

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

*Relevant Representation on
behalf of Blaby District Council in
response to Tritax Symmetry
(Hinckley) Limited submission of
a Development Consent Order*

June 22, 2023

Relevant Representation Blaby District Council

This Relevant Representation (“**this Representation**”) is made by Blaby District Council (“**the Council**”) in respect of the application made by Tritax Symmetry (Hinckley) Limited (“**the Applicant**”) for a Development Consent Order (DCO) for the Hinckley National Rail Freight Interchange (HNRFI) (“**the Scheme**”) [Planning Inspectorate’s reference TR05007]. The Scheme is located on 268 hectares of land south-west of the village of Elmesthorpe, between the M1 motorway and the Leicester to Birmingham railway line (“**the Site**”).

This Representation outlines the key areas of concern the Council have at this stage in respect of the current submission. It identifies key information considered to be absent or insufficient in content, the key concerns within topic areas and any expected/likely Requirements for the Scheme’s Development Consent Order (“**Requirements**”) and obligations pursuant to Section 106 of the Town and Country Planning Act 1990 (“**S106 Obligations**”) known at the moment.

In doing so, this Representation goes into greater depth than some Relevant Representations might. However, this Representation should not be taken as an exhaustive list of the Council’s concerns or requested Requirements and S106 Obligations. It is highly likely that further Requirements and S106 Obligations will be requested as the Scheme progresses through the Examination process.

This submission should be read in conjunction with the information provided by the Council in the Section 55 Adequacy of Consultation Representation dated 30 March 2023 (“**Adequacy of Consultation Representation**”), which highlighted a number of inadequacies with the consultation undertaken.

This Representation will broadly follow the structure of the Scheme’s Environmental Statement (“**ES**”).

1. Executive summary

It is the Council’s position that the proposal as currently tabled will result in a number of significant negative impacts upon the natural and built environments. The mitigations proposed do not appropriately alleviate these harms and a number of key concerns remain. These will be summarised under the following headings, with elaboration provided within each section.

- Site Selection and Scheme Evolution
- Relevant Legislation and Policy
- Land Use and Socio-Economic Effects
- Transport and Traffic
- Air Quality
- Noise and Vibration
- Lighting
- Landscape and Visual Effects
- Ecology and Biodiversity

- Cultural Heritage
- Surface Water and Flood Risk
- Materials and Waste
- Energy and Climate Change
- Cumulative and in combination effects

2. Site Selection and Evolution

Need

There are a network of existing and recently approved rail freight interchanges and distribution centres in the Midlands. Whilst the Leicester and Leicestershire Enterprise Partnership's Strategic Economic Plan 2014-20 (March 2014) highlights 'South West Leicestershire' as an option (Option 5), it is only a *potential* growth location and no specific projects are identified in terms of a SRFI. 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, but it should be recognised that the Hinckley NRFI is only one option that could be taken forward. The Council are concerned that the Applicant has not sufficiently demonstrated the specific market need for this Scheme in this specific open countryside location.

The Council is also mindful that 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.

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 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 also have adequate links to the road network, in particular the Strategic Road Network (SRN). The Council is not currently content that Scheme's sustainable access to the SRN is proven suitable, given the issues with the M1 J21 noted in section 5 of this Representation.

Site Alternatives

In terms of the options that were assessed, as part of the Council's Section 42 Statutory Consultation response dated 8 April 2022 ("**S42 Response**"), the Council raised concerns in respect of the relevance of site options 1 – 3 (Brooksby, Syston Fosse Way Junction and Syston Barkby Lane). Whilst 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), it does not mean that such sites should not be considered. 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. Other than a dismissive comment on alternative sites, no enhancement of the original site assessment appears to have been undertaken. The assessment provided is therefore still considered inadequate by the Council.

The lack of consideration of sites further to the west is considered to be 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.

Scheme Evolution

The Council's S42 Response raised concerns in respect of the layout of the Site, with any tugmaster movements needing to cross the A47 link road (see Table 4.2 of document 6.1.4 – Chapter 4 of the Environmental Statement – Site Selection and Evolution). This issue is considered important to ensure that the Scheme operates principally as a rail linked facility and not a road served distribution centre. The updated illustrative masterplan includes a 'railport estate road link' which seeks to address this previous concern. The delivery of these links needs to be clearly referenced in the 'Requirements' section of the DCO.

Site Selection and Scheme Evolution Conclusions

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.

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.

3. Relevant Legislation and Policy

The Council agrees that the relevant policy and legislation to this proposal have been referenced within the ES, with one exception referred to below. The Council is concerned that due consideration has not been given to the local policy context in which the HNRFI proposal sits. It is also unclear to what extent the draft revised NNPS has been taken into account.

No reference is made to the Planning Policy for Traveller Sites (PPTS). The PPTS is a national policy document with the same standing as the National Planning Policy Framework (NPPF). The PPTS includes principles relating to environmental quality impacting the health and wellbeing of travellers. There is a traveller community around Aston Firs, immediately adjacent to the Site and thus, this policy is directly relevant and needs to be adequately addressed.

4. Land Use and Socio-Economic Effects

Overarching Comments

The flexibility in the layout and building sizes recognises that there is scope to create between 8,400 and 10,400 jobs (low and high development quantum) as part of the Scheme (e.g. paragraphs 7.214, 7.223, 7.224, 7.226 and Table 7.15 and 7.17 of ES Chapter 7 Land Use and Socio-Economic Effects reference 6.1.7). However, the various technical reports have adopted an inconsistent approach to these employment figures. 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 socio economic chapter references scope for 8,400 – 10,400 jobs for the Scheme. The Scheme must ensure it does not aim to maximise the proposed benefits while underplaying the harms by adopting a consistent approach.

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 (Chapter 7 of the Environmental Statement – Land Use and Socio Economic Effects and referenced again below), but these do not correlate 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 Council has significant concerns around the wide-ranging impacts of additional barrier down time at the Narborough Level Crossing on Narborough, Littlethorpe and the surrounding area. For example, highways congestion and the consequential impacts of that congestion such as harms to the businesses in Narborough, which is an economic factor, has been afforded no consideration. The Applicant has failed to propose any mitigation measures to account for these impacts.

Detailed Assessment Concerns

There are issues with some of socio economic baseline information relating to the sources of data and in some cases the data is factually inaccurate or absent. It would be reasonable to expect that specific datasets are referenced so that the source data can be easily identified, for instance, the source states “ONS data” or “Census 2011” with no clarity on which dataset has been applied. The publication year has not been stated in many instances. Confirmation of specific data sources and base years is requested.

A range of different study areas have been used. While it is recognised that the health assessment is cross referring to a range of ES chapters with differing study areas, a map setting out the extent of the study areas used for the health and wellbeing baseline should be included.

The 2017 EIA Regulations include a requirement to provide a description of the factors likely to be significantly affected by the Scheme including population and human health. It is noted that health was scoped out of the ES in the Scoping Opinion as a standalone or separate chapter on the basis that the potential impacts on human health receptors would be addressed within other technical chapters included within the ES. It is acknowledged that the ES includes Appendix 7.1 Health and Equality Briefing Note to summarise how health and equality have been considered, assessed and addressed. However, given the inclusion of this technical assessment, it would be logical that the health of residents, workers and visitors would be included as a receptor within the socio-economic chapter. In fact, the approach and methodology section indicates that the potential impact upon social capital and amenities important to community health and wellbeing will be assessed although it is not clear that this has been assessed in the ES Chapter. The summary of effects includes no clear reference to human health, well-being or equality. The Council is also concerned about the Scheme’s impact on the health benefits derived from Burbage Common as a destination for leisure and recreational activities. As currently presented, it is not possible to establish the conclusions on the impact of the construction and operational phases on human health, well-being or equality receptors within the ES.

The Council raised the need for a full Health Impact Assessment in its S42 Response (noted at Table 7.6 of document 6.1.7). The Council is not satisfied that the Applicant’s reply, namely through the Health and Equality Briefing Note (document reference 6.2.7.1), correctly assesses the impacts of the Scheme in this regard.

The study investigating the potential apportionment of strategic distribution floorspace in Leicester and Leicestershire may also become relevant to the socio-economic impacts of the Scheme.

Other socio-economic concerns include:

- Use of a 30km radius rather than a 30km drive time as it ignores network accessibility.
- Limited / lack of analysis of housing market characteristics - undermines conclusions about impact on housing market.
- There is no analysis of the anticipated split between Manufacturing and Transport & Storage (Figure 7.9 of document 6.1.7). Given the nature of the proposal it is expected that a greater / sole weight be on the Transport &

- Storage element (the receptor in table 7.3 is defined as 'logistics' businesses). This is not taken into consideration and has a bearing on the operational effects.
- The 0% leakage of construction employment assumptions is not considered realistic in 'real world' terms. Baseline data identifies that 14% of those in the study area travel outside of the 30km radius. Even if some are recaptured, some leakage should be applied.
 - No analysis of temporal construction impacts have been incorporated into the assessment; impacts are just smoothed to a 10 year period. This ignores peaks which may have greater market disruption and effect displacement from a construction employment perspective (including for housing). This also has the potential to under value the harm to local residents from these peaks.
 - No analysis has been undertaken of the anticipated occupational wage profile nor affordability of housing in the local area or housing market area; this may have implications on assessment of housing effects given that 40% of employment is anticipated in lower order occupations.

Work, skills and training

Reference is made within the ES to a skills and training officer; the Council consider that the draft Section 106 Agreement as part of the submission is not acceptable; the three year funding of an officer post is incongruent with the Scheme's construction phase, no contribution figure is provided and there is a need to provide far greater detail and enforceability on this mitigation than is currently set out in Requirement 32 (Draft Development Consent Order, document reference 3.1), through a detailed Framework Work, Skills and Training Programme. Specific targets need to be set and an appropriate enforcement mechanism to ensure the deliverability of the benefits. The Programme should include:

- A purpose-built on-site training facility or contribution to an off-site facility
- New jobs, to include ex- offenders
- Work Experience Placements
- An agreed number of apprenticeships created annually
- A number of community projects per year
- Meet the Buyer events annually (working with our Business Growth Officer)
- 30% on-Site spend with SME's
- 25% on-Site spend within the local area- 40 miles radius from the site
- At least 500 people upskilled annually
- A number of curriculum support activities annually
- After the initial enabling works period, 12 x site visits for school parties annually

The Council believe that the above Framework Work and Skills Programme is necessary to ensure a sufficient supply of construction and operational phase workers. Moreover, the framework provides an opportunity for the Scheme to produce additional benefits, beyond these necessary mitigations, which could be used to further outweigh the Scheme's other negative impacts.

Socio-Economic Conclusions

The Council considers that the information provided to be factually inaccurate and incomplete/absent in places. There are overarching issues with the approach to consistently using employment figures across the ES and the absent assessment of Narborough Level Crossing barrier down time. There are also a number of more detailed concerns ranging from the Scheme's impact on housing need to the availability of employees.

The Scheme's provision of employment is one of its principal potential localised benefits but the Council is underwhelmed by the ambition of the Applicant in this regard and the proposed Requirements and S106 Obligations are inadequate.

DCO Requirements and S106 Obligations

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) fail to provide 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.

5. Transport and Traffic

Leicestershire County Council (LCC) as the Highway Authority will provide their own representation on this matter. Significant concern is still raised by the Council and this Relevant Representation is informed by discussions with LCC and the highways consultant appointed by Hinckley and Bosworth Borough Council, as well as by LCC's Relevant Representation itself. Overall, the Council continues to have strong concerns in respect of the highway impacts of the Scheme and the accuracy of the information provided. This is expected to be a topic in which the Council and the Applicant significantly disagree.

Highways & Transport

It is understood there is no agreement to the following elements of the proposed development between LCC and the Applicant:

- Trip generation - including discrepancies in employee numbers and addition of a lorry park
- Access infrastructure including its design, capacity and deliverability
- Strategic model outputs including furnishing methodology and lack of phased testing
- Impact of the development and role of the access infrastructure in the interpretation of modelling results

- Mitigation strategy and package, including local and strategic junction assessments, design, and lack of testing of mitigation strategy in strategic model
- Impacts on rail including Narborough crossing and future passenger provision
- HGV Management Plan and Route Strategy including method of enforcement
- Public Right of Way Strategy including rail crossings
- Construction Traffic Management Plan and construction traffic routing impacts
- Framework Site Wide Travel Plan
- Sustainable Transport Strategy
- Walking Cycling and Horse-Riding Assessment

In addition, it is concerning to note at paragraph 2.26 of the submitted Transport Assessment it states that an addendum Transport Assessment will be prepared at a later date, which will include a final Transport Assessment, further traffic modelling information, and Road Safety Audits. Moreover, no timetable is provided for this submission.

Strategic Road Network

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.

Mitigation on strategic and local road network

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.

Modelling

There are 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.

Vehicular Movements

An overarching concern is the expected level of employment used to underpin highway movements. 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 Applicant has failed to provide clarity and consistency in this regard.

The Council also requires 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.

Sustainable Transport

The Site is located on the very edge of Burbage and beyond its current built up limits. This, in addition to the indicated high level of car use, the large number of potential employees, and the fact that those employees are likely to reside beyond the southern villages of Blaby District, means that the Site is an unsustainable location. The existing provisions to facilitate sustainable transport are inadequate. Much greater measures in respect of public and active transport need to be proposed and secured. Some specific examples are listed below.

Limited information has been provided on bus route upgrades. It is disappointing that the intended connection of the Site by a bus service to Hinckley Railway Station appears to have been replaced by an 'on-demand service' only, as shown in the Framework Site Wide Travel Plan ref. 6.2.8.2. 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. The failure to extend the 1 and 2 Hinckley to Earl Shilton or Barwell services into the Site is a significant missed opportunity.

Key routes linking Hinckley Railway Station to the Site have the ability to support multi-mode travel, reducing car trips locally. Improved cycle storage at Hinckley Railway Station will aid those choosing to travel by rail and bike. It is suggested that a secure hub undercover and overlooked by CCTV, accessed by a fob is provided. Similar secure cycle parking hubs on the Site should also be provided to encourage movements by bicycle.

Secure cycle storage should be provided at Narborough Railway Station, together with a contribution towards future maintenance.

Consideration should also be given to the implementation of an E – Bike hire scheme for staff to access. E-bikes can efficiently enable short – medium journeys of 5-10 miles, which would be very beneficial to those accessing the Site from Hinckley Railway Station and the surrounding villages and towns. The current extent of

sustainable transport movements do not appear to be maximised; this should be seen as a missed opportunity.

It needs to be noted that new cycle infrastructure should be separated from motorised vehicles and where possible pedestrian facilities should be separated to reduce conflict and increase desirability. They should be designed in accordance with the Department for Transport's Cycle Infrastructure Design (LTN1/20) and in particular Chapter 6 Space for cycling within highways. This includes ensuring that they are well lit and visible for personal safety considerations.

Existing cycling routes and key walking routes should be assessed with official Government tools. It is requested that current cycle provision is audited with Department for Transport's Cycle Level of Service and Junction Assessment Tools to ensure all aspects of user experience and safety have been assessed and scored. The Department for Transport's Walking Route Audit Tool will ensure that facilities such as dropped kerbs are assessed for tactile paving. These assessments are important to understand accessibility for all.

It should also be noted that the Council are producing a Local Cycling and Walking Infrastructure Plan ("Blaby LCWIP") which is in the very early stages of production. There will be an expectation that the Scheme delivers the required cycling and walking infrastructure to contribute and connect to the Blaby LCWIP.

It is crucial that cycle and pedestrian movements are catered for through the Site in north-south / east-west directions that link to each other, these newly created routes need to connect on with existing routes and corridors. A cohesive pedestrian and cycle signage scheme should assist with movements through the Site, highlighting links to villages and towns accessible onwards through the Site.

Narborough Level Crossing

As stated in section 4 of this Representation, the Council has significant concerns around the wide-ranging impacts of additional barrier down time at the Narborough Level Crossing on Narborough, Littlethorpe and the surrounding area. For example, highways congestion and the consequential impacts of that congestion, such as harms to the businesses in Narborough, is an economic factor afforded no consideration. The Applicant has failed to assess the impacts and then propose any mitigation measures to account for these impacts – such as improvements to Narborough Station to encourage its use and alleviate congestion.

Transport and Traffic Conclusions

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.

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).

DCO Requirements and S106 Obligations

Requirements and S106 Obligations should appropriately secure off-site transport improvements and maintenance, as agreed with the Council, National Highways, LCC and HBBC. This needs to adequately provide for sustainable transport options including bus service enhancements, a bus transport hub at the Site, transport links from Hinckley railway station, secure cycle parking at Hinckley railway station and the Site, improved infrastructure links between Hinckley railway station and the Site.

The Requirements and S106 Obligations need to ensure that they deliver a clear vision that enables walking, wheeling, and cycling facilities to be created prior to first occupation of the Scheme and at the same time as the road network.

6. 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.

Beyond the overarching concern, it is considered that the assessment could be improved if:

- It can be confirmed that it is the 2022 version of the DEFRA Technical and Policy Guidance that has been used.
- It can be confirmed that when the revised Air Quality Objectives are published by the Government later this year, 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 for air quality needs to be addressed.

Conclusion to Air Quality

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.

DCO Requirements and S106 Obligations

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 of the off-site impacts of the construction and operational phase, including equipment, ongoing monitoring and staffing. This may be relevant both immediately adjacent to the Site and some wider areas.

7. 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 (Chapter 10 of the Environmental Statement – Noise and Vibration) 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 in the Environmental Statement).

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 for noise and vibration needs to be addressed.

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.

Noise and Vibration Conclusion

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.

DCO Requirements and S106 Obligations

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 of the off-site impacts of the construction and operational phase, including equipment, ongoing monitoring and staffing. This may be relevant both immediately adjacent to the Site and some wider areas.

8. Lighting

The provision of a Lighting Strategy (document reference 6.2.3.2) at this point enables the lighting principles to be established for future detailed designs and the inclusion of one now is welcomed and in part responds to previous requests for one to be prepared from the Council.

However, due to the scale of the development, the amount of lighting required and the proximity of highly sensitive receptors, it is surprising a quantitative lighting assessment has not been undertaken to give greater confidence and assurance that the measures set out in the strategy are going to work. This would provide a 'proof of concept' approach that a development of this scale necessitates.

The Lighting Strategy fails to reference the "Institute of Lighting Professionals (ILP) PLG04 – Guidance on Undertaking Environmental Lighting Impact Assessments". This document sets out the parameters that competent lighting professionals should follow in order to undertake an environmental lighting impact assessment. The Council consider that this document should be referenced and form a key part of the assessment process.

A key concern is that there is no evidence that the Applicant's lighting consultant has visited the Site during night-time conditions to undertake a lux survey of the existing lighting levels at the surrounding light-sensitive receptors. This is important so as to understand the lighting environment of the surrounding highlighted residential properties. Some nearby properties might not have any surrounding lighting so a minor increase in light would be noticeable.

More detailed concerns include:

- Lack of any inclusion of non-designated ecological habitats within the baseline

information.

- The car parks appear to be over-lit compared to the 10 lux specific in the Lighting Strategy.
- Clarification is required in respect of whether the lighting designs have been produced using the vertical lux level contour line, in accordance with the guidance. A quantitative assessment of vertical lux levels in nearby residential windows should be undertaken to provide greater assurance of the protection of future amenity. There is also light spill into Burbage Common which should be avoided.
- Particular concern is raised in respect of Langton Farm, Bridge Farm and Aston Firs caravan site and whether the glare would fail to accord with the Institute of Lighting Professionals guidance note 01/21, Table 4.
- An assessment of glare on the adjacent railway and highways is required.
- Additional construction phase lighting details including avoiding impacts on sensitive receptors, avoidance of diesel generated lights, permanent column mounted lights if needed for more than one year, and the use of timers and monitoring to avoid unnecessary lighting.
- The Lighting Strategy has not considered the cumulative impact of all the proposed lights and the colour to be used; this cumulative impact needs to be assessed as it can impact upon sleep to nearby residents and local wildlife activity.
- Impact upon bat commuting and foraging needs to be clarified, particularly around the bat hotspot of the bridge over the railway line which is proposed to be illuminated.
- More night-time photomontages for the areas northwest of the development are required as these areas are in direct line of sight of 20-30m high lighting masts and gantry for the rail terminal. This is due to the potential glare caused by being able to see the light fitting in these masts and how these masts will light up the gantries.

Lighting Conclusions

Given the scale of the development, the number of lights proposed to be installed and the proximity of some highly sensitive areas, the Council considers that the Lighting Strategy is insufficient. It needs to present further evidence in the form of a quantitative assessment to prove that the impact on surrounding receptors in terms of light intrusion and glare intensity is acceptable. The following is required to make this assessment suitably robust to ensure local amenity isn't detrimentally impacted by the proposed development in relation to lighting.

- A quantitative lighting assessment is required for a development of this size given the proximity of sensitive lighting receptors, including a source intensity assessment.
- An assessment of glare on the adjacent railway and highways is required.
- Further mitigation of the cumulative skyglow potential is required to protect the rural night sky.
- A baseline lux survey is required to quantify the existing lighting environment at surrounding residential and ecological receptors.
- Amendments to the construction phase lighting are required.
- Where possible lighting colour of 3000k should be used to avoid blue lighting

- impacts on surrounding sensitive receptors and the night sky.
- Clarification on the lux level contour lines in the drawing and 1.0 maintenance factor to be used.

9. Landscape and Visual Effects

The approach undertaken to the Landscape and Visual Impact Assessment (LVIA) is generally considered to accord with best practice. 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.

The changes to the proposed development since the Preliminary Environmental Impact Report (PEIR) dated January 2022 appear to be negligible. There is no noticeable reduction in development footprint, and the landscape strips/areas around the Site remain narrow. Therefore, the changes presented are unlikely to mitigate/change the majority of landscape and visual effects reported and the residual harms indicate that the Scheme has overdeveloped the Site. This is expected to be a topic in which the Council and the Applicant significantly disagree.

The effects to various receptors and viewpoints have been amended from the PEIR, but the important overarching conclusion is that there are still a large number of residual significant effects remaining at Year 15.

Not all of the details provided and the methods employed within the LVIA are agreed with and the residual effects identified do not fully illustrate the scale of landscape change.

It is considered that a number of these receptors have been under assessed, but even against the Applicant's submission, the scope of landscape harm at Year 15 illustrates that the Scheme essentially is not/cannot be effectively mitigated. It would cause significant harm to the surrounding landscape and visual setting, including the public rights of way and settlements. The landscaping proposed is simply insufficient to enable appropriate assimilation into the wider countryside setting.

The following clarifications remain outstanding from the Council's S42 Response:

- Clarify how judgements on susceptibility and value have been derived for all landscape and visual receptors, and applied in practice: for landscape refer to sensitivity and values set out in the relevant Landscape Character Area (LCA) and provide clear links back to evidence to underpin professional judgements, and provide a narrative to show how the judgements have been reached in accordance with the Guidelines for Landscape and Visual Impact Assessment 3.
- Provide justification as to why an additional viewpoint representing the users of rights of way that cross the Site is not included 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.

The LVIA is also considered to not sufficiently clarify a number of elements, including:

- The effects on the Elmesthorpe Settlement Character Area (SCA) and Barwell Urban Character Area (UCA) at Construction, Year 1 and Year 15; The photo viewpoints indicate significant visual impacts from the villages at Construction and Year 1 and 15 of operation.
- Provision of further information to justify the magnitude of change ratings for all landscape and visual receptors, in particular to confirm/clarify judgements on 'scale of the change', 'geographical extent' and 'duration and reversibility/proportion', in line with the methodology
- Provision of further justification/clarification for the planting growth rates assumed within the Year 15 photomontages.
- The quantum of justification for the night time effect on landscape and visual receptors generally, including:
 - o provision of baseline descriptions of lighting in relation to individual landscape and visual receptors. The impact of the lighting cannot be fully assessed without this baseline information;
 - o Clarify what the night-time construction effects are for Landscape Character Area (LCA) 1: Aston Flamville Wooded Farmland, LCA 6: Elmesthorpe Floodplain, and LCA 15: Stoney Stanton Rolling Farmland.
 - o Provide further information for the night-time visual assessment at construction for photo viewpoints (9, 12, 19, 20, 22, 24, 25 and 32, in particular judgements and accompanying narrative on overall sensitivity (value and susceptibility), magnitude of change (scale of the change, geographical extent and duration and reversibility/proportion) and overall effects. Additional concerns in respect of the lighting/night time impact is set out within section 8 above.

Further detail and discussion is required in respect of the long-term management of the proposed wood abutting Burbage Common woods. For example, has the naming of the wood come through public engagement and is there scope for it to be managed in a joined up approach to Burbage Common?

Landscape and Visual Effects Conclusions

The approach undertaken to the Landscape and Visual Impact Assessment (LVIA) is generally considered to accord with best practice.

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:

- How judgements on susceptibility and value have been derived.
- Additional information necessary for the night time assessment.

- Omission of a viewpoint to represent users of the rights of way that cross the Site.

DCO Requirements and S106 Obligations

The Applicant has failed to adequately mitigate the Scheme and should propose 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.

10. Ecology and Biodiversity

The 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, the Council 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:

- Bats should not only be afforded 'Local' importance.
- Breeding birds, such as lapwing and skylark, are considered to be higher than 'District' importance.
- 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 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, on behalf of the Council, queries the ability to assume 'negligible importance' without undertaking surveys.

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 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 has not been provided. Mapping should be included within the metric 3.1 and associated reporting. 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, 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.

Ecology and biodiversity conclusion

The 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. However, the Scheme as proposed fails to clearly demonstrate and secure 10% BNG including its long-term management.

Furthermore, a number of concerns in respect of the assessments are raised. These include:

- The undervaluing of the importance of a number of protected species;
- The lack of baseline information to confirm the statement that the main order limits are 'typically of negligible ecological importance';
- The lack of detail of long term mitigation plans, meaning enhancements are difficult to quantify; and
- Difficulty in providing meaningful comments on the Biodiversity Net Gain given the lack of any associated mapping.

DCO Requirements and S106 Obligations

Further Requirements and Obligations are likely to be required to secure and manage the on-Site and off-Site areas necessary to secure 10% BNG.

11. Cultural Heritage

The Council is content with the extent of the heritage assets considered.

In terms of the assessment undertaken, the Council considers that the potential impacts upon the settings of certain designated heritage assets have been undervalued, being reduced to a level that suggests that the effects on their significance is either negligible or neutral. This includes the Elmesthorpe Church, Ruined Nave and West Town Scheduled Monument.

Concern is raised in respect of the amalgamation of all heritage assets into a single entity in Table 13.8 (ES Chapter 13 Cultural Heritage document reference 6.1.13), given the varying magnitude of change expected to occur to the various assets. A single conclusion value is considered to mask the range of impact that will occur.

The photomontages are not considered to present a full picture against which to assess the relationship of the heritage assets to the Scheme. For example, the railport and associated light and gantry cranes would be visible in viewpoint 19; photomontages of Wentworth Arms and Stables are insufficient to establish the level of impact.

Cultural heritage conclusion

Further work is required to adequately assess the cultural heritage impacts of the Scheme. The impacts upon the settings of some designated assets assessed have been undervalued, and the amalgamation of all heritage assets into a single entity in terms of impact is considered inappropriate.

12. Surface Water and Flood Risk

It is considered that 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. 30 homes, as well as a commercial property and a school in Stoney Stanton flooded in 2019 and some people were unable to return to their homes for many months. This highlights the importance of ensuring surface water is adequately assessed and flood risk matters are considered properly.

13. Geology and Contamination and Waste

The Council have no concerns in respect of the work undertaken or proposed additional investigative work programmed in respect of the geology and contamination.

The Soils and Waste Materials Management Plan (SWMMP) and Construction Environmental Management Plan set out the remedial measures proposed to deal with any contamination encountered within the soil and potential spills of fuel during the construction period. These are considered appropriate.

It is recommended additional information is included in the SWMMP to detail the procedure that will be followed when dealing with site waste materials if contamination or suspected contamination is encountered during movement and handling of these materials, with a particular focus on asbestos materials.

Consideration of Waste is required and this may be undertaken by the Environment Agency

Geology and Contamination and Waste Conclusions

The Council have no concerns in respect of the work undertaken or proposed additional investigative work programmed in respect of the geology and contamination. However, additional information should be included within the SWMMP to ensure contamination is effectively dealt with during construction.

Consideration of Waste is required.

14. Energy and Climate Change

Construction and Building Operation

It is recognised that the Applicant is seeking to reduce energy requirements on the Site and included a commitment to achieving net zero in construction. This is commended by the Council.

However, with recognition that national and local planning policy seeks to minimise climate change and maximise renewable energy use, the lack of a commitment to Net 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.

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 is being considered ahead of already widely used heat pump technology. Both Ground Source Heat Pumps and Air Source Heat Pumps should be used and if either are to be excluded this should be justified. Currently Ground Source Heat Pumps are not proposed as part of the Scheme, but they should

be because they make the on site generated renewable energy (from solar) go further which takes the pressure off of finite energy resources.

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.

The Council would expect to see a full consideration and uptake of zero carbon heat and cooling options as standard in the application as per the EIA Hierarchy (Figure 18.3 of ES Chapter 18 Energy and Climate Change document reference 6.1.18). Heat pump technology is likely to remain a far more efficient and cost effective use of a finite resource (renewable energy) than Hydrogen. Given the direct control the developer has over GHG emissions arising from space heating (scope 1) and the potential to eliminate emissions arising from it, it's not clear why this hasn't been proposed.

The Scheme is adopting a 'fabric first' approach to development which prioritises the energy efficiency of a property right from conception, at the start of the design and development process. This approach is supported to minimise the energy Requirements of the buildings for operation. It is not however clear what innovative approaches, if any, are being considered and allowed for in this development beyond that typically included in such new warehouse units.

Water Conservation

Water conservation measures are only being 'considered' at this stage. Far greater water harvesting and conservation techniques could and should be employed and secured via a Requirement. It is widely publicised that the demand for water in the future will be greater and thus the Scheme should include commitments to and set out the mechanisms for securing the measures taken to reduce water usage.

Transport

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.

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 Planning Obligation Heads of Terms (document reference 10.1), should be provided by the Applicant.

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.

Energy and climate change conclusions

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. Finally, enhanced Requirements and S106 Obligations will be necessary to secure these changes. The Scheme has the potential to be at the forefront of innovative and green logistics and should be setting an example as an industry leader.

DCO Requirements and S106 Obligations

The existing Requirements and S106 Obligations fail to adequately address the sustainable travel issues of the Scheme.

Further Requirements or S106 Obligations are needed in respect of water conservation and ensuring the Scheme has the capability to operate at net zero in the future.

15. 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. 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.

16. Design

The design of the scheme as proposed in its current form warrants further consideration, discussion and assessment.

17. Relevant Representation Conclusion

As outlined within the various headings above, it is the Council's position that the Scheme as proposed will create significant negative impacts upon the natural and built environments surrounding the Site. The mitigations currently proposed do not adequately alleviate these harms. The Council will be requiring all mitigation that is needed to be secured through either a Section 106 Agreement or the Requirements of the DCO.