [REDACTED]

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### **Notes on Rail Report**

Para 3.2.2. : the final sentence is incomplete.

Para 4.3.3 : what does FLT mean? This acronym has not been introduced / explained.

Para 4.4.1. : “assuming that Wigston North Junction is not a constraint” ... this is a big assumption that capacity works are going to be carried out at this junction when this is not known.

Para 4.5.5. : another assumption that HS2 Phase 2a opening will lead to a significant reduction in the number of passenger services on the WCML south of Crewe to Nuneaton. Has this been forecast or is this speculation?

What is the impact of the Government’s Integrated Rail Plan for the North and the Midlands, published in November 2021?

Para 4.6.2 seems incorrect. The table shows that the maximum is 15 not 16. Unless I am adding something up incorrectly...

Para 4.6.2 is also wrong. “10 from the west, 6 from the west”. This is quite a fundamental error.

Lack of rail freight regulation facilities close to the site: From the East (Wigston / Leicester) there is the assumption again that the Leicester Capacity scheme will be implemented.

Ref.	S42 RA Comment
<b>Chapter 1 Introduction</b>	
2.34	The 2008 Blaby District Character Assessment has been superseded by the 2020 Blaby District Landscape and Settlement Character Assessment.
3.15	"On arrival, trains would be directed to one of the reception sidings in the Railport, four of which are served by gantry cranes for unloading and loading, with the other four used as a holding and marshalling area for trains." Is there three or four reception sidings? See the Rail Report and plans.
3.17	16 in-bound and 16-outbound movements or 32 train movements per day. The Rail Report does not say that it is possible for that number of trains because of capacity issues with departures, so in the AM and PM, crossover of trains being stuck in the sidings awaiting departure in the following time period.
3.36	Lorry park with welfare and fuelling facilities. What is the justification for prohibiting non-NRFI related hauliers from accessing the lorry park for overnight stays? There is a significant shortage of overnight stopping places for HGV drivers; see Local Plan Delivery DPD Policy DM7 Road Related Facilities for HGVs.
<b>Chapter 7 Land Use and Socio Economics</b>	
7.24	Does the temporal scope consider the cumulative effects of short term, medium term, and long term effects, together? For example, if an effect can be both medium term and long term (a during- and post-construction effect)?
Table 7.2	Criteria for receptor sensitivity: under "community land and assets where there is a combination of the following": there are four criteria listed but the rules in the methodology are not clear whether it is a combination of two or more of the list, or three or more?
Table 7.5	In Table 7.5 Matrix of Significance is consideration given to the length of the impact leading to a worsening of the impact magnitude? For example, if there is a low magnitude of impact but over the long-term is this assessed differently to a low magnitude of impact over the short-term (e.g. construction phase)? Could this mean that the low magnitude impact is elevated to medium (moderate) magnitude because of the duration of the impact? It is not clear.
7.127	What is the geographic extent of the Study Area referred to under Surrounding Study Area at paras 7.127 to 7.131?
7.135	The average turnover per construction employee in the East Midlands is a. calculated over a very short period of time (2018 – 2020), and

7.216	<p>b. fails to reflect the fact that construction workers are likely to come from a wider geographic area than just the East Midlands, as summarised at paragraphs 7.5 and Figure 7.2 of the PEIR report.</p> <p>This data is used to calculate the number of jobs required for construction of the HNFRI and so it is important it is accurate and not inflated. It could take an average of the average turnover per employee across all of the regions within the employment radius of 30km.</p> <p>"The land use and socio-economic effects chapter concludes that the Proposed Development will have a significant beneficial effect by generating net additional jobs and by providing addition floorspace to the businesses of the logistics sector." This is inaccurate. The previous section concludes that the effect of jobs from the Proposed Development would be Moderate beneficial and not Significant beneficial. This section under Conclusions would be better illustrated by a table to illustrate the conclusion on effects for each assessed component.</p>
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**Chapter 9 Air Quality**

9.127	<p>It is quite simplistic to conclude that the additional 16 train movements (32 two-way movements) would take place spread evenly throughout the day: "less than 1 per hour over a 24-hour period". The Rail Report does not state that overnight trains will be operating and assumes 16 train movements between 0600 and 2230 / 2300 (again, inconsistencies in the Rail Report on the time schedules considered). Therefore, it is inaccurate to suggest that the train movements will be over a 24-hour period.</p> <p>The Rail Report goes on to say that the train movements will be at various times throughout the day, rather than at consistent intervals, as assumed by the PEIR: "there are limited opportunities in a day to find additional paths that linked a slot through Stafford..." (para 4.5.2 of the RR), so affecting arrivals and departures from and to the West Coast Main Line. Paragraph 4.3.3 of the RR identifies that there is the prospect of freight trains crossing each other at Hinckley station: is there a risk of worsening air quality and noise pollution through the increase in trains in one location at any given time, especially because there are residential properties in close proximity to the Hinckley railway station? Para 4.3.4 of the RR identifies that there are constraints to the timetable for trains between Hinckley and Water Orton, again indicating that the departure and arrival times will not be consistent or evenly spread out through the day.</p> <p>The PEIR does not consider that there could be incidents where air quality could be higher than anticipated because there is a concentration of train movements within a set period of time.</p>
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**Chapter 10 Noise & Vibration**

10.160	<p>It is accepted that the PEIR report is preliminary, however, it fails to accurately reflect the findings of other reports being consulted on, namely the Rail Report, that states that the train movements are all expected to be between 0600 and 2230.</p> <p>Given that the train movements identified in the Rail Report are expected to be during the day only, it is premature to conclude that the predicted changes in the rail traffic noise levels will be "minor adverse" because that conclusion is drawn on the assumption that train movements will be split over a 24-hour period. This also could have an</p>
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	<p>impact on the conclusions on vibration from rail traffic associated with the Proposed Development.</p>
<b>Chapter 17 Materials and Waste</b>	
17.117	<p>Whilst this chapter acknowledges that there are quarries in the locality that have an adequate supply of aggregates (should they be needed), little consideration has been given to the operational impacts of the HNFRI on the ability of quarries in the local area, specifically Croft Quarry, to operate at current or optimal efficiencies by utilising the railway to export and import material.</p> <p>Para 17.117 states that it is inevitable that there will be a requirement to import material particularly where large quantities of engineer graded material are required and for the production of concrete and that the adjoining railway line will be able to serve the HNFRI site through the importation of material. Whilst the importation of material is not expected to have a significant impact on the supply of aggregates in the <b>construction</b> phase of the development it does not appear that any consideration has been given to the impact on the supply of aggregates in the <b>operation</b> phase of the development. Quarries in the locality, such as Croft Quarry, use the railway line to move aggregates. Will the operation of rail freight associated with the HNFRI impact on the quarry's ability to transport aggregates across the country? This is particularly relevant in light of the fact that the quarry has recently gained permission for additional extraction at the site.</p>
<b>Chapter [21] 22 Conclusions</b>	
	<p>The Glossary at page 0-13 defines the "Main Order Limits" as: "The draft Order Limits that contain the Main HNFRI Site together with the corridor of a proposed link road to the B4668 / A47 Leicester Road (the 'A47 Link Road'), proposed works to M69 Junction 2 and a section of the B4669 Hinckley Road towards the village of Sapcote.", this is again confirmed at paragraph 2.4 (page 2-3).</p> <p>We are concerned that the 5km distance buffer drawn from the boundaries of the Main Order Limits are inaccurate (see Figure 20.1). It is not clear what the furthestmost eastern extent of the Main Order Limit is on the drawings, and therefore what the 5km buffer should be. This could affect the integrity of the whole Preliminary Environmental Report on topics such as: nature conservation (distance to SSSIs, SACs, LWS), cultural heritage (distance to Conservation Areas and listed buildings), where distances have been measured to different sources from the extents of the Main Order Limits.</p>
<b>Supporting Figures/Maps and Appendices</b>	



List of sites for cumulative impact:

Omits the large planning application at Croft Quarry for additional mining and subsequent reclamation of material (see application reference 2019/CM/0125/LCC of Leicestershire County Council)

May need to consider additional sites in an easterly direction should the 5km buffer be re-drawn.

<b>Chapter 7 Land Use and Socio Economics</b>	
7.197	Why is the timeframe 2070-2099 considered most relevant for the proposed scheme?
7.199	<p>'In the context of socio-economics, it is considered that climate factors have little influence on most receptors'. What is the basis/evidence for this statement? It is our opinion that climate change will have significant effects on receptors. Climate change presents an existential threat to society itself. While the worst effects of heat, flooding and water shortage may be overseas the knock on effects on supply chain, food systems (and food shortage), energy shortage, fuel poverty and the potential economic crisis will be felt by all.</p> <p>These factors have not been considered adequately in this section.</p>
7.200	
7.201	
7.202	
<b>Chapter 18 Energy and Climate Change</b>	
18.160	<p>During operation there will be GHG emissions from energy consumption of on-site facilities – heating and lighting of all internal areas and catering energy use within the market place. GHG emissions arising from maintenance activities will come from both energy and materials use. When will the assessment of operational GHG emissions be extended to include energy use of on site facilities such as heating, cooling and lighting of internal areas?</p> <p>Are all possible renewable solutions being considered from the outset? Given the timescales for the prospective construction and the pledge to be a Net Zero there should be an assumption that the development will be 'off gas'. A development such as this is an ideal candidate for low carbon heating namely Ground, Air, or Water source heat pump network which could serve all buildings without the need for gas fuelled CHP. Heat Pump technology is widely available now but the document states this 'May be considered in the future'. Why is not being considered now?</p>
18.161	<p>Smart energy management is an absolute minimum and low cost standard to minimise energy usage. The document states: 'In future, the built development could benefit from energy monitoring devices which would allow building managers to instantaneously view the energy requirements associated with maintaining appropriate internal conditions. It is anticipated that this will be linked to the incoming electricity and heat supply, and provide data upon which occupiers can better manage their specific needs'.</p> <p>This statement is weak. Energy monitoring devices should be installed as standard at the construction phase alongside robust heating/cooling controls.</p>
18.163	<p>The statements: 'The embedded design mitigation is considered best practice, with the aim of promoting an energy efficient and low carbon</p>

18.164	<p>approach which minimises carbon usage now and in the future. On-site buildings will require energy for various activities such as electrical machinery and the heating and cooling of indoor areas'</p> <p>And:</p> <p>'the aim to design all buildings to at least a 'Very Good' BREEAM rating to ensure they are energy efficient'</p> <p>Are at odds with the fact that BREEAM 'Excellent' rating is considered Best Practice (10% of non dom. developments). Best practice should be the absolute minimum standard for the design therefore aim for the design should be BREEAM 'Excellent'.</p> <p>The statement: 'There are also a number of potential measures that may be considered in the future which would further reduce GHG emissions. These may include only consider number of potential measures that may be considered in the future which would further reduce GHG emissions. These may include:' is insufficient.</p> <p>All potential listed measures that could reduce GHG emissions should be considered at the earliest possible stage. In Particular the use of Heat Pumps (see earlier comments for 18.160) The presence of water bodies around the site presents option for water source heat pumps and should be seriously considered from the outset.</p> <p>With regard to Hydrogen, there is no supporting infrastructure for this at present and may only be viable for small component of freight and heating at some point in the future. It is not sufficient rely on gas infrastructure while waiting for an uncertain hydrogen based energy solution. The proposed use of gas fuelled CHP is not consistent with the UK's Net Zero ambitions.</p> <p>For new developments such as this existing forms of renewable electricity combined with heat pump technology and energy efficient building construction is available, cost effective and will negate the need for any reliance on gas.</p> <p>Installation of energy storage systems (batteries) to store or sell surplus energy generated onsite should be considered at the earliest stage of design.</p> <p>The document does not sufficiently explore the need for Electric Vehicle Charging Infrastructure. A robust EV infrastructure strategy for the development should be prepared to support transition of goods vehicles from diesel to electricity and hydrogen during the life of the Proposed Development. Additionally the necessary grid capacity to support a EV charging infrastructure must be factored in at the earliest possible stage.</p> <p>Rooftop PV. This proposal must be considered absolutely essential from the outset. It is deemed insufficient that such a measure 'May be considered in the future to reduce GHG emissions.</p>
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18.186	There is no cumulative effects assessment. The statement 'By considering
18.187	the effective mitigation measures, including the choice and procurement
	of building materials, it is expected that construction of the Proposed
	Development will result in a minor to negligible adverse effect' does not
	give sufficient weight to the impact of a development of this scale.
	By viewing the development in isolation it's impacts on climate change
	will inevitably be viewed as minor or negligible. This statement totally
	misses the point that it is the cumulative effects of development as a
	whole that will have significant effect on climate change.
18.200	Renewable heating technologies, including heat pumps, biomass, solar
	thermal, and waste heat recovery that have significant potential to
	reduce carbon emissions should be implemented at the design and
	construction stage rather than left to subsequent occupants to install.

---

**From:** Jill Stevenson  
**Sent:** 16 March 2022 17:52  
**To:** Edward Stacey  
**Cc:** Teresa Neal  
**Subject:** comments

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Ed

### **10,400 job when fully occupied**

In terms of the above agenda, I can see little to address transport to and from the site by workers. There will be significant increases to the traffic in and around this area. I know there is a mention of 3 strategic growth sites with approx. 9,000 houses, however, these sites will only have a certain quota of affordable houses and we know that approx. 42 - 49% of the logistics jobs will be at the lower end of the skill and pay scale (average pay for Warehouse worker is £10.47 pr hr with Amazon paying £13.59 per hr) the latter wages would not equate to the Blaby resident based median gross annual income, that the report references! This is likely to result in workers commuting from further afield and cities – causing more pressure and congestion on existing routes. Have Trixtex consider options that use less energy and have less impact on the environment- like a rail line for passengers. There is a climate emergency and goals to be carbon neutral by 2050 – this project is a 10 year build and needs to address this agenda now, it feels like we are not aiming to do anything different here and the approach is in line with what we do now.... and not what we should be aiming for in the future?

**Local suppliers** 97% of the area is owned by landowners/Farmers and is agricultural land/livestock and whilst the job losses are minimal (approx. 5?) I know there is suggestion that there is differences in the grade of the land in parts, some being of good quality, whilst other parts are deemed as poor. I am interested to hear about the wider impact – how many local businesses (shops/restaurants) are supplied by the produce from these 3 landowners? If local businesses have to go elsewhere this could impact their profit and carbon footprint. Farm shop – where is the nearest location for local people to buy the same sort of fresh produce? The loss of the farm shop will have an impact of the local community and again impact carbon footprint - if they have to travel further to buy produce.

**Supply chain** – I cannot remember if this was covered. What is the radius that they are using to support local? We have seen previous strategic sites use a radius that does not necessarily support Leicestershire. I know they suggest a 30km radius for construction worker – how will they monitor this or can it be reduced? I am interested in the radius for contracts? Will they be hosting meet the buyer events for the different works they will require – so we can promote the opportunities locally and boost our local economy?

**Logistics** is an important element of a successful supply chain – where is the local stock that needs to be replaced and do we know what is happening with this land? We know it is difficult to

recruit to logistics and we have seen this make national news. We have seen some companies invest in more workplace automation technology, to fill the gaps. This helps to reduce demand for workers but it will increase the demand to hire more skilled workers(better pay) who can work side by side with technology. The build time for this project will allow time to build a pipeline of skilled local workers. I would like to see commitment to a local programme for young people to address this.

The LLEP supports the development of commercially attractive sites as being a important factor in Leicester and Leicestershire to remain a key strategic location - will there be any measures put in place for those having units to minimise the environmental impact on transportation, warehousing. Probably not my area but what are the plans to build Green in warehousing and how will they address any increases to air pollution – this would be applicable during and after the build. I imagine the latter would be very relevant for the mobile home sites?

Best wishes

**Jill Stevenson**

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Blaby District Council

# **BDC Comments on Impacts to Built Heritage**

## **Proposal and Site**

Having read the supporting documentation, it is understood that an application for a Development Consent Order (DCO) has been made for a National Strategic Infrastructure Project (NSIP) for a Strategic Rail Freight Interchange, known as the Hinckley National Rail Freight Interchange (HNRFI). The detailed aspects being proposed by the development are explained on page 7 of the Applicant's (Tritax Symmetry) Design and Access Statement (DAS).

The site of the DCO comprises approximately 268 hectares (Ha) of land which predominantly lies within the Parish boundaries of Elmesthorpe which is within the District of Blaby. Part of the site's south-eastern extents are located within the Parish of Sapcote which is also within Blaby District. A small section (approximately 3.8 Ha) of the site along its north-western extents are situated with the Borough of Hinckley and Bosworth.

The site is located immediately to the west of a section of the M69 motorway that is situated to the south of Elmesthorpe, east of Hinckley and to the north of Aston Firs, Burbage Wood and Freeholt Wood. The Felixstowe to Nuneaton (also known as the Hinckley to Leicester Line) Main Line would also be adjacent to the site of the DCO.

## **Context**

The District of Blaby is home to various designated heritage assets of varying levels of significance. The site of the proposed HNRFI would be located close to a great number of these heritage assets and there is a possibility that the HNRFI could have a negative impact on the significance of these assets and their respective setting.

Blaby District Council has been asked to review the proposed HNRFI along with the application's supporting documentation in order to assess the potential impacts that the resulting development (if approved) would have on the District's historic environment and cultural significance, including the potential effects on the local landscape.

These comments have been prepared following consideration of the Applicant's submitted documents that form part of the Preliminary Environmental Information Report (PEIR). In addition, the reviewing officer has visited the site of the HNRFI and the surrounding settlements within the Zone of Theoretical Visibility (ZTV).

### **Heritage Assets**

It is acknowledged that the site of the HNRFI does not contain any designated heritage assets, but the Applicant's Heritage Statement identifies numerous designated heritage assets that the HNRFI could affect within Blaby District.

The list of heritage assets identified within the Heritage Statement is broadly consistent with those identified by the District Planning Authority. A list of these designated heritage assets that could be affected by the HNRFI is stated below, including the asset's designation and Historic England listing entry number:-

#### **Elmesthorpe**

- Elmesthorpe Church, Ruined Nave and West Tower – Scheduled Monument – 1005076
- Church of St. Mary – G.II – 1074693
- Wortley Cottages – G.II – 1177879
- The Wentworth Arms and Adjoining Stables – G.II – 1307251
- Home Farmhouse and Adjoining Outbuilding – G.II – 1074694

#### **Stoney Stanton**

- The Old Rectory – G.II – 1078226
- Church of St. Michael – G.II\* – 1074704
- Stoney Stanton War Memorial – G.II – 1466898
- Stanton House and Adjoining Conservatory – G.II – 1178033
- No. 33 Yew Tree House and Adjoining Outbuildings – G.II – 1361093
- Tudor Cottage and Adjoining House to East – G.II – 1178025
- Stanton Lodge Farmhouse and Adjoining Outbuilding – G.II – 1074703

#### **Sapcote**

- Sapcote Castle and Moat – Scheduled Monument – 1010301



- Sapcote War Memorial – G.II – 1443890
- Church of All Saints – G.II – 1177924
- Former Sapcote Church School – G.II – 1074698
- No. 1 New Walk – G.II – 1177950
- Burrough's Almshouses – G.II – 1074697
- South View Farmhouse – G.II – 1177938
- No. 15 Sharnford Road – G.II – 1074699
- No. 17 Sharnford Road – G.II – 1361090
- Sapcote Methodist Church – G.II – 1389711

### Aston Flamville

- Church Farm Court and Boundary Wall – G.II – 1177757
- K6 Telephone Kiosk – G.II – 1074726
- Church of St. Peter – G.II – 1361065
- The Manor House – G.II – 1074727
- Pigeoncote at Manor Farm – G.II – 1177769
- Aston Flamville Conservation Area

### Sharnford

- Roman Town at High Cross (also in Warwickshire) – Scheduled Monument – 1003566
- High Cross 60m North of High Cross House – Scheduled Monument – 1018261
- Pipalipen House and Adjoining Former Cottages, Cart Shed and Barn – G.II – 1295268
- No. 8 Coventry Road with Adjoining Outbuilding and Stable – G.II – 1295271
- Tudor Cottage – G.II – 1074702
- Sharnford Methodist Church – G.II – 1074700
- No. 45 Leicester Road with Adjoining Outbuildings – G.II – 1177981
- Sharnford War Memorial – G.II – 1464498
- Church of St. Helen – G.II – 1074701
- Wayside Farmhouse with Adjoining Cottage and Stables – G.II – 1361091
- Sharnford Shade – G.II – 1177972
- The High Cross Monument – G.II – 1295284

- High Cross House and Adjoining Outbuildings – G.II – 1177985
- The Barn – G.II – 1361092

### Wigston Parva

- Crop Barrow at Wigston Parva – Scheduled Monument – 1010197
- Crop Mark of a Bowl Barrow at Wigston Parva – Scheduled Monument – 1010200
- Milestone at Smockington Junction – G.II – 1295210
- Water Pump 10m South of Manor Farmhouse – G.II – 1361055
- Manor Farmhouse – G.II – 1074705
- Barn 5m North-east of Manor Farmhouse and Adjoining Stable – G.II – 1178073
- No. 2 The Green and Adjoining Horseshoe End – G.II – 1178076
- Hall Farmhouse – G.II – 1074706
- Stables, Coach House and Bakehouse at Hall Farm – G.II – 1074663
- Church of St. Mary – G.II – 1295237
- Wigston Parva Conservation Area

### Potters Marston

- Dovecote 85m North of Potters Marston Hall – Scheduled Monument – 1016792
- Pigeoncote 100m North of Potters Marston Hall – G.II – 1074696
- Potters Marston Hall and Adjoining Bakehouse and Boundary Wall – G.II – 1074695
- Church of St. Mary – G.II – 1177892

### Thurlaston

- Church of All Saints – G.II\* – 1177364
- Ice House approx. 20m to North of Normanton – G.II – 1361064

### Croft

- Church of St. Michael and All Saints – G.II – 1074691
- Stone Coffin 1.5m to South of Nave at Church of St. Michael – G.II – 1177852
- War Memorial Cross and Enclosure – G.II – 1177841
- No. 5 and Adjoining Boundary Wall and Butchers Shop – G.II – 1074690

- Hillfoot Farmhouse – G.II – 1307245
- Sopers Bridge – G.II – 1074692
- Croft Conservation Area

### Huncote

- The Thatched Cottage – G.II – 1074712
- No. 2 Cheney End – G.II – 1177192
- Elms Farmhouse – G.II – 1361060

### **Comments on Methodology**

The District Planning Authority acknowledges the approach employed in helping to form the basis of the Heritage Assessment. Reference is made to several guidance documents and advice notes published by Historic England and the Chartered Institute for Archaeologists.

Reference is also made in an earlier chapter (2.0 – Legislation, Planning Policy and Guidance) to the decision making framework which the proposed development and decision takers must conform to.

Paragraph 3.6 of the Heritage Statement explains the various ways in which a heritage asset can be experienced (i.e. its setting) and affected by environmental factors such as noise, vibration and odour. However the paragraph goes on to state that the main focus of the Heritage Statement is centred on the contribution to an asset's setting through visual experiences. Maps showing the notional Zone of Theoretical Visibility (ZTV) including the position of all known heritage assets overlaid has been submitted to be read in conjunction with the Heritage Statement and is welcomed.

The District Planning Authority is broadly supportive of the methodology used in order to assess the visual experience of heritage assets that may be affected by the proposed HNRFI, but notes that other aspects which may impact on their significance (light, noise, vibration and odour) has not been thoroughly explored. It is appreciated that Paragraph 3.6 provides an explanation as to why the primary focus is on visual experiences from and within the setting of heritage assets, but to be able

to give full consideration to the impacts on Blaby's cultural heritage, the District Planning Authority would wish to see further documentation included at a later stage that assesses the likely wider impacts of light, noise, vibration and odour on all of the designated and non-designated heritage assets identified in the Heritage Statement and accompanying Appendices as this may result in more tangible impacts being experienced (other than visual) which could result in more assets being impacted.

### **Comments on Assets**

#### **Missed Asset?**

From the above list, the District Planning Authority notes that Hillfoot Farmhouse on Stanton Lane in the parish of Croft (G.II – 1307245) has, perhaps by mistake, not been included in the Heritage Statement (it is identified on Figure 13.2) and as such it does not appear to have been assessed.

The District Planning Authority has given some consideration to the setting of this designated heritage asset and, following the methodology for assessing significance in accordance with Historic England's Historic Environment Good Practice in Planning Note 3 (The Setting of Heritage Assets) (2<sup>nd</sup> Edition), it would appear that Hillfoot Farmhouse's significance is primarily derived from its architectural interest as a traditional late Georgian farmhouse along with its curtilage listed outbuildings (Potters Barn and Marston Barn) and its historic association with the parish of Croft. In addition, a network of ridge and furrow fields immediately to the west make an important contribution to the farmsteads setting, which contribute to the assets significance.

The site of Hillfoot Farmhouse is within the ZTV as indicated by the Heritage Statement the site of the HNRFI has no obvious historical connection to Hillfoot Farmhouse and its complex of outbuildings. When stood on PROW V54 looking to the west and south-west, distant glimpses of Elmesthorpe, Burbage, Earl Shilton, Barwell can be appreciated due to the rising topography. On this basis, it is possible there would also be views of the HNRFI.

However, there is limited evidence available to suggest that the site of the HNRFI would make any contribution to the setting of Hillfoot Farmhouse, its outbuildings and its immediate surroundings which make the greatest contribution towards its setting.

On this basis, the District Planning Authority concludes that this designated heritage asset is not a sensitive receptor.

#### Heritage Assets Identified as Being Notionally Within the ZTV

Having consideration to the visual impacts of the proposed HNRFI on the setting of heritage assets, the District Planning Authority broadly agrees with the number of heritage assets that have been identified as being within the notional ZTV (with the exception and addition of Hillfoot Farm – 1307245).

From a visual impact only standpoint, the District Planning Authority agrees with the number of heritage assets that have been identified as being within the notional ZTV but are unlikely to experience a significant visual change that would adversely impact upon an asset's setting that would harm its significance. This has been considered against the site's topography, the wider surrounding landform as well as intervening distances, existing buildings and boundary treatments which may obscure views or intervisibility between the HNRFI site and heritage assets.

However, it is noted that the assessment has not taken into consideration the likely impacts attributed to other environmental factors that could impact on how a heritage asset is experienced, such as light, noise, vibration and odour.

To enable a robust review of these aspects listed above, such assessments would be required so that an appraisal of these tangible impacts can inform the true number assets being impacted.

#### Heritage Assets with Greatest Potential for Change to Setting

The Heritage Statement identifies a number of designated heritage assets in the form of Scheduled Monuments, Listed Buildings, and Conservation Areas as well as non-designated heritage assets where there is a greater potential for the proposed HNRFI to impact on the setting of heritage assets.

Again, the Heritage Statement identifies which of these heritage assets are most likely to be impacted and identifies various assets within the District of Blaby as being 'sensitive receptors'. This assessment has been carried out on the same basis as referred to previously, regarding the degree of visual change that would be

experienced and whether this change would be so significant that it would adversely impact upon an asset's setting that would harm its significance.

The District Planning Authority agrees with the conclusions and the number of heritage assets within Blaby District that would be regarded as sensitive receptors when assessed on the likelihood of visual change to an asset and its surroundings.

However as previously stated in an earlier chapter in these comments, this assessment does not take into consideration the likely impacts attributed to other environmental factors that could impact on how a heritage asset is experienced, such as light, noise, vibration and odour.

To enable a robust review of these aspects listed above, such assessments would be required to enable an appraisal of these tangible impacts as this may result in more assets being impacted than those initially identified.

In addition to the above, the District Planning Authority would be interested to understand the observations made by Historic England on this or any future Heritage Statement that is submitted alongside in support of any forthcoming Environmental Statement.

### **Comments on Landscape**

Having visited the site of the HNRFI as well as other settlements that are within close proximity of the proposed DCO site, it is apparent that a proposal such as this would have a noticeable impact on the open and rural character and appearance of the landscape by virtue of its footprint, local topography and the scale of the proposed buildings.

There are numerous views of the site from the edge of surrounding settlements and from the setting of various heritage assets that have been identified as sensitive receptors. Given the size and scale of the proposed development subject to the DCO, it is understood that the potential impacts could be harmful, significant and permanent on the historic environment and surrounding landscape.

It is understood from reading the Heritage Statement and PEIR that there is no detailed mitigation scheme for the proposed HNRFI at this current time and that further work is proposed by the Applicant to help predict what the visual impacts are

likely to be in context with the local and wider landscape as well as the setting of various heritage assets.



**HBBC and BDC**

**Development Consent  
Order for Hinckley National  
Rail Freight Interchange  
LVIA Review**

**Draft report**

Prepared by LUC

March 2022



## HBBC and BDC

# Development Consent Order for Hinckley National Rail Freight Interchange LVIA Review

**Project Number**  
11966

Version	Status	Prepared	Checked	Approved	Date
1.	Draft report	LUC	LUC	LUC	15.03.2022
2.	Final report	LUC	LUC	LUC	22.03.2022

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# Chapter 1

## Introduction

**1.1** LUC was appointed by Blaby District Council (BDC) and Hinckley and Bosworth Borough Council (HBBC) in March 2022 to undertake a review of the Landscape and Visual Impact Assessment (LVIA) for the Hinckley National Rail Freight Interchange (HNRFI) Nationally Significant Infrastructure Project (NSIP).

**1.2** The application is at the pre-application stage of the National Infrastructure Planning process. As part of the contract LUC attended two topic specific working groups meetings with Tritax Symmetry (the applicant) to understand the assessment of landscape and visual effect in the Preliminary Environmental Impact Report (PEIR) and provide initial feedback on the LVIA (clarifications).

### Purpose of the review

**1.3** The purpose of the review is to help inform BDC and HBBC's judgement on the HNRFI proposal with respect to landscape and visual effects within both local authority areas. The Applicant is currently consulting on the Development Consent Order (DCO) application, and the purpose of this review is to help inform BDC and HBBC's s42 consultation response. It will also form part of the evidence for preparation of Local Impact Report.

### Structure of the review

**1.4** Our approach to undertaking the review has been informed by the guidance contained within the Landscape Institute's Technical Guidance Note 1/20<sup>1</sup>. The review in Chapter 2 is structured as follows:

#### Stage 1

- **Structure and navigability of LVIA** – a brief summary of the LVIA structure and where key information is set out.
- **Methodology, scope and process.** For example, does the scope of the assessment meet the requirements of the Scoping Opinion? Is the terminology used in the methodology clearly defined? Does the assessment

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<sup>1</sup> Landscape Institute's Technical Guidance Note 1/20: Reviewing Landscape and Visual Impact Assessments (LVIAs) and Landscape and Visual Appraisals (LVAs) (10 Jan 2020)

demonstrate comprehensive identification of receptors and of all likely effects?

- **Baseline information.** For example, what is the reviewer's opinion of the scope, content and appropriateness of both the landscape and the visual baseline studies? Has the value of landscape and visual resources been appropriately addressed? How appropriate are the viewpoints that have been used?
- **Assessment of effects.** For example, is it clear how the methodology was applied in the assessment? What is the reviewer's opinion of the consistency and objectivity in application of the criteria and thresholds set out in the methodology? Does the document clearly identify landscape and visual effects which need to be considered in the assessment?
- **Mitigation and design.** For example, how appropriate is the proposed mitigation, both measures incorporated into the scheme design and those identified to mitigate further the effects of the scheme, and mechanisms for delivering the mitigation?
- **Visualisations.** For example, are the graphics and/or visualisations effective in communicating the characteristics of the receiving landscape and visual effects of the proposals at agreed representative viewpoints?

**1.5** The review includes consideration of the effects on townscape/urban character within the main urban settlements, and guidance on any additional mitigation measures that can be put in place, as set out in the brief.

## Stage 2

**1.6** Stage 2 (Chapters 3 and 4 of this report) provides advice to BDC and HBBC on what are likely to be the key landscape and visual issues to consider when they provide their advice to the Planning Inspectorate during the DCO application, along with additional mitigation measures which could be considered. It covers additional clarifications for the LVIA (Ch. 3 provided to the applicant following the 2<sup>nd</sup> project meeting and LUC's overall opinion and recommendations on the scheme in Ch. 4).

## Methodology

**1.7** A desk-based review was carried out by landscape architects at LUC. No field work was undertaken at this stage. The review in Chapter 2 focuses on examination of the LVIA as contained within Chapter 11 of the Preliminary Environmental Information Report (PEIR) and supporting appendices and figures. The review was also informed by the following:

- PEIR Chapter 2 Site Description;
- PEIR Chapter 3 Project Description;
- PEIR Chapter 12 Ecology;
- PEIR Chapter 13 Cultural Heritage;
- PEIR Chapter 20 Cumulative and In-Combination Effects; and
- PEIR Chapter 21 Conclusions.
- The Design and Access Statement

**1.8** The review is concerned with the method and approach to assessing landscape and visual effects and the resulting judgements in relation to receptors. The review does not comment on the robustness of the Environmental Impact Assessment (EIA) process (e.g. scoping process or consideration of alternatives).

## The Project

**1.9** The project is described in PEIR Chapter 3. The key components are as follows:

- New rail infrastructure providing access to a series of parallel sidings;
- Intermodal freight terminal "railport" capable of accommodating up to 16 trains of up to 775 meters in length;
- Hard surfaced areas for container storage;
- Up to 850,000 square meters of warehousing and ancillary buildings with a total footprint of 650,000 square meters and up to 200,000 square meters of mezzanine floorspace. Buildings would be up to a maximum height of 33m;
- Lorry park with welfare facilities and fuel filling station;
- Energy centre incorporating an electricity substation, a gas-fired combined heat and power plant, battery capacity and roof-mounted photovoltaic arrays;
- Terrain remodelling, hard and soft landscape works, amenity water features and planting;
- Noise attenuation measures consisting of acoustic barriers up to 6 meters in height;
- Pedestrian, equestrian and cycle access routes and infrastructure;
- M69 update works including additional northbound and southbound slip roads; and
- Link road from M69 junction 2 to the B4668 / A47 Leicester Road.

**1.10** The LVIA has assessed the project as described above (LVIA paragraph 1.11), and considers a ‘worst case’ scenario for the development (LVIA paragraph 11.27).

**1.11** For information, the LVIA visualisations show the maximum development parameters (big grey boxes) but the wirelines (separate from the LVIA on the consultation website) show the project as described above

## Chapter 2

### LVIA Review

**2.1** This chapter presents a review of PEIR Chapter 11 and its supporting appendices, figures and visualisations. The review follows the approach set out in the Landscape Institute's Technical Guidance Note 1/20 and also incorporates the specific requirements of the BDC and HBBC brief as set out in Chapter 1.

#### Structure and navigability of LVIA

**2.2** The LVIA Chapter comprises 11 main sections, as follows:

- Introduction;
- Methodology and Data Sources;
- Consultations;
- Relevant Law, Policy and Guidance;
- Baseline Conditions;
- Potential Significant Environmental Effects of the Proposal;
- Proposed Mitigation;
- Residual Environmental Effects;
- Cumulative and In-Combination Effects;
- Climate Change; and
- Summary and Conclusions.

**2.3** The LVIA is supported by four appendices:

- Appendix 11.1 – Landscape and Visual Baseline Report;
- Appendix 11.2 – Public Rights of Way Appraisal and Strategy;
- Appendix 11.3 – Soils and Agricultural Land Quality Report;
- Appendix 11.4 - Arboricultural Impact Assessment. (Note that we have not been able to locate this on the consultation website although has subsequently been forwarded onto LUC).

**2.4** The PEIR is supported by Figures 11.1 to 11.23. The Illustrative Landscape Strategy is shown in Figure 11.15. Type 3 visualisations are provided in Figure 11.16.

## Methodology, scope and process

**2.5** This section identifies whether the methodology, scope and process for the LVIA is sufficient and complete.

### Scoping Opinion

**2.6** The Applicant's response to the EIA Scoping Opinion (December 2020) is provided in LVIA Tables 11.1 (response to Secretary of State comments) and 11.2 (response to Consultee comments). The latter includes comments from BDC and HBBC, as well as Natural England. The Applicant's response to these comments is discussed later in the chapter.

### Consultation

**2.7** In addition to consultation as part of the scoping process, the Applicant has undertaken further consultation with BDC, HBBC and Leicestershire County Council (LCC) as summarised in Table 11.4 and paragraphs 11.32-34. The summary demonstrates that the photoviewpoint locations have been agreed with key consultees.

### Guidance

**2.8** Full details of the methodology used to prepare the LVIA are provided in Appendix 11.1 (Annex 1.0) and a summary is provided in Chapter 11. The methodology references current guidance including the Guidelines for Landscape and Visual Impact Assessment, 3<sup>rd</sup> Edition (GLVIA3) and Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals. The methodology is thorough and clearly defines the terminology used for each part of the assessment. The Applicant's use of the methodology is discussed later in this chapter.

### Thresholds for Significance

**2.9** A matrix based approach is used to identify significance. The threshold for significant effects as set out in the methodology in Appendix 11.1 is moderate, and thus effects that are judged to be moderate, large or very large are considered to be significant, which is appropriate and in line with GLVIA3. The significance of visual effects at the different stages of assessment (construction, Year 1 and Year 15) are identified on Figures 11.21 to 11.23.

### Study area

**2.10** The study area is described in Appendix 11.1. The Applicant explains that a broad study area of 5km from the site and A47 link was adopted, but that the assessment focuses on receptors within a 2km 'detailed study area' (paragraphs 1.17-19). It is noted that some viewpoints are beyond 2km as shown on Figure 11.9. The study areas have been agreed with LCC and HBBC as set out in paragraph 11.23. However,

in our opinion this is a small study area for a development of this size. Furthermore, some landscape/townscape receptors within the 2km study area have not been assessed. (considered further below).

### Landscape and visual receptors

**2.11** The methodology makes a clear distinction between the assessment of landscape and visual effects as recommended in GLVIA3, and this is carried through to the assessment.

**2.12** The LVIA identifies the landscape and visual receptors that have the potential to be affected by the project. These receptors include:

- Landscape receptors:
  - Natural England's National Character Areas (NCAs);
  - Landscape Character Areas (LCAs);
  - The landscape of the site and its immediate surroundings;
- Visual receptors:
  - Users of PRoW, Open Access Land and Country Parks;
  - Road users;
  - Residential dwellings / groups.

**2.13** The Applicant has not considered effects on townscape receptors / settlements as discussed later in this chapter.

### Stages of assessment

**2.14** Effects are assessed during construction, at Year 1 of operation and at Year 15 of operation, incorporating proposed mitigation measures, which is appropriate.

## Baseline information, including sensitivity

**2.15** This section identifies whether the baseline information provided is sufficient and complete. The landscape and visual baseline is contained within Appendix 11.1, Sections 3 (Landscape) and 4 (Visual), with information on sensitivity contained within the main chapter.

### Landscape baseline

**2.16** As noted above, the baseline describes NCAs, LCAs and the landscape of the site and its immediate surroundings. For LCAs (see Figure 11.5), reference has been made to the

relevant district level landscape character assessment<sup>2</sup>. The focus of the assessment is on local LCAs rather than at NCA level, which is appropriate.

**2.17** The assessment has been undertaken at a site level and for the host landscape character areas (i.e. where direct effects will be experienced). No reference is made to townscape/urban character within the main urban settlements within 2km of the site, with the exception of Urban Character Area (UCA) 4: Hinckley, where some modifications to the road network are proposed. The assessment has not therefore considered effects on Urban Character Areas (UCAs) in HBBC or 'Settlement Character Areas' in BDC. Burbage, Hinckley, Barwell and Earl Shilton UCAs are all within 2km of the site in the HBBC area. Aston Flamville, Blaby, Sharnford, Sapcote and Elme Thorpe are all within 2km of the site in the BDC area. The Zone of Theoretical Visibility (ZTV) map in Figure 11.8 indicates theoretical visibility from parts of all of these settlements. It is considered that the Applicant should consider the inclusion of some of these townscape / urban character areas in the landscape assessment, and provide justification for those which are scoped out of the assessment. The Applicant should consider the potential for indirect effects on the character of these areas relating to intervisibility with neighbouring LCAs within the site.

**2.18** The value of the site has been considered in relation to different attributes, as set out in Appendix 11.1, paragraphs 3.33 to 3.60. The site is identified as being of medium value for landscape quality, low value for scenic quality, low value for rarity, medium value for conservation interests, medium value for recreation, low value for perceptual aspects and low value for cultural associations.

**2.19** The sensitivity of the assessed LCAs within Blaby District are set out in Table 11.10 of Chapter 11. These are based on the sensitivity to different development types set out in the Blaby Landscape and Settlement Character Assessment (2020), but translated into the Applicant's own 5 point scale. The Applicant has only considered the sensitivity of the LCA to the component of the project located within it, and does not consider the sensitivity to development in neighbouring LCAs. It is considered that this has the potential to 'underplay' the sensitivity of the receptor.

**2.20** The sensitivity of the assessed LCAs within HBBC are set out in the assessment Tables 11.11, 11.13 and 11.15 of Chapter 11. In paragraph 11.115 it is stated that "a degree of professional judgement has been taken on determining their sensitivity", however there is no explanation provided for the 'medium' sensitivity to transport infrastructure identified for the Burbage Common Rolling Farmland LCA or the 'very low'

sensitivity to transport infrastructure identified for the Hinckley UCA. No reference is made to the 'key sensitivities and values' set out in the Hinckley and Bosworth Borough Landscape Character Assessment (2017). The Applicant should also consider the sensitivity of LCAs to the project as a whole in order to consider the potential for indirect effects on landscape character (visual character and perceptual character).

**2.21** Appendix 11.1, paragraph A1.11 states that the sensitivity of a receptor considers the "susceptibility of the receptor to the change proposed and the value attached to the receptor," and value and susceptibility criteria for landscape receptors are set out in Tables A1.1 and A1.2. However, there are no judgements on susceptibility and value for any of the assessed LCAs. Overall, there is not enough information to understand how judgements have been reached.

### Visual baseline

**2.22** Baseline information in relation to visual receptors is summarised in Appendix 11.1. Viewpoints have been selected with reference to the ZTV of the project (see Figure 11.8). 56 representative viewpoints have been selected (see Figure 11.10), representing a range of visual receptors including receptors on Public Rights of Way (PRoW), on roads and within residential properties. These viewpoints were agreed with LCC and HBBC as set out in Table 11.2 of Chapter 11.

**2.23** We note that the scoping response on viewpoints did not include any viewpoints from PRoW or realigned PRoW on the site itself. In our opinion, this would be helpful as the site is crossed by a network of rights of way and these are rationalised into a single corridor. An assessment of the effect on the experience of users of these rights of way should be considered.

**2.24** The assessment has considered "the visual amenity of domestic dwellings in close proximity to the proposals" and identifies in paragraph 4.28 of Appendix 11.1 which groups of dwellings have the potential to experience significant effects. The Applicant notes that "there are limited opportunities for views from dwellings on higher ground such as Barwell and Earl Shilton (representative Photoviewpoints 25 and 26) to the north" (paragraph 4.27).

**2.25** There is no map showing which groups of dwellings have been assessed so it is difficult to say if any key settlements have been missed.

**2.26** The sensitivity of visual receptors at each photoviewpoint is recorded in the assessment Tables 11.12, 11.14 and 11.16. Residents are identified as being of 'very

<sup>2</sup> Blaby District Landscape and Settlement Character Assessment (2020), Hinckley and Bosworth Landscape Character Assessment

(2017), Leicestershire and Rutland Historic Landscape Characterisation Study



high' sensitivity, which is appropriate, although the Applicant notes that there will be a "*lower sensitivity from bedrooms and rooms from which there may be no expected view, for example bathrooms*" (paragraph 4.29 in Appendix 11.1). Users of PRow are identified as being of 'high' sensitivity, which is appropriate. The sensitivity of road users varies between 'very low, 'low' and 'medium'. These sensitivity judgements align with the Applicant's sensitivity criteria as set out in Table A1.4 in Appendix 11.1.

**2.27** Nine of the viewpoints are representative of night-time views in addition to day-time views, as agreed with LCC and HBBC. No description of baseline night-time views is provided in the LVIA.

**2.28** Wireline photomontages have been prepared from 10 of the photoviewpoints, as agreed with LCC and HBBC. Visualisations are discussed later in this chapter.

## Assessment of effects

**2.29** This section provides a review of the assessment of landscape and visual effects within the BDC and HBBC area.

### Effects during construction, including objectivity

**2.30** Landscape and visual effects during construction are identified as being adverse (paragraph 11.105) which is appropriate given the nature of construction activity. Effects are also identified as being temporary and short-term, although it is noted in Chapter 3 of the PEIR that the phased construction works will take up to 10 years to implement. In our opinion 10 years is considered to be medium term.

**2.31** During construction, major or moderate / major effects are identified for the LCAs which will host the large-scale buildings (LCA 1: Aston Flamville Wooded Farmland and LCA 6: Elmesthorpe Floodplain), with 'Minor', 'Minor / Negligible' or 'Negligible' effects identified in relation to the transport infrastructure in other LCAs. As noted earlier the Applicant has not considered the potential for indirect effects on landscape character, for example the potential for the large-scale warehousing to affect the key characteristics in a neighbouring LCA.

**2.32** Construction effects on visual receptors (Table 11.12) range from 'substantial' to 'no effect' depending on the photoviewpoint location. Significant visual effects during construction are recorded in plan form on Figure 11.21.

### Operational effects, including objectivity

**2.33** At Year 1, landscape effects are identified as being 'major' and significant for LCA 1: Aston Flamville Wooded Farmland and 'major / moderate' and significant for LCA 6: Elmesthorpe Floodplain. At Year 15 effects will remain 'major' and significant for LCA 1: Aston Flamville Wooded Farmland

and reduce to 'moderate' and significant for LCA 6: Elmesthorpe Floodplain. Other LCAs are not anticipated to experience significant effects at Year 1 or Year 15. Landscape effects are generally described as adverse or neutral, with the exception of effects on the Burbage Common Rolling Farmland LCA which are identified as being beneficial at Year 15, due to the "maturation of the area south of the A47 Link Road" (paragraph 11.224).

**2.34** Significant visual effects are recorded at 23 of the 56 photoviewpoint locations at Year 1, as illustrated on Figure 11.22. This includes all of the assessed residential receptor groups with the exception of residents at Earl Shilton ('moderate – minor' and not significant). Significant visual effects are recorded at 21 of the 56 photoviewpoint locations at Year 15, as illustrated on Figure 11.23. Visual effects are generally identified as adverse with the exception of effects on the M69, A and B roads where effects are identified as neutral. Beneficial effects are identified in relation to the A47 link road. A significant beneficial effect is also identified in relation to open access land and the new area of public open space adjacent to Burbage Common and Woods Country Park, from the western end of Burbage Common Road.

### Application of the method

**2.35** The methodology in Appendix 11.1 states that the magnitude of change is based on the "*size and scale of the change, its duration and reversibility*" (paragraph A1.11) which is in accordance with GLVIA3. The Applicant has not identified the size/scale of effects or magnitude of change in the PEIR and should confirm that these judgements will be provided in the ES.

### Cumulative effects

**2.36** There is no assessment of cumulative effects in Chapter 11 of the PEIR. Potential cumulative schemes are shown on Figure 20.1 in Chapter 20: Cumulative and In-combination Effects. It is stated that a cumulative assessment will form part of the ES.

### Effects of lighting

**2.37** There is no methodology for the assessment of lighting as requested by HBBC in their response to Scoping. Reference to baseline levels of lighting is made in the methodology in Table A1.2 (Assessment of Landscape Susceptibility), in relation to experiential effects. However no baseline descriptions of lighting are provided in relation to landscape character or views.

**2.38** The potential for lighting to contribute to significant effects on landscape character is briefly acknowledged in Section 5: Predicted Effects and Mitigation, where it is stated that "*A permanent, long-term adverse impact on landscape*

character would occur due to physical impact on landscape within the site including introduction of new built form and associated ground remodelling within existing agricultural land, movement of vehicles and people within the site, a lighting strategy which will increase the number and intensity of light sources within the site" (emphasis added).

**2.39** No reference is made to lighting in the assessment sections of the LVIA. The Applicant states that "Narrative will be provided for in the ES with regard to potential lighting impacts, based on an outline Lighting Strategy for the Proposed Development which will be secured as a requirement of the DCO". There is no Lighting Strategy in the PEIR, although the illustrative landscape strategy in Figure 11.5 identifies "Development of a sensitive lighting strategy which follows key parameters designed to limit light spill such as maximum heights, directional units and specific light sources".

**2.40** The Applicant should provide a methodology for the assessment of lighting as requested by HBC and with reference to the appropriate guidance. In the assessment of landscape and visual effects the Applicant should describe baseline levels of lighting and an assessment of lighting on landscape and visual receptors, including mitigation.

### Interrelationship of the LVIA with other chapters of the ES

**2.41** There is a brief reference to the Ecology chapter in paragraph 11.170 in relation to hedgerow losses and gains. It is stated that 12.67km of hedgerows in moderate condition would be lost and 1.32km in poor condition would be lost. 13.76km of new hedgerow would be created on site, whilst 9.19ha of woodland vegetation would be planted.

**2.42** There is also a brief reference to the Heritage chapter (paragraph 11.80) in relation to the character of the site. In Table 11.2 it is stated that there is a "close working relationship between landscape and heritage disciplines" and "Cross-referencing between chapters will be provided in the forthcoming ES", in response to comments from Historic England. [Note useful/potential to discuss links and visuals from historic assets with Lloyed Bird at Blaby not covered here].

### Photography and visualisation

**2.43** No methodology is provided for the production of visualisations. They show the 'maximum development parameters' which we agree is the worst case scenario for the LVIA, and do not include mitigation. It is noted that separate 'wirelines' illustrating the scheme layout are included as part of the consultation documents, but it is not clear if these have informed the LVIA.

**2.44** The majority of the baseline photography has been taken in winter, which is appropriate as it shows the 'worst case' visibility of the site. It is noted that some of the photography is over 4 years old and was undertaken as early as December 2017. It would be useful if direction of photograph was shown on a figure as difficult to orientate

**2.45** Baseline photography has been provided for some of the agreed night-time viewpoints but no visualisations.

### Mitigation measures

**2.46** In paragraph 1.11 it is stated that "At this stage, this assessment is preliminary only and is not exhaustive; other effects and mitigation requirements might be identified in light of on-going baseline studies and survey work, stakeholder/public consultation and evolution of the project design"

**2.47** Mitigation measures during construction will include the adoption of an approved Construction and Environment Management Plan (CEMP), Construction Method Statement (CMS), Arboricultural Method Statement (AMS) and Soil Management Plan, as detailed in paragraph 11.207. Visual mitigation measures will include visual screening (e.g. hoarding) and direction fitting for lighting. Some PRoWs will need to be closed or diverted during the construction works as set out in Appendix 11.2.

**2.48** Mitigation measures during operation of the proposed development are detailed in the following documents:

- Design and Access Statement;
- Parameter Plans;
- Illustrative Masterplan;
- Illustrative Landscape Masterplan (Figure 11.15); and
- Landscape Sections (Figure 11.17).

**2.49** Embedded mitigation measures include consideration of the "current condition and key characteristics of the landscape" and integration "into the landscape strategy where possible".

**2.50** The key components of the landscape strategy are as follows:

- "an over-arching Illustrative Landscape Strategy (Figure 11.15) for the Main HNRFI Site;
- the provision of a retained, albeit realigned and upgraded on-site PRoW network across the Main HNRFI Site (Figure 11.14), offering recreational value, and a community resource;

- *the creation of surface water attenuation and detention features incorporated within the areas of open space....*
- *provision of an on-site PRoW network which maintains connectivity across the Main HNRFI Site, including the creation of a new route; and*
- *public open space for formal and informal use, whilst also contributing to green networks and enhancing habitat connectivity through the provision of a landscaped corridor along the eastern edge of the Main HNRFI Site, the A47 Link Road (sandwiched between the road and Burbage Common) and located in the western end of the Main HNRFI Site" (paragraphs 11.215 to 11.217).*

**2.51** The north-western edge of the Main HNRFI Site will incorporate a bund, planted with woodland species to assist in softening views from the west and north. The northern edge of the Main HNRFI Site will include further areas of woodland planting whilst the areas adjacent to the M69 will feature a new Bridleway route that will be planting with a mixture of woodland, shrub and scrubby species. Further, areas between the Main HNRFI Site and Burbage Common and Woods Country Park would be laid out as additional naturalistic public access land and include the route of the link road.

**2.52** A Public Rights of Way Appraisal and Strategy is included in Appendix 11.2. It considers the condition, usage and impact upon the PRoW network as well as a strategy for improvements to the network.

## Chapter 3

### Summary of Clarifications

**3.1** This section summarises the clarifications required from the applicant arising as a result of the LVIA technical review. These clarifications were agreed with the LPAs and forwarded to the Tritax team on 21.03.22.

#### LVIA clarifications

- Provide a justification for the 2km study area – given the potential wide visibility of the scheme
- Provide reasoning and justification why an assessment of effects on townscape receptors / settlements within 2km of the site (UCAs in HBBC and ‘Settlement Character Areas’ in BDC), has not been undertaken, as agreed.
- Provide reasoning and justification why indirect effect on LCAs within 2km of the site has not been undertaken (indirect effects on the perceptual aspects of landscape character (including views)).
- Clarify that the sensitivity of LCAs has been identified with reference to judgements on susceptibility and value as set out in the LVIA methodology in Appendix 11.1. Show how judgements on susceptibility and value have been derived for the landscape and visual receptors, and applied in practice. For landscape refer to sensitivity and values set out in the relevant LCA and provide clear links back to evidence to underpin professional judgements. Provide information to show how the judgements have been reached.
- Provide a map showing which groups of dwellings have been assessed in relation to visual amenity and explain why any have been scoped out.
- Provide a methodology for the assessment of night-time lighting effects. Include a description of existing (baseline) views at night-time from the nine representative night-time photoviewpoints, with reference to the night-time baseline photography provided in the PEIR. Include an assessment of effects of lighting in accordance with the agreed methodology, with reference to night-time visualisations from agreed viewpoints.
- Clarify that judgements for magnitude of change will be provided in the ES, with reference to the “*size and scale of the change, its duration and reversibility*” as set out in

the methodology in Appendix 11.1, paragraph A1.11.  
this is not included in the current draft.

- Clarify the methodology used for the production of visualisations which accompany the ES and the separate package of 'wirelines' which illustrate the development proposals and are included in the consultation material. Include clarification of the heights of vegetation modelled in the Year 15 'wirelines'. Include map showing direction of view on the photos to help the users orientate.
- Provide justification why an additional viewpoint representing the users of rights of way that cross the site is not included in the LVIA. (It is recognised that this was not agreed with consultees at scoping).
- Provide a clear reference for when effects are considered to be short term and clarify what short term means in terms of number of years.
- Clarify how cumulative effects are/will be dealt with in the LVIA.
- Clarify that the maximum/optimum measures have been put in place to mitigate significant adverse landscape and visual effects of the scheme.

## Chapter 4

### LUC opinion and recommendations

**4.1** The proposed rail freight infrastructure is a major development (height and scale) with significant landscape and visual effects that are far reaching. This chapter provides LUC's opinion on the landscape and visual effects.

**4.2** The Zone of Theoretical Visibility (ZTV) map indicates theoretical visibility from parts of all of these settlements and surrounding landscapes. The ZTV (Figure 11.8) is reproduced in Figure 4.1. in this report.

**4.3** The extent of significant effect recorded in the LVIA at construction, year 1 and year 15 is shown in Table 4.1.

**Table 4.1: Summary of Significant Landscape and Visual Effects (note that where text is in bold,† the LVIA records that effects will have reduced to not significant by year 15)**

Receptor	Sensitivity	Effect (During Construction)	Effect (Year 1)	Effect (Year 15)
Landscape receptors				
LCA 1: Aston Flamville Wooded Farmland	Very High (large scale commercial) Medium (transport infrastructure)	Major Significant Minor/Negligible Not Significant	Major Significant Minor/Negligible Not Significant	Major Significant Minor/Negligible Not Significant
LCA 6: Elvesthorpe Floodplain	Very High (large scale commercial)	Major/Moderate Significant	Major/Moderate Significant	Moderate Significant
Visual receptors				
Residents at Aston Firs Campsite	Very High	Substantial Adverse Temporary Significant	Substantial Adverse Permanent Significant	Major Adverse Permanent Significant
Residents at Averley Farm House	Very High	Major Adverse Temporary Significant	Major Adverse Permanent Significant	Major/Moderate Adverse Permanent Significant
Residents at Bridge Farm	Very High	Substantial Adverse Temporary Significant	Moderate Adverse Permanent Significant	Moderate Adverse Permanent Significant
Residents at Billington Rough	Very High	Moderate Adverse Temporary	Moderate Adverse Permanent	Moderate/Minor Adverse Permanent

Receptor	Sensitivity	Effect (During Construction)	Effect (Year 1)	Effect (Year 15)
		Significant	Significant	<b>Not Significant</b>
Residents at Wood House Farm	Very High	Substantial Adverse Temporary Significant	Substantial Adverse Permanent Significant	Major Adverse Permanent Significant
Residents at Oaklands	Very High	Major/Moderate Adverse Temporary Significant	Major/Moderate Adverse Permanent Significant	Moderate Adverse Permanent Significant
Residents at Stanton Road	Very High	Major Adverse Temporary Significant	Major Adverse Permanent Significant	Major/Moderate Adverse Permanent Significant
Residents at Burbage Common Road	Very High	Substantial Adverse Temporary Significant	Substantial Adverse Permanent Significant	Major Adverse Permanent Significant
Residents at Burbage Common Road west	Very High	Substantial Adverse Temporary Significant	Substantial Adverse Permanent Significant	Major Beneficial Permanent Significant
Residents at Barwell	Very High	Major Adverse Temporary Significant	Major Adverse Permanent Significant	Major/Moderate Adverse Permanent Significant
Residents at Church Lane, Dovecote way, St Mary's Close and Barwell Lane, Barwell	Very High	Major Adverse Temporary Significant	Major Adverse Permanent Significant	Major/Moderate Adverse Permanent Significant
Residents at Highgate Lodge Farm and Red Hill Farm	Very High	Moderate Adverse Temporary Significant	Moderate Adverse Permanent Significant	Moderate/Minor Adverse Permanent <b>Not Significant</b>
Residents at B4668 between Burbage Common Road and A47	Very High	Moderate Adverse Temporary Significant	Moderate Adverse Permanent Significant	Moderate/Minor Neutral Permanent Significant
Residents at Gypsy and traveller settlement off Smithy Lane	Very High	Substantial Adverse Temporary	Substantial Adverse Permanent	Major Adverse Permanent

Receptor	Sensitivity	Effect (During Construction)	Effect (Year 1)	Effect (Year 15)
		Significant	Significant	Significant
Residents at Gypsy and traveller camp off B4668	Very High	Substantial Adverse Temporary Significant	Substantial Adverse Permanent Significant	Major Adverse Permanent Significant
Footpath T89 (between Wentworth Arms Pub and the A47, east Elmesthorpe)	High	Major/Moderate Adverse Temporary Significant	Moderate Adverse Permanent Significant	Moderate/Minor Adverse Permanent <b>Not Significant</b>
Footpath U8 (Outwoods rail crossing (modification HB4))	High	Major/Moderate Adverse Temporary Significant	Moderate Adverse Permanent Significant	Moderate/Minor Adverse Permanent <b>Not Significant</b>
Footpath U17 (Thorney Fields Farm rail crossing (modification B8))	High	Major/Moderate Adverse Temporary Significant	Moderate Adverse Permanent Significant	Moderate/Minor Adverse Permanent <b>Not Significant</b>
Footpath U50 (links Billington Rough with Aston Firs)	High	Major Adverse Temporary Significant	Major Adverse Permanent Significant	Major Adverse Permanent Significant
Footpath U52 (links Burbage Common Road bridge with Burbage Common and Woods Country Park, and south to Outwoods rail crossing (modification HB4))	High	Major/Moderate Adverse Temporary Significant	Major Adverse Permanent Significant	Major/Moderate Adverse Permanent Significant
Footpath U53 (east of Main HNRFI Site, passing Red Hill Farm, connecting to Sapcote)	High	Major Adverse Temporary Significant	Major Adverse Permanent Significant	Major/Moderate Adverse Permanent Significant
Footpath V23 (travels northwest from Burbage Common Road within Main HNRFI Site to B4668)	High	Major/Moderate Adverse Temporary Significant	Major/Moderate Adverse Permanent Significant	Major/Moderate Adverse Permanent Significant
Footpath V35 (Between M69 Junction 2 and Burbage Common Road bridge)	High	Major Adverse Temporary Significant	Major Adverse Permanent Significant	Major/Moderate Adverse Permanent Significant
Bridleway U11	High	Major/Moderate	Moderate	Moderate/Minor



Receptor	Sensitivity	Effect (During Construction)	Effect (Year 1)	Effect (Year 15)
(Outwoods rail crossing (modification HB4) to Hinckley)		Adverse Temporary Significant	Adverse Permanent Significant	Adverse Permanent <b>Not Significant</b>
Bridleway U52 (Between Elmesthorpe and Bridge Farm)	High	Major/Moderate Adverse Temporary Significant	Major/Moderate Adverse Permanent Significant	Moderate Adverse Permanent Significant
Bridleway V29 (Between Freeholt Lodge, Huncote Road north Sapcote and Aston Lane west Sharnford)	High	Major Adverse Temporary Significant to Moderate/Minor Adverse Temporary Not significant	Major Adverse Permanent Significant to Moderate/Minor Adverse Permanent Not significant	Major/Moderate Adverse Permanent Significant to Minor Adverse Permanent Not significant
Burbage Common Country Park	High	Major/Moderate to Moderate Adverse Temporary Significant	Major/Moderate to Moderate Adverse Permanent Significant	Moderate Adverse Permanent Significant to Moderate/Minor Adverse Permanent Not Significant
B581	Low	Moderate Adverse Temporary Significant to Minor/Negligible Adverse Temporary Not Significant	Minor/Negligible Neutral Permanent <b>Not Significant</b>	Minor/Negligible Neutral Permanent <b>Not Significant</b>
Burbage Common Road	Medium	Major/Moderate Adverse Temporary Significant	Major/Moderate Adverse Permanent Significant	Moderate Beneficial Permanent Significant

#### Landscape effects

4.4 There are potential views to the site from the following character areas Burbage Common Rolling Farmland and a small part of Stoke Golding Rolling Farmland in Hinckley and Bosworth, and Elmesthorpe Floodplain, Aston Flameville

Wooded Farmland, Stoney Stanton Rolling Farmland and Soar Meadows in Blaby.

4.5 The settlements of Burbage, Hinckley, Barwell and Earl Shilton are all within 2km of the site in the HBBC area. Aston Flamville, Blaby, Sharnford, Sapcote and Elmesthorpe are all within 2km of the site in the BDC area.

**4.6** The Landscape Character Assessments point to the importance of the agricultural landscape in providing a rural setting and sense of separation in relation to existing development/settlements. They also refer to the importance of long views possible in the context of the rolling topography surrounding the site. The development would be imposed within this rural setting. It is recognised that it is located within the boundary of existing intrusions in the form of the M69 and rail corridor – however the size and scale of the development means it is far more dominant in many views from surrounding landscapes and settlements than the existing linear infrastructure.

**4.7** The LVIA records significant residual effects at year 1 and year 15 for two landscape character areas (LCA 1: Aston Flamville and LCA 6: Elmesthorpe Floodplain), indicating that mitigation proposals are not effective in reducing significant effects.

**4.8** Our review of the LVIA suggests that there is an underestimation of effects on landscape because the surrounding landscape receptors are only judged to be subject to the direct effects of actual development proposed within the character area. The indirect effects related to impact on views and perceptual character of the whole development are not recorded. This is important, as noted above, the LCAs frequently refer to the nature of the topography and long views to adjacent areas as part of their character and sensitivities.

**4.9** We would also question the overall positive beneficial effects recorded for Burbage Common Rolling Farmland.

**4.10** In addition, the LVIA does not currently take into account effects on the urban and settlement character areas within the 2km study area as requested in the scoping consultation.

### Visual effects

**4.11** In terms of visual effects – residual significant effects are identified at year 15 for the following receptor groups:

- Residents
- People using rights of way and bridleways
- People on local roads
- Recreational users at Burbage Common

**4.12** The geographic extent of viewpoints with significant effects is shown Figure 4.2 (reproduced Figure 11.23 from the LVIA below).

**4.13** This shows that views will be experienced across a wide area around the site. Residual significant effects (moderate – major) remain at year 15 for 21 visual receptor groups within the 2km study area. There are only six visual receptors where the LVIA identifies that effects will reduce to 'not significant' at year 15.

**4.14** The LVIA records a significant beneficial effect in relation to open access land and the new area of public open space adjacent to Burbage Common and Woods Country Park, from the western end of Burbage Common Road. This is an unlikely conclusion given the scale of changes expected here.

### Summary of landscape and visual effects

**4.15** As a result of the HNRFI permanent, significant residual adverse effects will be experienced for a large number of landscape and visual receptors. The LVIA shows that for the majority of receptors these cannot be mitigated. While the full assessment of night-time/lighting impacts is yet to be undertaken as part of the LVIA it can be assumed that these permanent adverse effects will be experienced at day and night.

### Mitigation and enhancement

**4.16** Mitigation measures incorporate the following:

- The north-western edge of the Main HNRFI Site will incorporate a bund, planted with woodland species intended to assist in softening views from the west and north (see Figure 4.3).
- The northern edge of the Main HNRFI Site will include further areas of woodland planting;
- Areas adjacent to the M69 will feature a new Bridleway route that will be planting with a mixture of woodland, shrub and scrub species;
- Further, areas between the Main HNRFI Site and Burbage Common and Woods Country Park would be laid out as additional natural public access land and include the route of the link road.

Note: one of the clarifications on the LVIA is the growth rates assumed for tree and woodland planting in the visualisations/wirelines. These look to be quite ambitious in terms of the height and degree of screening expected to be provided at year 15

**4.17** The size and scale of this development means that despite the above mitigation measures, a large number of significant residual landscape and visual effects are recorded over a wide area which will be experienced by people every day (not just at the recorded viewpoints). In our opinion, mitigation of the landscape and visual effects of a scheme of this scale is very difficult/impossible (reference the proposed low bund and tree planting proposed along the north west corner of the site see photo).

**4.18** There are also concerns related to the proposed mitigation including the realignment of the network of rights of way to a corridor along the M69 – resulting in a very different experience for users, and the segregation of the proposed

new areas of open space 'common land' (Burbage Common) west by the new link road – limiting its use and appeal.

**4.19** Although unlikely to mitigate significant effects, it is considered that the design of the current layout could be improved by considering the objectives as a minimum:

- The siting and form of buildings and use of materials and colours should be given careful consideration (noting that the Applicant intends to submit a design code for buildings to BDC for approval, to be secured as a requirement of the DCO, see Table 11.2);
- Mitigation of the potential effects associated with lighting, in line with current lighting standards (noting that the Applicant intends to submit a Lighting Strategy as part of the DCO);
- Refer to measures in HBBC updated Green Infrastructure Strategy (May 2020) - range of interventions and opportunities for GI provision within the Southern GI Zone which could contribute towards enhancement and mitigation opportunities including enhancing the Southern Green Wedge, delivering a more resilient Burbage Common and Woods Sites of Special Scientific Interest (SSSI) and increased woodland planting;
- Refer to HBBC Hinckley/Barwell/Earl Shilton/Burbage Green Wedge Review April 2020;
- Plans for much larger areas of community woodland planting, particularly to north-west;
- Wider corridors for PRowS to improve experience;
- Realignment of link road so it doesn't dissect the proposed public open space.

**4.20** Given the extent of residual landscape and visual effects a more ambitious landscape enhancement scheme is recommended. The scope of this scheme would need to be agreed with the LPAs including factors such as meeting local needs and long-term management arrangements.



Figure 4.1: Zone of Theoretical Visibility of Proposed Parameters

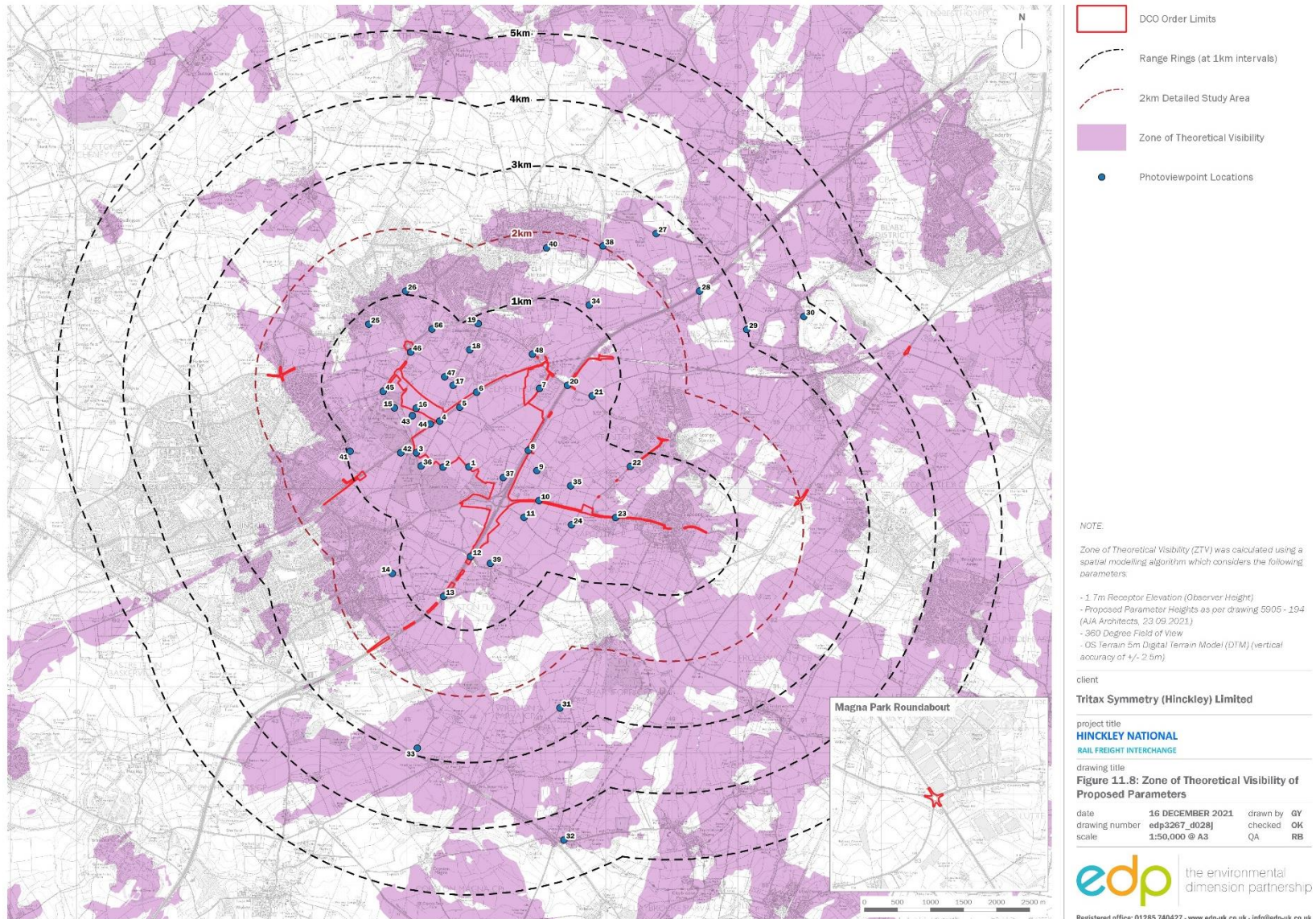
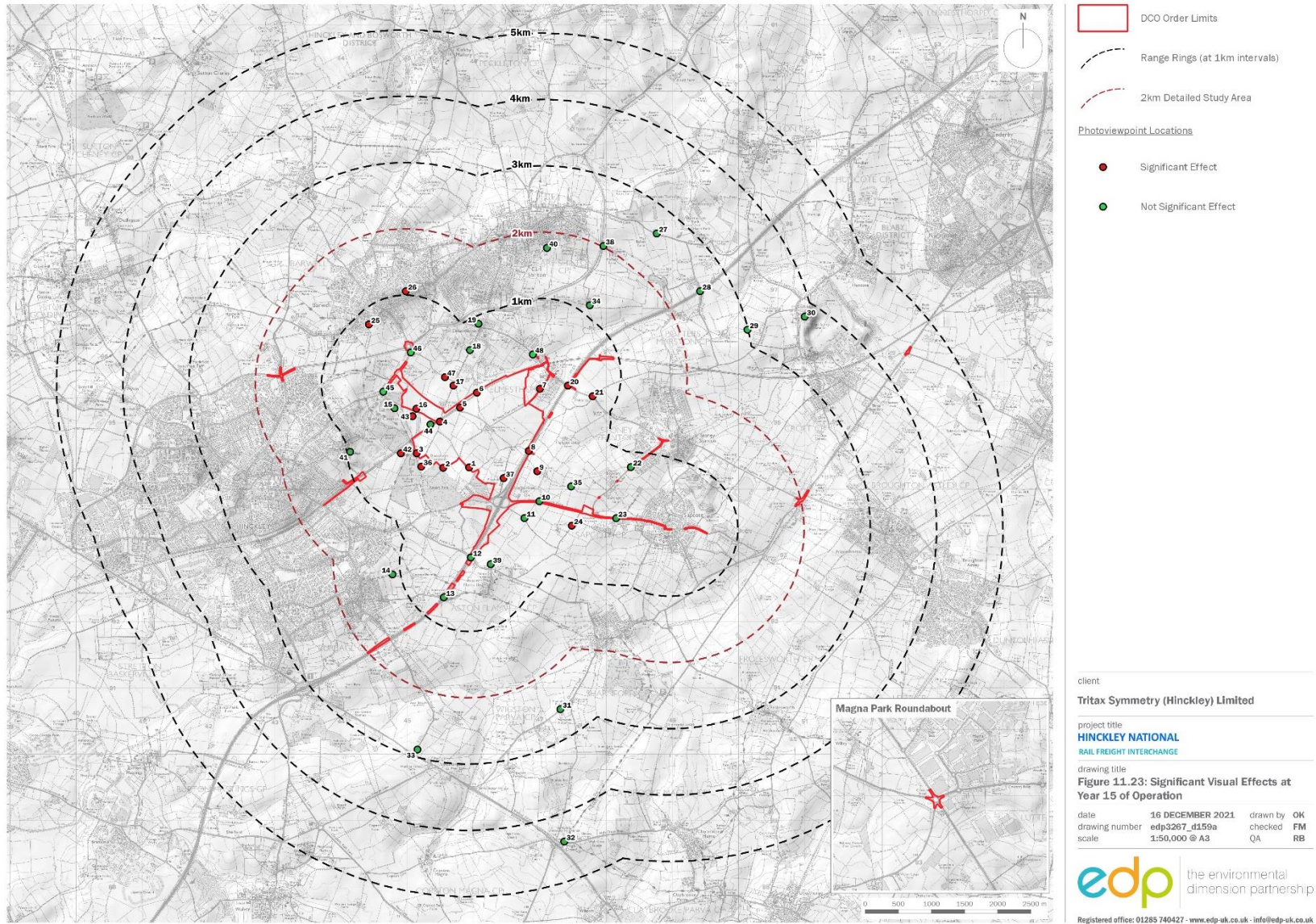




Figure 4.2: Significant visual effects at Year 15 of operation



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Figure 4.3: Photoviewpoint EDP 17: View from PRoW U52/9 – Year 15 Post Completion



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**From:** Declan Goodwin  
**Sent:** 17 March 2022 12:29  
**To:** Edward Stacey  
**Cc:** David Gould  
**Subject:** Air Quality comments for HNRFI

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Ed,

Please see the below comments on Air Quality for HNRFI.

## **ROAD TRAFFIC EMISSIONS**

### **Construction Phase**

- Assessment of road traffic emissions is not provided at this time, but developer acknowledges this will come in at later ES stage. Number of vehicle movements for the site not yet known but this must be assessed.
- It was noted there is no mention of AQMA 6 (Mill Hill, Enderby) which is a key priority for BDC and historically exceeds national air quality objectives for NO<sub>2</sub>. The revised assessment must include sensitive receptors in and around AQMA6, particularly as the management area straddles two of the roads in the 'network' highlighted by the proposed. The AQMA is likely to be used as a HGV route for the proposed due to the onwards motorway connections at Fosse Park.
- The limitations section highlights uncertainties associated with the measured and predicted pollutant concentrations for the site – we strongly encourage use of LA data (local DTs/CMS data) and baseline monitoring (ideally in-situ measurements from the proposed site), instead of reliance on often outdated DEFRA background maps. Where appropriate, feed these into modelling inputs or use in model verification.

### **Operational Phase**

- NO<sub>2</sub> concentrations expected to increase by up to 0.3 ug/m<sup>3</sup> as a result of the development, although this is considered 'negligible' by the report. Ed – can we discuss options for S106 (or is this more appropriate at a later stage?) to purchase monitoring equipment, particularly around the areas of Sapcote and Stoney Stanton where increased traffic movements are likely to filter through and are modelled to increase in concentration as a result of the proposed. Stoney Stanton is a particular area of concern (possible AQMA declaration pending) as can be read from our latest Annual Status Report. BDC has also continually increased passive monitoring in the village since 2019.
- A significant number of sensitive receptors considered in the report are noted to result in a 'deterioration of concentration' (for NO<sub>2</sub> and PM) in both 2026 and 2036 scenarios as a result of the proposed. No mitigation has been suggested to counter this (presumably given the perceived negligible impact), but can anything be suggested? (possible S106) Again, Stoney Stanton and Sapcote are concerns, where we have increased passive monitoring to inform further AQ action. Figures 9.15-9.23 in the report suggest increases in all pollutant concentrations for these villages.

- As above, no sensitive receptors (Figure 9.8) identified in and around AQMA6 – please ensure this is included at the revised assessment.
- List of excluded BDC monitoring points for model verification – please reconsider using CM1 as the station is situated in close proximity (<30m) to M1 motorway, which is part of the ‘road network’ as defined by the proposed. The station is considered a reliable local source of both NO<sub>2</sub> and PM<sub>10</sub> data. Please clarify the criterion for inclusion? As the report states exclusion is for reasons of distance from the relevant road network.
- *Ed – it is very difficult for BDC to assess AQ impacts on ecology/biodiversity due to a lack of expertise within the team. Cannot adequately comment on the appropriateness of ecological designations/transects provided with respect to critical loads. Hoping LCC Ecology will be able to pick this up and would be happy to work with them.*

## **DUST EMISSIONS**

### **Construction phase**

- Impacts of dust soiling, impacts on human health and to ecological receptors are deemed ‘Medium’ or ‘High’ during the demolition, earthworks, construction and trackout activities of the construction phase.
- Dust emission magnitudes are considered ‘Large’ across all areas of construction phase, whilst the sensitivity of the surrounding area is either ‘Medium’ or ‘High’.
- Risk of dust impacts from construction phase are considered ‘Medium’ or ‘High’ risk.
- A substantial list of mitigation measures is provided in Tables 9.28 and 9.29 and are highly recommended by the report. Further detail needed on some aspects including Site management and Monitoring (assessment of dust levels is to which standards? How will exceedances be addressed? Is it possible to have some sort of low cost monitoring deployed during the construction phase?).
- Limited information provided on the loading/unloading of material and associated dust suppression.
- Waste management section – reads ‘avoid bonfires and burning of waste materials’ – ideally no burning at all due to likely complaints and smoke control zones
- Full construction method statement (and accompanying dust management plan) expected with greater and *site specific* detail on dust suppression, how dust will be monitored and controlled. Clear lack of specific details at this stage.

### **Operational phase**

- PM<sub>2.5</sub> and PM<sub>10</sub> concentrations expected to increase by 0.2-0.3 ug/m<sup>3</sup> as a result of the development, although this is considered to be ‘negligible’ by the report.
- As above, please can we discuss options for S106 to purchase monitoring equipment, particularly around the areas of Sapcote and Stoney Stanton where increased traffic from the proposed is likely to filter through.
- A significant number of receptors considered in the report have been noted to result in a ‘deterioration of concentrations’ in both 2026 and 2036 as a result of the proposed development. No mitigation has been suggested to counter this (presumably given the perceived negligible impact), but can anything be suggested to counter this? S106? As above.
- Consideration needed for AQMA 6 sensitive receptors as above. Management area contains a monitoring station which actively monitors PM<sub>2.5</sub> concentrations, BDC can provide data if required.

## **OTHER CONCERNS**

### **Rail emissions**

- The expected increase in train movements is provided in the report, but further information on the expected change in pollutant concentrations is required.



- We would welcome some AQ assessment into this, unless the number of train movements using the site can be subject to a condition? Normally this is not possible.
- Report suggests a condition that engines are to be shut off when not in use/stationery at the site which is strongly encouraged.

### **Energy Centre emissions**

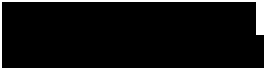
- Limited information provided, other than the centre will likely be gas powered.
- Quantification of emissions to come in at later stage, possibly including stack emissions testing if appropriate.

### **Odour**

- Almost no mention of odour in PEIR, please can this be considered with the revised assessment.
- Current land use is agricultural but proposed use may give rise to some odours.

Kind regards,

**Declan Goodwin**  
**Technical Officer**  
**Environmental Services**  
**Blaby District Council**



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**From:** [REDACTED]@leics.gov.uk>  
**Sent:** 10 March 2022 15:48  
**To:** [REDACTED]@blaby.gov.uk>; [REDACTED]@hinckley-bosworth.gov.uk>  
**Cc:** [REDACTED]@leics.gov.uk>; [REDACTED]@leics.gov.uk>; [REDACTED]@blaby.gov.uk>  
**Subject:** Archaeological comments: Hinckley National Rail Freight Interchange: Consultation Response

Dear Ed, Helen

Archaeological and cultural heritage comments: Hinckley National Rail Freight Interchange: Consultation Response

Consultation with the developer's archaeological consultants (Environmental Dimension Partnership Ltd (EDP)) commenced in February 2018 and has continued in close and regular liaison, since that date. Initially contact was made by EDP as a request for pre-application advice, followed in December 2020 by the EIA scoping enquiry, and most recently in response to the current Tritax Symmetry statutory consultation. The main change to the scheme through the extended consultation period has been the addition and/or revision of proposals for the linking infrastructure to the surrounding road network, culminating in the link to the Leicester Road (A47/B4668), and the proposals for off-site junction improvements, compounds, etc..

It should be underlined that while extensive archaeological assessment has been undertaken, the cultural heritage assessment remains in progress, with outstanding archaeological evaluation (trial trenching) pending within the DCO boundary in relation to the western road link to the A47/B4668, and in respect of the proposed off-site junction locations as depicted on PEIR Figure 13.1. The following provides our current advice in respect of the site's archaeological and cultural heritage requirements/ Our principal recommendation is that the developer should complete the on-going programme of archaeological assessment, specifically the trial trench investigation of the western road link and targeted investigation associated with the off-site junction improvements, compounds, etc.. The results of this assessment should be made available prior to determination of the current application, in order to describe the significance of any heritage assets affected, including any contribution made by their setting, and to understand the potential impact of the proposal on their significance (NPPF 194).

Discussion with EDP has focused upon three areas of concern in relation to the historic environment:

- known and potential surface and buried archaeological remains,;
- non-listed historic buildings within the application site;
- and the historic landscape.

The above, where identified, constitute heritage assets (HAs) as defined in the NPPF. The combined assessment to date has indicated those heritage assets identified within the development area fall below the threshold that would warrant their designation. Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified as having a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. NPPF Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the

application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

It should be noted that we have **not** been involved in the provision of comments or advice in respect of the designated historic built environment, listed buildings and conservation areas (notably Aston Flamville). We would direct the local authority to your historic buildings advisor for their detailed comments. Similarly in respect of the scheduled ruins of the church at St Mary's, Elmesthorpe, we would recommend you consult with Historic England to determine the implication of the proposals in respect of the setting and significance of the monument.

Throughout the process I can confirm that the consultation and feedback with EDP has progressed satisfactorily and that the developer (through their archaeological consultant) is working toward the completion of a suitably robust understanding of the archaeological interests. The site assessment undertaken to date comprises the preparation of a Preliminary Environmental Information Report (PEIR), Chapter 13 of the developer's submitted documents. The latter presents the developer's assessment of the potential effects of the proposed development on the cultural heritage of the site and its surroundings. Supporting Chapter 13 are a number of detailed reports, outlining the results of the assessment, these include a desk-based archaeological assessment (PEIR Cultural Heritage Appendix 13.1), a two-stage programme of geophysical survey (PEIR Appendices 13.3 (the principal development area) and 13.4 (the western (A47/B4668) road link)), and in relation to the principal development area, the results of the programme of archaeological evaluation by trial trench (PEIR Appendix 13.5). The developer has also prepared a Heritage assessment (Appendix 13.2), which reviews the historic built environment, including reference to three traditional farm buildings of local heritage interest at Woodhouse Farm, Hobbs Hayes and Freeholt Lodge, and the Burbage Common Road railway bridge, of similar significance.

It is now recommended that the applicant be required to complete the archaeological assessment (intrusive archaeological investigation, including trial trenching) of the development area. This should comprise trial trench evaluation of the western road link and targeted assessment of the off-site works. I am aware that the developer is currently making the provisions for this to be undertaken and for the information from this work to be made available prior to the determination of the application. It is our recommendation that without the completion of this work, the impact of the development scheme upon the significance of the historic environment cannot be fully assessed, and therefore the appropriate scope and character of mitigation measures cannot yet be determined (design solution, and/or archaeological investigation).

Historic landscape advice has been provided in tandem with landscape recommendations discussed with my colleague Wendy Crawford (LCC Landscape Architect). I understand our comments have been provided to both the developer and to BDC. I would underline that within the scheme, the application will result in the loss of well-preserved ridge and furrow earthworks to the north of Woodhouse farm, Burbage Common Road. In the event the application were to be approved, provisions should be made by the applicant for the archaeological recording an investigation of these earthworks prior to their loss.

I also note the Consultation Feedback Form has a specific set of questions, most of which are irrelevant from a historic environment perspective:

- Do you agree with the principle of transferring freight from road to rail? *No comment*
- Do you agree that the transfer of freight from road to rail has an important part to play in a low-carbon economy and in helping to address climate change? *No comment*
- Do you think that this is a good location for a Strategic Rail Freight Interchange? *In order to answer this, it will be necessary for the archaeological assessment to have been completed.*
- Do you support the proposals for up to 850,000m<sup>2</sup> of logistics floorspace, railway sidings and a rail terminal on the Felixstowe to Nuneaton railway line to the south west of Elmesthorpe? *No comment*
- Do you support our proposed mitigation that is set out in the Preliminary Environmental Information Report (PEIR)? *The mitigation measures proposed are set out the Chapter 13, paragraph 13.156-168. As above, in order to answer this, it will be necessary for the archaeological assessment to have been completed. In principal and based only upon the currently available information, it is anticipated within those areas where archaeological assessment has been completed, the mitigation measured proposed in paragraph 13.160 will be satisfactory. Provision for archaeological investigation will also be required in respect of the surviving ridge and furrow earthworks. With regard to the non-designated historic buildings, the mitigation measures outlined in paragraphs 13.161-162, are*

similarly satisfactory. Paragraph 13.164 outlines proposals for landscape bunding and planting to screen the main site, with a view to reducing the identified effects of the proposed development in terms of changes to the setting of designated heritage assets in the wider area. It is recommended you seek the advice of your conservation advisor/historic buildings officer, and/or Historic England, as appropriate.

- Do you have any comments on the proposed highway improvements? *As above regarding completion of the archaeological assessment*
- Do you support the idea of a lorry park with welfare facilities and HGV fuelling facilities in this location? *As above regarding completion of the archaeological assessment*
- Do you support the proposed landscaping incorporated into HNRFI? *As above regarding completion of the archaeological assessment*
- Do you have any other comments about the proposals? *No*

Happy to discuss further as required.

Regards,

Richard

**Richard Clark** | Team Manager (Heritage) | Historic & Natural Environment Team | Planning, Historic & Natural Environment Department | Room 200, County Hall | Glenfield | Leicestershire | LE3 8RA



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Trust and Respect



Flexibility



Openness and Transparency

**Please Note:** In line with Government Guidance for COVID-19, all site visits and face-to-face meetings are to be cancelled/ rescheduled if they are unable to be conducted electronically (Teams, Skype etc.). There is also a likelihood of a delay in providing a response to your query or concern at this time due to the impact of the COVID-19 restrictions. More details on the Council’s policy on social distancing and how it will affect services can be found [here](#).

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**From:** [REDACTED]@leics.gov.uk>

**Sent:** 02 March 2022 16:57

**To:** [REDACTED]@leics.gov.uk>; [REDACTED]@leics.gov.uk>

**Cc:** [REDACTED]@leics.gov.uk>; [REDACTED]@leics.gov.uk>; [REDACTED]

[REDACTED]@leics.gov.uk>

**Subject:** RE: HNRFI Cabinet paper

Dear Rebecca,

With regard to biodiversity, the applicant has done all the surveys and assessments they need to do. The current land use is farmland of no special value – although the development will involve loss of hedges, trees, grasslands and ponds, I feel it is possible to compensate for this. The main habitat proposed for compensation is species-rich grassland, which is in accordance with our local biodiversity action plan priorities. I have no significant concerns over impacts, which I feel should be mitigatable with care. Impacts on some protected species will require licencing from Natural England. There is on-site biodiversity habitat creation, which will help address some biodiversity losses and buffer the adjacent Aston Firs SSSI and Burbage Common from the development; it also has the potential to complement existing habitats on these important sites. I feel that additional buffering and protection to the ancient semi-natural woodland at Freeholt Wood is required. I welcome the additional access to natural open space that is proposed.

The development will still be in considerable net-loss – of some 60 biodiversity units – and there is a proposal to address this through off-site improvements, which is an acceptable strategy; however, no details of this have been provided. It will need to be provided when formally submitted. An option that should be pursued is the use of green/brown roofs and green walls on some of the units to provide additional biodiversity and landscape benefits.

I have discussed the development with Natural England, and I understand that it is felt that impacts on the SSSI are mitigatable, on the basis of the plans submitted. However, as ever, I would defer to them regarding SSSI impacts and mitigation.

The main outstanding issue for me is lighting; as a 24/7 operation, it will potentially have a large impact on local light levels. I cannot find reference to this (but may have overlooked it in the plethora of plans). Light pollution is likely to have adverse effect on birds, bats and invertebrate behaviour. I note the development appears to be at a lower level than the SSSI, which may help to mitigate light impacts on the more sensitive ecological receptors, but sections have not been provided; this is another omission in documentation (again, one that I may have overlooked!).

Sue

Sue Timms  
Team Manager (Ecology)  
Leicestershire County Council  
County Hall  
Leicester  
LE3 8RA

[REDACTED]  
[REDACTED]@leics.gov.uk

---

**From:** Jason Peach  
**Sent:** 28 February 2022 12:23  
**To:** Rebecca Littlewood  
**Cc:** Lucie Hoelmer  
**Subject:** HNRFI consultation

Good Morning Rebecca,  
Please see comments below.

Although the site does not directly impact on any Leicestershire County Council tree preservation order site, it does immediately border two significant area's protected by our TPO's both to the South West of the site. Adjacent to the M69 island, junction 2 and the B4669.

- Freeholt wood (4.32 hectares) : covered by the – Elmsthorpe plantation and Freeholt wood 1967 TPO
- Aston Firs(30.86 hectares): Covered by the – Elmsthorpe plantation and Freehold wood 1967 TPO.

Viewing the proposed plans it seems Freeholt Wood is bordered by the site on its NE side by 300meters, and Aston Firs is bordered by the site on its NE side by 158 meters. Both consist of a majority of mixed mature native broadleaved species .

My concerns are that with such a huge development and the construction methods used to create such a site what assurances do we have on the protection of these TPO sites, particularly as they are so close? And what the long term effects on these sites will be with the increased road/rail traffic over the coming years and if any measure have been put in place to mitigate such impacts of the site on the trees and also the eco systems that these area support?

There is also another small area TPO adjacent to the railway line at The Outwoods, near to the B4669. This site is protected by The Outwoods 1964 TPO and covers approx. 2.34 hectares. According to the plan it looks like a section of the track will be impacted by the development and this runs alongside the TPO for approx. 50 meters. Again it would be good to get clarification on how the development will impact directly on the TPO at this point.

If you require any more information please get in touch.  
Kind Regards,

**Jason Peach** (he/him)

Leicestershire County Council Tree Officer  
Environment Policy & Strategy Department  
Room 700  
County Hall  
Glenfield  
Leicestershire  
LE3 8RA



---

**From:** [REDACTED] [sustrans.org.uk](mailto:[REDACTED]@sustrans.org.uk)>  
**Sent:** 16 March 2022 18:15  
**To:** [REDACTED] [blaby.gov.uk](mailto:[REDACTED]@blaby.gov.uk)> [REDACTED] [blaby.gov.uk](mailto:[REDACTED]@blaby.gov.uk)>  
**Subject:** RE: Hinckley National Rail Freight - Consultation

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Hello Phill and Edward.

I thought the best way to respond would be to add some comments to your bullet points below.

Also, for context, the work I did looking at the emerging local plan included links and connections to the major proposed allocations. One of them was HNRFI and the Stoney Stanton proposal. I have attached the plan with identified routes that should be connected and developed as part of the major allocation. I've also attached screenprints from the prioritisation matrix for these routes, I appreciate these don't make much sense out of context but they do add some additional info. I would be more than happy to discuss these further and add the detail required.

Looking at the Tritax Symmetry HNRFI consultation pages there's two things that stand out, they've extended the public consultation period and the development masterplan is different to the one I used for the planning work, which is why the lines on my plan don't quite align with the internal road layout now indicated.

[REDACTED]

My main interest would be in providing the off-site connectivity to locations that are either transport hubs, residential locations, retail, and/or other destinations. Given the site's proximity to Hinckley it is important that cross border routes are provided.

Given the huge level of detail in this proposal and the time limits would it be useful to meet on Teams to discuss? I can be available tomorrow and have the following times free: 1030 to 1200, 1530 onwards. Also available on Friday all day, I'd booked it as a day off so free all day!

I hope this is useful/helpful and more than happy to discuss further.

Regards,

Ed.

**Edward Healey**  
Network Development Manager | Sustrans Midlands and East |

My pronouns are he/him

Sustrans | 58 Oxford Street | Birmingham | B5 5NR  
[REDACTED]



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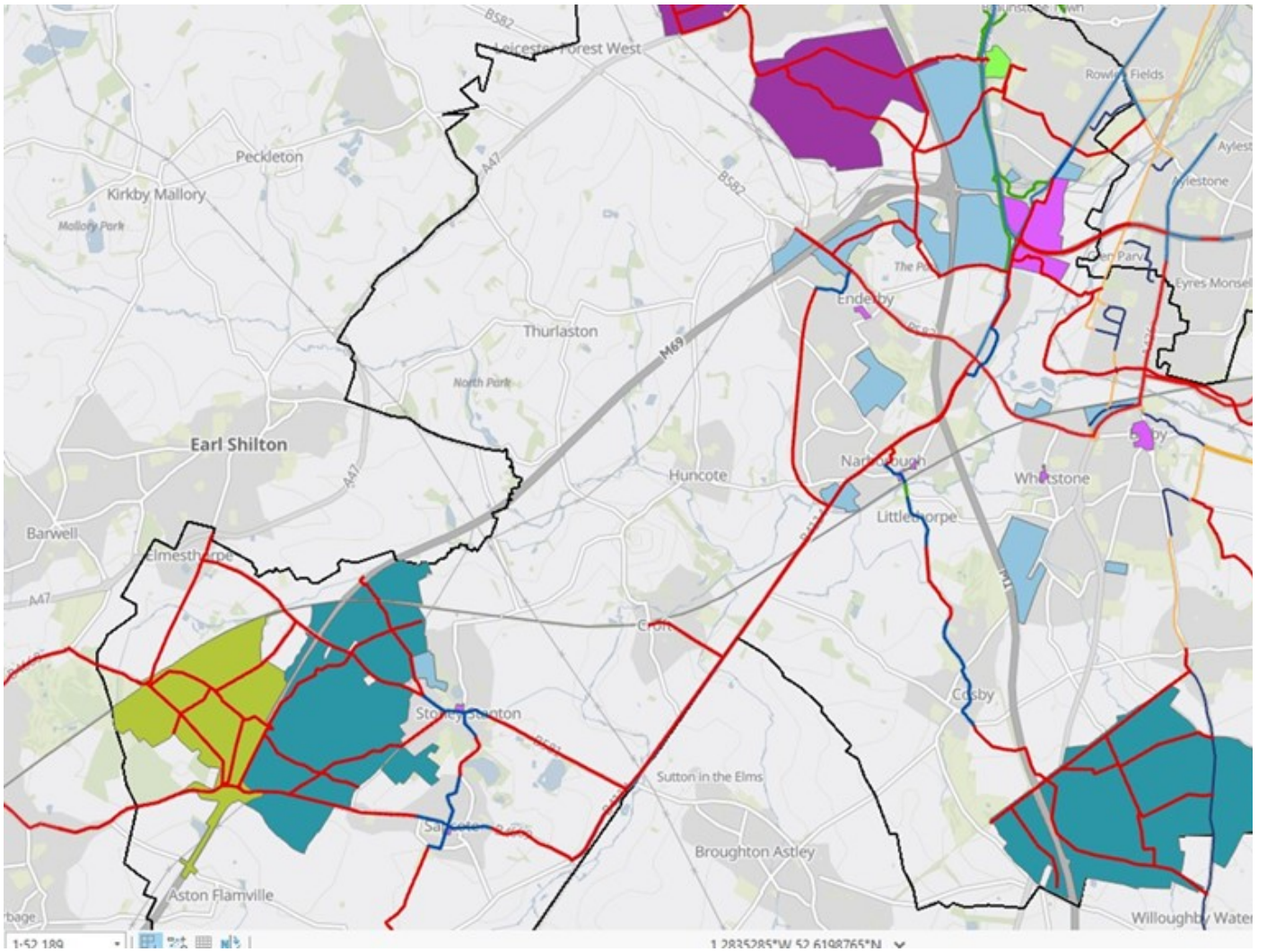
**From:** [REDACTED] [blaby.gov.uk](mailto:blaby.gov.uk)>  
**Sent:** 07 March 2022 10:42  
**To:** [REDACTED] [blaby.gov.uk](mailto:blaby.gov.uk)>; [REDACTED] [sustrans.org.uk](mailto:sustrans.org.uk)>  
**Cc:** [REDACTED] [blaby.gov.uk](mailto:blaby.gov.uk)>  
**Subject:** RE: Hinckley National Rail Freight - Consultation

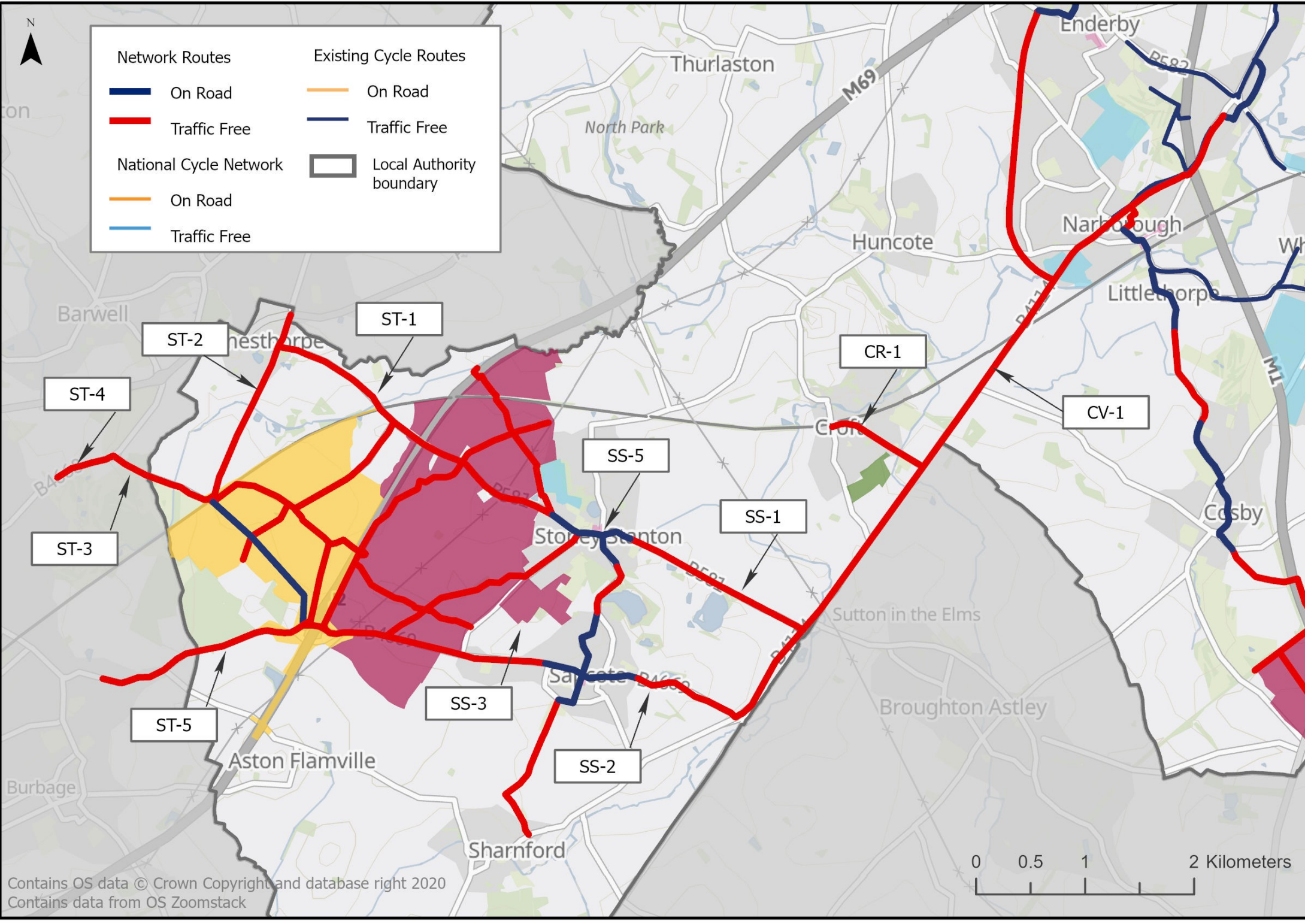
Hi Phil,

The deadline for your team's response is 16 March. To help you formulate your response, some aspects I think you could include, in addition to your own thoughts, are:

- Good existing connectivity across the site (7 accesses into site at present) **The more connectivity the better as long as it provides for non-motorised users.**
- Challenging that we are looking at illustrative masterplans which can't reasonably be critiqued too far but are helpful in establishing principles we wish to set at this stage **All of the internal routes and connections should be delivered to LTN 1/20 standards and the housing elements should comply with Manual for Streets, which is low traffic. LTN 1/20 directly relates new development to provision of high quality walking and cycling infrastructure in Chapter 14.**  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/951074/cycle-infrastructure-design-ltn-1-20.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951074/cycle-infrastructure-design-ltn-1-20.pdf)
- Proposed plans focus pushing access to around fringes of the site in narrow bands of landscaping, some of which will be wedged between M69 and 35m tall buildings (proposed eastern bridleway). Unattractive and makes routes longer and less attractive for users. Does this need to be wider, does this need to be on other side of motorway? **Again, LTN 1/20 can be used here as routes need to be Coherent, Direct, Safe, Comfortable and Attractive. All walking and cycling funding currently from DfT has an absolute requirement that it complies with LTN 1/20, that includes Sustrans own Paths for Everyone funding and the much larger Active Travel Fund. The newly formed government backed Active Travel England also has a planning function that will assess larger development proposals and insist that they comply with LTN 1/20. Any development such as HNRFI should already be reflecting these requirements.**
- Want to be clear how footways / cycleways proposed within site limits connect to wider network, particularly where cycle commuting is concerned, so that genuine connections are established and to prove that cycle commuting is a genuine option for employees **The wider connectivity outside of the red edged boundary will be required.**







Network Routes		Existing Cycle Routes	
	On Road		On Road
	Traffic Free		Traffic Free
	National Cycle Network On Road		Local Authority boundary
	National Cycle Network Traffic Free		

ST-1, ST-2, ST-3, ST-4, ST-5, SS-1, SS-2, SS-3, SS-5, CR-1, CV-1



SS-1	Broughton Road, Stoney Stanton	1810m new off-road cycleway	£585,354	1	2	1.5	0	0	0	0	1	3	2	0	0	1.9	0	1.7	4	0.4	2	2	2	5.8	
SS-2	Leicester Road, Sapcote	1010m new off-road cycleway	£326,634	1	2	1.5	0	0	0	0	1	3	2	0	0	1.9	0	1.7	4	0.4	2	2	2	5.8	
SS-3	Sapcote Village	2100m of quietway treatment	£42,466	1	4	2.5	0	0	0	0	2	2	2	0	0	1.9	0	2.2	1	2.2	4	2	3	9.6	M
SS-4	Sapcote Road, Stoney Stanton	564m of new off-road cycleway	£182,398	1	4	2.5	0	0	0	0	2	4	3	0	0	2.8	0	2.7	3	0.9	4	3	3.5	9.7	M
SS-5	Stoney Stanton Village	1300m of quietway treatment	£26,276	1	4	2.5	0	0	0	0	2	2	2	0	0	1.9	0	2.2	1	2.2	2	2	2	8.6	M
ST-1	Burbage Common Road, Elmesthorpe	626m of off-road cycleway	£202,448	1	2	1.5	0	0	0	2	3	3	3	0	0	3.4	0	2.5	3	0.8	3	3	3	8.8	M
ST-2	Bridlepath Road, Elmesthorpe	1900m off-road cycleway	£614,460	1	2	1.5	0	0	0	2	3	3	3	0	0	3.4	0	2.5	4	0.6	4	3	3.5	9.1	M
ST-3	Burbage Common Road to Hinckley	960m of quietway treatment	£19,404	1	3	2	0	0	0	3	3	2	3	0	0	3.4	0	2.7	1	2.7	4	3	3.5	11.7	S
ST-4	Leicester Road, Hinckley	810m of off-road cycleway	£261,954	1	3	2	0	0	0	4	2	4	3	0	0	4.1	0	3.0	3	1.0	3	3	3	10.1	S
ST-5	Sapcote Road, Hinckley	1000m of off-road cycleway	£323,400	1	3	2	0	0	0	4	2	4	3	0	0	4.1	0	3.0	4	0.8	3	3	3	9.8	M
SH-1	Sharnford to Sapcote	776m of new off-road cycleway	£250,636	1	2	1.5	0	0	0	0	1	4	2	0	0	2.2	0	1.8	3	0.6	4	3	3.5	7.6	

CV-1	Coventry Road	development site to Countesthorpe Community College. 4700m of new off-road cycleway.	£1,519,980	1	5	3	0	0	0	2	2	4	4	0	0	3.8	0	3.4	5	0.7	2	2	2	9.4	M
CR-1	Arbor Road, Croft	330m of new off-road cycleway.	£106,722	1	5	3	0	0	0	0	1	3	3	0	0	2.2	0	2.6	3	0.9	3	2	2.5	8.6	M
SS-1	Broughton Road, Stoney Stanton	1810m new off-road cycleway	£585,354	1	2	1.5	0	0	0	0	1	3	2	0	0	1.9	0	1.7	4	0.4	2	2	2	5.8	

## **Appendix 2 BDC SoCC Response**

Date: 17 September 2021  
My Ref: HNRFI  
Your Ref: PJF/nss/PF/9575  
Contact: Ed Stacey  
Tel No: [REDACTED]  
Email: [REDACTED]@blaby.gov.uk

Mr Peter Frampton  
Framptons Planning  
Oriol House  
42 North Bar  
Banbury  
Oxfordshire  
OX16 0TH

Dear Peter,

**The Planning Act 2008  
Section 47(1)  
Statement of Community Consultation (SoCC)  
Hinckley National Rail Freight Interchange (HNRFI)**

Thank you for your letter to Louise Hryniw dated 26 August with regards to the formal consultation of the SoCC. Before providing comments on specific paragraphs, and further to the points raised in our letter dated 27 July 2021, we continue to have an overarching concern that relates to the general methodology and timing of the proposed public consultation.

From reading the SoCC, it appears that the applicant cannot entirely rule out the necessity for the Eastern Villages Link (EVL) at this stage. We understand that this matter cannot be concluded until it has been formally agreed by the relevant Highways Authorities. We note that while the EVL land remains a part of the Development Consent Order boundary at this stage it has already been omitted from the Project Description of the SoCC. We also understand, from your email dated 6 September that Tritax Symmetry (Hinckley) Ltd is willing to carry out the public consultation exercise with the necessity of the EVL still unknown.

The responses from District Councillors and Parish Councils set out in Appendix 1 clearly show that the EVL is a highly contentious topic around which clarity and certainty is critical. In its current format, the HNRFI will not be clearly understood during the public consultation exercise and the consultation would be meaningless without clarity on the highways and traffic implications and mitigation proposals. During the consultation exercise the public must be provided with certainty on whether or not the EVL is to be included. Moreover, the EVL has significant impacts and ramifications and cannot reasonably be removed from the project between the consultation exercise and the scheme's submission. We understand that the SoCC may provide for both scenarios in which the EVL is included or excluded but we do not accept that it can provide for a scenario where neither is certain and we object to this approach in the strongest possible terms.

Until the necessity of the EVL is known, the Council does not expect the next stage of public consultation to be carried out. Moreover, a decision by Tritax Symmetry (Hinckley) Ltd to consult the public at this stage will have a bearing on the Council's adequacy of consultation representation.



Cat Hartley, Planning & Strategic Growth Group Manager

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In the tables below, I have set out the Council's detailed comments in relation to specific paragraphs and appendices of the SoCC. I have also included relevant appendices including the responses the Council received from its District Councillors and Parish Councils as Appendix 1 for your consideration.

Paragraph	Comments
1.10	Please provide for hard copies at public libraries? This would come at little cost but would make physical copies much easier to access. You can add that these hard copies will only be available at the discretion of libraries in the event COVID related restrictions limit the opening of library buildings Why is Blaby library the only one identified in Blaby District? Expand this list to include all libraries within Blaby District plus Early Shilton and Broughton Astley
1.13	The boundary should be 10km not 3km to pick up the wider villages which could still be impacted and will otherwise not be consulted as thoroughly. As part of this, Narborough, Littlethorpe, Enderby, Whetstone and Cosby should be added in addition to Barwell Parish.
1.14	The absence of the EVL as a main feature of the proposal incorrectly represents its significance and potential impacts. The EVL is substantially more than an off-site junction improvement and is a significant development in its own right that should be incorporated into the main description. Moreover, the fact that such a large part of the DCO boundary of appendix 4 is not listed in this "main features" section will be confusing for the public. There is conflict with para 1.25 as the EVL is not ruled out. Need to amend and link with para 1.27 comments and clarify highway authority's view on EVL.
1.17	Proof read: two paragraphs with this numbering.  To omit the EVL from the Principle and Associated Development is not acceptable as it cannot be ruled out at this stage.
1.27	Change "presently considered" to "the opinion of TSH". Add sentence at the end of this paragraph: "However, at this stage the model outputs have not been approved by the relevant highway authorities and so cannot be conclusively ruled out at this stage." Replace "TSH will make their position clear...at the consultation stage." With: "TSH will not carry out the public consultation exercise until the EVL can be formally ruled out following agreement with the relevant highway authorities."
2.1	Proof read: appendix 4 and para 2.1 conflict by referring to the DCO boundary drawing as figure 1.1 and 1.2 respectively.
2.2	Please add Huncote to the list of Parishes under Blaby District.
5.2	Proof read: Additional "T" after "VAT".
6.1	Given that any cost requirement for the project documents is likely to have an impact on resident's access to them, the community explanation document should be produced free of charge, one per household, to anyone who asks for it. Not just for those considered to be unable to access it electronically. Moreover, please explore whether this document can be hand delivered along with every postal consultation letter free of charge.
7.1	With regards to the 'Hard to reach groups', please see Appendix 1 of this letter which sets out groups the Council is aware of and please contact me about those groups you wish to contact further.
7.7	Please add a paragraph, similar to 7.7, explaining where residents are able to register for updates as the SoCC only references those previously engaged in the process. During a meeting, you informed us that interest could be registered online.
7.11	More face to face events are required. One should be held in at least every Parish within the extended postal consultation zone (see comment on para 1.13).
7.12	The sentence starting with "In addition, it is proposed..." should be moved to the end of para 7.11 to clarify the number of face to face events that are proposed.

7.14	<p>Proof read: paragraph symbol before “In addition to the holding...” as well as a full stop after “(subject to Government restrictions)” that incorrectly breaks up a sentence.</p> <p>Four virtual events should be held instead of two so that a reasonable variety of dates and times can be offered.</p>
7.20	Comments made on paras 7.11 and 7.14 in relation to the number of events proposed are relevant here too.
7.27	Proof read: para 7.27 follows 7.21.
7.31	You also need to include other Gypsy and Traveller encampments within the consultation zones, for example there is one in Blaby District on Lychgate Lane in Aston Flamville and we believe Hinckley and Bosworth have at least one, west of this, along the same road.
7.37	Site notices should be added to the Parish noticeboards of each of the Parishes within Blaby District.
7.39	See comments on para 6.1 regarding the charge for the Community Explanation Document.
7.46 – 7.51	<p>While you have listed hard to reach groups other than Gypsy and Traveller communities you have not described how you will address their specific needs. The Council are aware of groups and events that may give you access to some of these people and I have included a list of these groups for you to consider as Appendix 2. Please contact me about those groups you wish to contact further.</p> <p>You have only referred to one locality of Gypsy and Travellers at Aston Firs, as I have stated previously, there are other Gypsy and Travellers in this consultation area; please see comments on para 7.31 and discuss further with me and Jacqui Green at Leicestershire County Council.</p> <p>One key hard to reach group is those with limited access to the internet, computers and phones and there is a significant opportunity to better engage with these people. The SoCC places charges and introduces restrictions which limits their access to the consultation material. This can be overcome by making hard copies of all documents free to access if someone does not have good internet or computer access and by generally making them as readily available as possible. On the latter, please provide copies of the consultation material to each of the Libraries within Blaby District. At present, the material is only available at Blaby Library.</p>
8.1	DCO submission for examination late Q4 2021 contradicts table 1.1 which states Q1 2022.

Appendix	Comments
1	In line with comments on paras 7.46 – 7.51, expand this list to include all libraries within Blaby District plus Early Shilton and Broughton Astley.
3	Several of the District Councillors / Parish Councils requested that additional junctions are considered. Please see Appendix 1 for more details.
4	Proof read: appendix 4 and para 2.1 refer to the DCO boundary drawing as figure 1.1 and 1.2 respectively.
7	<p>There is no Littlethorpe Parish Council, Littlethorpe are represented by Narborough Parish Council. Delete Littlethorpe Parish Council.</p> <p>Please change Huncote Parish Council’s opening times to “no opening hours available”.</p>
10	Also include The Local Rock, The Journal, Big Red Magazine, Swift Flash
11	Site notices should be added to the Parish noticeboards of each of the Parishes within Blaby District.
12	More face to face events are required. One should be held in at least every Parish within the extended postal consultation zone (see comment on para

	<p>1.13, 7.11).</p> <p>The identified catchment areas are not fully shown on the plan and so the full extent of possible locations is not clearly described.</p> <p>Despite their proximity to the development, there are no areas in Harborough DC areas considered for face to face events.</p>
13	<p>Narborough, Littlethorpe, Enderby, Cosby and Whetstone need to be included in the consultation boundary. There are significant concerns around the impact of increased barrier down time at all times of the day.</p> <p>Junctions 45 and 46 are missing from this appendices.</p>
14	<p>Please add Stoney Stanton Action Group</p>
18	<p>Please check whether Councillor Maggie Wright of Normanton Ward, Blaby District, should be included in this list.</p>

Yours sincerely,

Ed Stacey

Senior Planning Officer / Major Schemes Officer

Blaby District Council

Enc: Appendix 1: District Councillor and Parish Council consultation responses  
Appendix 2: Hard to reach groups



## **Appendix 3 Parish Council S42 Responses**

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# HINCKLEY RAIL FREIGHT TERMINAL

Response to Tritax Consultation

Sapcote and Sharnford Parish Councils

April 2022

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## 1. Introduction

Sapcote and Sharnford Parish Councils are writing in response to the consultation on the proposed Hinckley Rail Freight Interchange by Tritax.

We are strongly opposed to the proposal. We do not believe the need for the site has been justified. We are particularly concerned about the potential increase in traffic, including the largest HGVs, during both the construction and operation phases.

This includes both the traffic generated by the site itself and redirected and generated traffic resulting from the site access proposals including the introduction of southern slip roads on the M69 Junction 2.

Despite the stress placed on the rail-terminal, it appears that, even with optimistic rail use, the majority of traffic generated on the site would be road-based HGVs using the B8 facilities.

We note that the County Council has not agreed with the Traffic Evidence and has said that the consultation is premature. Given their role on the transport working party this would suggest the evidence is not ready for scrutiny and the consultation should have been postponed.

Further concerns relate to the potential for air quality to be compromised and on-going noise and vibration issues. We are also opposed to the proposals because of the impact they would have on the landscape and local ecology.

Lastly, we do not believe the case has been proven to show that the proposals are consistent with a reduction in CO2 emissions in line with the Government's commitment to reach net-zero.

The Consultation Period of six weeks has not allowed detailed scrutiny of all the material related to the proposals and we reserve the right to seek further professional advice to inform our future submissions should the proposals proceed to public examination, including specifically in relation to noise and air-quality.

This report sets out our response in detail and sets out seven key conclusions.

We have also appended answers to the specific on-line consultation questions. However, we are concerned that the Questionnaire provided by the applicants encourages respondents to reply to specific questions which are inherently leading.

In particular the first two questions imply that the proposal's main aim is to support a transfer from road to rail transport, when in reality the majority of the site may well be road-based. We do not believe positive answers to these questions should be interpreted as support for the HNRFI proposals.

## 2. Need

The need for the site is justified by Tritax based on the National Policy Statement (NPS) supporting the need for intermodal rail-freight terminals and on a perceived shortfall in Rail-Served sites in Leicestershire and in the East Midlands.

While the NPS supports the growth of a network of SRFIs, it is worth noting the justification for this in Para 2.47 of the NPS.

*A network of SRFIs is a key element in aiding the transfer of freight from road to rail, supporting sustainable distribution and rail freight growth and meeting the changing needs of the logistics industry, especially the ports and retail sector. SRFIs also play an important role in reducing trip mileage of freight movements on the national and local road networks.*

The PEIR refers in Para 5.21 to the '*changing needs of the logistics industry*' but not to the important aim of '*reducing trip mileage of freight movements.*' As is discussed further, the success in achieving this second goal at the site is unclear, particularly because the vast majority of trips relate to the B8 element of the proposal as opposed to the rail terminal, and because of the assumptions about how much long-haul traffic by rail would result from transfer from road.

This brings into question the effectiveness of these proposals in meeting said goal of the NPS.

Turning to the perceived shortfall, there are, in fact, a significant number of existing and proposed logistics sites within the East Midlands, including Magna Park, DIRFT, Prologis Park and the East Midlands Railfreight Depot. Further sites exist at Birch Coppice, Hams Hall and the West Midlands Rail Freight terminal recently granted permission in South Staffordshire. Northants Gateway is also close by.

Without a proper examination of the overall capacity across the West and East Midlands, it is likely that some of these will be in competition with one another. There is a clear risk that there will be over-capacity and some sites will not be built out. If they are, there are likely to be cumulative impacts.

The need is then further supported with reference to the conclusions of the Leicestershire Logistics Study (2021).

We are concerned that this is an industry-led study which appears to be solely predicated on projections of future demand. Demand was calculated for both rail and road freight and there is clearly a risk of double counting. If rail freight genuinely removes lorries from the road, as is being supposed, that should lead to a reduction in the need for purely road-based distribution, but it is unclear whether this is what is predicted to happen.

Even if that is not the case, the study identified a total shortfall in rail-served provision from 2020 across Leicestershire, of 307 hectares, slightly less than the total size of the Hinckley site. However, the updated need figure (given in North West Leicestershire Plan is for 228ha has or 718,875 sqm. This is considerably less than the 850,000 sqm proposed at the Hinckley site. The remaining 131,125 sqm (15% of the site) is not required to meet the need assessed by the study.

Moreover, the HRNFI is not being assumed to contribute to any of the road-based need in the county. North West Leicestershire, for example, in their draft plan assume there is a need to supply all the road-based provision.

It is also unclear in the study how much of a site should be connected to a rail-terminal for it to qualify as rail-served. In this case, the majority of the site is not and even those facilities which have direct rail connections are not obliged to use them.

This is quite clear from the transport evidence. Table 15 shows a daily two-way HGV generation from the terminal of 1944 HGVs and 112 light vehicles. There are, however, 7,637 HGV movements from the B8 facilities and 16,326 light vehicles.

In other words, the proposals would generate significant additional traffic, much of which could simply be road-based logistics provision. At least some of the site is additional to the assessed need in the study and there is other provision in the county which would meet the same need.

The proposal would inevitably create jobs, some 8,600 - 10,600 are projected. However, the PEIR chapter on Socio-Economic Impacts is clear that at least some of these will come from relocation from existing premises to the park (7,222). The PEIR shows that the surrounding area is below the national average for unemployment and youth unemployment (Tables 7.6 and 7.7). This suggests that the new job projections are modest.

The PEIR is also somewhat vague about where the workers will come from. It says that currently 91% of such workers come from less than thirty miles in the Study Area (Para 7,8), but that will include sites better located in terms of larger population areas.

It is suggested that the provision of additional housing will help accommodate workers on the site, relying on the figures in the HEDNA (2016) which fed into the Strategic Growth Plan. The distribution of this housing is not currently agreed and a

review of the SGP is being considered. Moreover, the analysis in the HEDNA is now somewhat out of date and the housing assumptions are out of kilter with the most up to date ONS evidence. We do not consider this to be a firm basis for assuming housing will be developed close to the site, and that housing would anyway, itself, have large additional impacts on the countryside and so should be considered a negative environmental impact resulting from the proposals.

### 3. Transport

Sapcote and Sharnford Parish Councils are also specifically concerned both about the increase of traffic from the development of the site and the traffic generated by the changes to the road network, particularly the introduction of a new road to the M69 from Hinckley and the introduction of south facing slips at Junction 2 of the M69.

The M1/M69 junction has been a problem since the decision was made to terminate the M69 at M1 Junction 21 (J21). The addition of Junction 21A (J21A) in 1995 to serve the A46 Leicester Western Bypass led to a significant increase in traffic between J21 and J21A. This prompted the widening of that section of the M1 to four lanes prior to the bypass opening. The effect of this was to increase congestion at J21.

Since then, various proposals to deal with the congestion on the M1 have been looked at and rejected. Works to add traffic signals and more circulation lanes to the J21 roundabout have not eliminated congestion.

Junction 2 of the M69 was specifically designed with only north facing slip roads because in the 1970s it was realised that south facing slip roads would increase traffic travelling towards what is now the B4114 (it was the A46 prior the M69 opening). The likelihood of substantial traffic diverting through a myriad of minor roads is much greater now than it was then because of the development that has taken place and the problems associated with the M1 and M69.

The Interim Transportation Assessment by BWM seeks to quantify the impact. However, we have a number of concerns about the analysis:

Firstly, the level of usage of the rail terminal is based on that of existing terminals. Given, the number of competing terminals coming forwards, the level of usage may be lower, increasing the level of road-based usage above the 30-70 split envisaged in the assessment. Moreover, the amount of rail traffic may be limited by capacity constraints on the railway system itself.

The HNRFI is located alongside the Felixstowe to Nuneaton railway line between Hinckley and Leicester. Although this route has been modified to allow large containers it is not electrified.

The HNRFI Interim Rail Study does not consider capacity constraints on the route to Felixstowe, which includes traversing critical junctions, for example north and south of Leicester, Peterborough and Ely.

We understand that the Felixstowe branch line is part single track, as is a section between Ely and Soham. There have been some previous upgrades but we are unaware of further approved plans to upgrade parts of the Felixstowe to Nuneaton railway line or to enable electric trains to use it throughout.

The HNRFI Interim Rail Study area only looks at the section between Water Orton and Wigston. It notes that Wigston North Junction (Para 4.4.1) is already close to capacity and that some trains entering and leaving the SRFI would create a conflicting movement when crossing the southbound track.

The study notes an aspiration for a through Leicester-Coventry passenger service. However, this is still at an early stage and various constraints on the route including station capacity and station calls remain unresolved and no funding has been approved.

The rail study is clear that constraints remain during certain periods of the day (Para 4.7.4 and 4.7.5) which may hinder 24-hour operation and lead to bunching of trains, which may not be realistic and in Para 4.7.6 that:

*‘beyond the study area there are other infrastructure constraints that may require upgrades to achieve the full potential of the site.’*

While some unused freight paths may exist in the national timetable there is no guarantee that these could be used to serve the SRFI. In other words, the aspiration to reach 16 train paths per day each way to HNRFI cannot be guaranteed.

Secondly, we are concerned that the routing of the development traffic assumes the M69 will be the main road used by HGVs. However, the impact on other roads will be much more serious at times when the M69 is not available and this needs to be considered.

Thirdly, the modelling of non-development traffic seems to assume a fixed growth in traffic which is then distributed on existing roads. However, the reality is that changes to the road network, especially when they add significant opportunities to travel, generate additional traffic and lengthen the journeys made by car. In this case the introduction of southbound slips could substantially change both the volume of the traffic and its origin and destination. For example, increasing commuting from Hinckley and surrounding villages into Coventry.

Moreover, the addition of those slip roads will influence future development patterns, as can already be seen by proposals for 5,000 houses in the Blaby Plan on the other side of the motorway to the NRFI proposals. This would particularly bring into question the model outputs in terms of traffic in the ‘with-development with

infrastructure'. If, as we suspect, traffic levels are likely overall to be substantially higher if this infrastructure is put in place, the capacity of the M69 and other routes is likely to be placed under more pressure, leading to more displacement onto the local network.

This would be likely to amplify the increase in traffic on those local roads which the model shows as having increased traffic, while not impacting so much on those roads where traffic levels are reduced.

Taking all these elements into account there is a major concern about the realism of the projection for traffic going along the B4669 towards Sapcote to the B4114 Coventry Road or using the various cut-through routes to Sharnford and other villages. This would include both traffic accessing local facilities as well as HGVs with destinations on the A5 or in Leicester. It is clear from even a cursory glance at the local roads that this would be a far shorter cut-through than using the A47 to get to the A5 and M69.



Sapcote Traffic

In particular the narrow chicane road through Sapcote at the partially blind junction between Hinckley Road and Church Street/Stanton Road cannot cope with HGV traffic using it as part of a 'rat-run' from the M69 to the A5. It is already a busy route, being the main road through the village.

The nearby junctions with Sharnford and Grace Roads are often congested simply from 'everyday traffic' (cars and vans). Regular HGV movements would make these and the adjacent pedestrian crossing dangerous for Sapcote villagers.

Sharnford is a village which has suffered over many years with an increase in HGV traffic and was recommended for a bypass in the Leicestershire Local Transport Plan of 2007. This did not take place due to financial constraints.

Since then, traffic volume through the village on the B4114 have risen from just under 3 million vehicles per year to over 3.5 million<sup>1</sup>.

Despite Tritax's assertions that mitigation methods will reduce traffic volumes, experience shows that traffic volume will increase exponentially. When the M69 is closed or long queues develop at either end, M1 and M6 traffic finds the quickest route to their destination. Vehicles leaving the HRNFI and heading south would, therefore, head for the A5, either through Sapcote and then Sharnford or, through Aston Flamville and then Sharnford.

Both roads into Sharnford have pinch points where HGVs cannot pass each other without mounting the pavement. There have also been several crashes on the stretch of the B4114 beyond Sharnford in the last 5 years.



B4114 Leicester Road, Sharnford

Traffic joining the A5 at Smockington Hollow would be subjected to an accident black spot. There have been at least 12 accidents in the last five years with a

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<sup>1</sup> Information supplied by Leicestershire County Council Highways dept from average speed camera data.



number of fatalities.<sup>2</sup> Alberto Costa MP, Dr. Luke Evans MP and Mark Pawsey MP attended a Westminster Hall debate about A5 accidents/fatalities on 23/03/2022.

Table 8.5 of the PEIR sets out the specific growth in traffic on roads projected in the model for 2036 with and without development.

Notwithstanding the comments above it is clear that the ‘with development’ scenario dramatically increases traffic (AADT) on many local roads and particularly the routes through Sapcote and Sharnford, with major increases in traffic of between 80 and 130%, and commensurate and sometimes even greater increases in HGVs. East of Sapcote on the B4669, HGVs rise from 59 to 440, nearly 650%. This, of itself, must bring into question the compliance with the NPS requirement to reduce HGV mileage on local roads.

However, many of the impacts are downgraded when compared to a standard set of ‘receptor sensitivity’ (Para 8.2) taken from the 1993 IEMA Guidance on

Regarding Environmental Impacts of Traffic. Figure 8.1 of the PEIR shows the Guidance applied to the area impacted by traffic growth. The result can be clearly seen. Urban areas with a high level of facilities score highly under these criteria and rural settlements appear to have low ‘receptor sensitivity’. Rural links are also shown as low in sensitivity. This standardized approach can lead to some elements of road risk being downgraded or ignored, such as road width, which as shown above, an issue in Sharnford.

It is hard to agree that the sensitivity ratings demonstrate a fair representation of the potential for highly detrimental impacts to villages such as Sapcote and Sharnford and the use of the IEMA guidance alone in these circumstances is hard to justify.

The NPPF requirement that roads should be ‘safe and suitable’ for development is still relevant in as much as it applies in relation to NPS development (Para 1.18 of the NPS) and that is something which should in our view be fully examined with a risk assessment approach on these routes, as has been undertaken on other much more modest proposals elsewhere affecting rural roads.

The level of increase of traffic on these rural routes, especially the increase in HGVs represents, in our view, an unacceptable impact, even if it is not exacerbated by further generated traffic resulting from the changes in accessibility resulting from the new road infrastructure.

These problems would only be exacerbated if further development were permitted on the arc around the south and east of Leicester as envisaged in the current Strategic Growth Plan for the County.

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<sup>2</sup> Information taken from local press, Fire Services and Highways England.

It is also noticeable that neither the transport chapter, nor the chapter dealing with accidents and disasters models the routes that would be taken by HGVs and other development traffic in the event of incidents on the M69 which lead to delays or closure.

The proposals include a number of off-site mitigations, in particular at the Junction on the B4669 and B4114, aimed at alleviating the additional traffic anticipated on those roads (In the case of that junction 106% over capacity according to the assessment). This is less mitigation than was originally proposed. The previous transport topic paper includes two alternative bypasses of Sapcote and Stoney Stanton. These would, leaving aside their environmental impact, have encouraged more development traffic to use the route to the B4114 Coventry Road. However, the current mitigation would almost certainly increase the attractiveness of that route, encouraging traffic (including HGVs) to route along the B4669 with all the issues described above.

The Interim Transport Assessment also includes an assessment of the accessibility of the site to other modes. A map shows bus routes which it considers to be close to the site. In reality the only regular services, the 158 and 48L are services which go to centre of Hinckley. The X6 and X55 are longer distance services with limited stops, however, they are highly infrequent.

There are some cycling facilities on the A47, including a dedicated cycle lane, but limited provision to the site. In terms of pedestrians the site would be poorly situated for access. The entrance to the site from Hinckley would be via the newly constructed link-road. This would be unlikely to provide an attractive environment for pedestrians. In other words, the site cannot be said to be well-linked for access by sustainable modes.

The Assessment consider the impacts on the Public Right of Way Network and identifies improvements that it suggests can result from development. This is underpinned by a PROW assessment which paint a glossy picture of potential improvements.

However, the impact on the PROW network of the development appears to us to be severe. The network between Hinckley and the motorway, as well as the opportunity to walk on the quiet Burbage Road are curtailed drastically and Pedestrians wishing to access the PROW network on those routes are forced to walk along a newly-constructed link road and through the Industrial Park itself. While some diverted walkways may be provided, they have none of the attractions of the current routes which are through open countryside.

Equally, residents of Stoney Stanton, Sapcote and Sharnford would find the PROW links to Burbage Common restricted both in quantity and quality by the development.

Those who currently use the PROW network may have physically improved paths through the development but the reason for using those PROWS would be almost

entirely removed. it is hardly likely people from Hinckley or the surrounding villages will wish to avail themselves of a walk through a Logistics Complex or under its shadow. Similarly, those wishing to walk to and from Burbage Common will do so in the lea of the new buildings.

What is clear is that this development would be highly car dependent and that very significant amounts of new traffic (including large (OGV2) articulated HGVs) would route through local villages, even if the Interim Traffic Assessment is correct. We consider the impacts to be unacceptable.

#### **4. Air Quality, Noise, Vibration**

We have not considered in detail the air quality, noise and vibration evidence but would want to do so if the scheme progresses. We note that the PEIR predicts major adverse impacts without mitigation from noise during construction but says these will be temporary. However, this may be for extended time periods and the success of mitigation is not something we are convinced about.

Moreover, all the assessments, and particularly the air quality assessment are currently limited in relation to construction traffic, in line with the traffic assessment.

#### **5. Landscape, Ecology and Heritage**

##### **a. Visibility**

The proposals involve high-bay warehousing with buildings as high as 33m, with 24-hour lighting. At the scoping stage Blaby Council asked for photomontages of the development to be provided. However, we cannot find comprehensive photomontages of the development from the locations identified in the landscape report.

This limits the ability to visualize the impact of the development on the surrounding landscape, including the view from Burbage Common and from the remaining PROWs and local housing, even though these are identified in the report as places of high risk.

The photomontages at the Public Exhibitions are from some distance away and are only given for year 15 when it is assumed that some tree cover will have grown up. However, what is also clear is that the tree cover will not fully mitigate the presence of the development as the height of the buildings mean they will be above the tree line. A further problem is that the view of the development from both the surrounding roads and rail services, as well as for people enjoying the countryside and recreational amenities in the area, will not be static so that the presence of the buildings coming into and out of view will increase the impact.

The impact at night is particularly difficult to assess from the photos provided by the applicant but the change in light pollution could be significant. The Landscape

Assessment includes some references to lighting, but emphasis is placed on the temporary nature of some impacts (Para 111.16). There is no separate assessment of lighting as suggested by a number of respondents to the Scoping Study and, furthermore, a lighting strategy is not currently provided making it difficult for exterior bodies, particularly local residents, to assess its adequacy.

This is something stressed in the NPS (Para 5.146):

*The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include any noise and light pollution effects, including on local amenity, tranquility and nature conservation*

Yet, in fact, there is very little that is clearly identified and where receptors have a high impact they are often downgraded as being of low significance, including areas of the Country Park. And we particularly note the comment of Burbage Parish Council.

*The Applicant states ‘no Registered Parks and Gardens lie within the 5km search area’. This clearly shows no consideration of Burbage Common has been made. This is an important asset to the local community and should have specific safeguarding references built into the ES. Note: Burbage Common is HBBC’s largest countryside site and is located on the edge of Hinckley. Great for walkers, and dog lovers alike, a mix of semi-natural woodland and unspoilt grassland is 200 acres in size. In addition, the Common is well used for horses, along the trails and open landscape. There are also several paddocks and corrals along Burbage Common Road, and other livestock. The Common is immediately adjacent to the proposed site.*

While we accept this is not a Registered Park or Garden it is clearly important for local residents. And by relying solely on Local Character Area Assessments there is a risk that results are not sufficiently weighted to take account of amenity value.

## **b. Loss of Biodiversity**

A further issue which causes us significant concern is the potential impact on the wider environment and on the biodiversity that relies on those assets. The PEIR chapter on ecology acknowledges that Local Nature Sites will be lost as a result of the development as well as the proximity of the Burbage Woods and Aston Firs SSSI and the wider woodland setting of the SSSI. There are also accepted to be significant numbers of trees and hedgerows that would be lost to development as well as impacts on protected species, such as bats and badgers.

To mitigate these impacts the PEIR chapter proposes two kinds of mitigation, ‘inherent mitigation’ within the site and further mitigation where the inherent mitigation is considered inadequate. The latter is often identified as being part of future strategies which have not yet been identified. This makes it harder to assess the adequacy of those additional measures.

What is clear is that the development will not only have direct impacts on specific sites but that it will substantially change the wider biodiversity landscape. The presence of noise and lighting as well as the barriers created by the development on the site itself as well as new road infrastructure may well impact on biodiversity.

It is also worth noting the compartmentalisation of impacts. Clearly in the case of Burbage Woods, for example, there are impacts on landscape, amenity and biodiversity, yet the assessment does not appear to take this into account or allow for the combined impact being greater than each compartmentalised assessment.

## 6. Amenity

Taking account of the impacts on the countryside and the industrialisation and potential urbanisation that would result from this proposal, we are particularly concerned about the amenity impact of the proposals including the cumulative impact on residents close to the proposals as well as the impact on those wishing to utilise and enjoy the countryside, especially the Burbage Common Country Park and the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge whose importance is identified in Policy 6 of the Hinckley and Bosworth Local Plan.

The importance of that area of countryside is underlined by the Open Spaces and Recreational Study of October 2016 which identified the park as one of the two most popular open spaces in the district (along with Bosworth Country Park) (Para 4.3)

More specifically Para 8.10 identifies its local importance saying that:

*The majority of residents, particularly in the south and east of Burbage are outside the catchment of a natural or semi natural open space. Burbage Common (over 10ha) meets some of this deficiency.*

Para 7.7 and 12.10 identify it as a key opportunity area for amenity enhancement:

*A significant challenge facing Barwell/Earl Shilton is the lack of natural and semi-natural open space, an opportunity that could be pursued to address this is a Green Wedge Management Plan for the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge which abuts the western edge of Earl Shilton. This could look into improving accessibility to the green wedge as a recreational resource which is one of the four functions of green wedge. Improving linkages to Burbage Common and Woods would also improve accessibility. The inclusion of natural open space within formal parks should be considered.*

We would argue that this resource has wider benefits and, as set out above, when considering PROWs, impacts on the villages of Stoney Stanton, Sapcote and Sharnford.

Despite that the chapter in the PEIR dealing with socio-economic impacts does not refer to that important study or consider the overall impact on the amenity of that green wedge or the surrounding countryside (currently linked through the PROW network). Para 7.128 briefly refers to the plan designation but does not appear to give it much weight.

This seems to be a significant omission.

## **7. Carbon Dioxide**

The PEIR does not include an overall assessment of the additional CO2 emissions resulting from the development and we consider the current assessment is limited and does not answer that fundamental question.

The first and obvious problem is that it excludes significant areas of greenhouse gas emissions, including energy use on site and embedded carbon from the site construction as set out in Table 18.3. This not only includes the manufacture of high energy consuming elements (such as cement) but also all the construction traffic.

The second problem is that the assessment compares the impact of the operational traffic within the study area with the total network traffic in 2036. Not surprisingly the operational traffic forms a small part of the overall traffic on the network within the study area. Much of the traffic in the overall study area exists whether or not this development takes place.

There will also be traffic which is both rerouted and generated by the changes to the network implemented to allow development, as considered above. All those impacts need to be considered as part of the carbon balance of the site.

Table 18.18 gives a 'do something' difference of 9% in emissions from traffic following development, but Para 18.147 goes on to say that only 7% of the total increase is from development traffic. This is problematic, especially since the model seems to assume increases of traffic result from changes to traffic routing rather than generated traffic. In other words, all the additional emissions result from the decision to build the terminal and related works. The conclusion that there is a less than 1% increase in emissions seems to be comparing apples and pears.

Not only that but, in reality, the emissions are likely to be increased further because there would almost certainly be additional generated traffic as the new slips allow different and longer journeys to be made, as well as determining where further new development might occur.

There is a further issue with the assumptions about rail emissions. Some 221 ktCo2 are directly projected (assuming the rail terminal is used to capacity, called a 'worst-case' scenario). This is then compared with the equivalent road freight and a reduction 32ktCo2 is calculated. This then becomes a 'best-case' scenario in terms of emissions because it assumes all the trains are used and that all the freight on

those trains is replacing freight which would have been on the roads. Neither of these assumptions seem likely in reality and certainly are not being guaranteed.

## **8. Cumulative Impacts and Future Development**

As we have already set out, we consider the impact of the proposals will be wider than simply the terminal. The PEIR includes an assessment of cumulative impacts which it bases on the definition on the NPS. Those are listed in Appendix 20.1. However, that assessment has not been undertaken so no concrete evidence is currently presented on the impact of those in-combination effects.

Also, importantly that excludes in-combination effects from other junction changes. We are concerned that this may lead to transport effects in combination which are not considered.

A further issue arises because the proposals are effectively providing enabling infrastructure for developments, not committed but included in local plan proposals, most notably large-scale housing on either side of the HRNFI which is likely to depend on the improvements to Junction 2 of the M69 and which could, in effect, constitute a new settlement around the HRNFI. We question whether this would be a sustainable community, what facilities would be provided and what impact this would have on carbon emissions.

The enabling of further development on the other side of M69 to the HRNFI would certainly have significant additional impacts on the setting and amenity of the villages of Sapcote and Sharnford, as well as increasing traffic through those settlements.

## **9. Conclusions**

In conclusion Sapcote and Sharnford Parish Councils considers the proposals should not be supported because:

1. The need is not properly established.
2. It has not been demonstrated that the rail network would or could be utilised to the extent assumed.
3. The direct and indirect traffic impact will be serious.
4. The major change of introducing slip-roads to the M69 Junction 2 will have wider detrimental impacts.
5. There is little prospect of achieving good sustainable transport access to the site.
6. The impact on the landscape, biodiversity and amenity of the area has not been, and cannot be, adequately addressed.
7. The climate change impacts have not been reasonably assessed and the overall impact on climate emissions is likely to be more serious than is being suggested.

## Appendix:

### Hinckley National Rail Freight Interchange: Questions

*2. Do you agree with the principle of transferring freight from road to rail?*

Yes, but this is a leading question.

The scope for transferring freight from road to rail is limited because of its origin and destination. The proportion of freight that would be transferred from road to rail would not be very significant compared with total of road freight that would be generated by the proposed development. Most rail freight is moved by diesel locomotives and there are no plans to electrify freight routes.

*3. Do you agree that the transfer of freight from road to rail has an important part to play in a low-carbon economy and in helping to address climate change?*

No. This is also a leading question.

The amount of carbon saved by switching freight from road to rail would be low and is likely to be outweighed by additional carbon produced by constructing and running the overall terminal including the B8 component. Nearly all assumptions err on the optimistic side, for example by assuming that freight trains will utilise their maximum capacity.

The development's commitment to tackling climate change is not demonstrated in the supporting documentation. In particular it does not address the issues related to traffic generation from changes to the road network beyond the development traffic and compares emissions from site traffic with overall traffic levels.

*4. Do you think that this is a good location for a Strategic Rail Freight Interchange?*

*HNRFI is centrally located between the West Coast Main Line and the East Coast Main Line, on Network Rail's Strategic Freight line connecting Felixstowe and London Gateway to the Midlands and the North.*

NO.

There is no need for a further rail freight terminal in Leicestershire. There are already five others within 36km of the proposed location. The road and rail networks are already at or close to being congested. More developments are already committed and there are little plans to tackle or mitigate the impact of the additional traffic.



*5. Do you support the proposals for up to 850,000m<sup>2</sup> of logistics floorspace, railway sidings and a rail terminal on the Felixstowe to Nuneaton railway line to the south west of Elmesthorpe?*

No.

For all the above reasons and because of the more direct impacts on Sapcote and Sharnford residents of additional traffic, loss of local biodiversity and amenity and landscape deterioration. Our extensive objections are set out in the main objection document.

*6. Do you support our proposed mitigation that is set out in the Preliminary Environmental Information Report (PEIR)?*

No.

Given the type and scale of the development it is hard to see how it could be adequately mitigated. However, if the proposal does go ahead there will be a need to mitigate its impact. We are not convinced that the current mitigation is adequate and would consider this further if the scheme progresses.

*7. Do you have any comments on the proposed highway improvements?*

*We are proposing several upgrades to the M69 including new north and south bound slip roads and the creation of a link road between J2 M69 and the B4468 Leicester Road (known as the new A47 Link).*

We do not consider that the proposed improvements alleviate our concerns. They are all geared towards facilitating more traffic.

The introduction of south-facing slip roads would lead to increased traffic on unsuitable roads, including routes through Sapcote and Sharnford. It is also likely to facilitate more development and far more traffic in the future, - further to that from the development.

*8. Do you support the idea of a lorry park with welfare facilities and HGV fuelling facilities in this location?*

No.

There is no currently need for such a facility in that location. Should development be agreed, despite our objection, some facility may be required and should be a matter for discussion with local residents.

*9. Do you support the proposed landscaping incorporated into HNRFI?*

Not Sure.

While it is impossible to hide such large buildings, other structures or lighting, landscaping would be required to mitigate the impact if permission were granted. The Parish Councils have identified significant impacts of development and we may wish to make further detailed comments on the effectiveness of the mitigation if the scheme progresses.

*10. Do you have any other comments about the proposals?*

It has not been demonstrated that the development will contribute to the mitigation of climate change. It is therefore not acceptable.



Our Ref: 1238

Hinckley National Rail Freight Interchange  
C/O Lexington Communications  
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Queen Street  
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M2 5HT

TEL 01604 880163

16 March 2022

Dear Sirs

**PUBLIC CONSULTATION REPOSENSE ON BEHALF OF STONEY STANTON PARISH COUNCIL  
HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE**

**1.0 Introduction**

- 1.1 This submission is made to augment the completed questionnaire to the current public consultation for the Hinckley National Rail Freight Interchange (NRFI) on behalf of Stoney Stanton Parish Council. For clarification, Stoney Stanton Parish lies to the immediate east of the proposed Hinckley NRFI site, to the east of the M69. The proposal therefore has the potential to have a significant impact upon the setting of the village and the daily lives of residents of Stoney Stanton.
- 1.2 As I am sure you would expect, there are a number of areas of major concern from Stoney Stanton Parish Council in respect of the current proposals. These are articulated through this response, with professional input as necessary. The overarching concern is the quantum of development proposed and whether it represents overdevelopment; the concerns within each heading then feed into the final conclusion/concern at the end of this response.

**2.0 Location Options**

The need for the facility appears to rely upon the Leicester and Leicestershire Authorities Report Warehousing and Logistics in Leicester and Leicestershire: Managing Growth and Change (April 2021). This report identifies three locations for potential rail-linked and road only connected employment sites (Figure 15). This report continues, noting that there is no hierarchy in respect of the various opportunity areas noted, and that these are identified *“in order to maintain and enhance Leicestershire’s competitive position”* in the employment market (paragraph 11.11). The identified need in this specific location is not therefore underpinned by a national requirement for a facility, but merely as a desire of the local authorities to ensure a strong position is maintained for employment distribution sites. It is appreciated that it may align in principle with the national aims, but seemingly with no support for this specific location.

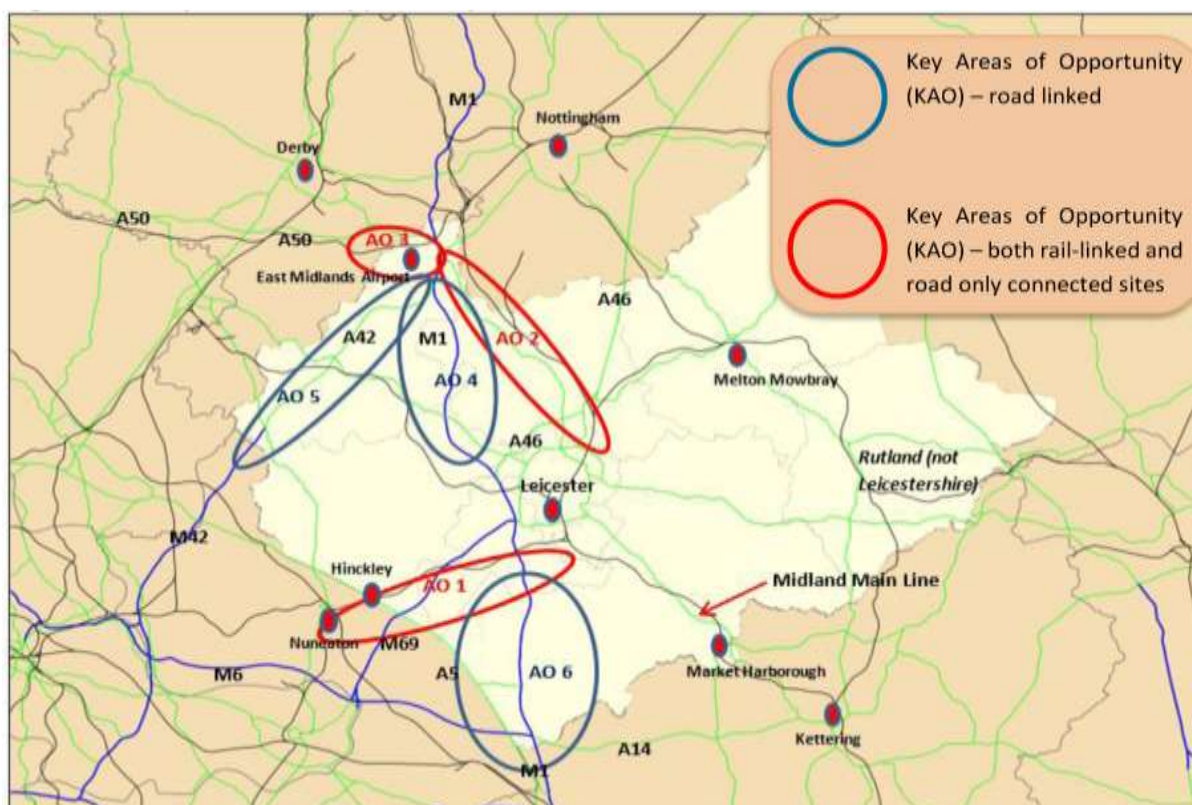


Figure 15 (page 133) of Leicester and Leicestershire Authorities Report Warehousing and Logistics in Leicester and Leicestershire: Managing Growth and Change

The background policy context/support for this development coming forward raises two immediate questions/short-comings of the evidence base, which are considered in turn below.

The selected site and assessment undertaken has been based upon land within Leicestershire coming forward. Whilst the areas of opportunity as noted on Figure 15 of the Leicester and Leicestershire Authorities Warehousing and Logistics Report states that these areas are only indicative and not precise, it is clearly illustrating within Area A01 the desire to provide employment between Leicester and Hinckley, juxtaposed to the Leicester-Nuneaton trainline. The supporting text of paragraph 11.8 reconfirms the visualisation of Figure 15.

However, there is no particular reason why the boundary of Leicestershire needs to be taken as a sacrosanct search area. Such a facility could just as realistically be delivered between Hinckley and Nuneaton to meet the same localised desired need, just within Warwickshire. There is a section of land to the south of the A5 (trunk road) that has a straight section of railway line where a rail-lined facility could be delivered. The A5 offers a close, direct link back to the M69, with scope then to provide access to existing trunk roads to the north, south, east and west, without the need for expensive connecting roads or direct concerns of vehicles travelling through adjacent villages. No sites beyond Leicestershire appear to have been considered though; since this site would still offer the same benefits to the local area, this appears to be a major shortfall in the robustness of the initial consideration of sites to serve the Midlands area, a point noted repeatedly within the consultation documentation.

Secondly, this proposal is seeking to enable the expansion of rail freight, which would align with the national aims. The intention is for the terminal to provide interconnectivity between the rail and road freight. In this respect, if the main ethos is on the national function of the facility, consideration of where the predominant transport movements in the region occur should be given weight. The M69, whilst recognised as being a motorway, is very much a secondary highway, connecting Coventry to Leicester and as a result the M6 to the M1. Most traffic movements are either north/south along the M1, or east/west in the Midlands along the M6. The use of the M69 is significantly lower in traffic movements and importance; unless specifically serving a local area between the M6 and M1, alternative, more direct routes are available (such as the A42 trunk road from the M42 (Birmingham) towards the M1). The provision of any facility, realistically should only be serving a comparatively localised need for the southwestern part of Leicestershire/north-eastern part of Warwickshire. If it expands beyond this, then potentially detours along half the length of the M69 would be required for HGVs in order to connect between the rail facility and the final destination of any goods. In this respect, it is questionable whether this section of the railway network is the most appropriate location for any such facility and the quantum of HGV miles it would save, as many alternative miles would in fact be created.

For 'Leicestershire', it is considered that the East Midlands Parkway Railway site, just to the north of the County, would represent a much better location to provide a larger rail interchange, rather than spread the facilities into multiple locations. The benefits for providing a larger facility in this location and removing the need for Hinckley NRFI are as follows:

- East Midlands Parkway has already had investment to enable growth to commence, allowing quick commencement on site/delivery of employment units.
- Enlarging existing infrastructure/provision of a larger scale development is a much more financially viable approach.
- This site already has good access to the key M1 infrastructure (Junction 24) motorway and a dualled trunk road connection via the A453.
- It has existing sustainable transport options constructed, due to the purpose-built new passenger railway station at East Midlands Parkway.
- It is deliverable in a location whereby no vehicles would need to travel within or close to any existing settlements.

In terms of the function of a rail terminal, provision of a facility which could serve more than one freight railway line would appear to be a sensible solution, in order to safeguard its use and maximise its return. The connection of the railway lines of the Felixstowe and Solent lines occur just to the northwest of the site. Any facility constructed to the northwest of Nuneaton/towards Tamworth would appear to offer a more secure investment opportunity compared to the Hinckley NRFI, whilst still using the capacity along the Leicestershire lines from Felixstowe. In this respect that are existing facilities such as Birch Coppice, Hams Hall and Birmingham that could be enlarged, with these locations already serving the Felixstowe port. Full assessment of the wider area has not been undertaken, despite the proposal being considered '*national infrastructure*'.

### 3.0 Highways

- 3.1 It is acknowledged that Tritax Symmetry are still undertaking highway modelling work with Leicestershire County Council. However, should any of the information proposed affect the highway solution or the upgrading of the various affected roads/junctions, then re-consultation should be undertaken with the public. Failure to do so would be prejudicing the public, a position already outlined to Tritax Symmetry by Councillor Terry Richardson, Leader of Blaby District Council.
- 3.2 A key overarching issue is that the intended function of the facility is currently unknown. Therefore, the exact level of vehicular movements is at best a rough estimate. The fact that the questionnaire is asking whether respondents would support the inclusion of a lorry park and refuelling station illustrates that the quantum of movements cannot be accurately confirmed. Discussion also over the operation of the facility to serve not only the units proposed, but also act as a centralised point for other containers to be collected by different companies, adds further ambiguity as to the number of HGV/vehicle movements associated with the facility; this additional function is also not clear from the information presented and thus may not be recognised as a feature of the proposal by many of the general public. Expecting a proposal to be commented on when the operational function has not been fixed and is ambiguously presented is therefore somewhat difficult and fraught with potential inaccuracies, in terms of the technical information presented for consultation.
- 3.3 Concern over the layout of the site operations forms an overarching issue for the new A47 link road. The design for all the units without a direct rail link (which is 5 of the 9 units as currently shown on the masterplan) would need to have their goods transferred from the rail interchange on vehicles that traverse the new A47 link road roundabout. This seems a less than ideal solution, with scope for unnecessary conflict with users of the proposed public highway (a highway safety issue). Any accident or delay on the public highway would also undermine the ability for the employment park to operate efficiently. A better solution surely would be to allow any such goods movements to the warehouse units to occur within the employment park itself, away from the main public highway.
- 3.4 In terms of the highways information that has been presented, from an overview perspective the written Preliminary Environmental Information Report and supporting technical reports present a different position to that stated at the consultation events (presentation information/verbal communication by BWB Highway representatives). Supposedly, all HGV movements from the new development would be directed via the key highway roads (M69 primarily) and not via the secondary roads which run through the surrounding villages. These are highlighted on Figure 17 of the Interim Transport Report as '*HGV desirable routes*' and '*HGV undesirable routes*', with the latter noted to include routes through Stoney Stanton, Sapcote, Barwell, Burbage/Hinckley and Narborough. Ensuring no vehicles come via these routes even with a Travel Plan etc in place is very difficult for Tritax Symmetry to enforce, particularly if container collection is offered, as there is even less ability to control the routes taken by such vehicles. Tritax Symmetry have made reference to the ability to use an Automatic Number Plate Recognition System to control the routes taken, but even this would be difficult to enforce for the HGVs and impossible to control any employee movements, which are likely to be in the thousands every day, given the lack of any public transport or safe ability to travel by non-car borne modes.



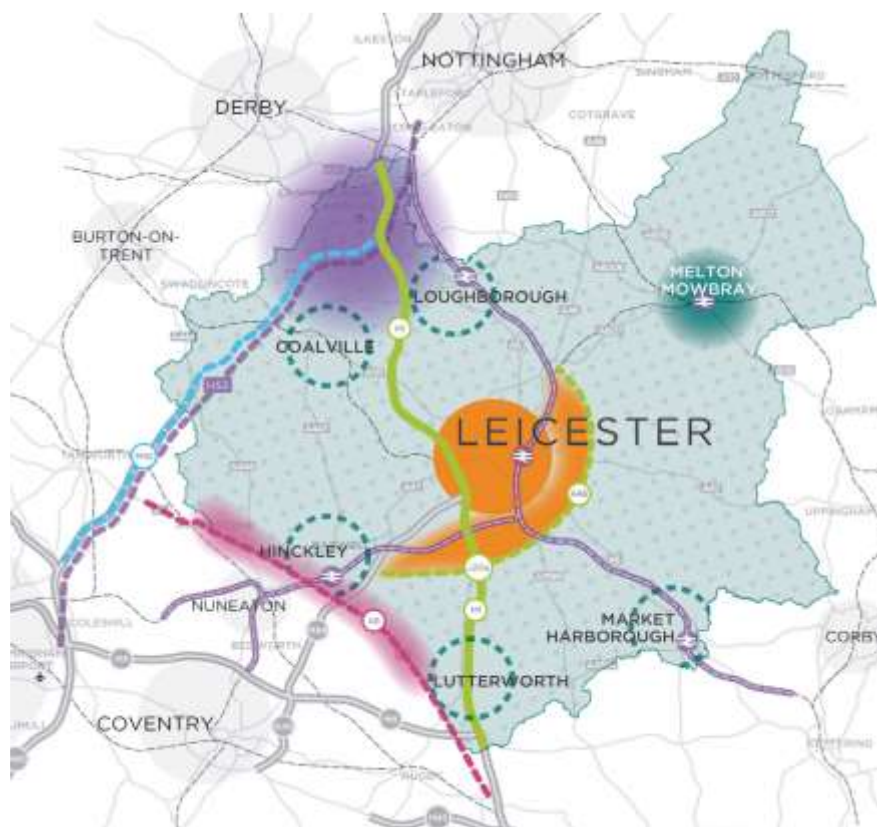


Figure 17 (page 43) of PEIR Appendix 8.1 Interim Transport Assessment

- 3.5 Notwithstanding the position presented at the consultation events, it has been indicated within the PEIR Chapter 8: Transport and Traffic section at Table 8.5 (page 8-44) that there would be quite considerable increases in HGVs along many of these roads. This includes in the centre of Sapcote on the B4669 Hinckley Road between Stanton Lane and Sharnford Road (+236.4% change), with the expected level of growth with and without development cited. The development, whether bringing this traffic directly or indirectly is therefore having a very significant impact upon the surrounding highways and settlements, regardless of the intentions of the proposals. This then leads to a second very important question on whether a new bypass should be provided around Sapcote, to mitigate against this severe increase in HGV traffic, as well as increased traffic levels as a whole.
- 3.6 It has been indicated verbally that the provision of a bypass is not included as this would seek to direct all cross country rural traffic onto a single route and cause harm to other communities, such as Narborough and Sharnford on the B4114 further to the north and south respectively. However, this cross country travel already occurs along a number of routes through Sapcote and Stoney Stanton mainly, which lead towards the B4114 and then through Narborough/Sharnford. Both of the B4114 settlements are recognised as having pollution levels, due to vehicle movements, above acceptable limits. As a result of this proposal, it would simply be exacerbated due to the improved access off the B4668/from Hinckley and across to the Tritax Symmetry site. By creating a full upgrade to the M69 Junction 2 and inclusion of a new A47 link, it is already creating this new desirable route. Unfortunately, it is not a full transport route proposed, which is then leaving the existing highway network to cope with the extensive new traffic using only small junction upgrades rather than any meaningful solution to the east of the application site. It would appear potentially

that a bypass to Sapcote needs to be included, and if the B4114 at Narborough and Sharnford are also secondary major issues, perhaps additional bypasses in order to enable the development to appropriately come forward. The full implications need to be assessed and resolved; certain key matters cannot simply be ignored. This approach seeks to reinforce the suggestion that alternative sites may be much better suited to accommodate employment of the scale proposed.

- 3.7 Exactly how the proposed M69 Junction 2 upgrade and link road sits in respect of the Leicester and Leicestershire’s Strategic Growth Plan to 2050 (published December 2018) is also unclear. That proposal is showing an A46 expressway link between the M69 to the M1 and as an arc around the eastern side of Leicester to the existing A46 (the dashed green line on the plan below). Integrated connectivity should be sought for any new major infrastructure proposed. If such discussion has occurred, it is not evidenced within the information currently presented by Tritax Symmetry. The connectivity with this overarching infrastructure delivery, as set out jointly by the Leicestershire Authorities, is seen as ‘critical’ to the Growth Plan’s strategy. To simply ignore it would undermine the aims of the whole County on this matter.



*Leicester and Leicestershire Strategic Growth Plan (2018): Essential Infrastructure (Figure 7)*

- 3.8 A major problem within the area from a highway perspective is the capacity issues of the key junctions on the motorways and trunk roads. This includes the M69 Junction 3/M1 Junction 21 to the north near Leicester, whilst the M69 Junction 1 is also now experiencing increased traffic levels/delays following the opening of the DPD depot. Delay at these junctions, and in particular the intersection of the M1/M69 has significant delays at the pm rush hour and thus cross country rural routes are used as quicker alternatives. The proposal is suggesting the creation of an extra 8,400 new jobs at the Hinckley NRFI, in a location where



most workers are likely to drive to. If the key highway links are not improved before these additional vehicles are added, then the majority of these additional users would use the cross country routes, regardless of whether any bypass route is created to the east of the Hinckley NRFI. It would however, appear from the assessment undertaken, that the M69 Junction 3 and M69/M1 junction has not been assessed and no upgrades are proposed. This undermines the whole basis of the highway strategy to direct traffic towards the M69; if the northbound junction does not flow at certain times of the day, then alternative routes will be selected by the majority of drivers, including potentially HGVs. This is a fundamental shortfall of the current proposal and would have very significant impacts upon the surrounding communities, to which no meaningful solutions are proposed.

- 3.9 In terms of the impact assessment, a number of errors are considered to be incorporated, and as a result have skewed the resultant level of harm stated. Three junctions/highway sections in particular are outlined below.

#### **New Road/Broughton Road/Sapcote Road/Long Street, Stoney Stanton**

- 3.10 Within the PEIR Appendix 8.1 Interim Transport Assessment it is noted in Table 36 (page 75) the sites where the flow changes and highway impacts are noted to exceed the 5% level. For such junctions, highway improvement works should be undertaken to mitigate the additional traffic. The roundabout in the centre of Stoney Stanton between New Road, Broughton Road, Sapcote Road and Long Street is identified as a 'red junction' where a highway impact will occur (referenced as Junction 18). However, no mitigation is proposed and this junction is not even mentioned within the mitigation section. When this issue was raised at the consultation events, the answer provided by BWB was that no solution was found to improve the junction as its quite constrained from a land perspective, so nothing is proposed. This cannot be an acceptable conclusion on the matter.
- 3.11 If the proposal has an impact upon an existing highway or junction, then it needs to be mitigated in order to accord with the National Planning Policy Framework (NPPF) (paragraph 110). Failure to deal with transport in the centre of the adjoining village at the key cross road junction cannot be considered an acceptable solution. It will have an unacceptable impact upon Stoney Stanton, and if this junction cannot be improved then an alternative overall highway solution should have to be placed forward. This issue simply cannot be ignored as currently occurring.

#### **Stanton Lane/Hinckley Road, Stoney Stanton**

- 3.12 Table 8.5 of the PEIR Chapter 8 (page 8-44) considers that the development will have a 'minor' impact upon this highway. However, the baseline information considers that the site is not near to sensitive receptors thus even though the magnitude of change is noted to be major, the significance is noted as 'minor'. Reviewing Table 8.2 and the accompanying plan, Figure 8.1, (pages 8-18 and 8-19) on sensitivity, the location is noted as moderate. This reflects the presence of 'traffic flow sensitive receptors' as included within the specified list. Whilst it is not a closed list, the presence of a doctors' surgery, footpaths that are constrained in width due to parked vehicles on both sides and its close proximity to the primary school and retail centre at the end of this highway route, all support the provision of this location warranting a moderate receptor level. Moreover, this highway route is located within the 20 mph school zone to Manorfield Primary School, which has a pedestrian access route that leads directly onto the affected Hinckley Road. Proximity to schools is considered to be major sensitivity receptors. Referencing it as minor, is therefore woefully underplaying the current situation.

- 3.13 As set out within Table 8.4 'Determination of significance' a moderate sensitivity and a major magnitude of change correlates to a 'major' level of significance. If a major sensitivity is considered to occur, then this reconfirms the major level of significance that would occur. Regarding it as 'minor' in Table 8.5 is massively under-estimating the impact based upon the information provided by the Tritax Symmetry consultant. This needs to be rectified, particularly given the upgrades proposed, whilst welcomed in themselves, will only seek to make the route more attractive to vehicular users and then exacerbate the issues identified with the New Road/Broughton Road/Sapcote Road/Long Street roundabout junction as noted above and increase as a result the potential highway safety harm to the sensitive receptors of the primary school and retail units in the village.

#### **B4669 Hinckley Road, Sapcote (between Stanton Lane and Sharnford Road)**

- 3.14 As noted for the Stoney Stanton junction, this section of highway has also been down-played in terms of its sensitivity by the technical consultants. This section of the B4669 incorporates the central part of Sapcote and the village to the west of this. This includes the village's main recreation ground with play park (with direct access onto the B4669 – a major receptor), a children's day nursery and the retail units including the Co-Operative Supermarket (moderate receptors). Table 8.2 also cites 'roads with narrow footways that are used frequently by pedestrians' as a moderate sensitivity receptor. The pavements close to the tight S-bend in the centre of the village clearly accord with this description. These footpaths are located between the retail facilities, sports facilities and form the key crossing points to the B4669, offering access to the primary school for the dwellings to the north of this classified road. Adjacent to 1 Church Street, the footpath is less than 1.0 metre in width for a length of 30 metres, with it disappearing completely at the junction with Church Street. This affects the use of the footpath on the southern side of this route, providing a dangerous section of highway for all users and one that is impossible to use for anyone with a pushchair or wheelchair. On the northern side, the footpath is also substandard in width (1.0 metre or less) for a section 50 metres in length adjacent to 2 Leicester Road and 3 Park House Court. This is on the northern side of the highway and is on the inside of a bend, offering poor visibility to users of the footpath. Given the high number of vehicles that use the B4669, including public buses and HGVs, it is clear that this footpath is substandard but frequently used as there are no alternatives.



Photograph showing the footpath adjacent to 1 Church Street, Sapcote adjacent to the B669 (southern side). Here the footpath is less than 1.0 metre wide and reduces down to nothing on the junction.



Photograph showing the footpath adjacent to 2 Leicester Road and 3 Park House Court, Sapcote adjacent to the B669 (northern side). Here the footpath is less than 1.0 metre wide on the inside of the highway bend.

- 3.15 The BWB Transport Report notes on Figure 8.1 that this highway section is minor in terms of its sensitivity, whereas Table 8.5 notes that it is not near to sensitive receptors. The substandard footpaths, presence of retail facilities and direct access from the main equipped playing field all suggest that this is incorrect. In accordance with the sensitivity criteria set out in Table 8.2, the retails and footpaths would elevate it to 'moderate', and the playground would elevate it to a 'major' sensitivity receptor. Table 8.5 then confirms that the percentage change in vehicles of 91.2% and 236.4% increase for HGVs means that the magnitude of change is 'major'. With a correct sensitivity assessment incorporated the matrix included as Table 8.4 confirms that regardless of whether the sensitivity is considered moderate or major, the impact is major.
- 3.16 The scale of the impact outlines the fact that substantial works are required to rectify the situation upon the B4669 for Sapcote. The current situation would destroy this village and it cannot be considered acceptable. It would appear, as a minimum, provision of a bypass needs to be fully analysed.

### Highway Conclusions

- 3.17 It is considered that there are significant shortcomings in the highway information provided to date. It incorporates a number of errors which need to be rectified and omissions that need to be appropriately considered. To simply ignore junctions where it would be difficult to facilitate the upgrades necessary is a fundamental failure of the proposal. Clarification of exactly what is to be delivered on site is also required in order to ensure appropriate mitigation can be proposed. Given the proposal is for national infrastructure, an overarching view as to how this proposal sits against the Leicester and Leicestershire Strategic Infrastructure Plan to 2050 must also occur.
- 3.18 The highways solutions proposed at present are considered to fall notably short of the works necessary to appropriately enable the delivery of the Hinckley NRFI without causing permanent harm to the surrounding highways and settlements, which is contrary to the NPPF, National Planning Policy Guidance (NPPG) and Blaby Local Plan.

### Additional Highways Inaccuracies

- 3.19 In addition to the specific technical impacts of the proposal, it is necessary to highlight the inconsistency and over-emphasis being made on the removal of HGV miles from the public highway. The covering information provided by Tritax Symmetry in all their documentation and presentation material repeatedly suggests 1.6 billion HGV kilometres would be removed (cira 994 million miles). However, the BWB Highways report notes at Table 7.7, page 8-68 that there would be 83 million miles saved. The difference between these two figures is extensive and appears to be drastically over emphasising the reduction in HGV movements to anyone not looking at the technical report.
- 3.20 However, even the mileage savings noted in the Highways report appears excessive if the information available on the Felixstowe Port website [REDACTED] is considered. This notes that 100 million HGV movements are saved in a year across the 76 trains that depart the Port daily. This would suggest that 1.316 million transport miles are saved per train over a year (100/76), so if up to 16 trains a day would serve Hinckley NRFI then this would equate to 21.05 million HGV miles per year. This is roughly a quarter of the figure stated in the BWB report and only a tiny fraction of that stated in the benefits sections of the Tritax Symmetry information. These figures are massively misleading.

### 4.0 Ecology

- 4.1 It is noted that there has been much work undertaken on ecology and protected species surveys as required by English and European legislation. However, it appears as if this is simply being undertaken to 'tick the box', without full consideration of the impact being considered.
- 4.2 The site is noted to be adjacent to Burbage Common and Woods, which is a Site of Special Scientific Interest (SSSI) as well as a Local Wildlife Site (LWS). Two other LWSs are partly located within the site (Field Rose Hedgerow and Elmsthorpe Plantation Hedgerow). Whilst these are all maintained on site and provided with a green buffer to enable additional planting (which is understandably welcomed), the remainder of the site is completely lost to nature, with all existing features eradicated. This includes 14.3 kilometres of hedgerows (figure calculated from the Biodiversity Impact Assessment information, which does not tally with the PEIR Table 12.5), a significant quantum of foraging grasslands and existing watercourses. These areas are known for bat and bird breeding and foraging grounds, with specific reference to the importance of the hedgerows for foraging. The PEIR even identifies that the loss of the hedgerow and absence of 'further mitigation' results in a significant negative effect at a District level (paragraph 12.145 of the PEIR).
- 4.3 Bats are a protected species, and whilst birds are not, there is recognition in the evidence that a number of Red and Amber listed birds use the land for foraging and nesting, and thus the loss of these natural features will have a significant impact upon both bats and birds.
- 4.4 There are also Great Crested Newts using ponds close to the site, and a badger sett on the edge of the site. These protected species are likely to use the grassland and internal water bodies as part of their habitats. The complete removal of the grassland and five ponds is likely to harm the linear routes for newts and other amphibians, whilst the redirection of the unnamed stream on site into a canalised system adjacent to the M69 will remove the ability to recreate natural habitats for an array of creatures. The PEIR again identifies in paragraph 12.149 that this would have a significant negative effect at a Local level.

- 4.5 The development will also introduce a significant number of new vehicle movements close to known badger setts, risking them being killed by moving vehicles. This same issue would also be generated for the SSSI and LWS, particularly with the additional planting/green area proposed adjacent to the new A47 link, which would draw animals closer to this new highway. It is recognised that to protect the badgers, the sett will be lost, which must be viewed as a negative to this scheme.
- 4.6 For all fauna, the inclusion of extensive lighting will remove the current dark sky and affect breeding and feeding patterns. The lighting has been indicated to be required 24/7, given the constant operation of the units, and thus lighting of the estate and the new A47 link will have a harmful effect upon all species. The highway link in particular will be difficult to mitigate even by the installation of downward facing lights, given its elevated nature above the proposed additional green space proposed. This in part undermines the benefits generated by its creation.
- 4.7 In terms of the ecological assessment undertaken, the impact upon the existing habitats and associated wildlife is considered to be massively underplayed. Table 12.6 notes all as having no significant residual effects once mitigation and enhancement has been implemented. However, the quantum of habitat to be removed from the site is not appropriately replaced with higher quality green spaces in this location. Additional tree planting and meadows of higher quality that connect with the existing LWS/SSSI are welcomed, but there is a significant reduction in the scale of habitats proposed, with a high requirement for off-site contributions.
- 4.8 The Environmental Act 2021, and referenced in the NPPF, outlines a requirement for schemes to generate a 10% net gain in habitat units. The Biodiversity Impact Assessment (BIA) Calculations (NRFI Appendix 12.2) states that in order to achieve this, *“approximately 30 hectares of off-site arable land will need to be planted with a mosaic of meadow grassland, mixed scrub, woodland planting and ponds of either moderate or fairly good condition.”* It also states that *“1.25km of ‘native hedgerow’ of ‘poor’ condition will need to be enhanced to ‘native species-rich hedgerow with trees’ of ‘moderate’ condition.”* Strangely the BIA has not assessed the ‘rivers’ category, which is a notable shortfall given the water bodies removed, altered and replaced on site.
- 4.9 The BIA results illustrate that either too much development is being proposed, or additional land holdings are required to deliver these habitat improvements to benefit all the fauna displaced by the extensive employment development. The quantum of the shortfall is extensive and as such a significantly negative impact upon ecology, biodiversity and protected species must be considered to occur. Given the scale of the development, the biodiversity gain should be provided on site, especially where there is scope to provide enhanced ecological areas as a sizable extension to an existing SSSI and numerous LWSs.

## **5.0 Drainage/Flood Risk**

- 5.1 The indicative scheme design seeks to provide all the new buildings outside of Flood Zones 2 and 3, providing just the rail interchange within these higher zones. Whilst protection of the proposed buildings through their positioning outside of the flood zone is welcomed, it is surprising that the critical infrastructure considered of national importance is still incorporated within the flood zone, seemingly without protection. If the interchange, or even part of it, is under water, then essentially the function of the whole site cannot occur as planned for that period. A flood risk solution to prevent this occurring would appear the necessary starting point in order to allow the scheme to be justifiable. If this cannot be achieved,



either through a remodelled connection solution or repositioning the connection onto the national railway line, then perhaps yet again, this is not the correct site for such infrastructure.

- 5.2 In terms of the flooding of the site in question, there is photographic evidence of the site being flooded in recent years on multiple occasions. Some of these photographs are provided below and covered the area where the buildings are proposed. Incorrect assumptions/assessment of flood mapping appears to exist and thus this needs to be integrated into any proposal; it simply cannot be ignored. The proposal should fully consider the reasoning behind this flooding and the implications it would have upon any proposed scheme, including the drainage solution so that there are not potentially catastrophic issues elsewhere as a result.



*Recent site flooding photographs adjacent to Burbage Common Road, near to Woodhouse Farm Shop;  
this flooding is within the area intended for the employment units to be built.*

- 5.3 In terms of the design of the drainage scheme, there are three fundamental elements that need to be given careful additional consideration. The first relates to culverting of the existing unnamed stream to run along the edge of the M69. This culvert will be set above the level of the M69 and thus its design, capacity and maintenance programme needs to be robustly designed in order to prevent flooding of the motorway at a future date. This element is critical from a safety perspective so needs to be over-engineered to protect all users of the area.
- 5.4 The second major concern is the ability to store the surface water so that it can be discharged at an appropriate rate. The site is noted to be underlain principally by clay and mudstone with elements of sand and gravel that result in aquifers on the site. This means that the land, like the majority of Leicestershire

does not allow on-site soakaways. Appropriate levels of surface water storage are therefore required to offset the construction of circa 100 hectares of land largely with impermeable tarmac and roofs. This storage requirement is extensive and it needs to be appropriately delivered to prevent flooding both on site and further upstream. Again, the point about the M69 being set on lower ground becomes relevant to making sure this is appropriately designed to maintain highway safety. The site, like the surrounding area, is recognised to have a high water table, with initial investigative works suggesting a depth of between 3.1 and 3.9 metres for the ground water level (paragraph 3.37 of the Flood Risk Assessment – NRFI Appendix 14.1). Further investigation work, I am sure, is required as it may be that seasonally it is even closer to the surface than this. Nonetheless, the site is not flat and thus some cut and fill will be required to allow construction of the buildings, along with their foundations, resulting in only a narrow section of land below the buildings where surface water storage can be achieved. Insufficient information appears to have currently been undertaken to confirm that the suggested below ground storage of these waters can be delivered. If much, or even some of this needs to be delivered on the surface through additional water bodies, this will impact upon the quantum of development and therefore potentially the viability of the proposal. Understanding the drainage solution for the scheme is therefore important to the whole scheme.

- 5.5 Reflecting the high water table, ground level changes and water storage capacity concerns, the provision of the flood water ponds on the northern part of the site by the higher flood zone area represents the third concern. How much water can be accommodated within these appears unclear, and again, given the size of the development proposed, the ponds appear very small.
- 5.6 If the drainage solution is not correctly designed, there could be catastrophic implications to the surrounding area, including the dwellings on lower ground to the north of the site and the M69. This is a section of the proposal that needs significant additional justification to provide sufficient confidence that it can be delivered at the quantum of development designed.

## **6.0 Landscape & Noise**

- 6.1 The development of a site at this scale will understandably have significant impact upon the character and appearance of the countryside location. However, the need to incorporate 6.0 metre high fences towards the northern end of the site illustrates an operational issue that is created due to the scale of the development resulting in its proximity to existing properties. Namely this is the provision of the railway line/sidings approximately 270 metres away from Swallow Cottage (Burbage Common Road, Elmsthorpe) and between 300 – 350 metres to the main core of Elmsthorpe. The provision of trains starting/stopping, with loading and unloading of cargo 24/7 is very different to trains on a line passing close to these noise sensitive receptors. The scheme will have a significant impact upon these residential properties and permanently change the character of Elmsthorpe. The scale of development offers the ability for only a strip of landscaping in this direction, relying on the harsh high boundary fencing to truncate the noise and visual impact. A much more substantive screen and separation should be provided to better protect the existing residential community to the north.

## **7.0 Air Quality**

- 7.1 There are two areas to cite concern over in respect of air quality. Firstly, no information has been provided to date for the construction phase, as the highway modelling has not yet been finalised (paragraph 9.14 – 9.15). However, this does not assist the consultation, as it is impossible for the respondents to comment on how this development phase will impact the local area. The initial phase to construct the motorway

junction is likely to have the potential to cause greatest disturbance, due to the difficulty in routing vehicles via the key transport routes. The longevity of the construction phase, suggested to be 10 – 15 years at least, means that this is not a short term impact. Consultation should have been undertaken once this information was publicly available.

- 7.2 Reflecting the incomplete highway movement patterns, the resultant pollutant effects from additional vehicle emissions cannot at this stage be relied upon. Moreover, it is difficult to fathom how a doubling of traffic using certain key routes through nearby villages, does not result in any increase in particulates being generated. Put simply, this does not stack up.
- 7.3 It is hoped that the information will be reworked and public consultation undertaken upon the finalised documentation so that a correct situation can be presented; again, it is the local community that will have their health affected if this matter is not appropriately dealt with by the planning system, based upon factually accurate information.

## **8.0 Overall Scale of Development/Viability**

- 8.1 No viability assessment has been provided as part of the consultation information. It has however been indicated that all supporting new and enhanced infrastructure would be paid for as part of the development. This does however, lead to the question as to the quantum of development necessary to deliver the rail interchange and A47 link road. These represent high value investments, along with the other highway improvements noted thus there must be a minimum quantum of floor area necessary in order to allow the development to be delivered. It is suspected that this may have driven the layout design and the numerous issues/concerns that are considered to occur as a result. These are set out below in turn, summarising in part many of the concerns already noted:
- The potential for the rail interchange to cease functioning during flood events due to it being located partially within the flood plain. Ideally it should be protected to ensure that the employment site can be operated without risk; if this is not achievable then the site should not be considered appropriate for the development at all, as it is being promoted solely on the basis of the need for employment units linked to a rail interchange. It is also questionable whether more of the site floods than that indicated on the flood risk maps; this situation needs to be verified in order to allow development of this land. It is noted that the other sites considered for this facility were all rejected on flood risk grounds.
  - The potential under provision of surface water storage. If this cannot be shown to be appropriately modelled, then the risk to the surrounding area would be significant and potentially catastrophic. Less development would rebalance this issue, and the potential to include more surface water storage would offer a more manageable solution as well as adding to ecological benefits and the provision of incidental green spaces for use by future employees on the site.
  - The impact upon ecology/biodiversity, given the massive reduction of habitats overall and the displacement of a variety of protected and endangered species. The provision of additional green space within the site or a more sensitive development to allow greater retention of existing habitats of note would start to readdress this issue; it would reduce the quantum of development though unless additional land can be incorporated into the scheme to offset the identified harms.



- The concern over proximity to Elmsthorpe and existing residents. They represent the closest noise-sensitive receptors and are around 300 metres from the key operations in respect of train movements and (un)loading activity on a site intended to be operational 24/7. In a rural location this will have a significant impact both visually and from a noise perspective upon this settlement and even more so the outlying dwellings to the south of Elmsthorpe. The scale of development has forced the proximity to these dwellings to be minimised, with only limited green landscaping. Less development would again offer the ability to provide an enhanced relationship towards the existing dwellings.
- The internal design of the scheme appears overly complicated in order to maximise unit floor space. The arrangement for units without a direct rail link requires the transfer of their goods onto a vehicle that needs to travel under the new A47 link road and then back across this highway at the new roundabout into the industrial estate. Keeping all such movements off the main public highway must be a better solution, but one which cannot seemingly be accommodated at present due to the alignment required for the A47 link road, unless the floor area of the employment units is reduced. In respect of protecting highway safety for users of the A47, this alteration has to be made to the scheme layout.

8.2 The site as a whole, assuming the principle of development and the need are not questioned, raises concerns over the appropriateness of the development in terms of its scale and the resultant impacts generated on highways, drainage, landscape and ecology grounds. Close consideration of the quantum of development proposed in respect of viability should be undertaken to ensure that the surrounding communities are not unduly harmed by a development being enlarged in scale simply to generate additional profit.

Yours faithfully



Jonathan Weekes BSc (Hons) MA TP MRTPI  
Regional Director

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## **ELMESTHORPE PARISH COUNCIL**

The Village Hall, Wilkinson Lane, Elmesthorpe LE9 7SP

Sinead Turnbull Planning Director  
Tritax Symmetry (Hinckley) Limited  
c/o Lexington Communications  
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Queen Street  
Manchester  
M2 5HT

30 March 2022

Dear Ms Turnbull

### **HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE Burbage Common Road Elmesthorpe**

Thank you for your letter of 27 December 2022 inviting Elmesthorpe Parish Council to comment on your proposals for a Strategic Rail Freight Interchange (SRFI) located on land off Burbage Common Road, Elmesthorpe.

#### **1. Introduction**

- 1.1. As you will be aware, between 80% - 85% of the site (excluding the proposed motorway slip roads) is in Elmesthorpe Parish.
- 1.2. The proposal will have by far the greatest impact on the lives of the residents of Elmesthorpe.
- 1.3. With this in mind, Elmesthorpe Parish Council has held two Extra Ordinary Meetings for residents to put forward their opinions and the Chairman has received an extensive number of letters and emails from residents.
- 1.4. The consultation response from Elmesthorpe Parish Council (hereinafter referred to as "the Parish Council") is based on the input received from residents, many of whom feel that this proposal will have a devastating impact.

#### **2. Adequacy of Consultation**

- 2.1. It is proposed to open the Parish Council's response with the adequacy of the Statutory Consultation as it is of major concern to residents that they were unable to obtain basic information at the public consultation events.

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- 2.2. The adequacy of the consultation also impacts on the amount of information that the Parish Council is now requesting to be provided in a form that can be easily accessed and understood by the residents.
- 2.3. We would refer to the Planning Inspectorate's comments on flexibility at paragraph 2.3.8 of the Planning Inspectorate's Scoping Opinion dated April 2018 and in particular in relation to the Rochdale Envelope approach. Whilst the Parish Council understands that there is some flexibility expected in any planning application, particularly where the "end users" of the development are yet to be identified, it is considered that the degree of certainty in the information provided in this consultation exercise was inadequate.
- 2.4. The Parish Council would also refer to the content of the letter of 14 January 2022 from Terry Richardson, Leader of Blaby District Council, and to Leicestershire County Council's representations asking that the consultation be postponed until such time as the highways/traffic modeling had been completed. The Parish Council understands that the proposals presented at the public consultation, and in particular, the likely mitigation measures, had not been agreed with Leicestershire County Council.

In the event of there being any changes to the information that has been presented to the public, the Parish Council believes that a further consultation on highways/traffic matters should take place.

- 2.5. Some of the information contained in the online documents appears to be factually incorrect. In one case, the error relates to the availability of public transport for the proposed workforce, and we would suggest this has a very considerable impact on the calculations used to work out how many workforce vehicles will be using the roads in the area.
- 2.6. Some of the information provided at the consultation events was also apparently incorrect. The Parish Council does not consider this to be acceptable where the mis-information relates to who bears the cost of certain off site works.

Residents to the north west of the site in the Bridle Path Road /Billington Roads East & West areas were advised that the cost of any work to the ordinary watercourses necessitated by increased flow of water from the application site would be borne by the Environment Agency. The Environment Agency has confirmed to the Parish Council that this is incorrect, and the cost of work would be borne by the landowner(s) adjoining a watercourse, in this case, Elmesthorpe residents.

The Parish Council does not intend to dwell on whether this error was due to lack of knowledge or otherwise, however we would wish to make it clear that we do not expect any resident of Elmesthorpe to be placed in a position where they have to bear the financial cost of accommodating any part of the development. We would ask that you clarify whether or not there is any expectation that residents will do so.

- 2.7. It is both inappropriate and unacceptable for the residents of Elmesthorpe to have been faced with "don't know" as a response from your consultants at the Statutory

Consultation events, particularly bearing in mind that the Parish Council understands that the proposed application is to be made in a matter of months.

- 2.8. The Parish Council understands from residents that the materials on the database are not searchable across all documents so it has been difficult for them to locate items.
- 2.9. Please find attached at Appendix 1 some of the comments received from residents regarding the consultation.

### 3. Location

- 3.1 The residents consider that there is no justification for this development to be built at Elmesthorpe, taking into account the proximity and capacity of the existing Rail Freight Interchanges in the area.
- 3.2. The residents also believe this development will operate primarily as a road based warehousing facility with a disproportionately low amount of freight actually being transported by rail. This concern was not addressed at the public consultations, with varying responses being provided to residents about the amount of rail freight. The most common response given to residents was "up to 16 trains per day", but no hard facts as to the actual number.
- 3.3. Sixteen trains per day is comparable to the operating level at East Midlands Gateway which the Parish Council understands operates six services daily serving the ports of Felixstowe, Southampton & Liverpool, and London Gateway. By comparison, the Parish Council understands that HNRFI will not be serving this number of ports, and accordingly, the Parish Council would ask how the figure of "up to 16 trains per day" has been arrived at.
- 3.4. The Parish Council questions the need and justification for the HNRFI in the first place. One of the main national policy criterion for a NRFI as described in Chapter 5 of the PEIR "Need and Policy" documents 5.23 is that "It is important that SRFIs are located near the business markets they will serve and linked to the key supply chain routes (NPS paragraph 2.56)".

We understand your consultants advised residents that HNRFI is intended to serve the local automotive industry, and the example of MIRA Technology Park was given as an end user in the automotive industry. The Parish Council would point out that whilst MIRA boasts "35 major companies on site forming Europe's largest automotive research and design cluster", none of the 35 companies are undertaking large scale vehicle production at the Technology Park and therefore we assume have no requirement for large volume parts deliveries. As far as the Parish Council is aware, there is no large scale vehicle production on sites near Elmesthorpe.

- 3.5. The residents believe that there is capacity at existing Rail Freight Interchanges in the area, and accordingly the proposed development at Elmesthorpe is unnecessary.



To illustrate this, please find below a table of the other sites brought to the attention of the Parish Council, their proximity to HNRFI (by road based on AA data) and whether they are currently advertising availability of space:

Rail Freight Interchange	Distance in miles	Space available
Prologis RFI DIRFT	19.2	Yes
Birch Coppice Tamworth	19.7	Yes
Hams Hall	23.9	Yes
East Midlands Gateway RFI	29	Yes

- 3.6. In January 2019, GB Freightline service launched a new service from Birch Coppice described as transporting "a mixture of intermodal boxes from Birch Coppice to Felixstowe, passing through Hams Hall, Leicester, Peterborough and Ipswich on the way." As there is now an existing service based less than 20 miles away which serves Felixstowe, the Parish Council would ask why it is considered that another rail freight interchange is needed at Elmesthorpe.
- 3.7. Similarly, looking at the market for warehousing, the residents consider that further warehousing is not necessary because there is warehousing available at Hinckley Park, Hinckley, where Amazon have recently taken up 532,500sq.ft alongside the existing DPD site, and Magna Park at Lutterworth.

#### 4. Workforce / need for jobs in the area

- 4.1. It is suggested that this development will result in 8,500 new jobs. Unemployment in this area is not high, and therefore it is considered that most of the workforce will need to travel into the area at present.
- 4.2. The site is very poorly served by public transport. The Parish Council understands that the section in PIER Chapter 8 Transport & Traffic – item 8.256 onwards regarding the current availability of public transport is materially incorrect. This needs to be corrected to prevent an unduly favorable view of the potential use of public transport in relation to this site. The 48 and 158 buses do not pass anywhere near the site and they go north from Hinckley on the Ashby Road to Barwell and then onto Earl Shilton. The X6 bus only stops near the site five times a day, the first being around 09.50am and the last at 16.28, not as stated in the PIER document.
- 4.3. If it is the intention to provide new subsidized public transport services to the site, this information should be provided, together with confirmation of whether these new services will also be available for use by the general public.
- 4.4. The Parish Council is given to understand that some employers at Magna Park are transporting their workforces to the site by private bus. If there is a green travel plan to this effect, please confirm if this will be implemented at the construction phase or later.

- 4.5. There are concerns that if the jobs are to be filled by people from outside the area, this will result in additional vehicle movements. It would also impact on the potential green benefits of this development.

## 5. Highways and Traffic Issues

- 5.1. The Parish Council has very limited expertise in matters relating to traffic modeling. However it is concerned about the impact of fleets of distribution vehicles at the M69/M1 junction at peak times when there is already congestion from existing traffic, and it is concerned to be advised that the data being used for the traffic modeling for this development is considered to be out of date.

The Parish Council notes that there is a knock on effect from the traffic/highways work being incomplete at the time of the commencement of the consultation period, namely that air pollution from vehicle movements cannot currently be properly assessed.

- 5.2. There are widespread concerns amongst residents regarding the following issues:
- that the traffic modeling was not agreed with Leicestershire County Council before the consultations took place, and therefore the information presented as part of the consultation process may be subject to change
  - congestion on the roads surrounding the site caused by HGVs or the workforce
  - an increase in traffic using the B581 through Elmesthorpe, bearing in mind that the pavements through the village are so narrow that it is not possible to walk two abreast and there is a history of pedestrians on the pavement being injured by passing vehicles
  - an increase in HGVs and other large vehicles using the B581 through Elmesthorpe as they struggle to pass each other at various points in the village, resulting in vehicles mounting the pavement especially on the railway bridge
  - the proposal to install an uncontrolled crossing on the B581 which currently has a speed limit of 40mph
- 5.3. The Parish Council considers the number of HGV miles that it is alleged will be removed from the roads as a consequence of use of rail freight is unlikely, and would welcome having sight of how this figure was calculated.

## 6. Access to Site & Parking Issues

- 6.1. There are widespread concerns amongst residents that whilst it is proposed Burbage Common Road will not be used for access either by HGVs or workforce vehicles, the measures that are being put in place may be insufficient to prevent this happening.
- 6.2. The Parish Council assumes that a new postcode will be obtained for the site and accordingly, the likelihood of a HGV driver's satnav directing him to access the site via the B581/Burbage Common Road junction should be limited. However concerns remain that mistakes will be made by HGV drivers, and residents would like details of how such mistakes will be handled in practical terms – is it the intention to allow such vehicles access via the gate on Burbage Common Road, or is it proposed that any



such vehicle will be required to reverse back along single track Burbage Common Road onto the B581?

- 6.3. The site boundary plan shows an area at the junction of Burbage Common Road and Stanton Road/Station Road as being incorporated in the proposed development. The Parish Council has opposed any alteration to the road layout at this point from the outset. We received assurances from DB Symmetry that no alteration to the road layout was being proposed but signage would be erected at this junction to show no access to the site via Burbage Common Road. We should be grateful for confirmation that this is also the proposal from Tritax Symmetry as well.
- 6.4. During initial discussions, DB Symmetry indicated that it would put in place a "fines system" to deter drivers from using unapproved routes to access the site. The "unapproved routes" were to include B581 through Elmesthorpe. Please confirm whether Tritax Symmetry proposes to adopt a similar system, and if so, how this will work in terms of the residents of Elmesthorpe reporting "stray" HGVs causing issues in the village.
- 6.5. Of greater concern is the likelihood that members of the workforce who do not wish to queue to get on or off site at shift changeovers, will choose to park their vehicles in Elmesthorpe Village and to walk along Burbage Common Road to gain access on foot via the gate on the north eastern boundary. This would cause chaos in the village.

There are only six public roads in Elmesthorpe, namely the B581 which is a busy thoroughfare; Burbage Common Road which is a single track road with passing bays; Bostock Close at the base of the B581 railway bridge (which is an accident black spot); The Roundhills where there are already difficulties accommodating residents' cars; Leighton Crescent which is very narrow, and again there are already difficulties accommodating residents' cars; and Wilkinson Lane where the junction with the B581 is an accident black spot due to poor visibility and the speed of vehicles coming off the A47. Bridle Path Road and Billington Roads East & West are single track private roads with no access for the general public.

The Parish Council should be grateful if details could be provided regarding how it is proposed to prevent the HNRFI workforce parking in Elmesthorpe, as we understand that the queuing time for similar sized workforces exiting employment sites elsewhere at shift changeover is up to 30 minutes. If there is no phasing of shift changeovers, then the option of parking in Elmesthorpe and walking for 5 minutes to access the site is likely to be attractive.

We understand that your consultants suggested the roads in Elmesthorpe could be marked out with double yellow lines to prevent parking in the village. However such a measure would also prevent the residents of Elmesthorpe parking on their own streets, and accordingly this is not an acceptable solution.

- 6.6. Concerns about the workforce were raised with DB Symmetry in the early stages of discussions regarding this proposed development. The Parish Council was advised at the time that green travel plans would be put in place by the occupiers of the warehouses. Please can you advise whether this will be a requirement for all

companies or organizations buying or renting premises at the site.

- 6.7. The Parish Council notes that proposals for the parking of HGVs on site are under consideration and formed part of the feedback form. The Parish Council has received representations from residents indicating that they do not support the parking of vehicles on site, as this will add to the noise and air pollution. However, there are also concerns that drivers who run out of "tachograph hours" will simply find the nearest place to park up.

The Parish Council would like confirmation of whether the proposed lorry park will be free, or will it work on a similar basis to the facilities at Leicester Forest East where HGV drivers are charged £28 per night to park. In the event that it is proposed to charge for parking, please advise what steps will be taken to prevent drivers who do not wish to pay for the on-site parking from driving off site and parking on side streets in the villages close to the site.

- 6.8. The residents have concerns regarding the adequacy of the proposals for the welfare of HGV drivers using the site. The Parish Council understands that there appear to be insufficient facilities to provide meals to drivers resulting in a greater likelihood of them choosing to park elsewhere.
- 6.9. The Parish Council is advised that the on-site parking provision for the workforce and also for HGVs is not in accordance with the current guidance from Leicestershire County Council and may possibly be based on a now superseded document from 2006.

## 7. Noise

- 7.1. One of the major concerns to residents is the noise that will be generated by the freight trains using the Interchange, and the gantry cranes loading and unloading the trains. Unfortunately, this was one of the areas where information seems to be limited, or not easily accessible by residents.
- 7.2. In the light of the high level of concern about this aspect of the application, the Parish Council would ask for the following information to be provided:
- results for the assessment of the current ambient noise levels in Elmesthorpe
  - details of your forecasts for the noise levels in Elmesthorpe in years 1, 3, 5, 10 and 15 after the granting of any consent, and also the forecast for the level of noise when the site is fully operational
  - details of how you intend to address issues relating to the increase in noise to include, but not limited to, details of the size and precise location of any proposed fencing or bunding intended to reduce the impact of noise levels resulting from the development as currently plans provided are mainly described as illustrative
  - an explanation of why the noise mitigation works as proposed along the north edge of the existing railway line do not extend the full length of the site
  - details of the construction materials to be used for any fencing



- data or other information to show how the fencing will reduce the noise levels and to what extent the noise levels will be reduced
  - details of the size of the bunding - height and also the width at ground level. Please note that the Parish Council has the illustrations provided for the presentation to Local Authorities, but these do not provide dimensions.
  - details of the landscaping schemes to include the years (post commencement of construction work) in which any trees, bushes or other plants will be planted on the bunding, and the height to which each variety of plant or tree is expected to grow
  - proposals for re-planting (including time scales) of any trees, plants or other materials included in the landscaping schemes which fail to thrive
  - data or other information to show the extent to which you expect the noise levels to be reduced by the bunding
  - what mechanism will be in place to review the noise levels after planning consent has been granted
  - confirmation of whether you will be providing the results of post application monitoring of noise levels to Blaby District Council or other statutory authority on a regular and ongoing basis
  - what mechanism will be put in place for you to undertake further noise attenuation works in the event that the current forecasts for the noise levels prove incorrect
- 7.3. The Parish Council understands that when a resident of Bostock Close (which backs onto the railway line) raised the issue of additional noise and vibration from the increased number of trains with the consultant dealing with noise mitigation at the public exhibition, he advised that not only would there not be any increase in noise or vibration, there shouldn't be any now.

As we understand that there is currently noise and/or vibration in some houses near to the railway line, the Parish Council would question whether the assessment(s) on which the noise attenuation works are based has been carried out appropriately.

- 7.4. In addition to the noise of the moving trains and the motors/engines powering the gantry cranes, there is also the matter of trains currently sounding their whistle as they approach the outskirts of the village (as they are required to do), and often several more times as they move along the track past the proposed location for the rail freight interchange. The Parish Council understands that you will have had discussions with Network Rail about safety matters relating to the rail port, and we would ask for confirmation of whether it will be a continuing requirement for the sounding of train whistles on the approach to Elmesthorpe once the rail port is in operation.
- 7.5. There are concerns about the quality of sleep that residents will get with the increased number of trains throughout the night and the limited noise attenuation proposals, with further implications for the mental health and well being of any affected residents.
- 7.6. In view of the concerns about the increased noise levels, the Parish Council would like information about any circumstances in which it is anticipated that trains will be queuing on the line to enter the rail port for unloading.

7.7. The Parish Council would also like details of how long each train will be at the rail port for unloading before it moves off again as this question was met with “don’t know” as a response at the consultation events.

## 8. Light Pollution

8.1. The Parish Council understands that this development will operate 24/7 giving rise to concerns regarding the impact of overnight lighting on the village.

8.2. During pre-application discussions with the Parish Council, DB Symmetry provided a photograph of the design of the warehousing to be built on this site together with confirmation that they would be lit at the top of the doors/loading & unloading bays only, and specifically the buildings would not be lit at eaves level in order to minimise the impact on the village. The Parish Council would ask for an assurance that this remains the case.

8.3. The Parish Council would also ask for confirmation that the lighting in any vehicle parking areas and on the link road to the A47 will be at the height of normal street lighting.

8.4. Turning to the rail port and gantry crane operating area immediately adjacent to the rail line, and referring to the illustrative sketch labeled “Section 7: Rail Freight Interchange” in the Landscape Strategy section of your presentation, the Parish Council notes that there is no reference to the height at which this area is to be lit and its relationship to the illustrative earth bund and landscaping.

The Parish Council would ask that this information be provided, together with details of any steps being taken to minimize the impact of lighting on residents, particularly those on Billington Roads East & West, and Bridle Path Road.

Please note that the Parish Council is asking for more detailed information here than provided by one of your consultants who responded by advising a resident that the lighting would be “directed downwards”. The Parish Council is specifically looking for information on whether it is possible to “shield” the lighting units in some way so as to provide the lighting required at ground level and for the operation of the gantry cranes but so that the lights don’t shine out over the homes to the north west of the railway line.

8.5. The Parish Council would like to know what is being put in place to monitor the impact of the proposed on-site / A47 link road lighting once construction work is completed and warehouse units are occupied.

## 9. Air Quality

9.1. The residents consider that this development will give rise to additional air pollution from the following sources:

- plant and equipment used during the building/construction phase
- additional trains once the rail port is operational

- increased HGV movements to and from the site
  - increased workforce vehicle movements to and from the site
  - the on-site power plant
- 9.2. The Parish Council understands that air quality information in relation to the construction phase has not been made available, despite the construction phase possibly being as long as 10 years. We would ask that this information is provided, with the opportunity for further comment.
- 9.3. In light of the high level of concern about this aspect of the application, particularly amongst residents with asthma, the Parish Council would ask for the following information to be provided:
- a comparison of the current air quality assessments for Elmesthorpe and your forecasts for the air quality during the construction phase and post construction at years 2, 5 and once the site is fully operational
  - details of how you intend to address issues relating to any deterioration in air quality
  - confirmation of whether you will be providing the results of post application monitoring of air quality to Blaby District Council or other statutory authority on a regular and ongoing basis
  - what mechanism will be put in place for you to undertake further work in the event that the current forecasts on air quality prove incorrect
- 9.4. The Parish Council notes that you consider the M69/A47 link road will remove some vehicular movements from the B581 through Elmesthorpe, and once the traffic/highway modeling work is agreed with the Highways Authorities, we look forward to receiving specific details of the forecast reduction of vehicles on the B581 so this can be considered in terms of air quality.

## 10. Visual Impact

- 10.1. There are widespread concerns about the visual impact of the proposed development. This impact was not addressed by the poor visual images provided at the public consultation events on a pre-development and 15 years post development basis. Whilst the Parish Council accepts that the public consultation events were for all local people and businesses, not just Elmesthorpe residents, there were concerns about the quality of what was provided. We would specifically highlight the image apparently intended to show M69 J2 but which did not include the new slip roads on the 15 year image.
- 10.2. Residents felt that none of the images were "close up and personal" in the way that showed what they will face living with in the future should the development go ahead.
- 10.3. There have been various discussions with both DB Symmetry and Tritax Symmetry regarding whether the proposed warehousing can be constructed of materials in varying tones of colour so as to better blend into the landscape, and thereby reduce the visual impact.



To the best of our recollection, it was agreed that this would be possible, however there were no visual images to show this at the consultation events. Computer generated graphics to show what could be done would have been useful.

In order to provide some degree of certainty to the residents, the Parish Council would like confirmation of whether it is intended to construct each building in varying shades of colour to reduce its impact.

## **11. Flooding & Drainage Issues**

- 11.1. There is widespread concern amongst residents regarding the likelihood of flooding of the development site, and how any steps taken to alleviate the risk of flooding of the development site will impact on adjoining watercourses.
- 11.2. A number of residents have advised that the fields off Burbage Common Road are regularly flooded, and we understand the site is known to have a high water table. Accordingly, the Parish Council would question whether this land is an appropriate location for an infrastructure project.
- 11.3. There are also concerns that issues with drainage locally will be exacerbated once the site becomes a massive area of hard surfacing.
- 11.4. The Parish Council understands that flood modeling has been undertaken, however certain aspects of the modeling give rise for concern. We are advised that the consultants were unable to gain access to several areas of land to undertake their research and it is therefore assumed that the modeling has included an element of guess work. We also understand that the hydraulic model used was created by the consultants with little independent input from other bodies.
- 11.5. Discussions took place at the public consultation event regarding the impact on the outflow of water to the north west of the site. Residents were advised that there would be a negligible increase in outflow as water was falling on the farmland now anyway. The operation of the tanks under the buildings and the attenuation ponds was described. However, your consultant also stated that following the survey with ground penetrating water radar, two land drains had been identified as not functioning, though the location of the land drains (on or off site) was not disclosed.

The Parish Council would like details of the location of the two malfunctioning land drains so it can be ascertained whether these fall within the development site and therefore will be rectified during the construction phase, or outside the development site and likely to cause ongoing problems.

Your consultant further advised that some of the watercourses outside the development site needed attention due to the levels of sediment, and he went on to say that better maintenance of the brook to the north west of the site was needed. When asked about who would be paying for any improved maintenance in order to facilitate the outflow of water from the development site, your consultant indicated that the cost would be borne by the Environment Agency.

The Environment Agency has subsequently advised that they will not be paying for this. Accordingly, the Parish Council is seeking reassurance about whether people who are not involved with this project will bear the cost of any drainage improvement works.

- 11.6. There are concerns that the attenuation lakes are of insufficient size for the extent of the development proposed, and residents would like to know what will happen once the underground tanks and attenuation ponds fill up during any period of prolonged rain. The Parish Council would also like details of:
- how the levels of water in the underground storage tanks and attenuation ponds are monitored
  - who will monitor them
  - how the outflow from the development site is determined at any given time
  - how the attenuation ponds are monitored to ensure that the outflow of water from the development site does not flood the adjoining area.
- 11.7. The Parish Council would draw your attention to the proximity of the stream to the rear of homes in Bostock Close which takes water from the existing farmland and where we understand the water levels in the stream can already be subject to sudden and dramatic increases during periods of heavy or prolonged rain. The residents are concerned that if the measures proposed to control the outflow of water from the site are insufficient, their homes will be flooded.
- 11.8. The Parish Council also understands that properties to the south of the Bridle Path Road crossroads are at a low point in the surrounding area. During high rainfall, they already have standing water in their gardens and adjoining fields. The brook to the north of these homes already struggles to cope with high rainfall, and there are concerns that these properties will flood should the development go ahead.
- 11.9. There are also concerns regarding how the site drainage scheme will feed into the existing drains/sewers in Elmesthorpe. The B581 floods close to Wortley Cottages & Bostock Close during heavy rainfall, and there have been occasions in the last five years where the drain covers have lifted in Bostock Close due to the speed/volume of rising water.

## 12. Wildlife & the Loss of Farmland

- 12.1. The impact of the proposed development on local wildlife has attracted widespread comment from residents. It is generally felt that whilst surveys may have been undertaken, they have failed to translate into any meaningful proposals to offset the extensive damage to the local ecology which is expected to result from this proposal. Furthermore, residents feel that the surveys have under estimated the extensive wildlife in the area.
- 12.2. Accordingly, the Parish Council would question this being an ecologically friendly project. As an example, the earlier site designs included bunding on the north east boundary of the site with Burbage Common Road which the Parish Council understood was to be landscaped in such a way as to encourage flora and fauna to

flourish. The current designs indicate that this bunding is being replaced with an 8 metre high solid fence and railway sidings.

- 12.3. The proximity of the proposed development to Burbage Common and Woods is likely to cause significant damage to the variety of wildlife in the area. There are specific concerns regarding the impact on the migratory routes of the roe deer.
- 12.4. There are also concerns regarding the impact of the construction and subsequent lighting of the A47 link road.
- 12.5. It is generally felt that the provision of a green area as an extension to Burbage Common will not be sufficient to offset the loss of natural habitat for the wildlife as the construction work alone will drive much of the wildlife away and it may never return. Further, the value of a green area close to the new A47 link road is considered to be limited.
- 12.6. It is also felt that the new areas of ecological enhancement will not be suitable replacements for the long established habitats which are being built on.
- 12.7. There are concerns that the land drainage proposals will have a devastating effect on the ecosystems in the existing watercourses as they are sensitive to changes in the water levels. The effects will extend not only to the smaller organisms present in the water, but also the fish, dragonflies and water birds including the kingfishers.
- 12.8. The Parish Council understands that there are water voles close to the development site and bearing in their rarity, we would like details about the steps that will be taken to protect them from any damage to their habitat.
- 12.9. The area is also rich in other native species including:
  - Carrion crow, jackdaw, jay, magpie and rook
  - Collared dove and wood pigeon
  - Bullfinch, chaffinch, greenfinch, goldfinch, linnet and yellowhammer
  - Black backed gull, black headed gull and common gull
  - Buzzard, kestrel, and sparrow hawk
  - Partridge and pheasant
  - Coot and moorhen
  - House sparrow and tree sparrow
  - House martin and swallow
  - Canada goose, mallard, mute swan and teal
  - Blue tit, great tit, coal tit and long tailed tit
  - Blackbird, fieldfare, mistle thrush, song thrush and robin
  - Grey wagtail and pied wagtail
  - Greater spotted woodpecker and green woodpecker
  - Cuckoo, dunnoek, heron, lapwing, nuthatch, skylark, starling, swift, tawny owl and wren
  - Badger, pipestrelle bat, muntjac deer, fox, frog, hare, hedgehog, wood mouse, harvest mouse, house mouse, mole, smooth newt, palmate newt, common shrew, pygmy shrew, smooth snake, rabbit, brown rat, grey squirrel, stoat, weasel, toad, bank vole and short tailed vole.

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- 12.10. A number of residents have commented on the destruction of farm land which is currently growing arable crops or being used for the grazing of livestock.
- 12.11. The site adjoins the Elmesthorpe Land Settlement Area which is considered to be a unique area of open countryside, and is one of the few remaining areas in the country set up post second World War under the Land Settlement Acts for the purpose of the provision of food. It has its own unique character and there are concerns that this will be damaged as a result of the proposed development.

### 13. Rights of Way & Access to Burbage Common/Woods

- 13.1. The access via Burbage Common Road to Burbage Common & Woods is well used by walkers, dog walkers, cyclists, horses and riders. Under the proposals, this route is to be closed.
- 13.2. There is currently an extensive network of footpaths and bridleways across the site which the Parish Council understands are to be re-routed.
- 13.3. The various pedestrian level crossings adjacent to the site are to be closed.
- 13.4. The Parish Council understands that the railway crossings for the T89 footpath close to the B581 railway bridge, and the U17 footpath which is some distance from the site are also to be closed with a diversion proposed for U17.
- 13.5. The review of footpath usage was apparently carried out in 2018 and we are now four years on from 2018. During the intervening years, the coronavirus pandemic resulted in many people adopting healthier lifestyles, and the greater use of the rights of way continues today. This is unlikely to be reflected in the out of date information currently being put forward as part of this consultation.
- 13.6. The Parish Council is indebted to two of Elmesthorpe's keen walkers, who have provided up to date photographs which indicate that the accuracy of some of the footpath analysis seems questionable.
- 13.7. In the summary table in Annex 2 of Appendix 11.2 Public Rights of Way Appraisal & Strategy, for footpath T89/1, it states that in both winter and summer "Overgrown field vegetation. Stile from Station Road impassable, very little sign of use".

The Parish Council would refer to the first and second photographs in Appendix 2 of this letter which were taken earlier this year. In neither photograph would the route be describable as "impassable", and the route is clearly in use as it can be seen running across the field to the pedestrian level crossing on the railway line.

The Parish Council understands that the V23/1 has been similarly mis-described as "Poorly worn desire line/vegetation suppression defines some of the route. Parts entirely waterlogged."

The Parish Council would refer to the third photograph in Appendix 2 where the path can clearly be seen going from right to left across the field.

- 13.8. The walkers who have reviewed the information provided for this consultation advise that undue emphasis also seems to be put on the fact that the signage of the footpaths is poor, as if this indicates little usage of the path which is not the case. The paths are predominantly used by local people from the surrounding villages and Hinckley who know the paths well without needing recourse to signage. Any self respecting walker who happened to be from outside the area would be using an OS map or GPS, so again would have scant interest in the quality of the signage.
- 13.9. There are a number of equine businesses on Burbage Common Road and it is estimated that there are approximately 100 horses kept at the various liveries in Elmesthorpe. The Parish Council understands that the proposal to re-route horses and riders along a new bridle path along the side of the M69 will add hugely to the time needed to exercise the horses and is generally considered to be unworkable due to risk of the horses being spooked by the vehicles on the M69.
- 13.10. The pedestrian level crossings for the T89 footpath close to the B581 railway bridge, and the U17 footpath, which is some distance from the site, are also to be closed with a diversion proposed for U17. Both proposals give rise to very specific concerns.
- 13.11. Dealing firstly with the T89 footpath, it is understood that it is to be closed from Stanton/Station Road across the railway line and to the far end of Bostock Close with a new route from Station Road along the pavement on Bostock Close to the far end where it will pick up its onward route.

The proposal includes the provision of a crossing on the B581 close to the bottom of the B581 railway bridge. Unfortunately visibility at the proposed point of the new crossing is severely restricted, endangering the lives of people attempting to use it. The railway bridge has a blind summit - please see the fourth photograph in Appendix 2 - so vehicles coming over the bridge from The Wentworth Arms direction and gathering speed on the downward slope will encounter pedestrians trying to cross the road. The Parish Council would ask that the proposed location for the crossing is reviewed as a matter of concern.

- 13.12. Turning to the closure of the U17 pedestrian level crossing, the Parish Council understands that it is proposed to divert the footpath along the railway line to the west, over an existing farm bridge and back eastwards along the railway line to the same point on the opposite side, whereas the investment in a new pedestrian footbridge over the railway line would avoid this.
- 13.13. Given the forecast 10 year period the development is expected to be in the construction phase, the Parish Council would like details of any proposed rights of way diversions which will be in place from the point in time at which the site is physically secured for construction purposes. It is not acceptable for the Burbage Common area to be inaccessible from Elmesthorpe at any time.



13.14. In summary, the residents consider the proposed erasure, alteration or diversion of rights of way to be to the detriment of the whole community. The alternatives put forward to replace what is being lost are considered to be neither practical nor of the same quality.

#### 14. Construction

- 14.1. The Parish Council understands from previous discussions with yourselves that it is proposed to:
- commence the construction work at the M69 J2 end of the site
  - the heavy machinery required for earth moving and other construction work will enter the development site at the M69 J2 end of the site
  - heavy machinery and construction traffic will not be travelling through the village
  - heavy machinery and construction traffic will not gain access to the site via Burbage Common Road
  - retain all soil on site
  - retain all earth moving and heavy machinery on site once the construction work commences
- 14.2. The Parish Council would like confirmation that the above proposals still reflect how the construction work is to be undertaken.
- 14.1. The Parish Council would specifically like reassurance that there are no proposals for fleets of HGVs to be removing soil from the site.
- 14.2. The Parish Council would like an indication of how large the workforce for the construction phase is likely to be and whether it is expected that they will arrive and leave the site in private vehicles. If they are using private vehicles, please can we have confirmation that they will not be accessing the site via Burbage Common Road.
- 14.3. The Parish Council would also like details of how it is proposed to protect the wellbeing of the large number of horses in liveryes on Burbage Common Road during the construction work, particularly the construction of the rail port.

#### 15. Green Credentials

- 15.1. It is generally felt that this proposal will not have the green benefits that are being put forward as a positive factor, with the benefits appearing to rely heavily on moving freight by rail rather than by road.
- 15.2. It is considered that the green benefits derived from using rail rather than road freight are negated by a number of other factors:
- The warehouse units are stated to “built to net zero carbon in construction” but there doesn’t appear to be any wider commitment to making the site itself carbon neutral or placing any expectation on the occupiers of the site to meet environmentally friendly targets
  - Building to net zero carbon does not offset the ecological impact of the development
  - In the existing infrastructure and housing provision, there is little opportunity to employ a workforce who can walk or cycle to work, or even use public transport

- The freight trains will be diesel and not electric
- The notion of moving freight by rail rather than road can only deliver benefits where the end market is sufficiently close to the rail hub (and the only information provided about the end market at the consultations was based on the misconception that MIRA has a need for automotive parts)
- Energy for the site is primarily to be provided by an on-site gas power plant rather than from greener sources.

## 16. Conclusion

The residents who have contacted the Parish Council overwhelmingly consider that the proposed Rail Freight Interchange will have a massively detrimental impact on their lives.

Many have expressed their appreciation of the countryside surrounding the village and can see no reason why it should be destroyed to further financial gains for a large business such as Tritax Symmetry. Others simply feel that Tritax Symmetry has failed to try to offset the impact of the proposed development in any meaningful fashion.

Yours sincerely



Elmesthorpe Parish Council



## Appendix 1

Some of the comments received from residents of Elvesthorpe regarding the adequacy of the consultation:

1	<p>Tritax consultants:</p> <ol style="list-style-type: none"><li>1. Did not know the area</li><li>2. Could not answer questions regarding the height of the rail track that would have to be built up for the sidings</li><li>3. Could not say how many trains or how long it would take to unload each train</li><li>4. Could not say where the lorries would park</li><li>5. Did not know whether the trains terminated and how do they go back to their destination</li><li>6. Thought MIRA was a car manufacturer</li><li>7. Did not know how they would fit in 2 trains an hour without disrupting existing passenger or freight trains</li><li>8. Said that the footpaths to be closed were not used which is untrue</li><li>9. Said that no farms would be demolished which is untrue</li><li>10. The photographs of before and after were very misleading</li><li>11. The scale of the plans and the writing were too small to read.</li></ol>
2	<p>The plans presented to us by Tritax Symmetry are not clear or provide appropriate information making forming an opinion on this proposed project difficult. There have been no clear answers to the questions asked at consultation events and some consultants representing Tritax Symmetry repeatedly tried to find staff that could answer the questions being asked. In our experience we are left with no useful information.</p>
3	<p>The vague photographs, maps and information on show at the Tritax meetings are alarming, and questions were answered in an equally vague way.</p>
4	<p>We attended the meeting at Elvesthorpe Village Hall on 19 January 2022 and were disappointed with the lack of information and misinterpretation that your pictures portrayed ie on the now and 15 years in the future pictures, how could you miss off the new M69 Slip Road, as this will have a major visual impact on the local area. Also, when I asked where it was I was told that it was only a guide.</p> <p>As for your questionnaire handed out at the end of the meeting to fill in and send back, this is an utter waste of time and paper due to the questions being highly loaded in one direction, so we decided to send our views.</p>
5	<p>It would seem that inadequate resources have been provided by Tritax in handling of any queries. I have experienced a poorly timed response from Tritax to the single question that I put to them by email on 13 January 2022 shortly after the HNRFI consultation document were made public. It was only after calling on their premium rate telephone line that I obtained a response on 9 February.</p> <p>The materials on their database are not searchable across all documents so it is difficult to locate items. The answer to my query was in fact located in "Plan: HRF-BWB-LSI-D2-DR-CH-00100 Document 2.4B Highway Plans Sheet 2" which I eventually managed to</p>

	find under the website section "Plans". Somewhat of a challenge for the general public to find!
6	I have not found the consultation meeting with Tritax to be a good experience. The Staff at the presentation seemed to know very little and out of their depths. The consultation form is biased in the way that they are asking the questions and is not a real consultation of the community.
7	I mentioned the visuals that were on display at the consultation, and the fact that they did not show the views that are actually important to me as a resident living close to the development.



Appendix 2

Photograph 1 – T89



Photograph 2 – T89



Photograph 3 – V23/1



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Photograph 4 – B581 Station/Stanton Road Railway Bridge at Bostock Close junction



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## Appendix 4 BDC Letters

The Rt.Hon Grant Shapps MP  
Secretary of State for Transport  
Department for Transport  
Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Sent by way of email

Dear Mr Shapps,

### **RE - Hinckley National Rail Freight Interchange – Public and Statutory Consultation**

I write in respect of the proposed Hinckley National Rail Freight Interchange, a Nationally Significant Infrastructure Project (NSIP) that largely sits within the administrative boundary of Blaby District Council (“the Council”). The scheme is being promoted by Tritax Symmetry (Hinckley) Limited (“the promoter”). We are continuing to engage with the promoter of the project during this pre-application phase which included a recent period of public and statutory consultation that ran for 12 weeks and concluded on 8 April.

### **Funding for Local Authorities in the NSIP process**

I firstly wish to raise my frustration with the adequacy of the funding the Council receives for its substantial involvement in this process. With no application fee secured for local authorities by legislation, the Council is forced into complex, lengthy and unsatisfactory negotiations with the promoter who have a conflict of interest in agreeing extensive funding. The Council is forced to make up any shortfalls in funding through the provision of our own funds, a costly and unsustainable practice. Local Authorities play a crucial role in ensuring the right development, in the right place and in the right way is brought forwards in the best interests of our communities and we must be sufficiently resourced to do so.

### **Adequacy of consultation**

Secondly, I would like to raise my significant concerns with the adequacy of the consultation undertaken by the promoter during their latest round of consultation which is felt significantly affects and limits the value of the consultation exercise. It is felt the information that has been consulted on is not in an advanced or complete enough form to allow members of the public to adequately consider the proposals, and therefore make meaningful comments in their responses. The most significant element is in relation to the transport modelling. The consultation response from Leicestershire County Council as the Highways Authority sets out these concerns in full. The proposals and mitigation presented have not been agreed by the promoter with the County Council and on review are not accepted by them, including the likely mitigation measures required to offset the considerable community impacts of the scheme.



I have concerns around the extent to which the proposal will be a Strategic Rail Freight Interchange as opposed to a road haulage and logistics and warehousing development. I do not think the promoter has demonstrated this proposal is capable of qualifying as an NSIP under the Act or accords with the relevant National Planning Statement.

I am also concerned about the impact of increased barrier downtime at Narborough level crossing, and the associated air quality, traffic and noise impacts on the local communities of Narborough and Littlethorpe.

Finally, I am concerned about the Public Consultation being flawed as it did not give an accurate basis on which residents can make informed comments and I am troubled by the promoter's insistence to press ahead regardless of these concerns and submit the application to the Planning Inspectorate.

Yours sincerely,

Cllr Terry Richardson

**Leader - Blaby District Council**

Mr Alex Reynolds  
Tritax Symmetry  
Unit 2 Roman Way  
Northampton  
NN4 5EA

Dear Mr Reynolds

### **RE - Hinckley National Rail Freight Interchange – Public Consultation**

Further to last weeks briefing for members of Blaby District Council I just wanted to let you know that it caused disquiet for many councillors, in addition it raised a number of concerns which it is felt significantly affect and limit the value of the current public consultation exercise. The most significant element is in relation to the transport modelling and notification from the Highways Authority in that the proposals you presented have not been agreed with them, and no agreement has been reached on the likely mitigation measures required to offset the considerable community impacts of the scheme. It is on this basis that Blaby District Council notes the concerns raised by Leicestershire County Council and their proposal that the public consultation be delayed until such a time as the mitigation measures are agreed. I also have concerns around the extent to which the development site will be a Strategic Rail Freight Interchange as opposed to a road haulage logistics/warehousing development and also the impact on Narborough Station barrier downtime. With this in mind I am concerned about the Public Consultation being flawed as it will not give an accurate basis on which residents can make informed comments.

I understand that you have to prepare a further consultation report as part of the submission for examination, however, if there are substantial changes to the proposal particularly around the highways mitigation then I would strongly recommend that a reconsultation would be appropriate to allow full consultation with those concerned. I would further highlight the Eastern Villages Link and if this is proposed, again a full consultation would be required as this is not included within the current proposals.

Thank you again for your time last week and I look forward to receiving your confirmation around the next steps.

Yours sincerely

[REDACTED]

Cllr Terry Richardson  
**Leader - Blaby District Council**



Mr Peter Frampton  
Framptons Planning  
Oriol House  
42 North Bar  
Banbury  
Oxfordshire  
OX16 0TH

Dear Mr Frampton,

**Hinckley National Rail Freight Interchange (HNRFI)  
Statutory consultation  
Statement of Community Consultation (SoCC)**

Thank you for your letter to Louise Hryniw dated 20 July providing an opportunity to informally comment on the SoCC. Before providing comments on specific paragraphs, we have several overarching comments that relate to the general methodology and timing of the proposed public consultation:

- From reading the SoCC, it appears that the applicant cannot entirely rule out the necessity for the Eastern Villages Link (EVL). The description also fails to adequately set out the likely vehicle movements resulting from the development. For many of our residents, the EVL and resulting vehicular movements will be a matter of significant concern. The scheme cannot be reasonably and meaningfully considered by members of the public until the necessity of the EVL is fully known and the vehicle movements are fully described. Until these matters are resolved, the Council is unable to support the carrying out of the next stage of public consultation.
- Given where we are in terms of the Government's road map and the release of restrictions we now expect to see full details of how the face to face events will be carried out. The council's position on the necessity of these events has been clearly made, both at the Local Authority Officers Working Group and in our letter dated 12 July 2021. We urge you to make face to face events a significant part of the SoCC and suggest that you speak to the Planning Inspectorate to ensure that any reintroduction of restrictions does not result in issues at the pre-examination stage.
- The methods of consultation set out in the SoCC lack innovation and interaction. A wider range of more engaging and interactive methods need to be proposed. The absence of significant face to face consultation furthers this issue and in general the consultation methods can do much more to improve the inclusivity and meaningfulness and of this consultation exercise.

In the tables overleaf, I have set out the Council's detailed comments in relation to specific paragraphs and appendices of the SoCC.



Cat Hartley, Planning & Strategic Growth Group Manager

Blaby District Council Council Offices Desford Road Narborough Leicestershire LE19 2EP  
Telephone: 0116 275 0555 Fax: 0116 275 0368 Minicom: 0116 284 9786 Web: [www.blaby.gov.uk](http://www.blaby.gov.uk)



Paragraph	Comments
1.10	Now out of date as no significant prevailing restrictions, the comments above relating to the balance of virtual vs face to face consultation are relevant here.
1.20	It is likely that any cost for the provision of documents will reduce public engagement in some way. Therefore, please provide for a stated reasonable number of free copies of the documents with the reasonable costs stated in the SoCC to apply for additionally requested copies.
1.25	The unknown necessity of the EVL, as set out above, needs to be resolved.
1.27	Contradicts 1.25 stating that the EVL is not required.
4.1 i)	Correct job titles for Cat and Ed are: Cat Hartley, Group Manager – Planning and Strategic Growth Ed Stacey, Senior Planning Officer / Major Schemes Officer
5.2	It is likely that any cost for the provision of documents will reduce public engagement in some way. Therefore, please provide for a stated reasonable number of free copies of the documents with the reasonable costs stated in the SoCC to apply for additionally requested copies.
5.4	Please ensure that suggested draft text, hyperlinks and the relevant documents are sent to the Council at least 5 working days prior to their required publication.
6.1	It is likely that any cost for the provision of documents will reduce public engagement in some way. Therefore, please provide for a stated reasonable number of free copies of the documents with the reasonable costs stated in the SoCC to apply for additionally requested copies.
7.1	The overall lack of innovative and engaging methods of consultation, as set out above, needs to be addressed. Please ensure that the relevant social media accounts are updated; for example, the Facebook profile photo contains a now out of date map. Are there any other relevant social media platforms like Twitter?
7.2	Have you considered a short 60 – 120 second video summarising the application? The BBC and World Economic Forum create such videos with just text narration that could be very effective alongside your social media publications.
7.4	Please provide full details as soon as possible of what you propose the Council provide, including the dates and times you wish the terminal's to be available for, so that this request can be considered by the Council.
7.5	It is likely that any cost for the provision of documents will reduce public engagement in some way. Therefore, please provide for a stated reasonable number of free copies of the documents with the reasonable costs stated in the SoCC to apply for additionally requested copies.
7.9	Please ensure that suggested draft text, hyperlinks and the relevant documents are sent to the Council at least 5 working days prior to their required publication.
7.11-7.24	Too little detail of the face to face events is provided. Will the number of attendees be capped? How will this be managed? How will they book access to the events? How will hard to reach groups be managed? You need to set out how the events could be safely managed if track-and-trace or capped visitor numbers again become a government requirement so that it is clear a genuine effort will be made to host such events.
7.11	We disagree with this text, it can be reasonably assumed that face to face events can take place. In this paragraph, at ii, the text should state that face to face events will not be organised if they would be contrary to government legislation.
7.12	Why do the face to face events need to be arranged along the 3km DCO boundary, should it not read “within the 3km DCO boundary”?  We note that you are intending to promote events via your website, Facebook, Instagram and press notices. The Council has its own social media

	accounts and electronic newsletters and we would be happy to notify residents of such events. Please contact the Council as soon as possible to discuss this as I will need to coordinate specific actions with our Communications department.
7.13	Four face to face events, if that is what is proposed, is unacceptably small given the large catchment areas, likely interest, and the possibility that an individual member of the public may be unable to access their single nearest one due to, for example, work, family, caring or holiday commitments. Narborough and Littlethorpe must also be included in this process. Aston Firs should be offered their own dedicated event and a way of engaging other Gypsy and Traveller groups in a face to face manner should be considered.
7.19	Thought needs to be given to the devices residents will use to access these meetings. For example, a mobile phone may not easily allow the resident to read the large scaled drawings sometimes provided at face to face events. Bespoke presentation material is likely to be required.
7.23	Comments made on para 7.13 in relation to the number of events proposed are relevant here too.
7.24	Can the pre-recorded presentation also be made available on social media?
7.27	Stating the need to define the impacts in respect on Narborough rail crossing without substantial consultation of Narborough and Littlethorpe is an obvious issue. The other sections of the SoCC need to be amended to resolve this. Have you considered including job creation or positive impact on local businesses in the presentations?
7.30	The range of social media advertisements needs to be much better defined. How much advertising will be purchased? For what duration? What groups and localities will be targeted? How will you utilise targeted advertisements on social media to engage hard to reach groups? Furthermore, you could cheaply request posts on local interest group sites such as "The Pastures, Narborough", "Spotted Sapcote" to name but a few.
7.31	You also need to include other Gypsy and Traveller encampments within the consultation zones, for example there is one in Blaby District on Lychgate Lane in Aston Flamville and we believe Hinckley and Bosworth have at least one, west of this, along the same road. Please discuss further with me and Jacqui Green at Leicestershire County Council. Why are you only inviting the Parishes with opening times? A large number in appendix 6 are stated to be without opening times which is a concern if you are to leave them out. All Parish Councils and Parish meetings should be invited.
7.34	Please also consider utilising the Council's wide range of communication methods with its residents that may be helpful. These include e-newsletters (26,500 residents and businesses on the mailing list), voluntary sector specific newsletters, Parish Council newsletters, Facebook, Twitter, Instagram.
7.35	Point 7) makes it very clear that you are not in reality anticipating any significant face to face consultation. This is unacceptable as previously stated in this letter and in our previous letter dated 12 July.
7.37	Please add site notices to both sides of the Narborough Station crossing.
7.39	It is likely that any cost for the provision of documents will reduce public engagement in some way. Therefore, please provide for a stated reasonable number of free copies of the documents with the reasonable costs stated in the SoCC to apply for additionally requested copies.
7.40	The limited opening times of this information line need to be expanded to after normal working hours to provide greater access to hard copies of documents.
7.46	Overall, there are many other hard to reach groups that you have failed to specifically address; for example, youth, elderly, less-abled, BME, disinterested, disenfranchised and faith groups. Will you utilise targeted advertisements on social media to engage hard to reach groups? The Council run groups and events that may give you access to some of these people. We would be more than happy to provide you with further information about this



	but given the required 5 day response time it has not been possible to discuss this with them yet. Please confirm if you wish to explore this option and I will help you liaise with my appropriate colleagues. You have also only referred to one locality of Gypsy and Travellers at Aston Firs, as stated previously, there are other Gypsy and Travellers in this consultation area; please see comments on para 7.31 and discuss further with me and Jacqui Green at Leicestershire County Council.
7.48	Recent Council experience of this exact community suggests that questionnaires are a very ineffective form of communication and should not be relied upon.
7.49	It would be much more useful for you to hold a face to face meeting on site if the County Council deemed it suitable.
7.50	See comments on paras 7.31 and 7.46 for other Gypsy and Travellers that need to be considered.
8.1	DCO submission for examination late Q4 2021 contradicts table 1.1 which states Q1 2022.
8.3	09:00-17:30 opening times for the communication line fails to provide access to a large proportion of working adults or those in full time education. This must be extended to evening and weekend opening times, particularly as the line is a means to access hard copies of relevant documents.

<b>Appendix</b>	<b>Comments</b>
6	There is no Littlethorpe Parish Council, Littlethorpe are represented by Narborough Parish Council. Please check the opening times of the Parish Councils; some, for example Narborough Parish Council, appear to have opening times published on their website that may or may not still be relevant.
9	Please consider adding The Journal ( [REDACTED] ) which serves Enderby Huncote, Narborough, Littlethorpe and Thurlaston.
10	Please add site notices to both sides of the Narborough Station crossing.
11	No clear detail on the locations of the face to face events is provided. An event in Narborough and Littlethorpe must be organised as well. The identified catchment areas are not fully shown on the plan.
12	Narborough and Littlethorpe need to be included in the consultation boundary.
13	Why aren't the Sharnford Traffic Action Group and resident associations added to this appendix? What about other parties such as LLEP, Chamber of Commerce, Federation of Small Businesses? If you are unable to source the contact details of the groups you have identified, please contact us as we may be able to help.
17	The names of ward councillors are available on our website, please draft it and provide the Council with a copy to proof read.  <a href="https://w3.blaby.gov.uk/decision-making/mgMemberIndex.aspx?VW=TABLE&amp;PIC=1&amp;FN=WARD">https://w3.blaby.gov.uk/decision-making/mgMemberIndex.aspx?VW=TABLE&amp;PIC=1&amp;FN=WARD</a>

Yours sincerely,

Ed Stacey

Senior Planning Officer / Major Schemes Officer

Blaby District Council

## **Stoney Stanton Action Group Representation**

Hinckley National Rail Freight Interchange - Adequacy of Consultation  
Our opinion and supporting information  
Stoney Stanton Action Group



9<sup>th</sup> Feb 2023

## Introduction

This document has been produced by the Stoney Stanton Action Group (SSAG) and is taken from the Stoney Stanton Action Group's formal response to the Statutory Consultation on the Hinckley National Rail Freight Interchange (HNRFI) proposals, which was submitted to Tritax Symmetry Hinckley (TSH) – the sponsor of the proposal - on 7<sup>th</sup> April 2022. Additional supporting information has been added in some cases.

The Stoney Stanton Action Group is registered at:

14 Shadrack Close  
Stoney Stanton  
Leicester  
LE9 4TN

The Stoney Stanton Action Group is a community led action group with the principal objective to keep up to date with, communicate and, if felt appropriate, campaign about proposed developments in the local area which are deemed by the residents of Stoney Stanton to have a detrimental or advantageous impact on the village or affect the rural nature of the village.

The Stoney Stanton Action Group acts for the benefit of residents and communities in the Parish of Stoney Stanton.

The Stoney Stanton Action Group is independent of the Stoney Stanton Parish Council.

The Stoney Stanton Action Group can be contacted in the following methods:

Post: See registered address above

Email: [info@stoneystanton.co.uk](mailto:info@stoneystanton.co.uk)

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## Adequacy of Consultation

We believe the consultation has not been adequate for the following reasons:

### 1. Distribution and Quality of Information

- 1.1 When the consultation period started, the HNRFI 'Contact Us' page was updated. The Community Information Line phone number provided on this page at that time was incorrect (0844 566 3002).
- 1.2 The Community information line was a premium rate number that charged high tariffs for phone call correspondence. We believe to encourage full, unbiased engagement that this Community Information Line should have been a phone number free from charges.
- 1.3 Furthermore, once the phone number was corrected it was very rarely answered and always directed us to a voicemail service. Voicemails were not consistently responded to; the mailbox was very quickly full and wouldn't accept any more messages. This was cleared once it was pointed out to them at a public consultation event.
- 1.4 The Community Information Line as implemented was not a satisfactory method of communication.
- 1.5 TSH claimed that they had sent letters regarding consultation to 51,000 premises within and beyond the core consultation zone of 3km around the proposed site. However a significant number of people in Stoney Stanton and relevant surrounding villages did not receive any information about the proposed HNRFI site or the consultation. This information was communicated to TSH in emails dating from 15<sup>th</sup> January 2022 with follow up correspondence to 22<sup>nd</sup> March 2022. TSH failed to address the problem with distribution. The issue was most likely exacerbated by the decision to deliver important information to people by using Royal Mail over the Christmas period. See detailed table below:

1.6 Brief résumé of email communications about lack of distributed information (email trails are available):

15 <sup>th</sup> Jan 2022	A member of the SSAG committee realised they had not received expected information to their house and sent an enquiry email to HinckleNRFI@lexcomm.co.uk but did not receive a response
Before 6 <sup>th</sup> Feb 2022	SSAG carried out a spot check, asking people on local Facebook groups, using Whatsapp for local small groups and also asking individual people, whether they'd received any information from Tritax Symmetry Hinckley about HNRFI.
6 <sup>th</sup> Feb 2022	Email to TSH – stating that in one street (in Stoney Stanton) 14 out of 16 houses did not receive information. People living in 15 streets (14 streets in Stoney Stanton, one in Elmesthorpe) had responded to our spot check to say they had not received information. On the other hand 25 people responded to say they had received information, therefore it was clear that the distribution had been partial, but nevertheless faulty.
10 <sup>th</sup> Feb 2022	TSH response confirming that Royal Mail claimed that they had delivered information. The response also pointed out that SSAG was only talking about a small number of people and that some of these people might have accidentally thrown the material away.
11 <sup>th</sup> Feb 2022	Response from SSAG to stating a) we knew for certain that a lot of the people concerned had not thrown away the material, b) we knew that the spot check only reached a small number of people by virtue of being a sample from those using local social-media or contacts – therefore having a significant proportion of these not receiving information out of a small spot check “sample” indicated that there was a real problem with distribution.
17 <sup>th</sup> March 2022	Further response from TSH indicating that Royal Mail had had no reported problems with distribution. Also pointing out that there were other means of communication being used such as site notices, press notices etc.
22 <sup>nd</sup> March 2022	Response from SSAG re-confirming that the promised information pack had definitely not been delivered to those who had responded to the spot check indicating they had not received the information, and pointing out that it was very “unlucky” that TSH had failed to deliver to a significant percentage of the SSAG committee who would obviously notice the issue, and that our knowledge of statistics would indicate that this represented a real distribution problem

1.7 Councillor Mike Shirley (Stanton & Flamville Ward) confirmed that the earliest date residents of Sharnford received notification of consultation was 12 January 2022 and not 27 December 2021 as ascertained by TSH and Royal Mail.

1.8 The consultation period was extended to account for those households excluded and missed from the original distribution however TSH only advertised this after the public consultation events and webinars had concluded and scheduled no further opportunities for the missed consultees to attend.

1.9 The webinar link was advertised on their site notices as available to register from 17/12/21 however the link to register was missing from their webpage until 22/12/21. This was only loaded after it was pointed out to them via the Community Information Line, and they advised they had

not yet made it live. This delay may have resulted in people failing to register and not attempting to do so again.

- 1.10 Both webinars posed more questions than answers, supplementary questions were not allowed. 'Hands raised' for comments were dismissed despite this being an advertised option and the questions asked were of a loaded and scripted nature.
- 1.11 Many consultees have complained that their submitted questions were not asked during the webinars.
- 1.12 Statement of Community Consultation (SOCC) Point 7.41 identifies hard to reach groups: "The consultation programme has considered whether there may be sections of the community who may be more difficult to engage with, such as: older people; younger people; people with disabilities; travelling communities; economically inactive people; ethnic minorities; religious groups; time poor / busy working people; and socially deprived communities. It is concluded that individual arrangements should be made to engage with local gypsy and traveller communities resident to the south of HNRFI." SSAG welcomed the special engagement of the local gypsy and traveller communities however there was no further discussion within the SOCC of how TSH proposed to address reaching the other 'hard to reach' sections of the community. Consequently, there have been no dedicated efforts to do so.
- 1.13 Social media was listed in the SOCC as a form of consultation (SOCC section 7). Their Twitter (social media) handle was incorrectly publicised. The Facebook (social media) page featured just two posts from the 12 January 2022 with no further content uploaded since. Furthermore, any comments on Facebook were removed.
- 1.14 The SOCC advised that the PEIR would be available at face-to-face exhibitions (SOCC point 1.21). Upon attending several public consultation events, only the Public Exhibition Boards and Community Explanation Document (CED) were made available in hard copies. If the PEIR was present, it certainly wasn't made readily available for access to consultees. When asking complex questions, we weren't, nor were any other attendees we spoke to, directed towards it.
- 1.15 Public Exhibition Boards and CED were too vague. The information provided was not detailed enough to give consultees a clear view of the implications of what is being proposed. The phrase 'Sales Pitch' has been frequently used by consultees.
- 1.16 In stark contrast the information available online within the PEIR and other consultation material was technical and vast. The content which has been provided is unapproachable, inaccessible, confusing and disengaging in style.
- 1.17 At public consultation events consultees were directed towards 'subject experts' to ask questions on specific topics. However, the average villager was expected to be a technical expert to be able to read and interpret circa 7500 pages of PEIR.
- 1.18 At the first face to face event, it was requested that TSH representatives note their 'subject area' on their name badges to aid consultees in where to direct their questions. Many consultees were finding being misdirected around the room very frustrating and were leaving without answers to their queries. This was not actioned - one could attribute this to lack of time for re-printing of badges - however on more than one occasion, TSH representatives had name badges with the previous owner's name crossed out and the new wearer's name handwritten on. We believe it



wouldn't have been unreasonable to add their specific area onto the badge and would have aided consultees immensely.

- 1.19 There were many things that consultees wished to discuss and gain clarification on including, but not limited to: agreed traffic mitigation measures with the Highways Authority; Narborough Train Station issues; flood mitigation; offsetting the environmental impacts on vegetation and wildlife; lighting strategies; issues surrounding construction; heritage assessments for the listed buildings; proposed markets. Unfortunately, no substantive answers were available for these queries as 'modelling had not yet been completed', "that level of detail hadn't been prepared yet," and other similar responses pertaining to the same. It is our belief that consultations should have been postponed until the proposal was sufficiently developed enough to provide required details on what is being proposed.
- 1.20 The SSAG was aware at the time of the consultation meetings that the traffic mitigation plans had not been signed off with the relevant Highways Authority however TSH representatives were verbally providing misleading information to the contrary. See following text copied from a letter from Blaby District Council Leader Terry Richardson to TSH dated 14<sup>th</sup> January 2022
- "The most significant element is in relation to the transport modelling and notification from the Highways Authority in that the proposals you presented have not been agreed with them, and no agreement has been reached on the likely mitigation measures required to offset the considerable community impacts of the scheme. It is on this basis that Blaby District Council notes the concerns raised by Leicestershire County Council and their proposal that the public consultation be delayed until such a time as the mitigation measures are agreed."
- 1.21 Many conclusions and reports were based upon 2026 being the anticipated first year of occupation and 2036 being ten years post-occupation. This timeline was already completely out of date and unrealistic, and we believe this needed to be revisited and re-modelled.
- 1.22 Incorrect information had been provided about the number of HGV kilometres/miles that will be removed from the national highways. TSH had stated (in their widely distributed 'Community Newsletter' and on their Public Exhibition Boards) that there will be 1.6 billion HGV kilometres removed from the highways annually. TSH had also stated that up to 76 HGVs will be removed from the national highways per train, and that the HNRFI will service 16 trains per day (32 movements). This would equate to each HGV removed driving 1800km per day, which is impossible.
- 1.23 The Felixstowe Port website, under their Rail Services section, declared that 74 to 76 trains per day (including both inbound and outbound journeys) removes 100 million HGV miles per year (160 million kilometres per year). On this basis, TSH's information was an overestimate by a factor of 47.
- 1.24 Furthermore, if the detail in PEIR Chapter 8 (table 7.7, page 8-68) was looked at, it is advised that HNRFI would save 83 million HGV miles per year (roughly 133.6 million km per year). Not only did the PEIR contradict the Community Newsletter and Public Exhibition Boards, but this was also still miscalculated and claimed a factor of 4 higher than the number of HGV miles saved per year per train, as advised by the Felixstowe Freight Port.
- 1.25 TSH has designs to build a gas power plant as part of the proposed development, this was not communicated to all consultees within the circulated community newsletter. Only those in a smaller target group who were sited close to the DCO boundary received this information as part

of their project description. It was also not referenced in the Public Exhibition Boards, with the exemption of a veiled reference to 'energy services' within the key of the warehousing uses. This demonstrates inconsistency of the information consultees received.

- 1.26 When plans for the power plant were queried with representatives at a public exhibition, the height of the chimney stacks was quoted at around 40m high to move emissions away from a height that may impact human receptors. However, in Chapter 3 Project Description; 3.35 referred to the chimney stacks as being 12m high. Another demonstration of inconsistent, confusing and contradictory information.
- 1.27 Chapter 9, 9.64. "At the time of assessment, detailed information on the energy plant to be installed at the Main HNRFI Site was not sufficiently progressed to enable a quantitative assessment to be undertaken...This will be addressed through the ES in time for submission of the application..." It is our belief that consultations should have been postponed until a date that the proposal was sufficiently developed enough to provide required details on what is being proposed.
- 1.28 Furthermore, as the villages of Stoney Stanton and Elvesthorpe do not hold full mains gas provision throughout, the site connection was queried, and the resultant reply contained details of proposed roadworks entailing either 308m of pipework to be installed to the B4668 close to Burbage Common Road or 2.8km of pipework to be installed on the B4669 to the site boundary. There was no mention of this potential huge disruption within the consultation materials or the images referencing site work locations.
- 1.29 There is no visual information or 'wirelines' available as to the visual effects of the lighting at night.
- 1.30 The angles of the 'wirelines' provided were misleading about the impact of the proposal and biased (in favour of TSH) in the presentation of the visual effects.
- 1.31 There was not enough information about the proposed lighting strategy.
- 1.32 There was no information regarding the proposed on-site shuttle bus, services or routes.
- 1.33 Detailed pictures and plans were only provided in the online consultation material. These were so small, that despite downloading and enlarging, some of these were still illegible. These should also have been made available at the public exhibition events.
- 1.34 The presence of a high rate of COVID-19 affected people's willingness to participate in a busy, indoor event. Those who were cautious, elderly or in vulnerable health would have felt unable to attend, as would those who work in a high-risk environment. Online consultations would not have been suitable, and we believe that these should have been postponed to the summer or when COVID-19 rates were lower.
- 1.35 Some of the questions asked on the feedback form were leading and in some cases the prompts given were too limited.
- 1.36 TSH did not remind consultees at public exhibitions of all alternative means of providing feedback; that letters and emails could be written should they prefer.
- 1.37 Once the online feedback form had been submitted, the consultation platform did not allow further feedback to be submitted.
- 1.38 The additional consultation material provided via the website in the form of the PEIR was too technical and vast to be accessible for most consultees and was unapproachable and disengaging

in style. Many consultees would have been oblivious to the implications this proposal has for our local area therefore were unlikely to provide feedback.

## **2. Major Incidents**

- 2.1 There was no mention in Public Exhibition Boards or the Community Explanation Document of identification of any risk of accidents or disasters associated with the proposed development.
- 2.2 There was no discussion of accidents or disaster risks and mitigation during the webinars, despite questions being submitted to this effect, except the concerns raised around accidents on the Narborough train crossing, which was dismissed as being a valid risk and attributed to road vehicle drivers for careless driving.
- 2.3 The PEIR Final – Non-Technical Summary and the PEIR Chapter 19 Accidents and Disasters, similarly, failed to discuss any specific potential accidents or disasters. They briefly mentioned the following reports that will accompany the DCO application but these were not available during the consultation: Construction Method Statement; Outline Construction Environmental Management Plan; Outline Lighting Strategy; Outline Construction Traffic Management Plan; Other Consents and Licences report; Rail Operations Report
- 2.4 Consultees had several areas of concern that should have been addressed within the Major Incidents chapter and were not, i.e: gas power plant; HGV fuelling station; major site incident evacuation plan; construction phase incidents; flooding on railway (as the rail section is designed into an area at Flood Risk 3); train malfunctions/break downs; train ‘run away’ or derailment; Narborough train crossing.
- 2.5 It is considered unrealistic to propose a 450-acre development, with huge additions of infrastructure, in such close proximity to rural, residential settlements, SSSI and SNI and state that there are no risks of accidents or disasters associated with it.
- 2.6 It is considered untrue to have stated that, ‘by enabling a transfer of freight from road to rail the HNRFI should thus help to reduce road accidents.’ The reality is that our small villages and local road networks will experience unsupportable additional volumes of traffic, and this will unquestionably increase the risk of road traffic accidents than currently exists.
- 2.7 PEIR Chapter 19, Accidents and Disasters, essentially contains no valuable information or any details to inform consultees about any areas of concern. Reports that will be prepared to accompany the DCO application should have been present during Final Consultations and within the consultation materials.

## **3. Construction Impact**

- 3.1 The construction phase is planned as a 10-year construction phase. TSH considers this to be a temporary phase in relation to the operational phase, however this is a long-term temporary phase (with regards to temporal scope) and contributes to a significant chunk of a human life with some potential for permanent and long-lasting effects.

- 3.2 There was an obvious lack of information for the construction phase at the Public Exhibitions. The Public Exhibition Boards referred to construction phase only in vague mention to air quality assessments but offered no information with regards to the results concluding the impact as medium/high risk. There was no information offered about the assessments and findings with regards to construction traffic, noise and vibration impact or phases of construction.
- 3.3 The Community Explanation Document also available at the Public Exhibitions featured merely one sentence with regards to construction phase and route management strategies. This does not suffice as a detailed or comprehensive explanation.
- 3.4 The construction phase was not discussed at all during the webinars.
- 3.5 In the PEIR Final – Non-Technical Summary, Construction Phase was discussed as there ‘will be effects’ however the extent of effects was not discussed. Air quality is referenced as ‘not predicted to lead to any exceedances of the relevant air quality objectives during construction.’ Whilst this may be so, the narrative is misleading and does not portray most high-risk results allocated to receptors for air quality (dust) during the construction phase; this includes but is not limited to, the risk to ‘human health’ being concluded to be at high risk and the risk to ecological receptors (Burbage Common and Woods and Aston Firs SSSI) being concluded as high risk.
- 3.6 It was inferred within the Non-Technical Summary that the effects on air quality are deemed to be negligible and not of concern, however when the relevant assessments are located in various chapters and appendices, the effects are quite significant and would certainly have drawn questions, opinions and recommendations from consultees had this been transparently presented.
- 3.7 Information on the precise number of vehicle movements during the construction phase, specific traffic management measures and the exact location of construction site entrances were not available. The availability of this information will be addressed in the ES accompanying the DCO application despite previous requests in the Scoping Opinion for this to be included in consultation materials.
- 3.8 There was no dedicated chapter for the construction phase making the information, assessments and findings difficult to locate and interpret, at times being referred to in incorrectly numbered tables.
- 3.9 It was not adequate for consultees that are non-technical readers, which is the overwhelming majority, to have been presented no detailed information reflecting the impact of construction phase with regards to air quality, construction traffic impact, noise and vibration findings or phase plans, when it stands to affect the local residents, communities, ecology and surrounding area so profoundly.

## **4. Conclusion**

- 4.1 Points raised in this document are all from Stoney Stanton Action Group members and feedback from villagers. The overwhelming opinion was that the consultation for such a large project was not adequate.
- 4.2 All of the above points resulted in a final consultation period that meant consultees would have struggled to write accurate or constructive feedback responses. Therefore TSH almost certainly

would have derived incorrect information from their evaluation of responses taken from the feedback forms. This would have totally negated the value of the consultation.

- 4.3 It is concluded that should TSH wish to proceed to submit this proposal then, at the very least, further consultation activities must happen in order truly engage consultees, provide the level of detail required in an accessible and understandable manner and to present the omissions of important information.

## **Elmesthorpe Stands Together Representation**

# Adequacy of Final Consultation: Hinckley National Rail Freight Interchange

## Elmesthorpe Stands Together



31st January 2023

Dear Sirs,

Please find below our statements regarding the inadequacy of Final Consultations held by Tritax Symmetry (Hinckley) Ltd for the Hinckley National Rail Freight Terminal proposals.

### 1 Adequacy of Consultation

#### 1.1 Major Incidents

- 1.1.1 There is no mention in Public Exhibition Boards or the Community Explanation Document of identification of any risk of accidents or disasters associated with the proposed development.
- 1.1.2 There was no discussion of accidents or disaster risks and mitigation during the webinars, despite questions being submitted to this effect, except the concerns raised around accidents on the Narborough train crossing, which was dismissed as being a valid risk and attributed to road vehicle drivers for careless driving.
- 1.1.3 The PEIR Final – Non-Technical Summary and the PEIR Chapter 19 Accidents and Disasters, similarly, fail to discuss any specific potential accidents or disasters, and briefly mentions the reports that will accompany the DCO application but were not available during the



consultation: Construction Method Statement; Outline Construction Environmental Management Plan; Outline Lighting Strategy; Outline Construction Traffic Management Plan; Other Consents and Licences report; Rail Operations Report.

- 1.1.4 Consultees had several areas of concern that should have been addressed within this chapter: gas power plant; HGV fuelling station; major site incident evacuation plan; construction phase incidents; flooding on railway (as the rail section is designed into an area at Flood Risk 3); train malfunctions/break downs; train 'run away' or derailment; Narborough train crossing.
- 1.1.5 It is considered unrealistic to propose a 450-acre development, with huge additions of infrastructure, in such close proximity to rural, residential settlements, SSSI and SNI and state that there are no risks of accidents or disasters associated with it.
- 1.1.6 It is considered untrue, to further state that, 'by enabling a transfer of freight from road to rail the HNRFI should thus help to reduce road accidents.' The reality is that our small villages and local road networks will experience unsupportable additional volumes of traffic, and this will unquestionably increase the risk of road traffic accidents than currently exists.
- 1.1.7 PEIR Chapter 19, Accidents and Disasters, essentially contains no valuable information or any details to inform consultees about any areas of concern. Reports that will be prepared to accompany the DCO application should have been present during Final Consultations and within the consultation materials.

## 1.2 Construction Impact

- 1.2.1 The construction phase is planned as a 10-year construction phase. TSH considers this as a temporary phase in relation to the operational phase, however this is a long-term temporary phase (with regards to temporal scope) and contributes to a significant chunk of a human life with some potential for permanent and long-lasting effects.
- 1.2.2 There was an obvious lack of information for the construction phase at the Public Exhibitions. The Public Exhibition Boards referred to construction phase only in vague mention to air quality assessments but offered no information with regards to the results concluding the impact as medium/high risk. There was no information offered about the assessments and findings with regards to construction traffic, noise and vibration impact or phases of construction.
- 1.2.3 The Community Explanation Document also available at the Public Exhibitions featured merely one sentence with regards to construction phase and route management strategies. This does not suffice as a detailed or comprehensive explanation.
- 1.2.4 Construction phase was not discussed at all during the webinars.
- 1.2.5 In the PEIR Final – Non-Technical Summary construction phase is discussed as there 'will be effects' however the extent of effects is not discussed. Air quality is referenced as 'not predicted to lead to any exceedances [sic] of the relevant air quality objectives during construction.'

Whilst this may be so, the narrative is misleading and does not portray most high-risk results allocated to receptors for air quality (dust) during the construction phase; this includes but is not limited to, the risk to 'human health' being concluded to be at high risk and the risk to ecological receptors (Burbage Common and Woods and Aston Firs SSSI) being concluded as high risk.

- 1.2.6 It is inferred within the Non-Technical Summary that the effects on air quality are deemed to be negligible and not of concern, however when the relevant assessments are located in various chapters and appendices, the effects are quite significant and would certainly have drawn questions, opinions and recommendations from consultees had this been transparently presented.
- 1.2.7 Information on the precise number of vehicle movements during the construction phase, specific traffic management measures and the exact location of construction site entrances were not available. Assurances that there will be no construction waste and materials transported through Elmesthorpe are needed. The availability of this information will be addressed in the ES accompanying the DCO application despite previous requests in the Scoping Opinion for this to be included in consultation materials.
- 1.2.8 There was no dedicated chapter for the construction phase making the information, assessments and findings difficult to locate and interpret, at times being referred to incorrectly numbered tables.
- 1.2.9 It is not adequate for consultees that are non-technical readers, which is the overwhelming majority, to have been presented no detailed information reflecting the impact of construction phase with regards to air quality, construction traffic impact, noise and vibration findings or phase plans, when it stands to affect the local residents, communities, ecology and surrounding area so profoundly.

### **1.3 Distribution and Quality of Information**

- 1.3.1 When the consultation period started, their 'Contact Us' page was updated. The Community Information Line phone number provided on this page was incorrect (0844 566 3002).
- 1.3.2 The Community Information Line is a premium rate number that charges high tariffs for phone call correspondence. We believe to encourage full, unbiased engagement that this Community Information Line should have been a phone number free from charges.
- 1.3.3 Furthermore, once the phone number was corrected it was very rarely answered and always directed us to a voicemail service. Voicemails were not consistently responded to; the mailbox was very quickly full and wouldn't accept any more messages. This was only cleared once it was pointed out to them at a public consultation event.
- 1.3.4 The Community Information Line has not been a satisfactory method of communication.
- 1.3.5 TSH sent letters regarding consultation to 51,000 premises within and beyond the core consultation zone of 3km around the proposed site. A

significant number of people in Elmesthorpe and surrounding villages did not receive any information about the proposed HNRFI site or the consultation. This information was communicated with TSH, however they failed to address the problem with distribution.

- 1.3.6 Since extending the consultation period to account for those households excluded and missed from the original distribution; TSH only advertised this after the public consultation events and webinars had concluded and scheduled no further opportunities for the missed consultees to attend.
- 1.3.7 The webinar link was advertised on their site notices as available to register from 17/12/21 however the link to register was missing from their webpage until 22/12/21. This was only loaded after it was pointed out to them via the Community Information Line, and they advised they had not yet made it live. This delay may have resulted in people failing to be able to register and not attempting to do so again.
- 1.3.8 Both webinars posed more questions than answers, supplementary questions were not allowed. 'Hands raised' for comments were dismissed despite this being an advertised option and the questions asked were of a loaded and scripted nature.
- 1.3.9 Many consultees have complained that their submitted questions were not asked during the webinars.
- 1.3.10 Statement of Community Consultation (SOCC) Point 7.41 identifies hard to reach groups: "The consultation programme has considered whether there may be sections of the community who may be more difficult to engage with, such as: older people; younger people; people with disabilities; travelling communities; economically inactive people; ethnic minorities; religious groups; time poor / busy working people; and socially deprived communities. It is concluded that individual arrangements should be made to engage with local gypsy and traveller communities resident to the south of HNRFI." Elmesthorpe Stands Together welcomed the special engagement of the local gypsy and traveller communities
- 1.3.11 There was no further discussion within the SOCC of how TSH proposed to address reaching the other 'hard to reach' sections of the community. Consequently, there have been no dedicated efforts to do so.
- 1.3.12 Social media was listed in the SOCC as a form of consultation (SOCC section 7). Their Twitter (social media) handle was incorrectly publicised. The Facebook (social media) page features just two posts from the 12 January 2022 with no further content uploaded since.
- 1.3.13 The SOCC advised that the PEIR would be available at face-to-face exhibitions (point 1.21). Upon attending several public consultation events, only the Public Exhibition Boards and Community Explanation Document (CED) were made available in hard copies. If the PEIR was present, it certainly wasn't made readily available for access to consultees. When asking complex questions, we weren't, nor any other attendees we spoke with, directed towards it.
- 1.3.14 Public Exhibition Boards and CED were too vague. The information provided was not detailed enough to give consultees a clear view of the implications of what is being proposed. Consultees have frequently used the phrase 'Sales Pitch'.

- 1.3.15 In stark contrast the information available online within the PEIR and other consultation material was technical and vast. The content that was provided is unapproachable, inaccessible, confusing and disengaging in style.
- 1.3.16 Hard copies were made available at libraries in various areas. However Elmesthorpe has no library or no public transport so these were not accessible to those who needed it. Similarly most communications of where hard copies were available from were only communicated via a digital format.
- 1.3.17 At public consultation events consultees were directed towards 'subject experts' to ask questions on specific topics. However, the average villager was expected to be a technical expert to be able to read and interpret circa 7500 pages of PEIR.
- 1.3.18 At the first face to face event, it was requested that TSH representatives note their 'subject area' on their name badges to aid consultees in where to direct their questions. Many consultees were finding being misdirected around the room very frustrating and were leaving without answers to their queries. This was not actioned; one could attribute this to lack of time for re-printing of badges however on more than one occasion, TSH representatives had name badges with the previous owner's name crossed out and the new wearer's name handwritten on. We believe it wouldn't have been unreasonable to add their specific area onto the badge and would have aided consultees immensely.
- 1.3.19 There were many things that consultees wished to discuss and gain clarification on including, but not limited to: agreed traffic mitigation measures with the Highways Authority; Narborough Train Station issues; flood mitigation; lighting strategies; issues surrounding construction; heritage assessments for the listed buildings; proposed markets. Unfortunately, no answers were available for these queries as 'modelling had not yet been completed', "that level of detail hadn't been prepared yet," and other similar responses pertaining to the same. We believe consultations should have been postponed until the proposal was sufficiently developed enough to provide required details on what is being proposed.
- 1.3.20 We are aware that the traffic mitigation plans have not yet been signed off with the relevant Highways Authority however TSH representatives were verbally providing misleading information to the contrary.
- 1.3.21 Many conclusions and reports are based upon 2026 being the anticipated first year of occupation and 2036 being ten years post-occupation. 2026 is now reported to be the proposed start of the 10-year construction phase. This timeline is now completely out-dated and unrealistic, and we believe this needs to be revisited and remodelled.
- 1.3.22 Incorrect information has been provided about the number of HGV kilometres/miles that will be removed from the national highways. TSH have stated (in their widely distributed 'Community Newsletter' and on their Public Exhibition Boards) that there will be 1.6 billion HGV kilometres removed from the highways annually. TSH have also stated that up to 76 HGVs will be removed from the national highways per train, and that the proposed HNRFI will service 16 trains per day (32 movements). This would equate to each HGV removed driving 1800km per day.

- 1.3.23 The Felixstowe Port website, under their Rail Services section, declares that 74 to 76 trains per day (including both inbound and outbound journeys) removes 100 million HGV miles per year (160 million kilometres per year). On this basis, TSH's information is an overestimate by a factor of 47.
- 1.3.24 Furthermore, if the detail in PEIR Chapter 8 (table 7.7, page 8-68) is looked at, it is advised that the proposed HNRFI will save 83 million HGV miles per year (roughly 133.6 million km per year). Not only does the PEIR contradict the Community Newsletter and Public Exhibition Boards, but this is also still miscalculated and a factor of 4 higher than the number of HGV miles saved per year per train, as advised by the Felixstowe Freight Port.
- 1.3.25 TSH has designs to build a gas power plant as part of the proposed development, this was not communicated to all consultees within the circulated community newsletter. Only those in a smaller target group who were sited close to the DCO boundary received this information as part of their project description. It was also not referenced in the Public Exhibition Boards, with the exemption of a veiled reference to 'energy services' within the key of the warehousing uses. This demonstrates inconsistency of the information consultees received.
- 1.3.26 When plans for the power plant were queried with representatives at a public exhibition, the height of the chimney stacks was quoted at around 40m high to move emissions away from a height that may impact human receptors. However, in Chapter 3 Project Description, 3.35 refer to the chimney stacks as being 12m. Another demonstration of inconsistent, confusing and contradictory information.
- 1.3.27 Chapter 9, 9.64. "At the time of assessment, detailed information on the energy plant to be installed at the Main HNRFI Site was not sufficiently progressed to enable a quantitative assessment to be undertaken...this will be addressed through the ES in time for submission of the application..." It is our belief that consultations should have been postponed until a date that the proposal was sufficiently developed enough to provide required details on what is being proposed.
- 1.3.28 Furthermore, as Elmesthorpe and the neighbouring villages do not hold full mains gas provision throughout, the site connection was queried, and the resultant reply contained details of proposed road works entailing either 308m of pipework to be installed to the B4668 close to Burbage Common Road or 2.8km of pipework to be installed on the B4669 to the site boundary. There is no mention of this potential huge disruption within the consultation materials or the images referencing site work locations.
- 1.3.29 There are many further discrepancies and contradictions within the consultation materials. There are also many items with limited or no evidence to back up questionable conclusions.
- 1.3.30 There is no visual information or 'wirelines' available as to the visual effects of the lighting at night.
- 1.3.31 The angles of the 'wirelines' provided are misleading as to the impact of the proposal and biased (in favour of TSH) in the presentation of the visual effects.
- 1.3.32 There is not enough information regarding the proposed lighting strategy.

- 1.3.33 There is no information regarding the proposed on-site shuttle bus, services or routes.
- 1.3.34 Detailed pictures and plans were only provided in the online consultation material. These are so small, that despite downloading and enlarging, some of these are still illegible. These should also have been made available at the public exhibition events.
- 1.3.35 The presence of a high rate of COVID-19 affected people's willingness to participate in a busy, indoor event. Those who were cautious, elderly or in vulnerable health would have felt unable to attend, as would those who work in a high-risk environment. Online consultations would not have been suitable, and we believe that these should have been postponed to the summer or when COVID-19 rates were lower.
- 1.3.36 The feedback forms were extremely leading and limited in their prompts.
- 1.3.37 TSH did not remind consultees at public exhibitions of all alternative means of providing feedback; that letters and emails could be written should they prefer.
- 1.3.38 Once the online feedback form has been submitted, the consultation platform does not allow further feedback to be submitted. This is problematic for most households that only have one computer.
- 1.3.39 It is quite clear that the Final Consultations have been found severely lacking in several areas.
- 1.3.40 The consultation was unable to deliver consultees with accurate information on several subjects with unclear or contradictory information provided.
- 1.3.41 Information provided was severely lacking in detail in some key areas of concern, as identified above, thus not enabling consultees the opportunity to influence plans that are of importance.
- 1.3.42 The consultation material provided at Public Exhibitions was biased (in favour of TSH) in its presentation, very vague and without any detail; many consultees are oblivious to the implications this proposal has for our local area therefore are unlikely to provide feedback.
- 1.3.43 The additional consultation material provided via the website in the form of the PEIR is too technical and vast to be accessible for most consultees and is unapproachable and disengaging in style.

#### **1.4 Conclusion in relation to adequacy of consultation**

- 1.4.1 The document 'The Planning Act 2008: Guidance on the pre-application process,' advises the following:

*"19. The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the six months examination period have been identified, considered, and – as far as possible – those applicants have sought to reach agreement on those issues. Without adequate consultation, the subsequent application will not be accepted when it is submitted. If the Secretary of State determines that the consultation is inadequate, he or she can recommend that the applicant*



*carries out further consultation activity before the application can be accepted.*

*20. Experience suggests that, to be of most value, consultation should be:*

- based on accurate information that gives consultees a clear view of what is proposed including any options,*
- shared at an early enough stage so that the proposal can still be influenced, while being sufficiently developed to provide some detail on what is being proposed, and*
- engaging and accessible in style, encouraging consultees to react and offer their views.”*

1.4.2 In summary we feel the inaccurate and incomplete information supplied has resulted in a final consultation period that means consultees will struggle to write accurate or constructive feedback responses.

1.4.3 The misinformation that TSH may receive within the content of the feedback responses is testament to the poor quality of consultation presentation and style.

1.4.4 Should TSH wish to proceed to submit this proposal, further consultations must happen in order to truly engage consultees. TSH must provide the level of detail required in an accessible and understandable style. TSH must present the omissions of important information, completion of necessary reports, correction of inaccurate findings and detail the options available, in order to allow consultees to be genuinely consulted and provide meaningful feedback responses.