

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE – LAND SOUTHWEST OF M69 JUNCTION 2

WRITTEN REPRESENTATIONS

1. INTRODUCTION

- 1.1. We are instructed by Parker Strategic Land Limited (“Parker”) and the following individuals:
 - i) Philip Ian William Bailey
 - ii) Linda Margaret Bailey
 - iii) David Arnold Woodward
 - iv) Jane Elizabeth Woodward
 - v) Jane Lang Woodward
 - vi) Jonathan Charles Woodward
 - vii) Leonard Cooper Bailey
 - viii) Keith William Bailey
 - ix) David John Bailey
(the “Landowners”).
- 1.2. This response is made on behalf of Parker and the Landowners and relates to Tritax Symmetry (“Tritax”)’s DCO application for the proposed Hinckley National Rail Freight Interchange (“HNRFI”).
- 1.3. The Landowners own that land covering approximately 44 hectares to the southwest of the M69 Junction 2 shown edged red on the plan attached at Appendix 1 (the “Employment Site”). Parker has an interest in the Employment Site by way of a promotion agreement with the Landowners.
- 1.4. The Employment Site is being promoted for the development of 133,000sqm of employment floorspace, a motorway services area and a hotel.
- 1.5. The Employment Site is adjacent to the M69 junction 2. It is not within the Green Belt and is not subject to any significant landscape constraints. Due to its strategic location and transport links, it is considered highly suitable for employment led development.
- 1.6. The Employment Site was first put forward in the ‘Call for Sites’ consultation in May 2019 on the emerging Blaby Local Plan. It was also recently included in the 2021 Regulation 18 ‘Issues and Options’ consultation, which identified the site (reference EAST001) as an option for future employment growth. It is earmarked for circa 133,000sqm of employment floorspace, a motorway services area and a hotel and is highly likely to come forward in the Blaby District Council Regulation 19 Local Plan.
- 1.7. The Employment Site’s status as an emerging strategic allocation is a material consideration for the Secretary of State when determining the DCO application. It should therefore be given consideration by the Secretary of State during the examination process, so that the HNRFI does not place any unreasonable additional constraints on the Site that would harm its future development.

- 1.8. The Employment Site falls within the DCO land and the northern part of it is proposed to be acquired temporarily for use as *“temporary construction laydown sites and stock piling areas for topsoil and subsoil material and construction of temporary haul roads including access in connection with the works to junction 2 of the M69 motorway”*. This is the area shown shaded yellow on Land Plan 4. No detail is provided on why it is required or how long the land could be taken for. It is therefore possible that the proposed temporary use could significantly hinder the development of the Employment Site.

2. OBJECTIONS

- 2.1. Parker and the Landowners robustly object to the temporary acquisition of the Employment Site on the following grounds:
 - 2.1.1. The absence of a compelling case in the public interest;
 - 2.1.2. The Employment Site is not needed because there is an alternative means of bringing about the objective of the DCO; and
 - 2.1.3. Lack of consideration of alternatives.
- 2.2. These grounds are discussed in more detail below, but Parker and the Landowners reserve the right to expand on these grounds in its detailed representations during the examination of the Order.

3. ABSENCE OF COMPELLING CASE

- 3.1. Section 122 of the Planning Act 2008 (the “Act”) makes it clear that a development consent order may only authorise compulsory acquisition if the Secretary of State is satisfied there is a compelling case in the public interest. The purposes for which the order is made must also justify interference with the human rights of those with an interest in the land affected.
- 3.2. Tritax’s Statement of Reasons does not disclose a compelling case in the public interest for the exercise of compulsory purchase powers in respect of the Employment Site. In fact, no detailed justification for the inclusion of the Employment Site is set out in either the Statement of Reasons or any of the other DCO application documents.
- 3.3. Instead, there are only vague references to plots being temporarily acquired with the aim of minimising the interference with that land. However, no analysis or detailed evidence is provided to explain how the Employment Site has been chosen as a “construction laydown site and stock piling area”, why that exact area of land is required or what is being done to “minimise interference”. This falls woefully short of demonstrating that there is a compelling case in the public interest for the site’s acquisition.
- 3.4. During Compulsory Acquisition Hearing 1 (“CAH1”) on 14 September 2023, the applicant acknowledged that the description of the works to be carried out on Plot 101 (as shaded yellow on the Land Plans) in Appendix 1 of the Statement of Reasons was inaccurate and

that no detailed explanation was included for why Plot 101 was required for use as a construction laydown site and stock piling area.

- 3.5. In CAH1, we noted that: (a) no detail was provided on the quantum of materials that the applicant anticipates will be required and hence what area will be reasonably required to store those materials; (b) no alternatives appear to have been considered; and (c) what the proposed access arrangements were required when land is being sought for temporary purposes.
- 3.6. The applicant stated that further detail and clarify would be provided in the Statement of Reasons. To date, no such detail or clarity has been given.

4. SITE NOT NEEDED DUE TO ALTERNATIVE MEANS OF BRINING ABOUT THE OBJECTIVE OF THE ORDER

- 4.1. The Site is not needed as there are alternative areas to use as a construction laydown sit and stock piling area in connection with the works to junction 2 of the M69 motorway. In particular, there is a significant amount of space within the main body of the HNRFI site that could easily be utilised for such purposes.
- 4.2. Furthermore, Schedule 2 of the draft DCO notes that the works to junction 2 of the M69 motorway are be carried out prior to occupation of any warehouse floorspace. We also note that the development is to be carried out in a phased manner with not all warehouse units likely to be delivered initially.
- 4.3. Therefore, there is no reason why vacant space within the main body of the HNRFI that will form later phases of the substantive development cannot be used as a construction compound relating to the junction 2 works; such works being carried out at an early stage of the HNRFI development.

5. LACK OF CONSIDERATION OF ALTERNATIVES

- 5.1. It is a requirement of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("IP EIA Regulations") that the applicant's environmental statement must (amongst other matters):
 - 5.1.1. describe "the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects"; and
 - 5.1.2. provide "a description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment".

- 5.2. The assessment should take account of the impact and effect of the HNRFI scheme on a number of factors, including the following:
 - 5.2.1. Community and private assets, including private property;
 - 5.2.2. Development land including potential strategic development sites; and
 - 5.2.3. The local and wider economy.
- 5.3. In order to undertake a robust and legally compliant EIA Tritax must consider reasonable detailed alternatives in terms of the manner of delivery of the HNRFI scheme so as to avoid any unnecessary adverse effects on landowners, potential development sites and the wider economy. This has not been carried out properly as there has been no consideration of alternatives to the use of the proposed temporary acquisition land. The ES provided as part of the application is therefore flawed.

6. SUMMARY

- 6.1. Any construction compound in that area would sterilise the proposed development of the Employment Site, as well as the existing land use, for a significant period of time. This would be completely unacceptable to our clients.
- 6.2. In summary:
 - 6.2.1. There is no compelling case for the temporary acquisition and sterilisation of the Site.
 - 6.2.2. There are reasonable alternatives to the proposed temporary acquisition and the applicant has failed to adequately explore those alternatives.
 - 6.2.3. The application for the DCO is flawed
- 6.3. Parker and the Landowners therefore robustly object to the DCO application as currently proposed and reserve the right to expand on these grounds in their detailed representations during the examination of the DCO.
- 6.4. Parker and the Landowners are also concerned that there is, more generally, a lack of sufficient evidence to support the proposed DCO and refer to the Written Representations of the consortium of land promoters predominantly consisting of Parker and Barwood Development Securities Limited.

Appendix 1 –Site plan

