

HINCKLEY NATIONAL RAILFREIGHT INTERCHANGE

*Written Representation (ref.
HRFI 20040018) on behalf of
Blaby District Council in
response to Tritax Symmetry
(Hinckley) Limited submission of
a Development Consent Order
(ref. TR05007)*

Edward Stacey Deadline 1 – October 10, 2023

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1 Introduction

- 1.1 This is the Written Representation of Blaby District Council ('BDC') on the application by Tritax Symmetry (Hinckley) Limited ('Applicant') for development consent for the Hinckley National Rail Freight Interchange ('the Proposed Development').
- 1.2 The Proposed Development is located on 268 hectares of land south-west of the village of Elmesthorpe, between the M1 motorway and the Leicester to Birmingham Railway Line ('the Site').
- 1.3 BDC vehemently opposes the Proposed Development on the basis of the far-reaching adverse environmental and social impacts it would cause in the local area. These include significant impacts associated with the traffic generated by the Proposed Development and major adverse visual impacts. The extent and significance of these environmental and social impacts within BDC's area are detailed within this Written Representation and in BDC's Local Impact Report ('LIR').
- 1.4 There are significant flaws and omissions within the Applicant's assessment of impacts caused by the Proposed Development and the mitigation being put forward to address these impacts. This has created uncertainty and hindered BDC's ability to understand the full extent of the impacts and the adequacy of the proposed mitigation. Some of these flaws and omissions derive from the inadequate pre-application consultation and engagement carried out by the Applicant which involved incomplete information, vague proposals and a refusal to engage in meaningful dialogue with BDC on concerns raised during the pre-application stage.
- 1.5 This Written Representation identifies a range of fundamental concerns that BDC has about the Proposed Development. BDC submits that development consent should be refused on the basis that the adverse impacts of the Proposed Development outweigh its limited benefits. In the event that the Secretary of State consents the Proposed Development, BDC insist that the Requirements and obligations to be secured pursuant to Section 106 of the Town and Country Planning Act 1990, which are still under negotiation and are not yet acceptable to BDC, should be an essential part of the overall scheme.

2 Consequences of inadequate consultation and engagement

- 2.1 As outlined in BDC's Adequacy of Consultation Response [AoC-001], BDC considers the Applicant's pre-application consultation and engagement was inadequate. In particular, the Applicant provided incomplete information, vague proposals and refused to engage in meaningful dialogue with BDC and other local authorities on concerns raised during the pre-application stage.
- 2.2 Had the information, assessment methodologies and other inputs that were sought by BDC at the pre-submission stage been provided by the Applicant, some of the issues raised by BDC in this Written Representation may have been capable of being resolved. Instead, the assessment of the impacts of the Proposed Development contain significant omissions and uncertainties. As a consequence, the application does not provide a complete picture of the likely impacts of the Proposed Development and BDC and other interested parties are not able to conclude whether the design and the mitigation proposed by the Applicant is capable of adequately addressing those impacts.
- 2.3 Of particular concern for BDC is the proposed highway/transport proposals and mitigation. BDC notes that the traffic modelling and proposed mitigation have still not been agreed with the Local and National Highway Authorities. The Highway Authorities consider there are significant omissions in the Applicant's modelling – including a failure to appropriately model junction 3 of the M69 / junction 21 of the M1 which is under significant pressure at peak times already. Uncertainty over traffic impacts and associated impacts such as noise and air quality is a significant concern for BDC.

3 Site Selection and Evolution

Need

- 3.1 There are a network of existing and recently approved rail freight interchanges and distribution centres within the Midlands. Whilst the Leicester and Leicestershire Enterprise Partnership's Strategic Economic Plan 2014-20 (March 2014) highlights 'South West Leicestershire' as an option (Option 5), it is only a potential growth location and no specific projects are identified in terms of a strategic rail freight interchange (SRFI). The Leicester and Leicestershire Strategic Distribution Study (updated March 2022) recognises that the Hinckley NRFI site being promoted would meet the anticipated demand to 2041 for rail-served warehousing in Leicestershire, but it should be recognised that the Hinckley NRFI is only one option that could be taken forward.
- 3.2 The justification for the Proposed Development, both in terms of a need for the proposed interchange and warehousing, and the modal shift and carbon reduction benefits derived from their operation, are intrinsically linked to the transport of goods primarily via rail. Paragraph 2.44 of the National Policy Statement for National Networks (NPSNN) sets out the aim of an SRFI is to *"optimise the use of rail in the freight journey by maximising rail trunk haul and minimising some elements of the secondary distribution leg by road, through co-location of other distribution and freight activities. SRFIs are a key element in reducing the cost to users of moving freight by rail and are important in facilitating the transfer of freight from road to rail, thereby reducing trip mileage of freight movements on both the national and local road networks"*.
- 3.3 The NPSNN sets out various requirements that an SRFI must fulfil to achieve this aim. Paragraph 4.88 requires that *"Applications for a proposed SRFI should provide for a number of rail connected or rail accessible buildings for initial take up, plus rail infrastructure to allow more extensive rail connection within the site in the longer term. The initial stages of the development must provide an operational rail network connection and areas for intermodal handling and container storage. It is not essential for all buildings on the site to be rail connected from the outset, but a significant element should be"*. The NPSNN therefore requires that a significant element of the buildings on site to be rail connected from the outset.
- 3.4 The proposals put forward by the Applicant do not meet this requirement. Requirement 10 (Rail) of the draft Development Consent Order (dDCO) allows for 105,000 square metres of warehouse floorspace to be occupied prior to the completion of the rail freight terminal. **To ensure compliance with the NPSNN, BDC submits that Requirement 10 of the dDCO should be amended as follows:**

Rail

- (1) The rail freight terminal which is capable of handling a minimum of four 775m trains per day and any associated rail infrastructure*

completed must be constructed and available for use prior to the occupation of any of the warehousing .

(2) No rail infrastructure may be removed which would impede the ability of the rail freight terminal to handle four intermodal trains per day unless otherwise agreed in writing by the relevant planning authority..

- 3.5 BDC acknowledges there are precedents for Development Consent Orders (DCOs) which allow a proportion of SRFI warehouse floorspace to be occupied prior to the final delivery and commissioning of the rail connection, and the revised draft NPSNN expressly recognises this may be appropriate in some cases (para. 4.86). However, BDC submits it is not appropriate in this case particularly due to the concerns expressed below regarding the impacts of the Proposed Development on the road network and deficiencies in the Applicant's modelling and assessment of these impacts. In view of these impacts, it is imperative that the Proposed Development is rail connected prior to the occupation of any warehouse floorspace.
- 3.6 An SRFI must also have adequate links to the road network, in particular the Strategic Road Network (SRN). BDC is not currently content that the Scheme's access to the SRN is proven suitable, given the issues with the M1 Junction 21 noted in section 6 of this Written Representation.

Site Alternatives

- 3.7 In response to the Applicant's statutory consultation BDC raised concerns in respect of the relevance of site options 1 – 3 (Brooksby, Syston Fosse Way Junction and Syston Barkby Lane). Whilst the options are all to the north of Leicester and do not accord locationally with the *Leicester and Leicestershire Enterprise Partnership's Strategic Economic Plan 2014-20* (March 2014), or the options also do not correlate with the more recent *Leicester and Leicestershire Authorities Warehousing and Logistics in Leicester and Leicestershire: Managing growth and change* (amended March 2022), it does not mean that such sites should not be considered. Moreover, additional comment was provided in respect of the potential ability to locate facilities on land to the north of Stoney Stanton or between Hinckley and Nuneaton to the south of the A5. Other than a cursory comment on alternative sites, no enhancement of the original site assessment appears to have been undertaken by the Applicant. The assessment provided is therefore still considered inadequate by BDC.
- 3.8 The lack of consideration of sites further to the west is considered to be particularly important. Whilst not within Leicestershire, the Solent and Felixstowe lines connect close to Nuneaton, providing the opportunity for a single facility which would also serve two ports. BDC consider this alternative location has not been adequately considered by the Applicant. **The Applicant should be asked to provide a reasoned justification for why these alternative sites were not considered.**

Scheme Evolution

- 3.9 During the pre-application stage, BDC raised concerns in respect of the layout of the Proposed Development, with any tugmaster movements needing to cross the A47 link road (see Table 4.2 of document 6.1.4 – Chapter 4 of the Environmental Statement – Site Selection and Evolution [APP-108]). This issue is considered important to ensure the Proposed Development operates principally as a rail-linked facility and not as a road served distribution centre.
- 3.10 The updated illustrative masterplan includes a ‘railport estate road link’ which seeks to address this previous concern. The delivery of this link road needs to be expressly secured so that when the units on the western rail side of the Site are designed they include through-access to the railport. **This could be secured via amendments to the Design Code [APP-354], for example:**
- 3.10.1 7.3.2 add additional bullet point: Internal estate roads will allow for access through to the railport without needing to use the A47 Link Road, as shown in the Illustrative Masterplan (document reference 2.8).**

4 Relevant Legislation and Policy

- 4.1 The relevant policy and legislation to the Proposed Development has been referenced within the Applicant's Environmental Statement ('ES') [APP-109 - APP-345], with one exception referred to below. However, BDC is concerned that due consideration has not been given to the local policy context in which the HNRFI proposal sits. It is also unclear to what extent the draft revised NPSNN has been taken into account.
- 4.2 No reference is made to the Planning Policy for Traveller Sites (PPTS). The PPTS is a national policy document with the same standing as the National Planning Policy Framework (NPPF). The PPTS includes principles relating to environmental quality impacting the health and wellbeing of travellers. There is a traveller community around Aston Firs, immediately adjacent to the Site and thus, this policy is directly relevant and needs to be adequately addressed.
- 4.3 Traveller people are protected against discrimination under the Equality Act 2010. BDC note that the Applicant's Equalities Impact Assessment Statement (ES Appendix 7.2 [AS-001]) does not appear to consider the impacts of the Proposed Development on this community. As noted in paragraph 4.74 of the revised draft NPSNN, Applicants must comply with any obligations under the Equality Act and the Secretary of State must have regard to the public sector equality duty when determining the application. **The Applicant should therefore be asked to explain how the Proposed Development will impact the traveller community around Aston Firs and how the scheme is consistent with the principles in the PPTS.**

5 Land Use and Socio-Economic Effects

5.1 The socio-economic impacts of the Proposed Development within BDC's area can be summarised as follows:

- (a) Positive impacts related to employment creation in the area and general Gross Value Added (GVA) during both construction and operation.
- (b) Neutral impacts on the current demand for housing to meet Proposed Development employee requirements during operation.
- (c) Negative impacts related to the scale of the Proposed Development which could cause the rate of demand for labour to experience a step change, which could create challenges for the local labour pool with the risk of demand outstripping supply posing recruitment difficulties for local businesses leading to increases in commuting.

5.2 Whilst the overall socio-economic impacts of the Proposed Development may be positive for the wider region, many of these benefits will not be experienced in BDC's area.

Skills and Training

5.3 Overall, whilst the operational phase effect on employment within the wider area is considered beneficial in terms of job creation, the likely employment requirements of the Proposed Development in operation could have negative impacts for resourcing staff or particular skills in the area.

5.4 The demand for skilled workers in the logistics sector is rapidly growing. However, with the industry constantly evolving and incorporating new technologies, the skills gap is increasing. There is a strong possibility that the Proposed Development would lead to the movement of people between different companies and sectors and that displacement may be high (for example, see page 11 of Appendix 1). BDC therefore consider the strain in recruiting skilled workers would mean the benefits of employment generation will be largely conferred upon those outside the District. The impacts noted in paragraphs 6.13 to 6.15 indicate they are likely to travel by means of private transport. This will have the consequential effect that workers who are coming from outside the District to meet the required resourcing demand will be commuting a long distance. BDC considers this issue further highlights the need for a robust Skills and Training Programme which supports local employment and skills training and is coupled with the provision of a sustainable travel plan to ensure those commuting are not reliant on private modes of travel.

5.5 To mitigate these impacts and optimise the employment benefits of the Proposed Development it is imperative that the Applicant implements a robust employment, skills and training programme. **BDC considers the Applicant's**

current proposals in respect of skills and training set out in Requirement 32 (employment and skills) of the dDCO and the obligations in Schedule 2 to the draft Section 106 Agreement [APP-350] are not sufficient. Details of the enhanced commitments sought by BDC are set out below. Moreover, further details in respect of the construction employment profile are required to inform this strategy.

- 5.6 BDC consider that the three-year funding of a skills and training co-ordinator proposed by the Applicant in the draft Section 106 Agreement is inadequate. BDC considers the funding commitment should be for the 180 working days per year for the duration of the Construction Phases and for 90 days per year for one year following the practical completion of the final construction phase. BDC is currently negotiating with the Applicant regarding the duration of this commitment and the funding to be provided.
- 5.7 Specific targets need to be set and an appropriate enforcement mechanism included to ensure the deliverability of the benefits. The Strategy should include:
- (a) A formal group made up of key stakeholders, administered by the Applicant, to oversee the Proposed Development's compliance with the Employment and Skills Strategy.
 - (b) Funding for a Work and Skills Co-ordinator for 180 working days per year during the Enabling Phase, Initial Operation Phase and Construction Phases of the HNRFI and for 90 days per year for a period of 1 year following the practical completion of the final construction phase.
 - (c) A Principal Contractor's Skills and Training Team to, along with the Work and Skills Co-ordinator, discuss the training needs of students with local colleges, universities and other education facilities to advise on opportunities on offer to meet these needs and to provide those opportunities for training.
 - (d) Targeted employment opportunities for prison leavers and ex-Members of the Armed Forces.
 - (e) Work Experience Placements for persons over the age of 14 during the construction phases of the Proposed Development.
 - (f) At least two community projects (the scale and scope to be agreed by BDC) per year for seven years following the completion of the enabling works.
 - (g) A minimum of 80% of the workforce benefit from upskilling annually, identified and facilitated through internal training programmes.

- (h) After the initial enabling works period, 12 x site visits for school parties annually.
 - (i) 30% on-Site spend with SME's, spend with SME's will be reported using a 40 mile radius from the Site.
 - (j) Meet the Buyer events with a target of two events per year during the enabling and construction phases and one event per year during the remaining construction phases.
 - (k) Deliver apprenticeships through the 5% club where members are required to achieve 5% of their workforce in earn and learn positions
 - (l) Promoting local employment opportunities for the Proposed Development by advertising any vacancies in conjunction with Blaby District Council and Hinckley and Bosworth Borough Council and Job Centre Plus.
- 5.8 Having considered the Applicant's concerns regarding compliance with the above targets, specifically in respect of Section 161 of the Planning Act 2008, BDC consider that the strategy would best secured via the S106 Agreement. This, together with appropriate oversight via the formal stakeholder group, should provide the necessary flexibility and improve the deliverability of the Strategy without compromising the ambitious targets necessary due to the identified impacts. This will have implications for Requirement 32, subject to BDC's further discussions with the Applicant.
- 5.9 In addition, BDC and Hinckley and Bosworth Borough Council have discussed with the Applicant the provision of a mobile unit to promote the Proposed Development's employment opportunities.
- 5.10 BDC considers the implementation of an effective Employment and Skills Strategy is essential to ensure the realisation of the employment benefits of the Proposed Development within Blaby District and avoid some of the potential negative socio-economic impacts identified above and in the LIR.

6 Transport and Traffic

- 6.1 As outlined in the LIR and BDC's Relevant Representation (RR), Leicestershire County Council (LCC) and National Highways as Highway Authorities will provide their own representation on this matter. BDC has significant concerns in respect of the highway impacts of the Proposed Development within BDC's area and the assessment of traffic impacts carried out by the Applicant.
- 6.2 In particular, BDC has concerns about the following:
- (a) A significant increase in traffic through Junction 3 M69 / Junction 21 M1. BDC is concerned that the Applicant has failed to appropriately assess and mitigate the Scheme's impacts on both the SRN and the local road network.
 - (b) Inadequate proposals in respect of sustainable transport.
 - (c) Consequential impacts of insufficient mitigation on the local road network, including villages east of the site such as; Sapcote, Stoney Stanton and Sharnford.
 - (d) The increased barrier downtime at Narborough Level Crossing and the impact it will have on the local road network and users of the crossing.
- 6.3 LCC Highways have raised issues with the following areas of the Applicant's submission;
- (a) Strategic model outputs
 - (b) Junction assessments (including J3 M69 / J21 M1)
 - (c) Rail and local road network impacts
 - (d) Insufficient modelling for the Narborough Railway Station barrier downtime
 - (e) Mitigation strategy and proposals
 - (f) HGV Route Management Plan and Strategy
 - (g) Public Rights of Way Strategy
 - (h) Construction impacts
 - (i) Framework Site Wide Travel Plan and Sustainable Transport Strategy
 - (j) Access infrastructure
 - (k) Highway safety

Strategic Road Network

- 6.4 The Proposed Development would significantly increase the traffic through Junction 3 M69 / Junction 21 M1. The access to the SRN is a fundamental part of the justification and function of the Proposed Development as a Nationally Significant Infrastructure Project. BDC understands that the ability of the SRN to accommodate the Scheme's impact without further mitigation, particularly in respect of Junction 21 of the M1, is doubtful.
- 6.5 There are technical shortcomings with the Applicant's modelling including limited sensitivity tests. Most concerning is the lack of appropriate detailed modelling of Junction 21 of the M1. The consequences of significant changes to the quantum and routing of highway movements are wide ranging across multiple chapters of the ES.
- 6.6 Due to the lack of appropriate detailed modelling of Junction 21 of the M1 there is significant uncertainty as to the impacts of the Proposed Development on the road network and in terms of environmental impacts associated with the additional traffic. It is unacceptable that the Applicant has omitted to model this junction to the same extent as the other M69 junctions. It is essential that the Applicant models this critical junction to provide the decision maker with a proper understanding of the impacts of the Proposed Development. There is currently insufficient information about the impact of the scheme on this junction to enable the application to be determined.
- 6.7 BDC is therefore concerned that the Applicant has failed to appropriately mitigate the scheme's impacts on both the SRN and the local road network. Issues with congestion on the SRN have been highlighted by the Local Highway Authority however the only mitigation that has been proposed is a £500,000 contribution towards an existing bus fleet and service. This sum has not been agreed with the Local Highway Authority and there has been no significant explanation and justification for the figure offered. By-pass options to alleviate traffic impacts on the southern villages of Blaby District have been prematurely discounted by the Applicant during the Scheme's pre-application phase.

Inconsistency in employment numbers used

- 6.8 The application documents indicate that the flexibility in the layout and building sizes for the Proposed Development provides scope to create between 8,400 and 10,400 jobs (low and high development quantum) as part of the Proposed Development (e.g. paragraphs 7.214, 7.223, 7.224, 7.226 and Table 7.15 and 7.17 of Environmental Statement (ES) Chapter 7 Land Use and Socio-Economic Effects [APP-116] reference 6.1.7). However, the various technical reports have adopted an inconsistent approach to these employment figures.
- 6.9 The Transport Assessment [APP-138 to 158] and the associated transport modelling appears to be predicated on the lower employment level (e.g. paragraph 5.1). BDC note that at the first Issue Specific Hearing the Applicant was asked to correct this error and BDC await the Applicant's clarification on

this point. Pending clarification on this point, BDC submit that the potential under estimation of workers on site by 24% could significantly alter the quantum of vehicle movements, potential vehicle routing and the associated impacts of the traffic generated by the Proposed Development.

- 6.10 Furthermore, any significant changes to the highway quantum and routing of highway movements will have a knock-on effect upon the other environmental areas such as noise / vibration, air quality reports, and sustainable travel. Significant concern is therefore raised by the Council in respect of the adequacy of the assessment undertaken.
- 6.11 **To ensure the traffic-related impacts of the Proposed Development are properly assessed on a reasonable worst-case basis, the Applicant should be required to model the high development scenario and explain the differences to the outcomes presented in the Transport Assessment and the related topics of the ES.**

Maximising use of rail during construction

- 6.12 **BDC requires the Applicant to set out how they are maximising the use of rail during the long construction phase to reduce road-based HGV movements.**

Sustainable transport

- 6.13 The Site is located on the very edge of Burbage and beyond its current built up limits. This, in addition to the indicated high level of car use, the large number of potential employees, and the fact that those employees are likely to reside beyond the southern villages of Blaby District, means that the Site is an unsustainable location. **The Applicant's proposals to facilitate sustainable transport are inadequate. Much greater measures in respect of public and active transport need to be secured** that will deliver a clear vision that enables walking, wheeling, and cycling facilities to be created prior to first occupation of the Proposed Development. The measures which BDC considers necessary are set out below.
- 6.14 It is unclear why the Applicant's proposals are split between the Site Wide Travel Plan (secured by Requirement 8 of the dDCO) and the Sustainable Transport Strategy (secured by Requirement 9). This creates a risk of overlap, duplication and a disjointed approach. It also increases the administrative burden on the relevant discharging authority. BDC considers these Requirements should be combined and the Applicant's commitments set out in a single Travel Plan which incorporates measures to support sustainable travel.
- 6.15 The revised draft NPSNN requires consideration to be given to whether the Applicant has maximised opportunities to allow for journeys associated with the Proposed Development to be undertaken via sustainable modes (para. 5.278). BDC considers the Applicant's proposals do not maximise these opportunities.

Additional commitments required by BDC

- 6.16 Limited information has been provided on bus route upgrades. It is disappointing that the intended connection of the Site by a bus service to Hinckley Railway Station appears to have been replaced by an 'on-demand service' only, as shown in the Framework Site Wide Travel Plan [APP-159]. The relatively stable shift patterns of the scheme's end use combined with the high number of proposed employees means that an element of fixed bus services or shuttle busses should be effective. BDC has experience of demand responsive public transport at the New Lubbethorpe SUE and consider it inappropriate for the Proposed Development.
- 6.17 Key routes linking Hinckley Railway Station to the Site have the ability to support multi-mode travel, reducing car trips locally. The Framework Site Wide Travel Plan [APP-159] should be amended to require a fixed bus service, such as a shuttle bus, to be provided to the Site from Hinckley Railway Station.
- 6.18 Improved cycle storage at Hinckley Railway Station will aid those choosing to travel by rail and bike. BDC requests that a secure hub undercover and overlooked by CCTV, accessed by a fob is provided. Similar secure cycle parking hubs on the Site should also be provided to encourage movements by bicycle. Moreover, it is likely that cycling will, to some of the Proposed Development's employees, be their main or only means of transport. This makes it even more important to secure such facilities.
- 6.19 Secure cycle storage should be provided at Narborough Railway Station, together with a contribution towards future maintenance.
- 6.20 Further consideration should also be given to the implementation of an E – Bike hire scheme for staff to access. E-bikes can efficiently enable short – medium journeys of 5-10 miles, which would be very beneficial to those accessing the Site from Hinckley Railway Station and the surrounding villages and towns. The current extent of sustainable transport movements do not appear to be maximised; this is a missed opportunity.
- 6.21 New cycle infrastructure should be separated from motorised vehicles and where possible, pedestrian facilities should be separated to reduce conflict and increase desirability. They should be designed in accordance with the Department for Transport's Cycle Infrastructure Design (LTN1/20)¹ and in particular Chapter 6 Space for Cycling within Highways. This includes ensuring that they are well lit and visible for personal safety considerations.
- 6.22 Existing cycling routes and key walking routes should be assessed with official Government tools. It is requested that current cycle provision is audited with Department for Transport's Cycle Level of Service and Junction Assessment Tools to ensure all aspects of user experience and safety have been assessed and scored. The Department for Transport's Walking Route Audit Tool will

¹ <https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120> [accessed 10.10.23]

ensure that facilities such as dropped kerbs are assessed for tactile paving. These assessments are important to understand accessibility for all.

- 6.23 It should also be noted that BDC are producing a Local Cycling and Walking Infrastructure Plan (“Blaby LCWIP”) which is in the early stages of production. There will be an expectation that the Proposed Development delivers the required cycling and walking infrastructure to contribute and connect to the Blaby LCWIP.
- 6.24 It is crucial that cycle and pedestrian movements are catered for through the Site in north-south / east-west directions that link to each other, these newly created routes need to connect with existing routes and corridors. A cohesive pedestrian and cycle signage strategy should be prepared to assist with movements through the Site, highlighting links to villages and towns accessible onwards through the Site.

Narborough Level Crossing

- 6.25 The Proposed Development will accept up to 16 rail freight services per day. This will be made up of 16 inbound and 16 outbound train movements per day. It is expected that of the new freight services, 6 services (comprising 6in + 6out) will approach from the west (Nuneaton) and not pass through Narborough, and 10 services (10in + 10out) will approach from the east (Wigston) and must pass through Narborough level crossing.
- 6.26 BDC has significant concerns around the impacts of additional barrier down time at the Narborough Level Crossing on Narborough, Littlethorpe and the surrounding area.
- 6.27 Narborough level crossing provides an important link between the communities of Narborough and Littlethorpe. The level crossing is used by vehicles and pedestrians. There is a stepped pedestrian footbridge at the crossing available to the public when the barrier is down, but there are no lifts for people with impaired mobility or pushchairs. The pavements at the crossing are narrow, making waiting and crossing unpleasant, and potentially unsafe, if there are a large number of cars waiting to cross at the same time.
- 6.28 The crossing downtime, the length of time that the road crossing is closed, would increase as a result of the additional freight services associated with the HNRFI. Moreover, BDC notes that the Government’s recent announcement to fund the Midlands Rail Hub² (page 31) will result in more services between Leicester and Birmingham and enhancements to rail capacity through Water Orton; both of which are likely to increase the barrier down time at this location.
- 6.29 No improvements or mitigations are planned for the Narborough Level Crossing or its approach roads or footways as part of the Proposed Development.

² <https://assets.publishing.service.gov.uk/media/651d64646a6955000d78b2e0/network-north-transforming-british-transport.pdf>
[accessed 10.10.2023]

- 6.30 BDC considers there are significant deficiencies in the Applicant's assessment of the traffic impacts of downtime at the level crossing. An assessment by Arup commissioned by BDC (see Appendix 2) suggests a likely increase in barrier down time compared to the figures presented by the Applicant. An assessment by M-EC further critiques the applicant's approach to assessing the traffic impacts on the area (see Appendix 3). Accordingly, BDC considers the Applicant's assessment understates the likely impacts of the increased barrier down time at the level crossing including the noise and air quality impacts from the additional queuing traffic, and the potential rerouting of vehicles unwilling to wait in a queue at the level crossing.
- 6.31 **The Applicant should be required to carry out further assessment work to address the issues raised in the Arup and M-EC report s(Appendices 2 and 3), the consequential impacts of the funding for the Midlands Rail Hub and provide greater certainty regarding the magnitude and significance of these negative impacts.** A detailed analysis of traffic flows and capacity modelling should be carried out to determine the traffic impacts on local junctions as a result of the increased barrier down time. The noise and air quality impacts associated with an increase in queuing and diverted traffic should also be assessed.
- 6.32 BDC notes the Applicant has been asked by the ExA to provide additional information regarding Narborough Level Crossing (Rule 17 letter dated 22 September 2023).
- 6.33 The negative social, health and wellbeing impacts have been assessed in a report commissioned by BDC (Appendix 4). The Report outlines that each time a freight train from the Proposed Development would pass through the level crossing the barriers at Narborough Station will be down for a maximum of 2 minutes 30 seconds. This creates an increased ongoing daily inconvenience impacting upon individuals' experience and perceptions of accessibility. In addition to the ongoing daily inconvenience there is a risk that the increase in level crossing downtime would impact the accessibility to healthcare. This impact is compounded by the District's ageing population with a higher-than-average proportion of emergency admissions for incidents.
- 6.34 Given the importance of the level crossing as a community link, improvements to the Narborough Level Crossing are necessary to mitigate these impacts. Given that the Narborough level crossing bridge does not currently provide step-free access it would be beneficial to improve accessibility for disabled users, those with pushchairs and those who require step-free access BDC consider it completely unacceptable that the needs of these residents have been afforded no consideration. Furthermore, a potential indirect impact of the increase in rail freight use is a perceived decrease in safety. As a consequence, BDC considers the Applicant should be required to provide improved safety measures such as additional lighting at the crossing.

7 Landscape and Visual Effects

- 7.1 As set out in BDC's Relevant Representation and LIR, the scale and proposed built form of the Proposed Development will have a **major, permanent, adverse effect on landscape character and visual amenity of the surrounding environment**. These impacts are not solely constrained to the Site and the rural character of the surrounding landscape and villages of the vale and will change as a result of the bulk and scale of the development.

Landscape

- 7.2 The Proposed Development will cause significant long term negative residual effects on the character and fabric of the Site, the character area within which the Site is located, adjacent character area and in relation to the character and fabric of the A47 link road. BDC's LIR identifies the specific landscape character areas that will be adversely affected.
- 7.3 In determining the application, the Secretary of State is required under the NPSNN (para. 5.157) to consider whether the Proposed Development has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to avoid adverse effects on landscape or to minimise harm to the landscape, including by reasonable mitigation. BDC submits that the Proposed Development fails to satisfy these requirements.

Visual

- 7.4 There will be significant long term negative residual effects on a large number of visual receptors, footpath (PRoW) and road users, visitors and recreational receptors including to the Country Park and Church users. These locations are identified in BDC's LIR.
- 7.5 The landscape mitigation measures set out in the Landscape and Visual Impact Assessment (LVIA) and Landscape Strategy will not adequately mitigate these effects such that they will remain significant in the long term. The landscaping proposed by the Applicant is simply not sufficient to enable assimilation into the countryside setting. BDC's views on the inadequacy of the proposed mitigation are set out in Chapter 11 of the LIR.
- 7.6 The scale of residual impacts indicate that the Proposed Development represents an overdevelopment of the Site. Changes to the parameter plans and a comprehensive package of wider landscaping enhancement measures are necessary to mitigate these impacts to an acceptable level.
- 7.7 It is unclear why the Applicant has proposed a 'Landscape Ecological Management Plan [APP-360]', secured by Requirement 20 of the dDCO, together with a 'Landscape Scheme' that is secured under Requirement 22. **The Applicant should be asked to explain the rationale for this and consider whether these Requirements could be combined.**

- 7.8 The parameter plan outlines a primary development zone too large for its context and relies on insufficient fringe areas to adequately buffer the development. To improve the quality of the Proposed Development the parameter plan, illustrative landscape masterplan and dDCO requirements should be revisited. BDC considers that the issues listed at 7.8.1 – 7.8.5 below warrant further discussion and consideration:
- 7.8.1 reduce the amount of hard standing, retain existing landscape features and integrate more soft landscaping into the proposal's features;
 - 7.8.2 amendment to the Illustrative Landscape Strategy to provide additional tree planting at a distance from the Site to further screen the Proposed Development from the surrounding area;
 - 7.8.3 ensure proper allowances are made for green space both to buffer the development and accommodate replaced green infrastructure;
 - 7.8.4 add a requirement for a new design code master plan to be submitted prior to any development (including site clearance):to ensure the design principles set out are being successfully integrated;
 - 7.8.5 allow for a series of phased design codes submitted ahead of submission of full details under Requirement 4.
- 7.9 BDC also requests the Applicant must provide a range of off-site local enhancements and improvements to the surrounding area. BDC will be seeking to secure these enhancements through planning contributions secured via the S106 agreement. It is imperative that the detail of any such scheme is agreed to offset the impact of the Proposed Development on the locality.
- 7.10 In terms of visual impacts, the NPSNN (para. 5.158) requires the Secretary of State to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the limited benefits of the development. BDC submits that the visual impacts of the Proposed Development would not outweigh its limited benefits.

8 Surface Water and Flood Risk

- 8.1 Given that part of the Site is within Flood Zones 2 and 3, flood risk and Drainage is of high concern for BDC. Statutory responsibility falls to the Environment Agency ('EA') for this type of development, with LCC as the Lead Local Flood Authority liaising with the EA and with the Applicant in relation to the surface water proposals. In 2019, 30 homes, as well as a commercial property and a school in Stoney Stanton flooded and some people were unable to return to their homes for many months. This highlights the importance of ensuring surface water is adequately assessed and flood risk matters are considered properly.
- 8.2 BDC has concerns as to whether the baseline information provided regarding surface water and flooding is sufficiently robust. The finalised drainage system from a flood risk perspective and surface water storage ability is therefore questioned.
- 8.3 **BDC considers it necessary for additions to the requirements in Schedule 2 to the dDCO to be made so that the lead local flood authority can have better input into the approval of the required flood and drainage mitigation strategies.**
- 8.4 **Requirement 13 (sustainable drainage), the requirement should be worded as follows:**
- (1) "No phase shall commence until a sustainable drainage strategy for that phase based on (in so far as relevant to that phase)**
- (a) sustainable drainage statement;**
- (b) main HNRFI site concept surface water drainage strategy;**
- (c) main HNRFI site concept foul water drainage strategy;**
- (d) A47 link road concept drainage strategy; and**
- (e) M69 junction 2 concept drainage strategy**
- has been submitted to and approved in writing by the relevant planning authority in consultation with Leicestershire County Council as lead local flood authority.**
- (2) The sustainable drainage strategy must be implemented in accordance with the details approved by the relevant planning authority or in accordance with any variations to those details approved in writing by the relevant planning authority."***
- 8.5 **Requirement 14 (surface water), the following wording must be added to Requirement 14:**

- 8.6 **(1) ...in consultation with Leicestershire County Council as lead local flood authority.**
- 8.7 **(2) ...in consultation with Leicestershire County Council as lead local flood authority.**
- 8.8 ***(3) The surface water drainage strategy and the maintenance details must be implemented in accordance with the strategy and details approved by the relevant planning authority or in accordance with any variations to those details agreed in writing by the relevant planning authority.***

9 Design

- 9.1 The design of the Proposed Development has significant deficiencies and fails to meet the criteria for 'good design' set out in paragraphs 4.28 – 4.35 of the NPSNN. BDC would go as far as to consider the scheme constitutes poor design.
- 9.2 BDC commissioned a review of the Proposed Development's design (see Appendix 5). The key issues of the design identified by that review are outlined below.
- 9.3 The Applicant's design code at page 4 states:
- The HNRFI, will be an exemplar rail connected warehousing development of strategic importance, not only locally, but regionally and nationally. It is therefore critical that the proposals are of the highest quality in terms of materials, finish and landscaping with the site planned so that it maximises the benefits for the occupiers, users and neighbours alike. Key to this objective will be the consideration given to the design of the access, landscaping, ecology, layout, scale, massing and building form, colour, and material of each part of the development.*
- 9.4 The Proposed Development fails to deliver on the above statement and does not propose a landscape scheme of the highest quality or maximise benefits for users and its neighbours.
- 9.5 The Proposed Development would lead to over development of the Site and the proposed landscape is alien to the surrounding landscape character. This would in turn significantly damage the setting to the Site and sensitive areas such as Burbage Common, Burbage Woods & Aston Firs Site of Special Scientific Interest. The masterplan appears to have been designed in an insular fashion disregarding local urban grain and vernacular. The parameters plan outlines a primary development zone too large for its context and relies on insufficient fringe areas to adequately buffer the development.
- 9.6 The intended approach to clear all existing natural site assets (including a veteran tree, hedgerows and watercourse) in the primary development zone is typical of the proposals and illustrates the general lack of sensitivity.
- 9.7 There is a loss of both visual and physical amenity. The scale and massing of the Proposed Development and its position makes it visible from a large number of receptors. This is worsened by the architectural design that has made little attempt to blend into its surroundings. The severance of existing PRow's, particularly impact the residents of Elmesthorpe. The proposed diversions are inadequate in quality and are poorly laid out. The experience of the user changes from encountering a natural aesthetic to an urban one as a result of the majority of the proposed routes being adjacent to roads.
- 9.8 The streetscape is repetitive and has limited legible hierarchy. Hard surfaces dominate the landscape including large, uninterrupted areas for parking. The

detailed proposals are vague in areas some of which are set out within the design code. Wording within this document is not definitive enough and lacks certainty in terms of what will be delivered.

- 9.9 Green infrastructure is largely focussed on the fringe areas of the Site. The proposed green areas within the masterplan are disproportionate to the scale of the development and often occur as fragmented leftover spaces with little ecological value. The inclusion of SuDS in the scheme is welcomed but the layout and form is dictated by the infrastructure. The SuDS scheme appears to have missed opportunities to include other features including enhancing existing watercourses that would assist in promoting on site biodiversity.
- 9.10 The proposed materiality is generic and lacks sensitivity to the local area. The large amounts of hardstanding and built form will lead to a future maintenance burden that will likely impact on the scheme's overall sustainability.

Suggested Design Improvements

- 9.11 BDC considers that design improvements are needed. BDC considers that the issues listed at 9.11.1 – 9.11.7 below warrant further discussion and consideration:
- 9.11.1 The Proposed Development would benefit from a clearer street hierarchy creating a legible public realm that is distinct yet related to the wider area. The Proposed Development should strengthen existing connections avoiding severance and provide an enhanced quality of the existing rural character, not diminish it.
- 9.11.2 The Proposed Development would be improved through showing more cohesion with the existing grain and field pattern of the landscape and surrounding settlements to properly integrate into its surroundings. The architectural form could also be improved upon to avoid the current monolithic aesthetic.
- 9.11.3 The Proposed Development could be improved by reviewing the parameters plan to ensure that proper allowances are made for green space both to buffer the development and accommodate replaced green infrastructure (if removal of the existing is unavoidable). Currently the scale of green space provided is not commensurate with the scale of the surrounding built environment. The masterplan should provide meaningful green space that is integrated throughout helping to lessen the scale of proposals and soften the scheme from within as well as when viewed from the outside.
- 9.11.4 The Proposed Development could be improved by studying local vernacular and making reference to the existing character of the built form within surrounding settlements. The Proposed Development can still meet the Applicant's desire to be contemporary but shape proposals in a more sympathetic way to its context. This is particularly true in the landscape where street furniture, signage and boundaries

can all have a stronger connection to the development's setting and local vernacular.

- 9.11.5 The landscape design should respond to its context and enhance the local green infrastructure. The scheme could be improved through exploring options to retain the existing site assets including the veteran oak tree, removal is only acceptable once loss is proven to be unavoidable. Proposed green infrastructure should focus on connectivity to the local area and avoid 'islands' of green. Landform and the creation of SuDS should avoid an engineered approach and have a more naturalistic aesthetic. Attenuation tanks could be minimised through integration of rain gardens and areas of permeable paving.
- 9.11.6 The masterplan would benefit from a general reduction in the amount of hard standing and integrate more soft landscaping into the proposals. Proposing a material palette that is in keeping with the local area and rural character would increase the Proposed Development's identity and sense of place. The proposals should be robust, high quality but also reference the local character.
- 9.11.7 The detailed design of the scheme would benefit from aligning more closely with the local vernacular and use the local SPD and similar policy to inform proposals. The detailing should show sensitivity to existing features on the Site and the Site's context. To achieve a high quality scheme the material palette must enrich the local vernacular whilst being robust and low maintenance. BDC consider use of grey and blue fading horizontal panels could help mitigate the Scheme's impact.
- 9.12 Scheme design is a material consideration in decision making under the NPSNN (para. 4.32). The Secretary of State needs to be satisfied that proposals are sustainable and as aesthetically sensitive, durable, adaptable and resilient as they can reasonably be (having regard to regulatory and other constraints and including accounting for natural hazards such as flooding). BDC considers the design of the Proposed Development does not satisfy these requirements.

10 Air Quality

- 10.1 As outlined in BDC's LIR, minor air quality impacts are predicted within the Applicant's assessment and increases in ambient pollutant concentrations will be experienced at a number of human and ecological receptors as a result of the Proposed Development.
- 10.2 The approach and extent of the Applicant's assessment overall of air quality impacts is considered appropriate, but BDC has a number of more specific concerns in respect of the assessment, which are outlined below.
- 10.3 BDC is concerned that no traffic flow information has been provided to verify the conclusions of this part of the Applicant's assessment and BDC request that the traffic flow information is provided.
- 10.4 Having failed to use what BDC consider the appropriate guidance (Environmental Protection UK / Institute of Air Quality Management) when scoping out the requirement for assessment on Air Quality Management Areas (AQMA), the Applicant should provide further details of the Proposed Development's impact on BDC's AQMA 6, in the village of Enderby.
- 10.5 No assessment appears to have been undertaken of the air quality impact of queueing traffic as a result of the additional 'barrier down' time at Narborough level crossing. With residential receptors and pedestrian traffic, including school children, adjacent to these affected highways, the implication for air quality needs to be assessed by the Applicant.
- 10.6 BDC expects the Applicant to cover the expense of any monitoring of the off-site impacts of the construction and operational phase, including equipment, ongoing monitoring and staffing. BDC request that dust monitoring during construction should form part of the CEMP, with the monitoring locations to be agreed between the Applicant and BDC prior to the commencement of any works. Regarding off-site monitoring, BDC cannot make a final determination as to whether this is required without being provided with traffic flow data. BDC requests that the Applicant undertakes damage cost analysis to determine a suitable monetary contribution to offset impacts, which BDC could then use to address existing areas of concern such as the AQMA.
- 10.7 **The following commitment should be added to Requirement 8 (travel plan):**
- 10.8 **(2) *The undertaker must use reasonable endeavours to maximise the use of Euro VI compliant HGV and public transport vehicles in respect of***
—
- (a) *any HGV fleets operated by occupiers of the warehouses which visit the warehouses; and***

- (b) ***any public transport service provided pursuant to the sustainable transport strategy and dedicated to serving the authorised development.***

11 Noise and Vibration

- 11.1 The Proposed Development will result in **major, permanent and irreversible adverse impacts** on the identified Noise Sensitive Receptors (NSR) within the vicinity of the Site. BDC has significant concerns with the assessments undertaken by the Applicant and the conclusions reached by the ES. BDC commissioned an independent assessment of the noise and vibration impacts and identify measures to better mitigate the noise and vibration impacts of the Proposed Development. While discussion with the Applicant on this topic continues, BDC's current concerns in respect of noise are set out below.
- 11.2 BDC is concerned that the assessment of traffic noise may not be accurate given the inaccuracies within the transport modelling and, in particular, may not reflect the traffic generated in the high development scenario (10,400 jobs). **We have asked that the high development scenario should be modelled and the noise assessment should be updated to take account of the updated model outputs.**
- 11.3 The acoustic character corrections applied in the Applicant's assessment are too lenient and do not reflect the irreversible change in acoustic environment that the Proposed Development will have. There would be a potential for a greater than 12 dB increase in absolute sound levels which would result in further impact on residents and would result in nearby residents potentially needing to keep windows closed in order to achieve acceptable noise levels indoors. This would represent a material change in behaviour and/or attitude, and a Significant Observed Adverse Effect Level in accordance with the Noise Policy Statement for England, with the subsequent action being to avoid/prevent development.
- 11.4 It is noted that the machinery proposed for the gantry crane has not been determined. This will represent an elevated piece of equipment with the potential to produce noise issues. The machinery to be installed should be confirmed and integrated appropriately into all noise and vibration assessment work or details should be provided prior to its installation. Paragraphs 10.311 – 10.313 of document 6.1.10 (Chapter 10 of the Environmental Statement – Noise and Vibration [APP-119]) illustrate that the specific gantry crane installed and any associated fixings can influence the noise generation by up to 10 dB. However, the stated 10 dB is taken from a 'proof of evidence' which provides no actual numerical data and therefore, no evidence at all. The 'proof of evidence' document is based on a Colliery in Arley and the document was produced in 2017 presumably meaning that the site is now operational, and actual evidence can and should be gathered to support the Applicants claim.
- 11.5 BDC has concerns over the extent, proximity and deliverability of acoustic fencing required to protect nearby residential properties and the impact this has upon their visual amenity. The inclusion of 4 and 6 metre high acoustic fencing around the Aston Firs Caravan Site is of particular concern and considered inappropriate (see figure 10.10 [APP-279] for the plan identifying the acoustic fencing locations and illustrative masterplan drawing 2.8 [APP-043]).

- 11.6 Requirement 4 of the dDCO states that the maximum height of fencing (including acoustic fencing) is 3 metres. Consequently, the stated attenuation/benefits attributed to any fence above 3m in the Applicant's noise assessment can be disregarded and the noise impacts will therefore be greater than those presented within the ES. This undermines the effectiveness of Applicant's proposed mitigation and further assessment is required (particularly for residential properties at Aston Firs Caravan Site, Woodfield Stables, Castlewood Mobile Homes Site, Rosevale Caravan Site and dwellings located on Burbage Common Road) which takes account of the 3 metre height limit.
- 11.7 No assessment appears to have been undertaken of the noise impact of increased queueing traffic caused by the additional 'barrier down' time at Narborough Level Crossing. With residential receptors and pedestrian traffic, including school children, adjacent to these affected highways, the implication for noise and vibration needs to be addressed.
- 11.8 The working hours proposed in the Construction Environmental Management Plan and Construction Traffic Management Plan are not acceptable. Whilst 0700 to 1900 hours Monday to Saturday may be acceptable for certain phases, construction works or construction areas, some elements will have an unacceptable impact on sensitive receptors. **Accordingly, the following revised working hours should be applied to Requirement 16 of the dDCO:**
- (1) Construction works relating to the authorised development must not take place on Sundays, bank holidays nor otherwise outside the hours of 7:00 to 19:00 on weekdays and 07:00 to 13:00 on Saturday.***
- 11.9 BDC is not satisfied that Requirement 27 covers all noise impacts that will arise. This warrants further discussion and consideration.
- 11.10 The following amendment should be made to Requirement 28 (acoustic barriers):
- Acoustic barriers to be provided as part of any phase in accordance with the details approved pursuant to requirement 4 must be completed prior to the first occupation of that phase and maintained and retained for the lifetime of the development.***

12 Lighting

12.1 The Proposed Development will have the following impacts:

- (a) Potential major, adverse long-term effects on residential receptors due to the height and intensity of some of the lights surrounding the rail yard.
- (b) Potential, major, adverse, negative long-term impacts on the commuting and foraging routes of bats as a result of light spill.
- (c) Potential major, adverse, negative long term impacts on road and rail users as a result of glare.
- (d) A potential minor adverse, negative long term impact on sky glow.

12.2 The Lighting Strategy (document reference 6.2.3.2) prepared by the Applicant partly responds to requests from BDC. However, due to the scale of the Proposed Development, the amount of lighting required and the proximity of highly sensitive receptors, BDC considers that the Lighting Strategy is insufficient. The Applicant needs to present further evidence in the form of a quantitative assessment to prove that the impact on surrounding receptors in terms of light intrusion and glare intensity is acceptable.

12.3 Section 8 of BDC's Relevant Representation [RR-0134] sets out the additional assessment and mitigation measures that need be secured to make the assessment robust and ensure local amenity is not detrimentally impacted by the Proposed Development's lighting.

12.4 Shortly before Deadline 1 the Applicant provided BDC with a Technical Note in relation to obtrusive light produced as additional information to supplement the original Lighting Strategy. BDC will review this material and comment in due course but due to the timing of the provision of this additional information was unable to incorporate comments on it into this Written Representation and the Local Impact Report.

12.5 **Notwithstanding the above, Requirement 31 (lighting) of the dDCO is not sufficient. BDC submits that the following drafting should be used instead:**

(1) No phase of the authorised development may be commenced until a report detailing the lighting scheme for all permanent external lighting to be installed in that phase has been submitted to and approved by the relevant planning authority. The report and schemes submitted and approved must be in accordance with the lighting strategy (document reference 6.2.3.2) and include the following;

- (a) a layout plan with beam orientation;***

- (b) ***an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance.;***
 - (c) ***a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and***
 - (d) ***measures to avoid glare on surrounding railway and highways.***
- (2) The approved lighting scheme must be implemented and maintained as approved by the relevant planning authority during operation of the authorised development and no external lighting other than that approved under this requirement may be installed.***

13 Ecology and Biodiversity

- 13.1 As detailed in BDC's LIR, the proposed development would have a range of negative and neutral impacts on local biodiversity and ecology including loss of woodland, mature trees, hedgerows and fragmentation of habitats.
- 13.2 The quantum of ecological work undertaken by the Applicant is recognised and sufficient. Phase 1 and 2 species surveys have been completed and in general accordance with standard guidance. In terms of the content of the assessment, BDC has a number of comments and concerns.
- 13.3 In general, BDC agrees with the position stated in respect of important ecological features within the Order Limits. However, the level of importance afforded by the Applicant to various protected species is not agreed, with species generally being undervalued. This includes:
- (a) Bats should not be afforded only 'Local' importance.
 - (b) Breeding birds, such as lapwing and skylark, are considered to be higher than 'District' importance.
 - (c) Otters are considered to be higher than 'District' importance.
- 13.4 All former European Protected Species should be of 'National' level importance irrespective of their presence within the Main Order Limits.
- 13.5 The Applicant's Ecological Report (document 6.2.12.1) states that baseline information is presented for the Main Order Limits and that other areas within the dDCO limits are 'typically of negligible ecological importance'. However, no data is presented to support this assumption. It appears that Phase 2 surveys were only conducted within the Main Order Limits and not the full DCO Order Limits. BDC queries the ability to assume 'negligible importance' without undertaking surveys.
- 13.6 BDC disagrees with the grading of importance to habitats and species, which appears to be based on their abundance within the Order Limits as opposed to their status or level of protection.
- 13.7 There is a general disagreement with the assigning of value to ecological receptors – this is heavily based on presence within order limits rather than based on national decline/legal protection.
- 13.8 Furthermore, there is a lack of consideration to habitat fragmentation during the operational phase, including the provision of only one relatively narrow corridor in a north-east/south-west direction. BDC consider the Applicant should be required to carry out further assessment of the impact of habitat fragmentation on bats.

Ecological Mitigation and Management Plan

- 13.9 There is a general lack of detail provided for long term ecological management plans, for example the Ecological Mitigation and Management Plan [APP-363] requires further detail regarding mitigation measures.
- 13.10 **BDC requires drafting amendments to Requirement 21 (Ecological Mitigation Management Plan). The Council's proposed drafting is provided in the version of the dDCO appended to this Written Representation at Appendix 6.**

Biodiversity Net Gain (BNG)

- 13.11 The Applicant has committed to delivering 10% BNG. However, the mechanisms for calculating and securing the implementation of Biodiversity Net Gain (BNG) are unclear.
- 13.12 The Applicant's proposals lack detail as the mapping associated with BNG has not been provided. Mapping should be included within the metric 3.1 and associated reporting. This also links the Biodiversity Improvement Area and Landscape Enhancement Management Plan [APP-360] that also needs to be provided for full review. Additionally, completed DEFRA BNG metric and supporting condition sheets, including assessor comments and supporting rationales for decision making (such as strategic significance and 'fairly' condition selection) needs to be provided. BDC would like to see details of the Biodiversity Improvement Area secured via the DCO.
- 13.13 It is proposed that through partnering with the Environment Bank, further area habitat and linear river units will be achieved in order to meet the 10% requirement. This, however, has not yet been established nor is it clear how these proposals will be achieved.
- 13.14 The details currently provided by the Applicant fail to clearly demonstrate and secure 10% BNG, including its long-term management. BDC requests that the Applicant undertakes a full assessment of on and offsite BNG, including providing a supporting management and monitoring plan and a clear mechanism for delivering long-term off site gains either through a management company or the Environment Bank
- 13.15 The need for a phased assessment approach should be further explored, as it is intended that the Proposed Development will be constructed in phases. Therefore it may be possible that habitat could be created or enhanced in advance of loss, thus improving the overall BNG score and providing greater enhancements for biodiversity.

Other impacts

- 13.16 BDC considers that light spill onto retained and enhanced hedgerows has the potential to have significant adverse, long-term effects on species, in particular bats. The current lighting strategy is brief and unsupported by appropriate surveys to determine the effect of the proposed development on the surrounding/retained habitats. Further assessment and surveys need to be

undertaken to adequately understand the potential impacts that light spills will have on bats and to subsequently inform a robust mitigation package.

- 13.17 There is also a lack of consideration to the retention of existing hedgerows/features of note within the Site area to minimise need to displace fauna (including protected species). Further detail is required from the Applicant with regard to the proposed additional hedgerow creation or enhancement that is expected to be achieved through partnering with the Environment Bank to enable BDC to assess whether these proposals adequately mitigate the impacts on existing hedgerows.
- 13.18 The Applicant's mitigation includes a buffer around the proposed retained/enhanced habitats. However, it is unclear within the application documents as to the dimensions of these proposed buffers. Buffers should be a minimum of 10m either side of the hedgerow/other retained or enhanced habitat. Where dark corridors for commuting bats are present, these should reserve a minimum of 20m either side of the habitat feature as a buffer to the development between the Order Limits perimeter habitats and the development fencing. Further detail is required regarding the biodiversity impact of the loss of hedgerows, particularly those which link to the Common and how this will be mitigated.

14 Cultural Heritage

14.1 As outlined in the LIR, the key impacts that the Proposed Development will have on cultural heritage assets relate to impacts on the following structures that appear on the Historic Environment Record:

- (a) Woodhouse Farm, Burbage Common Road, Elmesthorpe;
- (b) Hobbs Hayes Farm, Hinckley Road, Sapcote;
- (c) Freeholt Lodge, Hinckley Road, Sapcote; and
- (d) Burbage Common Road Bridge, Elmesthorpe.

14.2 It is considered that these assets are of low sensitivity but will be subject to a large magnitude of change, either through total loss or substantial modification. This equates to moderate or minor impacts on their significance in environmental terms when assessed under the methodology of Table 13.6 in the ES (document reference 6.1.13) and as such, mitigation has been sought in the form of a Historic Building Record secured by Requirement 12(2) of the dDCO.

15 Archaeology

- 15.1 LCC Archaeology on behalf of BDC will be undertaking on-site archaeological monitoring and post-excavation review, to ensure appropriate and efficient management of the mitigation programme. The work will be undertaken at cost and will comprise review of all Written Schemes of Investigation for exploratory trial trenching, and any follow-up archaeological investigation / excavation, monitoring of all fieldwork, review of archaeological reports, and the resulting project archive. This work will incorporate:
- 15.1.1 Monitoring the fieldwork (trial trenching) on the line of the A47/B4668 link road, circa. 1 day.
 - 15.1.2 Review reported results of above, consider requirements for further follow-up mitigation. c. 1/2 day.
 - 15.1.3 Monitor historic building recording (Hobbs Hayes, Old Woodhouse, Freeholt Lodge and railway bridge) c. 2 days.
 - 15.1.4 Monitor archaeological mitigation Area 1 (North of Aston Firs, Burbage) c. 2 days.
 - 15.1.5 Monitor archaeological mitigation Area 2 (Hobbs Hayes Farm) c. 2 days.
 - 15.1.6 Monitor archaeological mitigation (A47/B4668 link road) c. 2 days.
 - 15.1.7 Monitor archaeological survey of ridge and furrow c. 1/2 day
 - 15.1.8 Review reports resulting from above fieldwork c. 3 days.
 - 15.1.9 Unforeseen eventualities, c. 2 days.
- 15.2 **In total the anticipated monitoring requirement is 15 days with a total cost of £7,312.50.**
- 15.3 **The Applicant should commit to meeting these costs through the S106 Agreement.**

16 Geology and Contamination and Waste

- 16.1 BDC have no concerns in respect of the work undertaken or proposed additional investigative work programmed in respect of the geology and contamination.
- 16.2 The Site Waste and Materials Management Plan (SWMMP) [APP-361] and Construction Environmental Management Plan (CEMP) [APP-359] set out the remedial measures proposed to deal with any contamination encountered within the soil and potential spills of fuel during the construction period.
- 16.3 BDC considers additional details should be added to the SWMMP to detail the procedure that will be followed when dealing with site waste materials if contamination or suspected contamination is encountered during movement and handling of these materials, with a particular focus on asbestos materials.
- 16.4 Requirement 15 in Schedule 2 to the Draft DCO includes provision for exercising planning controls over the contamination associated with the Proposed Development. **BDC is not satisfied that Requirement 15 sufficiently covers all contamination issues that may arise. This warrants further discussion and consideration.**

17 Energy and Climate Change

17.1 In 2020, BDC made a commitment to tackle climate change. BDC's ambition is to be carbon neutral by 2030, and the District carbon neutral by 2050. This ambition is supported by BDC's Climate Change Strategy, which provides a vision for a Green Recovery, post Covid 19 to create sustainable communities, low carbon transport networks and a thriving local economy.

Construction and Building Operation

17.2 It is recognised that the Applicant is seeking to reduce energy requirements on the Site and included a commitment to achieving net zero in construction. This is commended by BDC.

17.3 The Applicant has prepared a Construction Environmental Management Plan (CEMP) [APP-359] and a Construction Traffic Management Plan [APP-364] to support the application, as detailed at ES paragraphs 18.248 and 18.249. Whilst the inclusion of best practice measures is supported, details should be provided with respect to how the use of construction plant that relies on fossil fuels may be avoided, particularly when considering the location of the Proposed Development, and the nature of the existing land uses.

17.4 The significance of the Green House Gas (GHG) emissions associated with road traffic during both the construction and operational phases should be reconsidered, with the change in emissions compared to the 2019 baseline, and not the future baselines utilised within Chapter 18 of the ES [APP-127]. The use of an alternative baseline fundamentally changes the outcome of the assessment, with the stated effect being minor adverse, not significant.

17.5 The GHG emissions associated with rail movements should be recalculated to account for the known origins and destinations of trains that will serve the Proposed Development. Whilst this may not alter the overall conclusions of Chapter 18 of the ES [APP-127], it will provide a more accurate picture of the emissions that may be associated with the movement of freight trains that will serve the Proposed Development.

17.6 The total GHG emissions arising during the construction and operational phases should be recalculated to account for the recommendations above. There is potential that, in doing this, the outcomes of Chapter 18 of the ES will change, and that the Proposed Development may in fact have a significant adverse effect with respect to Energy and Climate Change. BDC should provide evidence of any communications in respect of the baseline, between the time of the scoping study and the document being issued. BDC is aware that new guidance on this has been issued so we would also ask for copies of correspondence between BDC, the Applicant and the Examining Authority on this matter.

- 17.7 It is commended that the proposals will seek to include for net-zero buildings, as stated at paragraph 18.247 of the ES, however it is unclear what the scope of this is and whether it applies only to operational emissions, or emissions across the whole lifecycle of the proposals. It is evident from the proposed use of gas-fired combined heat and power, and the fact that the proposed photovoltaic (PV) panels will serve only approximately 80% of the buildings' energy demand, that some form of offsetting would be required to achieve net-zero carbon emissions in operation. With the currently proposed quantum of photovoltaic and other renewable technologies, to be net-zero in terms of both operational and embodied carbon emissions, further offsetting would be required to account for the calculated embodied carbon of the proposed buildings. This should be clarified, and the approach to offsetting the residual operation and/or embodied carbon emissions of the buildings clearly set out.
- 17.8 Whilst it is encouraging that the Proposed Development will seek to achieve a 'Very Good' BREEAM rating, as stated at ES paragraph 18.253, BDC considers that this is not an ambitious enough target. By only designing to BREEAM: Very Good, the HNRFI is unlikely to be future proofed – an aim stated in the Opportunities and Constraints section of the Design and Access Statement (document reference 8.1). It is recognised that the achievement of 'Excellent' or 'Outstanding' is challenging, however considering the scale and expected lifetime of the Proposed Development, this would be a proportionate challenge. As stated in the Relevant Representation on behalf of Blaby District Council document, the Proposed Development has the potential to be at the forefront of innovative and green logistics, and should be setting an example as an industry leader. Ideally, a BREEAM Rating of 'Outstanding' should be targeted.
- 17.9 Truly sustainable projects that aim to be future proofed and meet the challenge of net zero would need to go beyond what has been outlined in the Proposed Development. The timescale for construction means that construction and energy targets will continue to be increased, leaving the Proposed Development potentially lagging behind other proposals. As it will have a development lifespan to and beyond 2050, where the UK must operate at net zero, a failure to design a net zero capable development will make it impossible to operate in this manner without substantial retrofitting of technology. This creates an unnecessary and avoidable barrier to achieving the Country's net zero ambitions. The necessary building specification to ensure net zero operation should be secured in the Scheme's Requirements.
- 17.10 A potential constraint to the ability to generate on-site renewable energy and be net zero in operation is the 49.9 MW limitation for the generation of on-site electricity proposed in Requirement 17 of the dDCO. BDC queries why this cap is included other than to avoid the Proposed Development triggering the thresholds for energy generation in section 15 of the Planning Act 2008. The Applicant should be asked to justify this limitation. If the cap is justified, it should be included in the description of the authorised development in Schedule 1 to the dDCO, not as a Requirement as it fails to meet the test of necessity for Requirements.

- 17.11 Further rationale for the proposed choice of technologies as well as reasons why others have been ruled out is required. It is unusual that a gas powered Combined Heat and Power (CHP) and an uncertain and unproven technology is being considered ahead of already widely used heat pump technology. Both Ground Source Heat Pumps and Air Source Heat Pumps should be used and if either are to be excluded this should be justified. Currently Ground Source Heat Pumps are not proposed as part of the Proposed Development, but they should be because they make the onsite generated renewable energy (from solar) go further which takes the pressure off of finite energy resources.
- 17.12 There ought to be an assumption that the HNRFI is entirely off-gas due to the unsustainable nature of natural gas and the unreliability of hydrogen as a replacement. There is no certainty that hydrogen will be available especially given the inefficiency of the production process (when compared to solar or wind) and lack of transportation infrastructure. It is disappointing that reliance is being placed on fossil fuels for a main energy source to the facility. It doesn't appear that decarbonisation of heat via heat networks and the utilisation of ground, water or air source heat pumps have been fully explored by the Applicant. Instead, Gas CHP and possibly hydrogen have been proposed. This shows a lack of ambition for this project, particularly given it will be constructed over the next 10 – 15 years and thus needs to comply with future requirements on such matters.
- 17.13 In terms of energy use, it is far more efficient to use renewable energy power directly via the grid or to store this close to where it's produced for later use. This may well be via battery or conversion to hydrogen. To assume that hydrogen will be widely available for use in CHP plants at some unknown point in the future is a risk and does not make sense from a climate resilience or sustainability perspective.
- 17.14 BDC would expect to see a full consideration and uptake of zero carbon heat and cooling options as standard in the application as per the EIA Hierarchy (Figure 18.3 of ES Chapter 18 Energy and Climate Change [\[APP-127\]](#) document reference 6.1.18). Heat pump technology is likely to remain a far more efficient and cost effective use of a finite resource (renewable energy) than Hydrogen. Given the direct control the developer has over GHG emissions arising from space heating (scope 1) and the potential to eliminate emissions arising from it, it's not clear why this hasn't been proposed.
- 17.15 The Energy Strategy for the proposals should be revised as follows:
- a) To take account of the Future Buildings Standard, due to come into force in 2025.
 - b) Should consider options to target u-values that are even further reduced than those currently set out.

- c) Include additional details with respect to the efficiencies and specifications of the proposed systems to be incorporated within the proposed development.
 - d) Reconsider the use of “hydrogen-ready” gas-fired combined heat and power (CHP) technology.
 - e) Re-assess the potential viability of increased air source heat pump (ASHP) provision, and/or the feasibility of including for ground source heat pump (GSHP) technology.
 - f) The Strategy should consider the incorporation of PV panels elsewhere on the Site, such as on covered parking spaces, footpaths and/or cycleways, or perhaps ground-mounted panels.
 - g) Further details of the proposed energy storage technology should be provided, particularly considering the reliance on such systems to achieve net zero carbon emissions. The expected system to be specified should be outlined, as should the minimum capacity, location within which the system would be incorporated, and the source of energy to be stored. The expected end use of the stored energy should also be clarified.
 - h) Include for the undertaking of energy modelling, with the outputs provided within the revised report. The projected energy demands associated with space heating and cooling, water heating, auxiliary loads, lighting, unregulated loads and vehicle charging should all be reported. The modelling should be undertaken for all tiers of the Energy Hierarchy: ‘Be Lean, Be Clean and Be Green’. Be Lean calculations should be provided, utilising gas boilers to provide space and water heating, to calculate the potential carbon dioxide savings that may be made over the Part L:2021 baseline through the proposed fabric efficiency measures alone. A minimum 15% reduction in carbon emissions over Part L:2021 should be targeted under the Be Lean tier, with sufficient reasoning and evidence provided should this not be achievable. Separate calculations should then also be provided under the Be Clean and Be Green tiers.
 - i) Include for the undertaking of an Overheating Assessment, to ensure future occupants of the proposed buildings will not be exposed to elevated internal temperatures, and to demonstrate that passive means of cooling have been considered preferentially to the inclusion of active cooling/air conditioning.
- 17.16 The Proposed Development is adopting a ‘fabric first’ approach to development which prioritises the energy efficiency of a property right from conception, at the start of the design and development process. This approach is supported to minimise the energy Requirements of the buildings for operation. It is not however clear what innovative approaches, if any, are being considered and allowed for in this Proposed Development beyond that typically included in such new warehouse units.

17.17 BDC is not satisfied that the proposed Requirement covers all noise impacts that will arise. This warrants further discussion and consideration in respect of a potential requirement, requiring an updated Embodied and Whole Life Carbon Assessments to be undertaken at each RIBA Stage, building on the Assessment submitted at RIBA Stage 1, and also accounting for:

- a) Site-specific calculations should be undertaken for all elements of the proposed development, including the warehouse units, rail terminal, slip roads and rail infrastructure.**
- b) Emissions associated with any changes to land use (Module A5), even if this is only considered qualitatively.**
- c) Emissions associated with operational water consumption and wastewater treatment;**
- d) Emissions associated with the operation of the proposed development.**
- e) Emissions associated with the maintenance of the proposals, including the warehouses and road and rail infrastructure, during operation;**
- f) Emissions associated with the decommissioning of the scheme, and the disposal of any materials arising.**

Water Conservation

17.18 Water conservation measures are only being ‘considered’ at this stage. Far greater water harvesting and conservation techniques could and should be employed and secured via a Requirement. It is widely publicised that the demand for water in the future will be greater and thus the Proposed Development should include commitments to and set out the mechanisms for securing the measures taken to reduce water usage.

Transport

17.19 The Scheme’s existing approach to sustainable travel is unacceptable and results in excessive climate related impacts. The ES states that due to its location, significant worker commuting is expected to be by private car. Greater practical choice of sustainable transport options is important to future energy use and climate change.

17.20 The Scheme’s commuting patterns prove that the Site is in an unsustainable location and that the mitigation currently proposed is inadequate. BDC’s submissions in respect of support for sustainable transport are set out in Section 6 of this Written Representation.

- 17.21 It is noted that Requirement 4(3) specifies a minimum provision of electric charging points for car parking spaces with the Proposed Development. **It should go further and state a requirement for LGV and HGV charging points to encourage the early adoption of an electric fleet of goods vehicles within the Proposed Development.**
- 17.22 It is considered that the proposed development should commit to going beyond the minimum requirements of Part S of the Building Regulations, providing a proportion of spaces with chargers prior to the commencement of the operation of the proposals, with the remaining car parking spaces provided with the cabling routes that would enable the later installation of chargers. This is considered necessary to support the intended transition towards electric vehicles which, whilst not necessarily reducing reliance on private cars, will reduce the associated GHG and pollutant emissions. More detail should be provided as to the exact degree of EV infrastructure being proposed and how it will be sufficient to serve the future levels of battery electric vehicles that will be going to and from the Site.
- 17.23 A requirement should be added to the DCO to require the undertaker to submit a Green Procurement Strategy, making commitments to the preferential procurement of materials in consideration of their environmental impact, embodied carbon emissions, certification, durability, toxicity, etc.
- 17.24 A requirement should be added to the DCO requiring the undertaker to submit a Circular Economy Statement, outlining the commitments of the proposals to embedding circular economy principles within the design, and prioritising the reuse of materials before their repurposing and recycling, and only sending materials for disposal as a last resort option.
- 17.25 A requirement should be added to the DCO requiring the undertaker to submit meter readings and energy consumption data to the relevant local authority, under the 'Be Seen' tier of the Energy Hierarchy. This will provide accountability for ensuring energy demand does not exceed the levels targeted during the design of the proposals.

18 **Health and Wellbeing**

- 18.1 The Proposed Development will result in negative impacts to numerous health determinants as detailed in BDC's LIR. BDC consider the Wards chosen for the Applicant's assessment of health and wellbeing impacts has underrepresented the areas of Narborough and also Hinckley and Earl Shilton.
- 18.2 The negative impacts upon health and wellbeing determinants can be summarised as including:
- 18.2.1 Reduced accessibility to social infrastructure and additional wait times for emergency services due to the increased downtime at the Narborough Level Crossing.
 - 18.2.2 Negative mental and physical health impacts due to the reduction in the Burbage Commons area, further there has been a lack of analysis around the qualitative nature of replacement rural open space bridleways. BDC consider the change in user experience for bridleways from a previously natural experience to a predominantly urban one will have negative physical and mental impacts.
 - 18.2.3 Negative impacts on mental health from a reduction of the tranquillity of Burbage Common due to excessive noise impacts.
- 18.3 BDC consider the mitigation measures proposed are presently unclear and underpinned by a lack of analysis. It is presently unclear as to the quality of the proposed alternative open space which will be provided.
- 18.4 BDC consider there has been a lack of analysis around the qualitative nature of replacement rural open space bridleways, The user experience will change from encountering a natural aesthetic to an urban one with most of the proposed routes being adjacent to roads.
- 18.5 There has been no analysis within Appendix 7.1 of the ES [APP-137] of the commuting patterns and how active travel will be incorporated into the Proposed Development.
- 18.6 Given no traffic flow information has been provided as part of the air quality assessment, any stated impacts on the human receptors cannot be verified or relied upon.
- 18.7 Furthermore, the transport modelling underpinning the Proposed Development is not considered robust and so the mitigation proposed in terms of sustainable travel and road network improvements is not considered adequate.
- 18.8 **The Applicant should be required to commit to the following measures to mitigate these adverse impacts:**
- (a) **Ensure quality open space provision: The Landscape plan should include Burbage Common to ensure that the quality**

of the open space is improved from the Open Space Assessment's current assessment of being below the target of 80%.

- (b) A signage and wayfinding strategy should be proposed in and around the Proposed Development to mitigate community severance's health impact by promoting pedestrian safe movements – to encourage active travel and foster a sense of belonging.**

19 **Draft DCO and Requirements**

- 19.1 A revised draft of Schedule 2 to the dDCO incorporating the amendments which BDC considers necessary is appended to this Written Representation at Appendix 6. The amendments to the draft DCO Requirements reflect the points raised in this Written Representation. As noted throughout this document, further discussion is required in respect of the Requirements.
- 19.2 Paragraph 5 (fees) of Part 2 of Schedule 2 to the draft DCO seeks to apply the fee arrangements in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 to the determination of the Requirements under the DCO. This is not appropriate because the fees payable under those regulations do not reflect the level of resource that will be required from BDC officers to respond to applications to discharge the DCO requirements. BDC will seek to negotiate more appropriate fee arrangements with the Applicant and secure these by way of a Planning Performance Agreement or appropriate legal agreement.
- 19.3 BDC also requires a financial contribution in a S106 Agreement from the Applicant in respect of the administrative costs of hosting the certified documents if the Proposed Development is consented.

20 Conclusion

- 20.1 This Written Representation identifies a range of fundamental concerns that BDC has about the Proposed Development, as such, BDC vehemently opposes the Proposed Development given the far-reaching adverse environmental and social impacts it would cause in the local area, as outlined throughout this document. BDC acknowledges that the Proposed Development will have limited benefits in terms of employment during the construction and operational phase, however, this is overridden by the significant negative impacts upon the natural and built environment.
- 20.2 In the event that the Secretary of State consents the Proposed Development, BDC insist that the Requirements and obligations to be secured pursuant to Section 106 of the Town and Country Planning Act 1990, which are still under negotiation and are not yet acceptable to BDC, should be an essential part of the overall scheme.