



Hearing Action Points

Application for Development Consent for Hinckley National Rail Freight Interchange (Case Ref. TR050007)

Actions arising from Issue Specific Hearing 1 (Project Definition and Draft Development Consent Order) and Compulsory acquisition Hearing 1

ISH1 Wednesday 13 September 2023

<u>AP No.</u>	<u>Action</u>	<u>Action By:</u>	<u>Response Due By:</u>
Traffic and Transport			
1.	Provision of summary of how the jobs figures in the Environmental Statement (ES) have been derived.	The Applicant	D1
2.	Provision of a simple arithmetic summary as to how the 8,400 jobs figure within the ES has been derived.	The Applicant	D1
3.	Explanation of relationship between socio-economic model and the transport model utilised to derive estimated employment figures.	The Applicant	D1
Energy Generation			
4.	Explanation as to why a 50 megawatt (MW) cap for electricity generation included within the draft Development Consent Order (dDCO) is necessary, with particular regard to whether or not this element of the Proposed Development is or can be considered as associated development.	The Applicant	D1
5.	Confirmation that, if a limit for electricity generation is necessary, that this can be defined in Alternating Current (AC) rather than Direct Current (DC).	The Applicant	D1

<u>AP No.</u>	<u>Action</u>	<u>Action By:</u>	<u>Response Due By:</u>
6.	Response as to whether or not a MW restriction is desirable, with particular regard to relevant National Policy Statements and the increasing efficiency of photovoltaic panels over time.	The Applicant	D1
7.	Response as to whether, if an energy restriction was justified, this could be dealt with by another mechanism within the dDCO (such as an Article).	The Applicant	D1
Broad Structure of dDCO			
8.	A Continuation of discussions with beneficiaries of Planning Obligations. Agreements in terms of Planning Obligations to be included within Statements of Common Ground and draft Heads of Terms.	The Applicant Relevant Interested Parties	D2 and On-going
9.	Review of dDCO and consideration of reference to up to date made Orders.	The Applicant	D2 and On-going
Clarity			
10.	Review of terminology in dDCO and correction of typographical errors.	The Applicant	D2 and On-going
11.	Provision of a simple plan identifying affected level crossings.	The Applicant	D2
Novel Provisions			
12.	Review of drafting for Articles 32 and 33 of dDCO, with particular regard to the drafting of Boston Alternative Energy Facility Development Consent Order (made on 5 July 2023 and in force on 27 July 2023).	The Applicant	D2 and On-going
13.	Review of Articles 36 and 37 of dDCO, with provision of justification for their inclusion if Articles deemed necessary.	The Applicant	D2 and On-going

<u>AP No.</u>	<u>Action</u>	<u>Action By:</u>	<u>Response Due By:</u>
14.	Consideration of drafting of Article 38 with regard to litigation, particularly that which is progressing through the Courts and could have implications for this Proposed Development.	The Applicant	D2 and On-going
Definitions			
15.	Consideration of revised definitions at Article 2 to the dDCO, including for 'Order Land', and review of abbreviations to ensure that these are fully and consistently defined.	The Applicant	D2 and On-going
16.	On-going discussions with Interested Parties with regard to powers under which certain highways works would take place. Updates to Examining Authority as to whether or not it would be prudent to utilise standard S278 Agreements, similar to the mechanisms utilised for East Midlands Gateway Rail Freight Interchange.	The Applicant Relevant Interested Parties	D2 and On-going
Permanent Stopping up of Streets			
17.	Review of Article 11 of the dDCO to ensure that it ties in with Article 13 of the dDCO in relation to area of Smithy Lane.	The Applicant	D2 and On-going
Temporary Closure of Streets			
18.	Consideration of revised drafting in relation to Article 12 of dDCO concerning the named street authority.	The Applicant	D2 and On-going
19.	Consideration of inclusion of Requirements within dDCO with regard to how roads are made up.	The Applicant	D2 and On-going
Public Rights of Way Works			
20.	Review of Part 4 of Schedule 5 to dDCO. Consideration of appropriate 'trigger' for completion of works.	The Applicant	D2 and On-going

<u>AP No.</u>	<u>Action</u>	<u>Action By:</u>	<u>Response Due By:</u>
Private Rights			
21.	Reference of junctions cited within Articles 28 and 44 of dDCO within Explanatory Memorandum.	The Applicant	D2 and On-going
Rights Under or Over Streets			
22.	Review of drafting of Article 29 of dDCO to ensure that the non-strategic highway network could not be adversely affected by an above ground, or overhanging, obstruction.	The Applicant	D2 and On-going
Operational Land			
23.	Explanation as to why the whole of the Order lands should be considered "operational". Clarification to be set out within Explanatory Memorandum.	The Applicant	D2 and On-going
Disapplication of Provisions			
24.	Explanation as to why each provision within Article 47 of the dDCO should be amended as set out. Clarification included within the Explanatory Memorandum.	The Applicant	D2 and On-going
Certification of Plans and Details of Requirements			
25.	Discussion between Applicant and relevant local Councils regarding provision of a public record for Project documents.	The Applicant	D2 and On-going
Human Remains and Protection of Buildings			
26.	Consideration of inclusion of provisions within dDCO relating to human remains and the protection of buildings.	The Applicant	D2 and On-going
27.	Consideration of disapplication of relevant sections of the Burial Act.	The Applicant	D2 and On-going
28.	Consideration of discussion with Ministry of Justice in relation to human remains.	The Applicant	D2 and On-going

<u>AP No.</u>	<u>Action</u>	<u>Action By:</u>	<u>Response Due By:</u>
Schedule 1 – Works			
29.	Consideration of Works 1 – 7, including the necessity of Parts 1 and 2.	The Applicant Relevant Interested Parties	D2 and On-going
30.	On-going discussions in relation to Work 20 with regard to accessibility of footbridges. Inclusion of cross-reference to Equalities Impact Assessment.	The Applicant	D2 and On-going
Schedule 2 – Requirements			
31.	Consideration as to whether or not all requirements should have implementation clauses within them, rather than an overarching requirement.	The Applicant	D2 and On-going
32.	Consideration of co-ordination of discharge requirements.	The Applicant	D2 and On-going
33.	Removal of all works within Work 16.	The Applicant	D2 and On-going
34.	Consideration of possible combination of certain documents, with regard to Requirements such as 7, 23 and 24 to the dDCO.	The Applicant	D2 and On-going
Part 2 to Schedule 2			
35.	Consideration of additional provision explicitly giving the relevant local planning authority the power to determine applications for approval of requirements if required.	The Applicant	D2 and On-going
36.	In terms of Requirement 4, consideration of timeframe mechanisms for appeals. Explanation provided in Explanatory Memorandum in this regard should timeframes be included.	The Applicant	D2 and On-going

<u>AP No.</u>	<u>Action</u>	<u>Action By:</u>	<u>Response Due By:</u>
Remaining Schedules			
37.	Further definition of terms to be explored for Schedule 8 to the dDCO.	The Applicant	D2 and On-going
38.	Update of Explanatory Memorandum in relation to all necessary provisions for Schedule 12 to the dDCO.	The Applicant	D2 and On-going

CAH1 Thursday 14 September 2023

<u>AP No.</u>	<u>Action</u>	<u>Action By:</u>	<u>Response Due By:</u>
General Actions			
39.	Submission of a schedule on the implications of forthcoming legislative changes, including the Levelling-up and Regeneration Bill.	The Applicant	D2
40.	An update to the Appendix for the Statement of Reasons in relation to Plots 101 and 122, including what they are sought for and the rationale for their size.	The Applicant	D2
41.	An update in relation to interactions with Human Rights Considerations.	The Applicant	D2
Special Category Land			
42.	Consideration of precedent in terms of the drafting of Article 23 to the dDCO.	The Applicant	D2
43.	Response to the proposition that, if the Examining Authority and/or the SoS are satisfied that s.131(5) of the Planning Act 2008 does apply, there is no need for the inclusion of the proposed Article 23(2) to the dDCO.	The Applicant	D2
44.	The submission of a plan to show how the Proposed Development can be achieved on no more than 200m ² of common land.	The Applicant	D2

<u>AP No.</u>	<u>Action</u>	<u>Action By:</u>	<u>Response Due By:</u>
45.	Further consideration in terms of whether or not any of the relevant land in Burbage Wood and Aston Firs SSSI is common land, with particular regard to comments from Natural England and thus, with the land already allowed for, would exceed 200m ² .	The Applicant	D2
Crown Land			
46.	Provision of latest position as regards negotiation with the Crown over its interests.	The Applicant	D2
47.	Response in terms of the implications of a scenario where the Crown disclaims freehold land.	The Applicant	D2
Statutory Undertakers			
48.	Response on whether agreement has been obtained for land to be acquired in relation to Statutory Undertakers.	The Applicant	D2
Funding			
49.	Updated Funding Statement.	The Applicant	D1 with final draft at D7