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Tritax Symmetry (Hinckley) Limited  
The Applicant  
(By email only)

Your Ref:

Our Ref: TR050007

Date: 12 July 2023

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Dear Sir/Madam

## **Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule17**

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

As you will be aware I was appointed on 11 July 2023 as the Lead Member of the Examining Panel into the above Proposed Development. My fellow Panel Members are Graham Sword and Matthew Heron.

On 13 April 2023 the Planning Inspectorate wrote to you pursuant to s51 of the Planning Act 2008 (as amended) to advise you that the Health and Equality Briefing Note (Examination Library (EL) reference [APP-137]) could be enhanced to allow the Examining Authority and subsequently the Secretary of State to carry out the Public Sector Equality Duty under s149 of the Equality Act 2010 (as amended).

In response you submitted an Equalities Impact Assessment Statement which was published on 5 May 2023.

It is only on our appointment as an Examining Authority that we have been able to determine whether or not the Equalities Impact Assessment Statement should be accepted into the Examination.

After careful consideration, we have concluded that we are unable to accept the document for the following reasons.

As you will be aware s149 of the Equality Act makes specific reference to “protected characteristics” which are defined in section 4 of the Act and area set out in Table 1 of the Assessment. Unfortunately, in making the assessment Table 2 does not limit itself in the second column to those protected characteristics. This means that the assessment is regrettably flawed and therefore not suitable for use.

We have therefore concluded that we cannot take the assessment into account.

Rather than leave the situation unresolved until the opening of the Examination, we have concluded that we should let you know of our decision at this time. This will give you the opportunity to revise the document with a view to a new submission within the Examination.

We would suggest that any new submission should be at the first appropriate Deadline within the Examination. The timing of which will be discussed at the Preliminary Meeting, details of which will be circulated in due course.

We have included this letter within the project website so that Interested Parties and Affected Parties will be aware of the situation.

Yours faithfully

*Robert Jackson*

**Robert Jackson**  
**Lead Member of the Examining Panel**

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