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The Applicant

Your Ref:

Our Ref: TR050007

Date: 22 September 2023

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Dear Sirs

**The Planning Act 2008 (as amended), Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17**

**Planning Act 2008 (as amended) – Section 123 and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 – Regulation 4**

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

I refer to your letter of 5 September 2023 submitted at Procedural Deadline A. Included within this letter was a request for permission to submit amended application documents. This letter responds to that request.

This letter also sets out a Procedural Decision that the ExA has made requesting the Applicant responds to a number of matters at this stage of the Examination. These matters may already be the subject of responses which the Applicant is making in response to the Relevant Representations received, and in that case reference to the relevant response, in due course, will be sufficient.

**Change request**

The change request relates to the area around the current bridge over the Hinckley to Leicester railway line for Burbage Common Road. In your letter you indicate Network Rail has identified a discrepancy in its land and requested that the Book of Reference and Land Plan Sheet 1 are amended to resolve this discrepancy.

It is stated that these changes do not alter the extent of compulsory acquisition and do not engage the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended) (the CA Regulations).

## ExA Response

We have looked at the information provided and it would appear that the information submitted to date would indicate that the CA Regulations are engaged, there are discrepancies and not all the information has been updated.

Utilising the plot references from the proposed revised Land Plans there are the following discrepancies:

### Plot 17a

This plot has been increased in size. However, this has not been reflected in the information in the Book of Reference.

### Plot 22a

This is a new plot made up of land which was previously solely in Plot 22. However, comparing the latest submitted Book of Reference with that originally submitted, it would appear that there is an additional landowner, Network Rail Infrastructure Limited. This legal person did not have an interest in the original Plot 22 as set out in the original Book of Reference, but does in revised Plot 22a.

Furthermore, it is not clear as to the extent of rights which will be sought. In column (2), extent, description and situation of land or right to be acquired, it is stated "all interests", which would be assumed to mean that the Applicant is seeking to compulsorily acquire the land plot. However, the Land Plan has this area shaded green, which, according to the key, is for "acquisition of existing rights". Therefore, there would appear to be an inconsistency.

Under Regulation 2 of the CA Regulations a "compulsory acquisition request" means a request for an order granting development consent to authorise compulsory acquisition of land or of an interest in or right over land", and thus goes beyond compulsory acquisition only and would also include acquisition of existing rights. Whether it is sought that the land is compulsorily acquired or only for the acquisition of existing rights is therefore not material. "Additional land" is defined as "land which it is proposed shall be subject to compulsory acquisition and which was not identified in the book of reference submitted with the application as land", with "land" having the same meaning as in section 159.

Regulation 4 of the CA Regulations sets out that procedure where it is proposed to include additional land and the person with an interest in that land does not consent. The Applicant is referred to Regulations 5 to 19 for details of those provisions.

As currently submitted, there would appear to be two issues. Firstly, there would appear to be an additional person who has not, previously, been notified as to a request for the compulsory acquisition of its interests and, in any event, it is not clear as to the extent of the acquisition which is requested.

Should the Applicant in making its formal request provide correspondence from Network Rail Infrastructure Limited confirming that it consents to its interests being affected, in whatever form is finally clarified, then the procedure set out in Regulations 5 to 19 of the CA Regulations would not be necessary.

## Other matters

The Applicant has also submitted a number of other drawings on which it would appear that there are discrepancies.

On Sheet 2.2A (Works Plans (Sheet 1 of 8)), of the three main markers indicating Work 1, the middle one (shown just to the east of Bridge Farm) the arrow points not to Work 1 but Work 2. This also applies to Inset 2 and the equivalent area on the main plan.

## Way forward

The Applicant is requested to clarify all these matters before resubmitting them. Consultation should take place with those directly affected, in other words those with an interest in Plot 22a. The Applicant is advised unless all these matters are resolved, we would be unable to accept the proposed changes into the Examination.

## **Procedural Decision**

As set out above, the ExA has made a Procedural Decision to ask the Applicant to provide the following information if it has not been set out in its responses to the Relevant Representations. Information should be provided by **Deadline 2, 24 October 2023**.

## Environmental Assessment Chapter 8: Traffic and Transport

Table 8.3 of Chapter 8 of the Environmental Statement [APP-117] sets out a list of the Links to be assessed and Paragraph 8.292 sets out roads where there would be adverse effects from the Proposed Development. Could these both be shown graphically on maps to an Ordnance Survey base at a scale of 1:10,000 or less, with the end points of the links made clear.

## DfT TAG Unit M4 – Forecasting and Uncertainty and New Traffic Estimates and IEMA guidance ‘Environmental Assessment of Traffic and Movement’

Three documents have recently been published which affect traffic forecasting:

- A revised version of ‘TAG Unit M4 – Forecasting and Uncertainty’ this document was published by DfT in May 2023. It makes particular reference to changes in traffic since the Covid-19 pandemic;
- ‘Road Traffic Estimates in Great Britain, 2022: Traffic on England's road networks’, was published by DfT in July 2023; and
- ‘Environmental Assessment of Traffic and Movement’ published by the Institute of Environmental Management and Assessment in July 2023.

The Applicant is asked to review its transport modelling in light of these three documents.

## Traffic Models

### Employee travel modes

The Modal split for traffic is based on that for the Middle Super Output Areas (the MSOA) (see Figure 6-2 of the TA [APP-138]) for the Application site. However, the locations of the Employee Trip Generation are different (see Figures 6-3 and 6-4) and may not have the

same modal split. Could the Applicant please further justify the use of the modal split for the application site rather than those where it is anticipated where employees will live?

Could the Applicant please undertake a sensitivity analysis of the effect of using modal split from where employees may live rather than that of the Application site. If this shows a material difference, then the Transport Assessment will need to be re-assessed based on using this modal split.

### Approach

The Applicant has indicated that the maximum number of trains will be on weekdays (paragraph 8.203 of Chapter 8 of the ES [APP-117]). It follows that vehicle movements would be reduced during weekends. Therefore, could all the analysis in Chapter 8 of traffic please be re-run utilising Annual Average Weekday Traffic (AAWT) instead of Annual Average Daily Traffic (AADT).

Following on from this:

- could the Applicant please provide a revised analysis of the effects of the Proposed Development on the basis of the use of AAWT;
- could the Applicant confirm that the analysis of the various junctions set out in the Transport Assessment [AS-016] has been undertaken on the basis of calculations based on Monday to Friday peaks rather than from whole week peaks;
- where calculations have been provided on a percentage change (such as in Table 8.18) these should additionally include absolute numbers so the calculations can be analysed further.

### Narborough Level Crossing

In Table 2-1 of the Transport Assessment [AS-016] in relation that the Narborough level crossing there is reference to the worst case being that it would be 'down' for 20 minutes in an hour, but this is "well within NR's acceptable parameters".

Could the Applicant please provide three tables setting out, by hour over the 24-hour period, the information set out in the Schedule to this letter in relation to the Narborough level crossing. This should be on a 'worst case' scenario to allow assessment of the effects (it is therefore likely to involve more than the proposed maximum number of trains (32) to and from the Application site to allow for variations in timetabling).

Tables should be completed for the Monday to Friday, Saturday, and Sunday scenarios. It is appreciated that pathing has not been finalised, but to allow for the environmental effects to be assessed over the 24-hour period assumptions must have been made. Therefore a 'best guess' based on a 'worst case' will be sufficient if accurate figures cannot be provided.

Furthermore, could the Applicant please provide an analysis of the Narborough level crossing for those on the highway in terms of lengths of queue in both Passenger Car Units (PCU) and time. This should be provided for each hour in the 24-hour period.

While appreciating that 'Degree of Saturation' is not an exact match, the ExA would appreciate information to this effect, ie whether it is anticipated that the queues would clear the crossing between each lowering of the barrier. The Maximum Mean Queues should also be provided.

This information should be provided in the Base Year DM, and the DS scenario for both opening year and operational year for the Monday to Friday, Saturday, and Sunday scenarios.

This analysis should also consider whether the queue to the north of the crossing would extend longer than to the junction of Station Road with Coventry Road/ Leicester Road. If this occurs, then the analysis should also consider the effects on these roads in terms of queuing, congestion and delay.

Associated assessments:

The ExA also requests that the Applicant engages with stakeholders, including National Highways and the Local Highway Authorities, at the earliest possible opportunity with a view to gaining agreement as to the appropriate methodology if the model is not re-based.

The Applicant is requested to update/ amend the modelling and application documentation (including any dependent assessments where traffic is involved (eg Noise and Vibration, Air Quality and Emissions, Biodiversity)) as necessary explaining any changes and from where they have been derived in respect of all these matters (the three new documents, employee travel modes, use of AAWT and at the Narborough level crossing).

#### Railway Bridge design

The Illustrative Railport Line Diagram [APP-067] indicates that the existing main railway lines are on one side (north) of the new railway tracks. However, the Bridge Plan [APP-056] indicates that the “existing mainline” is located with lines to the north. This would appear to be confirmed in the Illustrative Sections through Railport [APP-066]. Could the Applicant please clarify the arrangements proposed, revising drawings as necessary.

#### Heath Impact Assessment

Could the Applicant please provide a consolidated Health Impact Assessment addressing the impacts on human health from the Proposed Development. It is acknowledged that this is provided in various chapters of the Environmental Statement (chapters 8,9,10,11 and 20, [APP-117], [APP-118], [APP-119], [APP-120] and [APP-129] but a more accessible way to access all of the information is required. It should also include impacts on health arising from changes to the visual setting and its impact on mental health and wellbeing.

Yours sincerely

*Robert Jackson*

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

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