

## **Application by Tritax Symmetry (Hinckley) Ltd. (Tritax) for an Order Granting Development Consent for a Rail Freight Interchange (RFI).**

1. I am a resident of the village of Barwell. I am also a retired civil servant who has worked in national social and health care policy fields. My particular field of interest has been mental health and wellbeing. I have also had a lifetime interest in ecology and environmental matters.
2. My property affords excellent views from the east side of the village across towards Lutterworth. This view is rural and includes Burbage Common and all of the proposed site. The site is approximately 1.5 miles from my property and almost completely fills the width of the view at this distance. Even with the reduced height of the warehousing it also fills a significant proportion of the depth of the view.
3. This view is also enjoyed by a number of other properties in my vicinity and by many hundreds of people who pass the junction of Shilton Road and Red Hall Drive every day.
4. I am a frequent visitor to Burbage Common (the Common) and the villages of Elmesthorpe, Earl Shilton, Stoney Stanton, Sapcote and Burbage as well as the town of Hinckley. I have also until recently been a frequent user of the rail line travelling both west and east from Hinckley and am still a frequent user of the A47, and the Leicester and Ashby Roads in Hinckley.
5. I currently derive great benefits to my health and general wellbeing from the views of the area from a number of points in Barwell and other places and from my use of Burbage Common and its environs. I know that many others do also. My house is situated within both sight and sound of the proposed RFI site and also the A47 between Earl Shilton and the lower part of the perimeter road towards the Ashby Road.
6. I believe that Burbage Common is a site of special local ecological, historical and recreational interest. I enjoy its rich variety of flora and fauna. It is the only such site within many miles.
7. I have read the consultation and application documents and attended many of the public consultation meetings where I discussed the proposals with Tritax staff and with other attendees. I also attended one of the 'Zoom' consultation meetings.

### **Summary**

8. In my view the proposed Rail Freight Interchange poses a real and severe direct and indirect existential threat to the Common and adjoining fields and a significant threat to the health, welfare and wellbeing of people who live near it and to the far wider population that use it, including myself.
9. The development brings with it severely adverse impacts to my and others' health and wellbeing and to the ecology of the area without bringing any local and few (and questionable) regional and national benefits.
10. I do not believe that this development meets the criteria for being a nationally significant infrastructure project under the terms of the Planning

Act (2008). I therefore also believe that it should not fall under the planning processes contained within that Act and associated guidance.

11. In my view the proposed rail freight interchange appears to be a huge speculative road-based logistics warehousing development onto which a rail port has been added as a means of avoiding local planning mechanisms. The rail aspects of the proposal are significantly under-researched and under-developed and form only a small part of the proposal as a whole. This is reflected in many aspects of the proposals including the intention to begin development of the rail link relatively late in the site development and the absence of the container handling infrastructure in the 'artist's impressions' of how the development might look.
12. This is further demonstrated in the supporting document from the proposed operator of the facility who cites their experience elsewhere that companies will be attracted by the warehouses and then may consider some use of the rail port (or not).

### **Transparency**

13. One feature of the scoping, design and siting of this development is its reliance on the Leicester and Leicestershire councils' publication 'Managing Growth and Change' (April 2021). This document clearly shows a corridor in the area for the potential development of an intermodal interchange and this development is sited within that envelope. I believe that much of the research behind this document was undertaken by Tritax itself (or its predecessor organisation). I believe that this has
  - limited the scope of the alternatives that have been considered to within the Leicestershire boundary in a way that is not clear to the general public and others, and
  - undermined the independence and objectivity of the strategy document on which the development partly relies, again in a way that is not clear to others.

### **The Planning Act (2008)**

14. I do not believe that the development meets the definition of a nationally significant rail freight interchange contained within the Planning Act (2008). The Act stipulates that "The land on which the rail freight interchange is situated must - .... Be a least 60 hectares in area". (S26(3)(b)). The development includes only 13.87 hectares for the rail port itself. While the plans do not appear to contain a figure for the land usage directly associated with the interchange functions rather than for road distribution it is clear that the intended use is for the importation of goods by road rather than exclusively by rail.
15. It is not clear therefore that Tritax have met this requirement of the Act and I question whether it would do so.

### **The National Policy Statement**

16. Whether or not this statutory duty has been met I do not consider that the proposed RFI meets the criteria contained within the national 'Policy Statement for National Networks' (December 2014) ('NPS') for such developments.
17. The Policy Statement determines that Strategic Rail Freight Interchanges (SRFIs) should be "near to the conurbations that consume the goods" (2.45)

and/or “near the business markets they will serve” (2.56). Tritax failed during the consultation to establish what ‘the goods’ to be handled by the facility would be. Nor have they established who the potential consumers of these goods are. Where staff gave more details they proved to be illusory and highly speculative, for example “the local automotive industry”. This has not been addressed in the actual application which now cites only general areas and goods-types rather than specific markets.

18. The NPS determines that developments should be in locations where there is an established suitable workforce. There is no such workforce in the area and levels of unemployment are very low. The workforce for this development would need to travel some distance to the site. For example doing the consultation events Tritax staff talked of bussing employees from Milton Keynes or Coventry.
19. The NPS indicates that it is government priority for SRFIs to be developed to serve London and the South East. This development does not meet this priority and is, rather, planned for an area that is already very well served by existing and agreed new SRFIs.
20. The NPS implies that SRFIs should be developed where there is a need for them. The area with which this development is proposed is already served by a large number of existing or agreed distribution centres and rail freight interchanges including
  - The Northampton Gateway
  - The West Midlands RFI
  - Daventry International Rail Freight Terminal (DIRFT)
  - Prologis Park RFI
  - Hams Hall
  - East Midlands RFI
  - Magna park (including extension)(currently served by the DIRFT)
  - Birch Coppice
21. I understand that at least one of these (the DIRFT) is currently operating significantly under-capacity. This RFI already serves Magna Park albeit through short road haul road usage.
22. Where the proposed developments have a significant environmental effect then the NPS requires that applicants consider alternatives. There is some evidence of the consideration of alternatives in respect of sites to the east of the current proposed location but there is no evidence of consideration of other potential suitable alternatives.
23. There are long, straight stretches on existing lines that have not been considered including
  - sites to the west of Hinckley and to the west of Nuneaton (including possible ‘brownfield’ sites) on the Birmingham/Leicester line,
  - sites on the Leicester / Burton line (the Ivanhoe line). This line is not yet of the required standard but the NPS allows for proposals involving such lines.
24. There are also two existing and undeveloped rail track beds that could be used to develop a rail aspect within the current developments at Magna Park just a few kilometres away. These are

- the former Midland Rugby/Leicester line, the bed of which passes through Magna Park and
  - the former Great Central line which passes close to the current Magna Park facility and which ran between Rugby and Leicester.
25. Both of these lines would afford links with either Rugby (West Coast Main Line) or Leicester (Midland Main Line) or both. Neither of these options have been considered seriously. The comment in the application that one of these lines has been partially built on is, in my opinion, fatuous.
26. The NPS requires consideration the impact of the development on the existing rail structure. Tritax have not done this other than through a limited analysis of the existing timetable of trains passing the proposed site. They have not addressed the following issues.
- The junction of the line with the Midland Main Line just south of Leicester (at Wigston) is already heavily congested.
  - The impact of long slow freight trains crossing the East Coast Main Line (near Peterborough), or the Midland Main Line (Leicester) or West Coast Main Line (Nuneaton)
  - The impact of long, slow trains on the level crossing in the village of Narborough.
  - Existing plans to enhance both freight and passenger traffic on the line to incorporate, for example, the use of quarries at Croft to provide aggregate and be a 'waste' disposal site for HS2 and the re-introduction of direct frequent services between Leicester and Coventry.
  - The capacity of ports, particularly the mainly cited port of Felixstowe to handle more freight. It is my understanding that at least the rail port at Felixstowe is running currently at full capacity and that therefore there is no benefit to it or the national infrastructure of developing the HRFI.
27. One further implication of this is that Tritax has not been able to satisfy the legal requirement that their proposals should have regard to local, regional and national transport policies in so far as they apply to the RFI and its operations.
28. I note that while Network Rail is clearly a key stakeholder in this development Tritax have progressed their relationship no further at this point the progressing a statement of common ground that they say will be submitted later during this examination.
- Consultation** - ('Planning Act 2008: Guidance on the pre-application process' (March 2015))
29. In my view the consultation phases to date do not meet the requirements stipulated within the 'Planning Act 2008: Guidance on the pre-application process' (March 2015).
30. Whilst 'on paper' the consultation has met requirements, the actual roll-out of the consultation was deeply flawed.
31. It was not possible for Tritax to show local populations the nature of the impact of the development on the local road infrastructure or usage as they had not agreed the model with the relevant highways authorities.

32. Modelling of the impact of the proposal on the rail infrastructure (for example on passenger services enjoyed by the local population) did not take into account impact on the network further than just west of the Wigston junction to the east and at the site itself. It did not take into account the interface of the proposal with services using the Midland Main Line, the West Coast Mainline or the East Coast Mainline. All of these would have potential negative secondary impact on local services.
33. Information given to participants in the literature and at the consultation events about a number of aspects of the proposal varied widely and were at times contradictory. For example
- The number of lorry movements cited varied between sources from 6,000 to 12,000 per day,
  - Tritax staff denied any intention to apply for the power to compulsorily purchase any land or property in relation to the development when local residents had received letters from them purporting to do just this with parts of their property,
  - At one event a resident was told that there were no plans to alter an existing road junction, this resident had been sent details, including maps, for the alteration of this junction, including use of part of their land.
  - When staff were asked about the impact of the increased number of trains on the line on passenger services they were told that most of the new freight trains would run at night. People who expressed concern about noise and light pollution at night were told that all the new trains would run during the day.
34. The information including 'artist's impressions' given in respect of the visual impact constantly underplayed this impact. In particular they
- were of a 'wide angle' in nature, and therefore did not reflect how human vision works
  - represented the lower end of the proposed sizes, particularly the heights of the warehouses,
  - did not include the 'harder to hide' elements of the development such as the container crane gantry and container stacks
  - did not accommodate the 'rising' nature of the site.
35. The visual representations do not include one from the Common itself. Although there was one from close to the Common it was from a point furthest away and from where the development would be least visible.
36. It appeared that Tritax staff were surprised by the levels of interest in this development, by the levels of attendance at the public events and by the number of questions that were raised by participants. While many of the staff were clearly very happy with this, others were clearly not. It was my experience and the experience of others that some became frustrated and at times dismissive and rude. This detracted from the quality and accessibility of the consultation.
37. The Zoom meetings did not allow for people to raise questions directly. People were required to ask questions in a written form and not all questions

were answered. Where they were addressed the questioner had no opportunity to follow up on the response so there was no dialogue.

38. I further note that the consultation was not supported by the Leicestershire County Council as in their view amongst other things the consultation material was limited and that the road traffic modelling and results were not agreed with them or other highways authorities.

### **Good Design**

39. The NPS requires that proposals should incorporate 'good design'. In my view Tritax have failed to do this sufficiently in respect of the visual appearance of the project, even within the 'underplayed' information that they have given.

40. The design is not sensitive to the place and does not demonstrate good aesthetics. The NPS acknowledges that there may be a limit on the extent to which developments of this kind can contribute to the enhancement of the quality of the area (4.29). However this development fails to contribute anything at all and indeed detracts enormously from the quality of the area visually and in many other ways.

41. The NPS indicates that it is the intention of the government that SRFIs are not located "adjacent to residential areas or environmentally sensitive areas" (4.86). The proposed site is both adjacent at least one environmentally sensitive area (the Common) and either adjacent to, or within sight and sound of, large residential areas and settlements at Hinckley, Burbage, Stoney Stanton, Earl Shilton, Elmesthorpe, Barwell and the community at Aston Firs.

42. The mitigation that is proposed does not sufficiently reduce the light and noise pollution and the impact on the ecology and the population remains severe.

43. The NPS states that NRFIs should include an operational rail network connection and areas for intermodal handling and container storage (4.86). The site plans show this but also show that the warehousing proposed is far larger than would be required by the rail and inter-modal aspects of the development.

44. The NPS also states that a significant element of the warehousing should be connected to the rail network from the outset (4.88). As I understand the plans this aspect of the development will not be addressed until year 10.

### **Air quality and carbon emissions**

45. There will be a significant increase in emissions of pollutants both during construction and then in the operation of the RFI.

46. In the absence of more definitive figures relating to the number of HGVs using the site and the increase in the number of diesel engines associated with the operation of the site it is difficult to make any judgement about the deterioration in air quality in the site and its environs. It is however likely to be very substantial.

47. Tritax have addressed some of these on a strategic 'whole country' basis and concluded in the words of one of their staff during a Zoom consultation that the carbon impact will be 'net zero'. This 'net zero' would however be achieved almost exclusively by offsetting and not by any mitigation that would have any local benefit or mitigatory effect.

48. As I understand the model used it does not address the following

- Any movement of goods from the RFI back towards the port of origin, for example to Leicester which it sites as a possible market area.
- The impact of emissions specifically on Burbage Common. Indeed one of the features of the latest design is that there should be a lorry park operating 24 hours a day on the boundary with the Common.
- The specific effects on the local area given that the site is close to both the M69 and the A5
- The specific 'meteorology' of the area. The site is in an area that is renowned for the distinctiveness of its local weather - particularly fog and mists. Under these conditions pollution would remain far longer than Tritax's modelling has allowed for.
- The impact of the proposed gas power plant.

### **Biodiversity and ecological conservation**

49. The proposed site is adjacent to Burbage Common and Woods. This is a country park that contains a Site of Special Scientific Interest. It is reasonable to assume that the air, noise and light pollution generated by the proposed RFI would have a disastrous effect on the Common and that for some species of flora or fauna it would be existentially threatening or indeed fatal. This is not something that is addressed directly in the proposals and in my view the proposed mitigations relating to air, noise and light pollution do not reduce the threat sufficiently.

### **Landscape, light pollution and visual impacts**

50. The development site sits in a gently undulating rural landscape that has been maintained by the sensitivity of the design of the housing and other development that there have been. Within this landscape the HRFI would be highly visually conspicuous, anomalous and dissonant. It would be visually jarring and destroy what have for generations been views from many directions of high visual amenity which have contributed to the welfare and wellbeing of local populations and visitors to the area.

51. As noted above you Tritax has in my view consistently under-represented the visual impact of the scheme to the extent of under-representing the height of buildings and omitting visual representations of the container crane gantry and container storage areas along with light pollution levels entirely.

### **Noise pollution.**

52. The NPS notes that excessive noise can have wide ranging impacts on the quality of human life and health, use and enjoyment of areas of value (such as quiet places) and areas with high landscape value (5.186).

53. Noise pollution will be considerable. Given the nature of noise emitted by freight trains and engines whilst travelling, slowing, accelerating, shunting etc, the geography of the area and the railway being largely on an embankment, train noise will travel long distances, and even further under some common meteorological conditions.

54. This aspect of impact has not been adequately assessed or mitigated in the plans either generally in respect of local communities or specifically in relation to the fauna and users of Burbage Common. The conclusion that the permanent effect would be "minor adverse .... at worse (sic)" is one that depends only marginally on the mitigation proposed and mostly on site operators applying standards to equipment, plant and operating practices that cannot be enforced. It is not one that I accept especially in the context of the number of people and the wildlife that will be affected.
55. Furthermore the model used in relation to the assessment and mitigation of noise pollution states that most rail freight movements and associated container handling activity would be in normal working hours. Information given during the course of the consultation is that most rail freight an associated activity would actually be outside those hours.

### **Transport Networks**

56. I have addressed rail transport networks earlier in this representation.
57. It is difficult to comment on the impact of the proposals on the current road network or the network as modified to accommodate the currently proposed mitigations as the model adopted has not yet been agreed with the relevant highways authorities. However a number of issues may be relevant.
58. The initial proposals linked the site with the existing road network at J2 of the M69. This also linked the site with the local minor road network (B4669) and thence the main local north/south road (A5). It was pointed out during pre-application consultation that all these roads were heavily used and at times congested and that the impact of the RFI would be untenable. It was also questioned whether the site would be able to operate at all at times when the M69 was closed (a not infrequent occurrence).
59. In response to this these latest proposals include a link road between the M69 at J2 and the B4668 and alterations to roads and junctions in and around some of the villages and at the junction of the B4668 and the A47 and at the junction of the A47 with the A447.
60. In my view none of the proposed alterations to the road network provide sufficient mitigation and would rather make significant and unacceptable further burdens on an already over-loaded system.
61. The proposed link road between the M69 at J2 and the B4668 enters the B4668 at a point that is heavily used by local people accessing Burbage Common and the rugby, tennis, football and cricket clubs as well as a popular local gym. The traffic modelling does not accommodate this pattern of use.
62. The proposed link road when combined with the M69, A5 and A47 in effect creates a ring road around the town of Hinckley. The A5 to the west of the town is already heavily congested and is frequently closed due to collisions with the rail bridge. The new link road would provide an attractive alternative to the A5 for lorries wanting to get past the town. This is not addressed in the proposals at all.
63. Furthermore, the proposed new link road when combined with the new access to junction 2 of the M69 would provide an attractive alternative point of access to and egress from the M69 for traffic wishing to avoid the heavily congested Junction 1 for Hinckley. The impact of this on the Leicester Road towards Hinckley, particularly the already heavily congested Spa Lane and



Derby Road junctions has not been modelled nor has the impact on the village of Barwell.

### **Conclusion**

64. It is questionable whether the proposed development should be correctly called Nationally Significant Infrastructure Project. In my view it does not meet the criteria stipulated in the Act or associated Guidance. It should therefore be subject to local and not national planning processes, procedures and considerations.
65. If the proposal is considered as a Nationally Significant Infrastructure Project then it has failed to meet essential criteria for it to be accepted.
66. The rail aspects of the proposed development would bring no local and few regional or national benefits. The benefits cited in the proposals and in the consultation are tenuous at best and probably illusory.
67. The proposed development poses a real and severe direct and indirect threat to the health and wellbeing of the people living in the environs of the site. It also constitutes a real and severe existential threat to the flora and fauna of Burbage Common which is enjoyed by large numbers of people who visit the area.