



Hinckley & Bosworth
Borough Council

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

*Relevant Representations on behalf of
Hinckley and Bosworth Borough Council
in response to Tritax Symmetry
(Hinckley) Limited submission of a
Development Consent Order.*

June 21, 2023



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CONTEXT & OVERVIEW

Tritax Symmetry (Hinckley) Limited (“TSH”) is expecting to submit a Development Consent Order (“DCO”) for the development of Hinckley National Rail Freight Interchange (“HNRFI”) at Junction 2 of the M69. The scheme is a Nationally Significant Infrastructure Project (NSIP) and therefore subject to the provisions of National Policy and terms within the Planning Act 2008. Throughout this report, TSL will be referred to as “the Promoter”.

The Relevant Representations sets out the headline matters which the Council wishes to raise with the Planning Inspectorate (PINS); it is not the Council’s detailed response to the proposal, that will come later in the process once PINS commences the examination – these detailed comments are called ‘written representations’. The Council will also be invited to submit its Local Impact Report (LIR) which will also come at a later stage and is intended as an opportunity for the Council to put forward its objective view of the impact the proposal will have locally.

This report constitutes the Relevant Representations of Hinckley and Bosworth Borough Council (“HBBC”). These Representations reflect the technical opinions of the Borough Council as a key Relevant Authority to the project. By submitting these representations HBBC, as an acknowledged interested party, is able to submit formal written representations and appear at hearings, ensuring that the Council’s views are heard and taken into account.

A valid representation, called a “Relevant Representation”, must be made to register as an interested party and therefore have a right to take part in the remainder of the examination process. The best way to do this is online at the National Infrastructure Planning website within the relevant project page.

The Representations set out our principal areas of representation reflecting those areas most relevant to the Council, not least our position as it will apply to HBBC as a planning authority, its Environmental Health responsibilities and its key role in Economic Development and Strategic Housing, both within Hinckley and the wider sub-region. The Council also works closely with Blaby District Council and Leicestershire County Council (LCC) in helping to provide services and discharge its statutory responsibilities including in relation to local highways and transport, flood management, landscape and ecological, waste planning, and public health.

The Council has been asked to prepare Relevant Representations against all of the material included in the Development Consent Order as submitted by the Promoter. The material including the environmental assessments contained within a detailed Order has also been reviewed by Blaby District Council and Leicestershire County Council as supporting Relevant Authorities who have engaged with the Promoter in reviewing all the material with in reviewing the material through a series of Technical Working Groups (“TWG”).



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This HBBC Relevant Representations therefore draws on the PINS Advice Note 8.3 in setting out the technical responses in line with the statutory requirements of the Planning Act '08. ¹.

Purpose and Structure of the Relevant Representations

This report has sought wherever possible to focus on an understanding of likely impacts of the proposed development as it applies to the territorial area of Hinckley & Bosworth borough.

The topics which have been highlighted in the HBBC Technical Review and on which resources were available to undertake an assessment of scope and competencies include the following sections of the Order as submitted by the Promoter

- Site Selection and Project Evaluation
- Land Use and Socio Economics
- Transport and Traffic
- National Policy and Drivers of Need
- Noise & Vibration
- Landscape And Visual Effects
- Cultural Heritage
- Energy and Climate Change
- Cumulative Effects Assessment

Summary of Representations

HBBC do not support the development proposals as presented by the Promoter as they have considerable concerns about the range of adverse individual and cumulative impacts which identified by the Promoter but which we do not consider to have been adequately addressed in terms of the mitigation of impacts. The principal concern of the Council is that without careful consideration of the Zone of Influence that any Cumulate Environmental Assessment will sewer the overall assessment of impacts.

In addition to these cumulative issues highlighted over the period of consultation with the Promoter, our principal areas of concern are flagged as including:

Site Description and Surroundings

HBBC is concerned that the Promoter has not demonstrated the specific market need for this Scheme in this specific open countryside location.

Limited commentary or analysis has been offered on the logic or assessment of alternative sites across the County with no enhancement of the original site assessment undertaken. Appropriate justification for the Scheme needs to be provided. It is a significant greenfield site that if developed will represent a permanent loss of this open countryside.

HBB is not satisfied that the Scheme and the currently proposed Requirements adequately ensure the delivery of a rail based scheme, comply with the future direction of the draft National Planning

¹ Further guidance: the Planning Inspectorate advice note 8.3



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Statement (Draft NN NPS), and demonstrate a sustainable access to the SRN which are intrinsic to its consideration as a Strategic Rail Freight Interchange.

At present, the Scheme fails to achieve this and does not accord with the amendments made to the Strategic Rail Freight Interchange's Scale and Design section within the Draft NN NPS. In particular, the Scheme conflicts with the required delivery of rail infrastructure and connected buildings at the outset of the Scheme stated in paragraph 4.84 of the Draft NN NPS.

Given the already dense array of existing and recently approved rail freight interchanges and distribution centres in the Midlands, the Promoter will require to focus on outcomes of policy with an already well developed and settled position within Leicester and Leicestershire Enterprise Partnership's Strategic Economic Plan 2014-20 (March 2014). The Leicester and Leicestershire Strategic Distribution Study (updated March 2022) recognises that the Hinckley NRFI site being promoted would meet the anticipated demand to 2041 for rail-served warehousing in Leicestershire.

Transport and Traffic

The Transport Assessment (document reference 6.2.8.1) appears to be predicated on the lower employment level (e.g. paragraph 5.1). This under estimation of workers on site by 24% could significantly alter the quantum of vehicle movements and potential vehicle routing. A consistent approach should be taken, representing the highest level of development achievable within the parameters plan submitted with the Scheme. This inconsistent approach between the technical consultants' results in inaccuracies being created in terms of the benefits and harms.

Any changes to the highway quantum and routing of highway movements will have a knock-on effect upon the other environmental areas such as noise / vibration, air quality reports, and sustainable travel.

Concern is therefore raised by HBBC in respect of the accuracy of the assessment undertaken.

Wide-ranging impacts of highways congestion and the consequential impacts of that congestion on the long-term sustainability of Hinckley as part of the regional network of economies in the County. The economic implications of congestion have not been adequately considered with TSL having in HBBC's view, failed to adequately mitigate impact.

The Scheme's transport and traffic related impacts are of significant concern; its impacts, mitigation, and modelling in terms of both the strategic and local road networks and its approach to vehicular movements and sustainable travel is inadequate; moreover, it has failed to appropriately assess the impacts of increased barrier down time on Narborough Level Crossing.

The inadequacy of these mitigation measures and assessments is likely to result in significant and wide-ranging impacts including, but not limited to, congestion, noise, air quality and carbon emissions.

A significant body of objection continues to be raised by HBBC highways consultant (Markides) in which strong concerns in respect of the highway impacts of the Scheme and the accuracy of the information provided. An overarching concern is the expected level of employment used to underpin highway movements.



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The Promoter has failed to appropriately mitigate the Scheme's impacts on both the SRN and the local road network. Issues with congestion on the SRN have been highlighted but no mitigation has been proposed while by-pass options around the southern villages of Blaby District have been prematurely discounted. Moreover, the Scheme's mitigation has not been agreed with the appropriate highway and planning authorities prior to submission of the application for the Scheme. This is a failing of the Promoter to follow the front-loaded approach envisaged in the Planning Act 2008.

To reach common ground on the impacts of the Scheme, HBBC would recommend that technical shortcomings with the existing modelling including limited sensitivity tests and appropriate detailed modelling of Junction 21 of the M1. The consequences of significant changes to the Scheme's quantum and routing of highway movements are wide ranging across multiple chapters of the ES.

The drivers of need for SRFIs

Assuming that the basis of the currently adopted National Policy of Transport is material to the proposed NSIP, the drivers of need for strategic rail freight interchanges are set out in the Summary of Need in paragraphs 2.1 to 2.11 of the NPS.

While there is recognition that existing operational SRFIs and other intermodal RFI's are situated predominantly in the Midlands and the North the objective of the policy is to ensure an optimisation of the network across several critical parameters. In considering the proposed development, and, when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State will consider:

- Its potential benefits, including the facilitation of economic development, including job creation, housing, and environmental improvement, and any long-term or wider benefits.
- Its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts.

In this context, environmental, safety, social and economic benefits, and adverse impacts, should be considered at national, regional, and local levels. Given the lack of clarity in the site selection process – described earlier in the previous section - HBBC would want to understand more fully what weighting was given to these principles against the drivers of need. The main point of concern is these needs case therefore is whether a site selection and masterplanning process is sufficient robust.

The environmental advantages of rail freight have already been noted at paragraph 2.40 and 2.41 Nevertheless, for developments such as SRFIs, it is likely that there will be local impacts in terms of land use and increased road and rail movements, and it is important for the environmental impacts at these locations to be minimised.

While National Policy recognises that development of the national road and rail networks is expected to be sustainable against its objectives of need, these are expected to be designed to minimise social and environmental impacts and improve quality of life. In delivering new schemes, the policy is explicit in instructing promoters to avoid and mitigate environmental and social impacts in line with the principles set out in the NPPF and the Government's planning guidance. It is not entirely clear that there is sufficient robust evidence base that considered



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reasonable opportunities have been completed in the site sifting exercise to deliver environmental and social benefits as part of schemes. Specifically, the Environmental Assessment is dependent on the reliance of an agreed model without which arguably creates doubt that the adverse local impacts on noise, emissions, landscape/visual amenity, biodiversity, cultural heritage, and water resources are fully understood or likely to be comprehensively considered. The significance of these effects in Hinckley and Bosworth and the effectiveness of mitigation is uncertain at the strategic and non-locationally specific level. Therefore, whilst The Promoter has taken sufficient consideration, is it in accordance with National Policy and in an environmentally sensitive way, including considering opportunities to deliver environmental benefits, some adverse local effects of development may remain.

The “judgement of viability” made within the market framework must be a factor in defining the needs case for the project. It is not clear whether there has been any engagement with the Government on how it expects to account any interventions. HBBC has concerns that no consideration or examination of the likely social value of the project or indeed the mechanisms through which these interventions are included as part of the business case aligns.

HBBC is mindful in the context of needs case, that where terms and commitments are expected to be made or are imposed. Given the importance of social value for all projects of nationally significance, we would expect a good deal more detail to be provided as part of the requirements of development consent. The structure of such commitments will be important where with agreement of the relevant authority and interested parties, that are seen as necessary, relevant to the planning policy commitments, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects.

Given the importance of the NPS as the primary source of national policy guidance for The Proposed Development HBBC is not convinced that the planning provisions in the NPS are consistent with the underlying commitment to the principles of securing sustainable patterns of development in NPPF.

Conclusions

Notwithstanding the concerns highlighted with the adequacy of Consultation and the Promoter’s Environmental Information, HBBC will in this assessment identify constructively where Common Ground might be achieved if the proposed scheme is approved by the Secretary of State following the completion of the Examination. However, to ensure that the adverse local impacts of the proposed Scheme are adequately mitigated, HBBC will propose ways in which adverse local impacts from proposed Scheme can be better mitigated by various mechanisms, such as amended project proposals, planning obligations and requirements (including written approval of detailed mitigation measures). HBBC also identifies areas where the greater benefits from the Project can be achieved to support the local economy and local community.



REVIEW BY TOPIC

Ref No	Topic	Description	Cross Referencing	Objection	Supporting	DCO Requirement / Commitment	Common Ground
1.1	Site Selection & Scheme Evolution	There are a network of existing and recently approved rail freight interchanges and distribution centres in the Midlands. Option 5 of the Leicester and Leicestershire Enterprise Partnership's Strategic Economic Plan 2014-20 (March 2014) highlights 'South West Leicestershire' as a potential growth location. The Leicester and Leicestershire Strategic Distribution Study (updated March 2022) recognises that the Hinckley NRFI site as one of a number of potential options and sites promoted to meet the anticipated demand to 2041 for rail-served warehousing in Leicestershire.	<p>HBBC acknowledges the Leicester and Leicestershire Planning Authorities are conducting joint research in the potential apportionment of strategic distribution floorspace. The report is still being drafted and will need to be agreed by the instructing Planning Authorities before it can be published, but it could be completed prior to the conclusion of the Scheme's examination and be a material consideration in respect of need.</p> <p>Scheme justification, both in terms of a need for the proposed interchange and warehousing, and the carbon reduction benefits derived from their operation, are intrinsically linked to the transport of goods primarily via rail. Therefore, the Requirements should ensure that the rail freight interchange is built prior to first occupation of the first warehouse, that it remains operational for the lifetime of the operation of the warehousing, and that the first warehouses are rail connected.</p>	The Council are concerned that the Applicant has not sufficiently demonstrated the specific market need for this Scheme in this specific open countryside location. At present, the Scheme fails to achieve this and does not accord with the amendments made to the Strategic Rail Freight Interchange's Scale and Design section within the Draft National Policy Statement for National Networks dated March 2023 ("Draft NN NPS"). In particular, the Scheme conflicts with the required delivery of rail infrastructure and connected buildings at the outset of the Scheme stated in paragraph 4.84 of the Draft NN NPS.	A Strategic Rail Freight Interchange must have adequate links to the road network, in particular the Strategic Road Network (SRN). HBBC and its neighbouring authorities are not currently satisfied that the Scheme's sustainable access to the SRN is proven suitable, given the issues with the M1 J21 noted in this review.	If the project is to be promoted as a compliant development, commitments will require to be made in developing and enhancing the road network as defined in existing policy structures around the SRN.	Given the already dense array of existing and recently approved rail freight interchanges and distribution centres in the Midlands, the promoter [TSL] will require to focus on outcomes of policy with an already well developed and settled position within Leicester and Leicestershire Enterprise Partnership's Strategic Economic Plan 2014-20 (March 2014). The Leicester and Leicestershire Strategic Distribution Study (updated March 2022) recognises that the Hinckley NRFI site being promoted would meet the anticipated demand to 2041 for rail-served warehousing in Leicestershire.



Ref No	Topic	Description	Cross Referencing	Objection	Supporting	DCO Requirement / Commitment	Common Ground
1.2	Site Selection & Scheme Evolution (cont)	<p>HBBC has already flagged a number of concerns around the site selection including options 1 – 3 (Brooksby, Syston Fosse Way Junction and Syston Barkby Lane). The options are all to the north of Leicester and do not accord locationally with the Leicester and Leicestershire Enterprise Partnership's Strategic Economic Plan 2014-20 (March 2014) or the options also do not correlate with the more recent Leicester and Leicestershire Authorities Warehousing and Logistics in Leicester and Leicestershire: Managing growth and change (amended March 2022). Moreover, additional comment was provided in respect of the potential ability to locate facilities on land to the north of Stoney Stanton or between Hinckley and Nuneaton to the south of the A5. The lack of consideration of sites further to the west is particularly important. Whilst not within Leicestershire, the Solent and Felixstowe lines connect close to Nuneaton, providing the opportunity for a single facility to serve two ports which may represent a more suitable location.</p>	<p>Limited commentary or analysis has been offered on the logic or assessment of alternative sites across the County with no enhancement of the original site assessment undertaken. Appropriate justification for the Scheme needs to be provided. It is a significant greenfield site that if developed will represent a permanent loss of this open countryside. We are also flagging concerns around the apparent conflict with HBBC Local Plan policies regarding the proposed scheme impacts directly on the Green Wedge and Wildlife Site allocations. In addition, related to this flagged conflict are the impacts of the scheme as a result of its proximity to a SSSI. We are not convinced that the proposed mitigation measures to address impacts are fully quantified against the obvious significance of impacts in the Environmental Assessment as defined in site selection</p> <p>The Council is not satisfied that the Scheme and the currently proposed Requirements adequately ensure the delivery of a rail based scheme, comply with the future direction of the draft NN NPS, and demonstrate a sustainable access to the SRN which are intrinsic to its consideration as a Strategic Rail Freight Interchange.</p>	<p>The assessment is considered inadequate by the HBBC and its neighbouring Councils.</p>	<p>A more detailed option appraisal offering detailed insights into the strengths of the site in terms of scale and location in comparison to neighbouring facilities and sites</p>	<p>Detailed commentary and analysis needed on site enhancements required to fully appreciate and support project site development against alternatives in the County. Is this the best site and why?</p>	<p>Given the already dense array of existing and recently approved rail freight interchanges and distribution centres in the Midlands, the promoter [TSL] will require to focus on outcomes of policy with an already well developed and settled position within Leicester and Leicestershire Enterprise Partnership's Strategic Economic Plan 2014-20 (March 2014). The Leicester and Leicestershire Strategic Distribution Study (updated March 2022) recognises that the Hinckley NRF1 site being promoted would meet the anticipated demand to 2041 for rail-served warehousing in Leicestershire.</p>
2.1	Relevant Legislation and Policy	<p>A detailed review of national policy and primary legislation as it applies to the project has been provided in the supporting environmental volumes of the Order. In broad terms we are satisfied that the spectrum of relevant policy and legislation has been adequately identified.</p>	<p>Status of the recently drafted NPPS National Networks and its material relevance to the case for the Scheme</p>	<p>The justification for the Scheme, both in terms of a need for the proposed interchange and warehousing, and the carbon reduction benefits derived from their operation, are intrinsically linked to the transport of goods primarily via rail. Therefore, the Requirements should ensure that the rail freight interchange is built prior to first occupation of the first warehouse, that it remains operational for the lifetime of the operation of the warehousing, and that the first warehouses are rail connected. At present, the</p>		<p>More detailed summary necessary for the Consenting Strategy and Planning Policy Review</p>	



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				Scheme fails to achieve this and does not accord with the amendments made to the Strategic Rail Freight Interchange's Scale and Design section within the Draft National Policy Statement for National Networks dated March 2023 ("Draft NN NPS"). In particular, the Scheme conflicts with the required delivery of rail infrastructure and connected buildings at the outset of the Scheme stated in paragraph 4.84 of the Draft NN NPS.			
3.1	Land Use and Socio-Economic Effects	The core technical reports found in the Environmental Information Volumes as well as the supporting and aligned sections under the needs case appear to adopt or apply inaccuracies and inconsistencies in the levels of employment generated by or because of the development. HBBC considers that the information provided to be factually inaccurate and incomplete/absent in several sections of the assessment. There are overarching issues with the approach to consistently using employment figures across the ES. There are also a number of more detailed concerns ranging from the Scheme's impact on housing need to the availability of employees.	The Transport Assessment (document reference 6.2.8.1) appears to be predicated on the lower employment level (e.g. paragraph 5.1). This under estimation of workers on site by 24% could significantly alter the quantum of vehicle movements and potential vehicle routing. A consistent approach should be taken, representing the highest level of development achievable within the parameters plan submitted with the Scheme. This inconsistent approach between the technical consultants results in inaccuracies being created in terms of the benefits and harms.	Furthermore, any significant changes to the highway quantum and routing of highway movements will have a knock-on effect upon the other environmental areas such as noise/vibration, air quality reports, and sustainable travel. Significant concern is therefore raised by the Council in respect of the accuracy of the assessment undertaken.	The Council has significant concerns around the wide-ranging impacts of highways congestion the consequential impacts of that congestion on the long term sustainability of Hinckley as part of the regional network of economies in the County. The economic implications of congestion has not been adequately considered with TSL having in our view, failed to adequately mitigate impact.	The report also provides no definitive list of receptors. It is assumed the receptor list is those included in Table 7.3 of document 6.1.7 in Volume X.X of the Order are not correlated in terms of the items in Table 7.2 (sensitivity scale) and Table 7.4 (magnitude) and so some receptors may not have been assessed.	The socio economic chapter references scope for 8,400 – 10,400 jobs for the Scheme. However, confidence in the level of employment expected to be generated by the scheme can only be achieved if benefits are correctly identified and correlated and a "maximum" benefits sought to achieve sufficient mitigation on impacts of the scheme. In the interests of achieving Common Ground, we would recommend that the requirement 32 as proposed in the draft Development Consent Order (document reference 3.1) and obligation 3.1.2 of the Planning Obligation Heads of Terms (document reference 10.1) should identify specific targets, enforceability and a satisfactory contribution in respect of its value or longevity. A comprehensive and enforceable Framework Work, Skills and Training Programme is required.



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4.1	Transport and Traffic	<p>The section is dependent on input from LCC as the Local Highway Authority. The comments here are set apart from LCC's input and will require to follow the Highways Authority's lead prior to the submission of the HBBC's representation. A key advantage of the site is claimed to be strategic road access. However this access appears severely constrained by existing congestion at J21 of the M1, for which no mitigation has been agreed or proposed. It appears that this issue leads to rerouting of traffic onto local roads such as the A47. In addition the modelling appears to indicate that some routeing of HGV and other traffic to the site does not use the local strategic national road network (M69/A5) but routes via HBBC other roads, due in part to the introduction of a new link road. The rationale for the link road requires further consideration, and testing of the development without the link road will help provide this insight and enable the impacts on HBBC to be determined. The strategic modelling for the site indicated severe issues with J21 of the M1, and consequent knock-on effects on other traffic. It is regarded as vital that full detailed modelling of this junction (and any other relevant junctions) be undertaken to understand the issues, and test mitigation.</p>	<p>As referenced in Section 2 of this Representation, the Scheme's access to the SRN is a fundamental part of its justification and function as a Nationally Significant Infrastructure Project. The Council understands that the ability of the SRN to accommodate the Scheme's impact without further mitigation, particularly in respect of Junction 21 of the M1, is doubtful. The Highway chapter refers to the generation of 8,400 jobs (e.g. paragraph 6.37) whereas elsewhere (e.g. the socio-economic chapter) references scope for 8,400 – 10,400 jobs, with the higher figure reflecting the maximum unit sizes that can be constructed. This is a fundamental issue in terms of traffic volumes, junction and highway improvements, the justification for bypasses, and as a result the impact to other reports undertaken including air quality and noise. The Scheme's transport and traffic related impacts are of significant concern; its impacts, mitigation, and modelling in terms of both the strategic and local road networks and its approach to vehicular movements and sustainable travel is inadequate; moreover, it has failed to appropriately assess the impacts of increased barrier down time on Narborough Level Crossing. The inadequacy of these mitigation measures and assessments is likely to result in significant and wide ranging impacts including, but not limited to, congestion, noise, air quality and carbon emissions.</p>	<p>A significant body of objection continues to be raised by HBBC highways consultant in which strong concerns in respect of the highway impacts of the Scheme and the accuracy of the information provided. An overarching concern is the expected level of employment used to underpin highway movements. The applicant has failed to provide clarity and consistency in this regard. The Council would also like to see the Applicant set out how they are maximising the use of rail during the long construction phase to reduce road based HGV movements.</p>	<p>While there is limited information on bus route upgrades, there is a significant opportunity to help find benefits in the scheme if commitments can be made on connection of the Site by a bus service to Hinckley Railway Station. At present the proposal is to place an 'on-demand service' only which we believe should be extended in recognition of the relatively stable shift patterns of the Scheme's end use combined with the high number of proposed employees means that an element of fixed bus services should be effective. Extending service across each of the main centres of development and on which the shift working patterns are expected to depend is a significant opportunity.</p>	<p>The Council is concerned that the Applicant has failed to appropriately mitigate the Scheme's impacts on both the SRN and the local road network. Issues with congestion on the SRN have been highlighted but no mitigation has been proposed while by-pass options around the southern villages of Blaby District have been prematurely discounted. Moreover, the Scheme's mitigation has not been agreed with the appropriate highway and planning authorities prior to submission of the application for the Scheme. This is a failing of the Applicant to follow the front-loaded approach envisaged in the Planning Act 2008.</p>	<p>In order to reach common ground on the impacts of the Scheme, we would recommend that technical shortcomings with the existing modelling including limited sensitivity tests and appropriate detailed modelling of Junction 21 of the M1. The consequences of significant changes to the Scheme's quantum and routing of highway movements are wide ranging across multiple chapters of the ES.</p>
		<i>Strategic road access issues</i>	<i>Scale of development and impact on transport networks</i>	<i>Sustainable Transport – high level of car use</i>		<i>Mitigation – identification of this and agreement with the authorities</i>	
		<i>Modelling – shortcomings of existing modelling</i>	<i>Modelling and assessment - Lack of appropriate detailed modelling of critical local junctions, in particular J21 of the M1</i>	<i>Sustainable Transport - lack of appropriate bus services and walking and cycling routes to the site from HBBC</i>	<i>Limitations and assumptions made in the Environmental Assessment may affect assessment of the impacts in HBBC</i>		



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<i>HG Management Strategy</i>				<i>The impact of the development on HBBC when incidents occur on the strategic road network</i>			
5.1	Air Quality	The approach and extent of the assessment overall is considered appropriate, but there are a number of more specific concerns in respect of the assessment, which are outlined below. An overarching concern is whether the information included in the assessment is correct, given the inaccuracies considered to be included within the transport modelling and mitigation and the geographical origin and mode of transportation of the employees. This may have a significant impact upon the air quality assessments and any expected mitigation as a result.	We will require the assessment to be updated to reflect two common drivers / guideline requirements at: 1: The 2022 version of the DEFRA Technical and Policy Guidance that has been used. 2: The revised Air Quality Objectives are published by the Government in the later part of 2023, the assessments will be revised to take account of them.	No assessment appears to have been undertaken for the impact of the additional 'barrier down' time at Narborough and the implications of idling vehicles. With residential receptors and pedestrian traffic, including school children, adjacent to these affected highways, the implication to air quality needs to be addressed.	As the Council continues to assess the air quality impacts of the Scheme it will seek to identify any required air quality monitoring. The Council expect the Applicant to cover the expense of any monitoring the off-site impacts of the construction and operational phase, including equipment, ongoing monitoring and staffing. This may be relevant to both immediately adjacent to the site and some wider areas.	The general methodology of the air quality assessments appears acceptable with the crucial exception of the transport and traffic issues identified in section 5 of this Representation. Those issues have the potential to create substantially different air quality impacts.	In reaching common ground we recommend that the transport and traffic issues identified in section 5 of this Representation be addressed in order to achieve a common and clear understanding of the issues around air quality impact.
6.1	Noise and Vibration	The approach and extent of the assessment overall is considered appropriate, but there are a number of more specific concerns in respect of the assessment, which are outlined below and are similar to the comments this Representation makes in respect of air quality in section 6.	An overarching concern is whether the information included in the assessment is correct, given the inaccuracies considered to be included within the transport modelling and mitigation. This may have a significant impact upon the Noise Assessment and any subsequent mitigation. It is noted that the machinery proposed for the gantry crane has not been determined. This will represent an elevated piece of equipment with the potential to produce noise issues. The machinery to be installed should be confirmed and integrated appropriately into all noise and vibration assessment work or details should be provided prior to its installation. Paragraphs 10.311 – 10.313 of document 6.1.10 illustrate that the specific gantry crane installed and any associated fixings can influence the noise generation by up to 10 dB.	The Council have concerns over the extent and proximity of acoustic fencing required to protect nearby residential properties and the impact this has upon their visual amenity. The inclusion of 4 and 6 metre high acoustic fencing around the Aston Firs Caravan Site is of particular concern and considered inappropriate (see figure 10.10 for the plan identifying the acoustic fencing locations – document 6.3.10.10) No assessment appears to have been undertaken for the impact of the additional 'barrier down' time at Narborough Level Crossing, including the implications of idling vehicles. With residential receptors and pedestrian traffic, including school children, adjacent to these affected highways, the implication to noise and vibration needs to be addressed.	The approach and extent of the assessment overall is considered appropriate, but there are a number of more specific concerns in respect of the assessment. An overarching concern is whether the information included in the assessment is correct, given the inaccuracies considered to be included within the transport modelling and mitigation. This may have a significant impact upon the Noise Assessment and any expected mitigation as a result.	The working hours proposed in the Construction Environmental Management Plan and Construction Traffic Management Plan are not acceptable. Whilst 0700 to 1900 hours Monday to Saturday may be acceptable for certain phases, construction works or construction areas, some elements will have an unacceptable impact on sensitive receptors and thus shorter, targeted working hours are likely to be required.	As the HBBC - with the support of neighbouring authorities - continues to assess the air quality impacts of the Scheme it will seek to identify any required air quality monitoring. HBBC expect TSL to support the cost of monitoring of the off-site impacts of the construction and operational phase, including equipment, ongoing monitoring and staffing. This may be relevant to both immediately adjacent to the Site and some wider areas.



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8.1	Landscape and Visual Effects	The approach undertaken to the Landscape and Visual Impact Assessment (LVIA) is generally considered to accord with best practice. Our opinion remains that the proposed HNRFI is a major development (height and scale) with significant landscape and visual effects that are far reaching. This would result in permanent significant residual adverse effects being experienced for a large number of landscape and visual receptors during both the day and night (as summarised in Table 1.2 above). The LVIA shows that for the majority of receptors these cannot be mitigated. Notwithstanding the queries and clarifications stated above, the LVIA identifies significant landscape and visual effects, that will need to be weighed in the overall planning balance.	the inclusion of a night-time assessment as requested is welcomed. Notwithstanding this, there are a number of significant issues and impacts and issues associated with this topic area, including the detail included within the night-time assessment that has been provided.	In terms of the contents of the Landscape and Visual Impact Assessment, concern is raised in respect of the extent of residual significant effects at Year 15 even with mitigation planting included. The landscaping proposed is not considered sufficient to enable assimilation into the countryside setting. The scale of residual impacts indicate that the Scheme has overdeveloped the Site. In response to these identified impacts, the Applicant should propose a comprehensive package of wider landscape enhancement within the Scheme's zone of theoretical visibility. Detailed concerns to the assessment include: 1: How judgements on susceptibility and value have been derived. 2: Additional information necessary for the night time assessment. 3: Omission of a viewpoint to represent users of the rights of way that cross the Site.		The Applicant appeared to have exclude measures that would adequately mitigate the Scheme	We would support a comprehensive package of wider landscape enhancement within the Scheme's zone of theoretical visibility. Obligations may be required in respect of the long-term management of the landscaped areas, particularly to ensure that the areas adjacent to Burbage Common are managed in coordination with the Common.
9.1	Ecology and Biodiversity	he quantum of ecological work undertaken is recognised and that sufficient Phase 1 and 2 species surveys are considered to have been completed and in general accordance with standard guidance. In terms of the content of the assessment See LUC comments	HBBC and its neighbouring Authorities have a number of comments and concerns. In general, the Council agree with the position stated in respect of important ecological features within the order limits. However, the level of importance afforded to various protected species is not agreed, with them generally being undervalued. This includes: 1: Bats should not only be afforded 'Local' importance. 2: Breeding birds, such as lapwing and skylark, are considered to be higher than 'District' importance. 3: Otters are considered to be higher than 'District' importance. All former European Protected Species should be of 'National' level importance irrespective of their presence within the main order limits. The Applicant's Ecological Report (document 6.2.12.1) states that baseline information is presented for the main order	The Council disagrees with the grading of importance to habitats and species, which appears to be based on their abundance within the order limits as opposed to their status or level of protection. There is a general disagreement with the assigning of value to ecological receptors – this is heavily based on presence within order limits rather than based on national decline/legal protection. There is a lack of consideration to habitat fragmentation during the operational phase, including the provision of only one relatively narrow corridor in a north-east/south-west direction. There is also a lack of consideration to the retention of existing hedgerows/features of note within the Site area to minimise need to displace fauna (including protected species). There is a general lack of detail provided for long term ecological management plans. The overall	There is an opportunity to secure strong Biodiversity Net Gain (BNG) through commitments within the Order. Blaby District Council have identified the use of a suitable S106 Obligations. However there is concern that meaningful comment is needed in setting out how a strategy might support links with Biodiversity Improvement Area and Landscape Enhancement Management Plan. Additionally, completed DEFRA BNG metric and supporting condition sheets, including assessor comments and supporting rationales for decision making (such as strategic significance and 'fairly' condition selection) needs to be provided for review.	The Council understands that the Applicant has committed to delivering 10% BNG in relation to the Scheme and that the Scheme may have to comply with the BNG requirements of the Environment Act 2021. The Scheme as proposed fails to clearly demonstrate and secure 10% BNG, including its long-term management, and further mitigation is required in this respect.	In support of the national requirements expected for major infrastructure we would recommend the quantum of ecological work undertaken requires to clearly demonstrate and secure 10% BNG including its long-term management. We would suggest that these include: 1: Proper evaluation of the importance of a number of protected species; 2: Full baseline information to confirm the statement that the main order limits are 'typically of negligible ecological importance'; 3: Detailed long term mitigation plans provided to underpin any enhancements; and 4: Meaningful commentary on the Biodiversity net Gain with clear associated mapping.



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			limits and that other areas within the Development Consent Order (DCO) limits are 'typically of negligible ecological importance'. However no data is presented to support this assumption. It appears that phase 2 surveys were only conducted within the main order limits and not the full DCO order limits, LUC queries the ability to assume 'negligible importance' without undertaking surveys.	enhancements proposed are therefore difficult to quantify. The mechanism securing the implementation of Biodiversity Net Gain (BNG) are unclear and may necessitate S106 Obligations. Moreover, little consideration appears to have been provided to the ecological impacts of lighting. In terms of the BNG, it is difficult to provide any meaningful comment as the mapping associated with the BNG. This also links the Biodiversity Improvement Area and Landscape Enhancement Management Plan that also need to be provided for full review. Additionally, completed DEFRA BNG metric and supporting condition sheets,			
11.1	Surface Water and Flood Risk	Flood Risk and Drainage will be a key issue for consideration of the proposed development. However, the statutory responsibility falls with the Environment Agency for this type of development with LCC as the Lead Local Flood Authority liaising with the EA and with the Applicant in relation to the surface water proposals.					



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12.1	Energy and Climate Change	<p>We are in a Climate Emergency. Following publication of the recent key 2021 IPCC report on the science of climate change, the head of the UN has described the world as on 'Code Red for humanity'.</p> <p>Scientists across the globe agree that it is human activity that is disrupting our climate and people across the world are suffering the impacts of global heating now. This summer alone there have been recording high temperatures and devastating fires in Greece, North America, Siberia and Australia, and flooding in China, Germany and even in this country. While unprecedented droughts, fires and floods are leading to broken food supplies and migration of populations in the global south.</p> <p>This is happening at a current 1.2-degree Celsius increase over pre-industrial temperatures. Current and planned activity so far will take the temperature to well over 3-4 degrees this century and condemn most of the planet to become uninhabitable.</p> <p>It is against this background, that TSH is asking us to consider the environmental impact of the SRFI on carbon and climate change.</p> <p>The Promoter acknowledges that the amended Section 1 of the Climate Change Act 2008 sets a GHG emissions reduction target for the UK of 100 per cent by 2050, compared to a 1990 baseline (the 'Net Zero' target). Similarly, the NPS outlines the Government's policy framework for rail freight expansion. With respect to climate change, UK Government's objective is to: 'ensure that the transport and rail freight make a significant and cost-effective contribution towards reducing global emissions.</p>	<p>Zero energy Requirements for operation is disappointing. By only designing to BREEAM: Very Good, the HNRFI is unlikely to be future proofed – an aim stated in the Opportunities and Constraints section of the Design and Access Statement (document reference 8.1). Truly sustainable projects that aim to be future proofed and meet the challenge of net zero would need to go beyond what has been outlined in the Scheme. The timescale for construction means that construction and energy targets will continue to be increased, leaving the Scheme potentially lagging behind other proposals. As it will have a development lifespan to and beyond 2050, where the UK must operate at net zero, a failure to design a net zero capable development will make it impossible to operate in this manner without substantial retrofitting of technology. This creates an unnecessary and avoidable barrier to achieving the Country's net zero ambitions. The necessary building specification to ensure net zero operation should be secured in the Scheme's Requirements.</p> <p>A potential constraint to the ability to generate on-site renewable energy and be net zero in operation is the 49.9 Mw limitation for the generation of on-site electricity. It would be disappointing to learn during the latter part of the construction phase that more solar capacity could have been generated were the applicant to have submitted a separate DCO for more than 49.9 Mw of electricity generation. A missed opportunity like this undermines the green credentials of the Scheme. Further rationale for the proposed choice of technologies as well as reasons why others have been ruled out is required. It is unusual that a gas powered CHP and an uncertain and unproven technology</p>	<p>The provision of up to 10,400 jobs in an unsustainable location substantially served by unsustainable private vehicular employee movements seriously undermines the Scheme's ability to deliver the climate change benefits envisaged in the National Networks National Policy Statement (NN NPS).</p> <p>The Scheme's existing approach to sustainable travel is unacceptable and results in excessive climate related impacts. The ES states that due to its location, significant worker commuting is expected to be by private car. Greater practical choice of sustainable transport options is important to future energy use and climate change. The Scheme's commuting patterns prove that the site is in an unsustainable location and that the mitigation currently proposed is inadequate.</p> <p>Whilst a Travel Plan has been submitted, more significant enhancement to infrastructure and investment is required to provide options to employees of the Scheme. Shuttle bus services (as a minimum) from the nearby Hinckley Railway Station could be provided, along with potential cycle/E-cycle storage and hire facilities at the station and on the Site. Provision of new and/or upgraded cycle ways to offer good connectivity to key locations should also be provided, encouraging travel by means other than the private vehicle. Charging facilities (all transport modes) and showers on the Site should also be included. Paragraph 7.24 of the Site Wide Framework Travel Plan (document reference 6.2.8.2) leaves it to the occupiers' discretion to provide these facilities and should be amended to obligate all units to provide such facilities. Enhancement of other bus services, beyond the X6 service referenced in the Scheme's proposed S106</p>	<p>Currently the expected offer of off-site facilities and services to enable sustainable transport options, augmented by on-Site facilities is limited. There is scope to improve this and create energy and climate change gains and reduce environmental impacts.</p>	<p>The Scheme in its current form results in unnecessary energy, water, and climate impacts. The proposed buildings will not be capable of net-zero operation in 2050, the Scheme fails to justify the proposed energy technologies and has potentially failed to capitalise on its full solar potential. The sustainable travel strategy is inadequate and compounds the Site's unsustainable locational issues.</p>	<p>We would recommend a detailed strategy providing an explanation of the enhanced Requirements and obligations proposed and necessary to achieve net zero commitments.</p>



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			<p>is being considered ahead of already widely used heat pump technology.</p> <p>There ought to be an assumption that the HNRFI is entirely off-gas due to the unsustainable nature of natural gas and the unreliability of hydrogen as a replacement. There is no certainty that Hydrogen will be available especially given the inefficiency of the production process (when compared to solar or wind) and lack of transportation infrastructure. It is disappointing that reliance is being placed on fossil fuels for a main energy source to the facility. It doesn't appear that decarbonisation of heat via heat networks and the utilisation of ground, water or air source heat pumps have been fully explored by the Applicant. Instead, Gas CHP and possibly hydrogen have been proposed. 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. In terms of energy use, it is far more efficient to use renewable energy power directly via the grid or to store this close to where it's produced for later use. This may well be via battery or conversion to hydrogen. To assume that hydrogen will be widely available for use in CHP plants at some unknown point in the future is a risk and does not make sense from a climate resilience or sustainability perspective.</p>	<p>Planning Obligation Heads of Terms (document reference 10.1), should be provided.</p> <p>Currently the expected offer of off-site facilities and services to enable sustainable transport options, augmented by on-Site facilities is limited. There is scope to improve this and create energy and climate change gains and reduce environmental impacts.</p>			
13.1	Cumulative and in combination effects	Despite all of the information tabled in respect of the Scheme, no clear conclusions are actually provided within the Cumulative and In-Combination Effects paragraph.	There is considerable concern raised across several technical reviews of the lack of clarity as to the how and to what extent cumulative impacts are going to be considered. The guidance from the Planning Inspectorate strongly advises applicants "to take advantage of pre-application consultation with the consultation bodies including the relevant authorities and other relevant	Additionally, no summary of the actual impact of the development upon receptors is provided within the document – e.g. impact to amenity to residential properties (noise, air quality, visual etc). This should form a critical element of the conclusions of a development in order to allow a fully balanced decision to be made on a proposal.	We agree that to underpin any assessment of impacts and to ensure that the shortlist of 'other existing development and/or approved development' identified for the CEA is comprehensive and accurate, a dedicated working group is convened to address the data requirements and boundaries of the ZoI.	We would expect to have proactive engagement with the Promoter on the parameters of the ZoI as well as supporting the any assessment of in-combination and cumulative impact in accordance with Table 2 in Advice Note 17: <ul style="list-style-type: none"> Projects under construction. Permitted application(s), but not yet implemented. 	We would recommend that a detailed summary of the actual impact of the development upon receptors is provided within the document – e.g. impact to amenity to residential properties (noise, air quality, visual etc) to inform the DCO Requirements and underpin the Commitments. As yet the information within the Environmental Construction Management Plan is limited and



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			<p>organisations, to ensure that the shortlist of 'other existing development and/or approved development' identified for CEA is comprehensive and accurate."</p> <p>While some information is provided in Environmental Assessment, concerns raised by the authorities on the lack of robustness in the structure of a CEA and moreover no engagement with the Planning Authority which assist with identifying a comprehensive suite of mitigation measures submitted with the application for development consent that might otherwise remain unresolved and require exploration during the examination. We are clear that relevant data is available from a variety of sources including directly from the HBBC own web resource, the Planning Inspectorate's and potentially through direct liaison with other stakeholders including Blaby District and the County, other statutory bodies, and relevant applicants/developers.</p>	<p>The NPS acknowledges that SRFIs will necessarily give rise to 'increased road and rail movements' (paragraph 2.51). The planning issue is whether the increase in traffic movement can be accommodated on the surrounding highway network, with the provision of improvements to the network (M69 J2; A47 Link; off-site highway works) without resulting in a 'residual cumulative impact which would be 'severe'' (Framework 111). The conclusions reached in the Environmental Assessment are that the proposals are satisfactory in the context of the provisions of the NPS (NPS 5.213).</p>		<ul style="list-style-type: none"> Submitted application(s), not yet determined. Projects on the Planning Inspectorate's Programme of Projects where a scoping report has not been submitted. Development allocations identified in the relevant Development Plan (and emerging Development Plans – with appropriate weight). Development allocations identified in other plans and programmes (as appropriate) which set the framework for future development consents/approvals, where such development is reasonably likely to come forward. 	<p>needs substantive work to build consensus and agreement.</p>
14.1	National Policy and Drivers of Need	<p>The Act as the principal instrument on which any NSIP should be defined. Also, we agree that the primary policy statement for the determination of this proposal is specifically provided by the NPS. Additionally, under the provisions of Section 104 of The Act, the correct starting point for the determination of any NSIP application is the NPS. However, it does not exclude the material value of a Development Plan.</p> <p>National Policy also makes it clear that where there are specific environmental and technical considerations for the Proposed Development, weight will be given to additional policy relevant to needs case.</p> <p>In terms of the Scale and Design, in the review of the ES for the Proposed Development we are not wholly clear as to the logic or the</p>	<p>Drivers of need for strategic rail freight interchanges are set out in the Summary of Need in paragraphs 2.1 to 2.11 of the NPS.</p> <p>While there is recognition that existing operational SRFIs and other intermodal RFIs are situated predominantly in the Midlands and the North the objective of the policy is to ensure an optimisation of the network across several critical parameters. In considering the proposed development, and, when weighing its adverse impacts against its benefits, the Examining Authority and the Secretary of State will consider:</p> <ul style="list-style-type: none"> Its potential benefits, including the facilitation of economic development, including job creation, housing, and environmental 	<p>The "judgement of viability" made within the market framework must be a factor in defining the needs case for the project. It is not clear whether there has been any engagement with the Government on how it expects to account any interventions. We have concerns that no consideration or examination of the likely social value of the project or indeed the mechanisms through which these interventions are included as part of the business case aligns.</p> <p>It is correct to flag that in the policy review of the development plans for Hinckley and Bosworth that large-scale transport facilities of the form of a SRFI are not defined. That however does not preclude relevant policy about the establishment of large-scale developments at the proposed site. More specifically we would be mindful of the material relevance of local development plan</p>	<p>We are mindful in the context of needs case, that where terms and commitments are expected to be made or are imposed. Given the importance of social value for all projects of nationally significance, we would expect a good deal more detail to be provided as part of the requirements of development consent.</p>	<p>The environmental advantages of rail freight have already been noted at paragraph 2.40 and 2.41 Nevertheless, for developments such as SRFIs, it is likely that there will be local impacts in terms of land use and increased road and rail movements, and it is important for the environmental impacts at these locations to be minimised.</p> <p>While National Policy recognises that development of the national road and rail networks is expected to be sustainable against its objectives of need, these are expected to be designed to minimise social and environmental impacts and improve quality of life. In delivering new schemes, the policy is explicit in instructing promoters to avoid and mitigate environmental and social impacts in</p>	<p>The structure of such commitments will be important where with agreement of the relevant authority and interested parties, that are seen as necessary, relevant to the planning policy commitments, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects.</p>



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		<p>strength of the case on “rail connected or rail accessible” facilities. The initial stages of the development must provide an operational rail network connection and areas for intermodal handling and container storage</p> <p>Where TSH have sought to use ‘rail accessible’ definition through its review of the Examining Authority’s Report of Findings and Conclusions and Recommendations to the Secretary of State for Transport on the West Midlands Rail Freight Interchange (Planning Inspectorate ref. TR050005), we are unclear as to whether the interpretation is in fact accurate. At the very least we would expect a more detailed analysis to be offered on the concept of connectivity and accessibility beyond standard Design and Access Statements.</p>	<p>improvement, and any long-term or wider benefits.</p> <ul style="list-style-type: none"> • Its potential adverse impacts, including any longer-term and cumulative adverse impacts, as well as any measures to avoid, reduce or compensate for any adverse impacts. <p>In this context, environmental, safety, social and economic benefits, and adverse impacts, should be considered at national, regional, and local levels. Given the lack of clarity in the site selection process – described earlier in the previous section - we would want to understand more fully what weighting was given to these principles against the drivers of need. The main point of concern is these needs case therefore is whether a site selection and masterplanning process is sufficient robust.</p> <p>Given the importance of the NPS as the primary source of national policy guidance for The Proposed Development we are not convinced that the planning provisions in the NPS are consistent with the underlying commitment to the principles of securing sustainable patterns of development in NPPF. Are the drivers of need are adequately addressed in the site selection and sifting exercises?</p>	<p>policy on the status and relevant weight given to the protection and commitment to environment.</p> <p>In addition, we are not convinced that sufficient weight has been given the expressed concerns on Core Strategy Policy 5: Transport Infrastructure in the Sub-regional Centre in which the draft Plan refers to the HNRFI (paragraphs 8.38 – 8.39). We are not convinced that sufficient consideration has been given to wider implications on the borough, on “the natural environment and transport infrastructure”. Specifically, without clarity on the Zone of Influence (“Zol”) and the detail of a Cumulative Environmental Assessment (“CEA”) it is difficult to judge whether significance of impact has been correctly defined as major or severe</p>		<p>line with the principles set out in the NPPF and the Government’s planning guidance. It is not entirely clear that there is sufficient robust evidence base that considered reasonable opportunities have been completed in the site sifting exercise to deliver environmental and social benefits as part of schemes. Specifically, the PIER is dependent on the reliance of an agreed model without which arguably creates doubt that the adverse local impacts on noise, emissions, landscape/visual amenity, biodiversity, cultural heritage, and water resources are fully understood or likely to be comprehensively considered. The significance of these effects in Hinckley and Bosworth and the effectiveness of mitigation is uncertain at the strategic and non-locationally specific level. Therefore, whilst TSH have taken sufficient consideration, is it in accordance with National Policy and in an environmentally sensitive way, including considering opportunities to deliver environmental benefits, some adverse local effects of development may remain.</p>	