



Our ref: M69/DCO/TR050007-HinckleySRFI  
Your ref: TR050007

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10 October 2023

Via email –  
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Dear Sir,

**TR050007: Hinckley SRFI – National Highways (20040073) – Confirmation to attend the Examination as an Interested Party**

National Highways writes to confirm that it intends to continue to attend the Examination for the Hinckley SRFI in its capacity as an interested party, in accordance with the Examining Authority request at the Preliminary Meeting on the 12<sup>th</sup> September 2023.

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth.

National Highways looks forward to attending the future hearings to support the examination for the development proposals. In the meantime, if you have any questions or matters of clarification then please do not hesitate to contact me on the details provided.

Yours Sincerely

Ben Simm  
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PLANNING ACT 2008

**WRITTEN REPRESENTATION SUBMISSION BY**  
**NATIONAL HIGHWAYS**

**Reference:** TR050007

**Address:** Land to the north-west of M69 Junction 2

**Applicant:** Tritax Symmetry

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

**Date:** 10 October 2023

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TR050007

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



## **APPENDICIES**

**APPENDIX A** – National Highways Section 42 Consultation Submission

**APPENDIX B** – AECOM Furness Methodology Review

**APPENDIX C** – AECOM Review of PRTM v2.2 Hinckley National  
Rail Freight Interchange Application: Forecast Modelling

**APPENDIX D** – AECOM Review of the Rural Rugby Area Model

**APPENDIX E** – A5 The Longshoot and Dodwells Modelling Protocol

**APPENDIX F** – Hinckley DCO Protected Provisions



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## **1 Introduction**

- 1.1 National Highways (“we”) has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.
- 1.2 This written representation is National Highways Limited’s formal written response to the application by Tritax Symmetry (“Applicant”) for an order granting development consent (“Order”) for the development of a Strategic Rail Freight Interchange to the northeast of Hinckley, known as the Hinckley National Rail Freight Interchange (HNRFI).
- 1.3 The Applicant seeks development consent for the authorised development described in Schedule 1 of the draft Development Consent Order (“DCO”) (“Authorised Development”). National Highways submitted a section 56 representation on 22<sup>nd</sup> June 2023.
- 1.4 National Highways has been asked by the Examining Authority (ExA) to agree a Statement of Common Ground (SoCG), and we await the initial draft from the Applicant, and which includes the additional matters we requested. In addition, National Highways and the Applicant have continued discussions regarding the protective provisions. Details of these discussions have been provided in chapter 4 of this submission.





## 2 Objection

2.1 National Highways does not object to the principle of the Authorised Development (subject to the objections summarised at paragraph 2.2 and set out in more detail at chapters 6, 7, 8 and 9 of this written representation being resolved, and the inclusion of the National Highways protective provisions (in the form found at Appendix F of this document) on the DCO). This Written Representation will detail National Highways' key objections.

2.2 In order for National Highways to be in a position to withdraw its objections National Highways requires the following matters to be fully addressed or mitigated where appropriate as well as the inclusion of the National Highways protective provisions on the DCO.

1. The application of relevant national planning policy and guidance in regard to DfT Circular 01/2022.
2. Lack of consistency across the submission documentation.
3. Phasing of the development has not been clearly set out and how it would relate to the delivery of the associated infrastructure to support the development proposals.
4. The lack of a full and robust transport assessment and evidence base, due to the following matters.
  - a. Limited consideration of Active & Sustainable Transport, including the Travel Plan, which will lead to a car – dominated development.
  - b. The strategic modelling methodology and outputs are yet to be agreed by all the relevant Highway Authorities.
  - c. The impact of the development on the SRN cannot be identified, as the strategic modelling is yet to be agreed.
  - d. The applicants have not provided a clear development mitigation strategy for the SRN.

- e. National Highways have not been able to agree the design or deliverability of the access arrangements onto M69 Junction 2 due to the outstanding strategic modelling.
  - f. National Highways have not been able National Highways have not been able to agree the design or deliverability of the of the northbound off-slip and southbound on-slip at M69 Junction 2 due to the outstanding strategic modelling.
  - g. The deliverability of the railhead and capacity on the Nuneaton & Leicester Railway.
  - h. HGV Routing strategy & enforcement
  - i. Construction management plan
5. The following environmental considerations have not been fully considered within the application regarding the highway works at M69 Junction 2.
6. Landownership matters & compulsory acquisitions.
7. Development consent order and protective provisions.
- 2.3 NH reserves the right to produce additional grounds of objection to the ExA as the DCO progresses.



### **3 National Highways Context**

- 3.1 National Highways (formerly Highways England and being the statutory successor to the Highways Agency) is an arms-length government owned company responsible for the ownership, management, maintenance, operation and improvement of England's motorways and major A-roads, collectively referred to as the SRN.
- 3.2 The SRN comprises over 4,500 miles of strategic road sitting at the core of the national transport system, connecting all major economic and resource centres with key markets and conurbations.
- 3.3 The SRN is the most heavily used part of England's road network, carrying a third of all traffic and two-thirds of all freight totalling approximately 4 million journeys a day. It provides businesses with the means to get products and services to their customers, gives access to labour markets and suppliers, and encourages trade and new investment.
- 3.4 In addition to carriageway itself, it is also a complex network of intricate highway structures, drainage and attenuation apparatus, and telemetry and electronic communication assets. In short, National Highways are highway authority, traffic authority and street authority for a critical national asset. The effect of the appointment under s1 of the Infrastructure Act 2015 (and SI 2015/376) makes National Highways the statutory operator and custodian of this key network of national infrastructure conferring on it the status and legislative functions, of a strategic highways company.
- 3.5 As a strategic highways company, National Highways must comply with a number of general and specific statutory duties <sup>1</sup>, including to:
  - a) co-operate in so far as reasonably practicable with other persons exercising functions which relate to highways or planning.
  - b) have regard to the effect of the exercise of its functions on the environment.

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<sup>1</sup> Infrastructure Act 2015, s.5

- c) have regard to the effect of the exercise of its functions on the safety of users of highways.

- 3.6 In addition sections 41 and 130 of the Highways Act 1980 are respectively a statutory duty to maintain the SRN (to the appropriate/sufficient standard) and a statutory duty to assert and protect rights of the public in the use and enjoyment of SRN highway, and sections 16 and 17 of the Traffic Management Act 2004 means National Highways has a Network Management Duty to manage the SRN with a view to achieving, so far as may be reasonably practicable having regard to NH's other obligations, policies and objectives, the expeditious movement of traffic on the SRN and facilitating such on roads where another authority is the traffic authority.
- 3.7 The Secretary of State for Transport may from time to time give a strategic highways company statutory directions or statutory guidance and policy (for example the DfT Circular 01/2022) as to the manner in which it is to exercise its statutory duties and functions. For the purposes of directing the functions as regards the SRN, these directions are contained within the 2015 Licence.<sup>2</sup>
- 3.8 Safety is at the heart of NH's function as a statutory undertaker – the safety of the travelling public, the safety of NH staff and the safety of third - party contractors on the network. In 2021 there were 28 fatalities (non-suicide related) on the railway.<sup>3</sup> By contrast, there were 1,558 reported deaths on the road network including the SRN.<sup>4</sup> The SRN is inherently a more dangerous network to operate on, over and under and the potential for catastrophic damage or injury is prevalent – which is precisely why NH has strict procedures for contractors operating on, over or under the SRN, particularly those which it does not itself control.

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<sup>2</sup> [Highways England: licence \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<sup>3</sup> [Rail safety | ORR Data Portal](#)

<sup>4</sup> [Reported road casualties Great Britain, annual report: 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

### **Protecting the SRN**

- 3.9 Unlike other statutory consultees involved in the consenting of nationally significant infrastructure projects, National Highways is a very active promoter of development consent orders and understands keenly the pressures and requirements placed on applicants to balance the delivery of the scheme with the protections afforded to statutory consultees. National Highways has been at the vanguard of DCO-consented development since the Planning Act 2008 was introduced and has offered many commitments for the protection of electricity and gas apparatus, water and drainage infrastructure, railway undertakings and other infrastructure owned by statutory consultees as a consequence of its own development consent orders. The SRN deserves the same measure of protection, proportionate to the extent of interference caused by the Authorised Development.
- 3.10 National Highways understands the need for proportionality in the context of such protections and considers that a proportionate level of protection in all cases and as a minimum standard where there is the potential for impact to the SRN should be the following:
- (a) that National Highways be held harmless from the impact of third - party development.
  - (b) that National Highways procedures put in place for the protection of property and persons are adhered to in accordance with National Highways' strict requirements on network occupancy.
  - (c) that any works carried out to the highway, on National Highways land, underneath the highway, above the highway and to apparatus forming part of the highway estate should be certified by National Highways and approved by National Highways on completion of the works.



- (d) that in the event of the Applicant commencing works which may impact the SRN (including for example, underground works beneath the SRN or oversailing above it) and falling into financial difficulty or defaulting on completion of the works, financial provision should be put in place to ensure that National Highways has the resources needed to put the SRN and the highway estate into the position it was in before the Applicant commenced works;
- (e) that National Highways be indemnified for any loss or damage to the SRN or the highway estate.
- (f) that the Applicant requests approval from National Highways before exercising any powers under the DCO in relation to the SRN or the highway estate (such approval not to be unreasonably withheld).
- (g) that any consent required by National Highways is deemed refused if not approved within a reasonable period of time to prevent the potential for catastrophic damage or injury through non-compliance with safety critical procedures; and
- (h) that emergency procedures be agreed for National Highways to access the SRN to carry out works or remove dangerous obstacles resulting from the Authorised Development which pose a risk to life.

3.11 These provisions are included in the National Highways protective provisions.

3.12 Further, National Highway' estate comprises more than just the corpus of the highway (the 'zone of ordinary use'). Unlike local roads, where the local highway authority typically controls only the highway strata and sufficient vertical limits above and beneath the highway to maintain necessary apparatus and street furniture, in most cases National Highways controls the freehold of the land beneath the highway to the centre of the earth and to the heavens above. This estate is held inalienably for the benefit of the statutory undertaking, to ensure that the SRN is not compromised and that maintenance work at any required depth can take place free from risk of trespass or ransom.

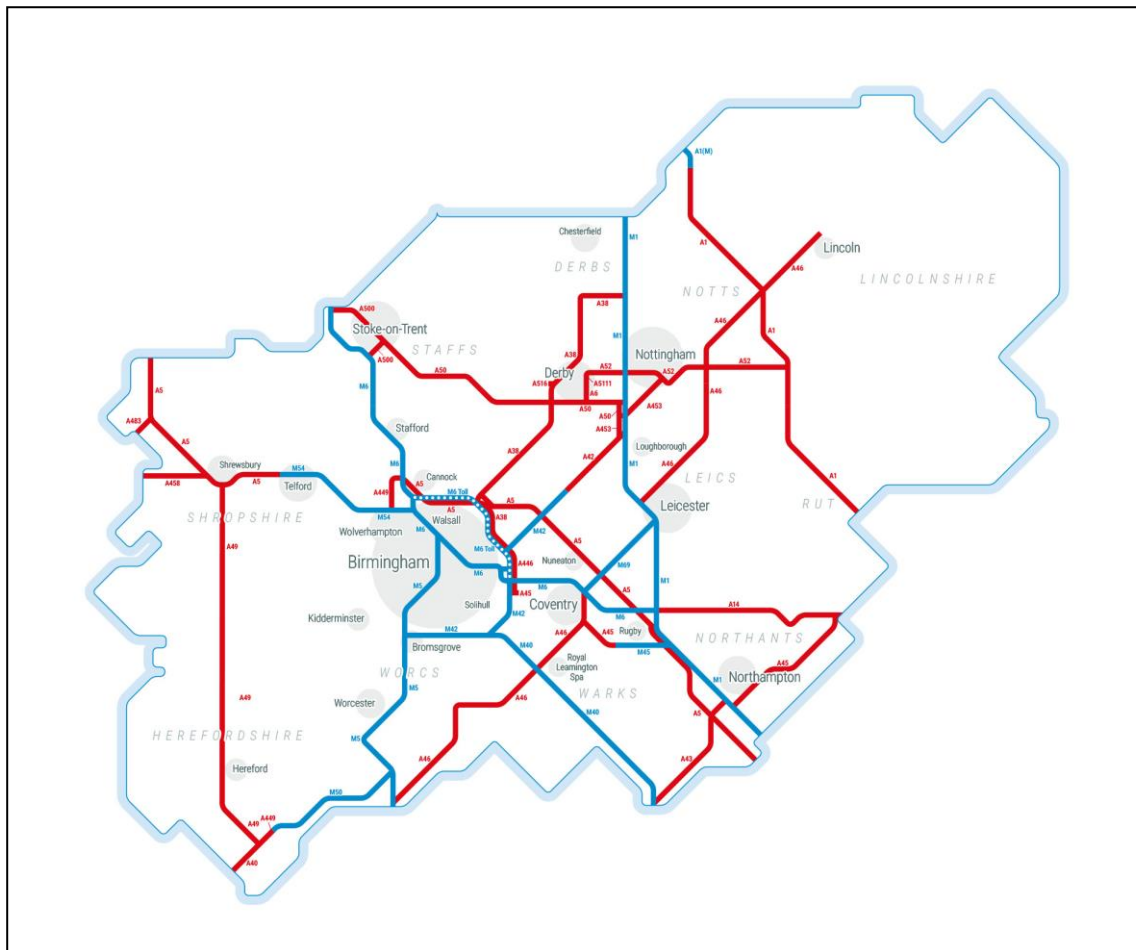


- 3.13 Where apparatus is co-located in the highway (which is commonplace), that apparatus has been authorised by National Highways or has been installed through industry standard processes (such as under the New Roads and Street Works Act 1991), where statutory protection is afforded to National Highways as the highway or street authority.
- 3.14 Whilst National Highways is prepared to grant rights to co-locate apparatus in the highway, where it is geotechnically possible and respecting other apparatus that is in, on, under, adjacent to or over the highway - it cannot be to the detriment of National Highways, the SRN or other undertakers. It cannot be acceptable that apparatus is placed in, on, under or over the SRN through a DCO by disapplying statutory protections that National Highways has and not accepting to acquiesce to the terms which are required by National Highways to manage its network in accordance with regulatory requirements.
- 3.15 For the sake of clarity and transparency, National Highways has no desire to stymie development or to impose requirements on the Applicant which are disproportionate to the potential harm that could be caused to the SRN. National Highways is legally obliged to co-operate with third parties exercising planning or highway functions, which includes the Applicant in this statutory process. National Highways is prepared to engage fully and assist in whatever way is reasonable to ensure that the Authorised Development proceeds as quickly and efficiently as possible.

#### **Strategic Road Network**

- 3.16 The Midlands Operations Region oversee the daily operation, management, and maintenance of the SRN within the region. This includes the consideration and assessment of development proposals which have the potential to impact the SRN and have responsibility to safeguard the future safe and efficient operation of the SRN.

**Figure 3-1 National Highways Network across the Midlands Region**



**M69 Corridor:**

- 3.17 M69 Corridor is a core north-south route which connects M1 Junction 21 with the M6 Corridor (Junction 2) and intersects with the A5 Corridor at M69 Junction 1. The corridor also provides a strategic link between Leicester, Coventry, Nuneaton and rural settlements within Warwickshire and Leicestershire.
- 3.18 In addition, the M69 Corridor provides a supporting role to the M42 / A42 Corridor and is a key diversion route to enable the re-routing of traffic for the M6, M1 and M42/A42 Corridors.
- 3.19 The M69 is a conventional motorway in its entirety in the formation of three lanes and provision for a hard shoulder.



3.20 M69 Junction 1 is a signalised junction with five of its six approaches under signal control. As well as serving as a junction between the key corridors of the M69 and the A5, the B4109 Hinckley Road provides access to rural villages including Wolvey and Woley Heath, and Rugby Road provides access to Burbage and Hinckley.

3.21 M69 Junction 1 suffers from congestion during the peak travel periods. During the AM peak period, the minor delay is observed on the A5 approaches and around the circulatory. During the PM peak period, queuing is regularly observed on the A5 eastbound approach and the M69 northbound off-slip, which at times has extended to the M69 mainline.

### ***M1 Corridor***

3.22 The M1 Corridor provides access nationally to the north-east and Scotland in the north and London and the South-East in the south, which the M69 joins at M1 Junction 21. It also provides access to East Midlands Airport at M1 Junction 24 which is a key international gateway for both passengers and freight and providing connections to the SRN to the cities of Leicester, Nottingham and Derby within the East Midlands.

3.23 Approximately 1.5 km north of M1 Junction 21 is the Leicester Forest East motorway services and a further 1.8km north is M1 Junction 21a. These result in sections of weaving lanes in both the south and northbound directions between M1 Junctions 21 and 21a.

3.24 M1 Junction 21 experiences regular peak time congestion which extends to the mainline of both motorways.

3.25 During the morning peak, queues regularly form on the M1 southbound exit (towards Leicester and the M69) and the M69 eastbound approach to M1 Junction 21 (towards Leicester). On the M1 southbound approach to the exit, these queues extend on to the mainline.

3.26 During the evening peak, queues primarily form on the M69 eastbound exit (joining the M1 northbound). These queues regularly extend on to the M69 mainline.

3.27 M1 Junction 21a also experiences congestion in the morning peak arising from the southbound merge, resulting in queues both on the M1 southbound mainline and the A46 connector road.

### ***M6 Corridor***

3.28 The M6 Corridor provides access nationally to the north-west, Scotland and West Midlands Conurbation which includes the cities of Birmingham, Coventry and Wolverhampton. In the east the M6 provides connections to the M1 and A14 corridors at M1 Junction 19 known as Catthorpe Interchange. The A14 provides access to Cambridge, Ipswich and Port of Felixstowe.

3.29 The key section of the M6 which relates to the development site is located between M1 / M6 Catthorpe Interchange (M1 Junction 19) and M6 / M42 Interchange (M42 Junction 7a). Between M1 Junction 19 and M6 Junction 2 the M6 is a conventional motorway, and then operates as a 'Smart Motorway' with All Lane Running (ALR) between M6 Junction 2 to M42 Junction 7a.

### ***M42/A42 Corridor***

3.30 The M42/A42 corridor is a key route north and south within the Midlands operating between the M1/A42 Interchange (M1 Junction 23a) in the northeast, and the M5/M42 Interchange (M5 Junction 4a) in the south west. The M42/A42 Corridor also provides links to the M6 Corridor (M6 Junction 4a) and the M40 Corridor (M42 Junction 3a) as part of the circular motorway route around Birmingham, known as the 'Birmingham Box' or 'Midlands Motorway Hub'. The corridor is of motorway standard from Junction 10 southbound.

3.31 The M42/A42 corridor also intersects with the A5 corridor at M42 Junction 10 providing strategic access to North Warwickshire and Staffordshire.

3.32 In addition, the corridor provides links to between Birmingham and the Black Country, Solihull, North Worcestershire, Leicestershire, and South Derbyshire. It also provides direct strategic links to both Birmingham Airport and East Midlands Airport which are both international gateways for the movement of passengers and freight.

3.33 M42 Junction 10 is a complex signalised junction with five of its six approaches under signal control. As well as serving as a junction between the key corridors of the M42/A42 and the A5, it also serves a large business park and the Tamworth services to the northwest of the junction, and local connections to Kingsbury to the southeast.

3.34 M42 Junction 10 regularly experiences congestion during the peak period, with the most extensive of the queues forming on the A5 eastbound approach in the morning period. Progression through the traffic signals on the junction is also slow for certain movements, with traffic being held multiple times through the junction.

#### **A5 Corridor**

3.35 The A5 operates east west across Midlands provides strategic access to Shropshire and Staffordshire to the west, and Warwickshire, Leicestershire, and Northamptonshire to the east. The corridor connects with the motorway network M6 Junction 12, M42 Junction 10 and M1 Junction 18.

3.36 The A5 corridor also has a significant role as a key diversion route to enable the re-routing of traffic for the M6, M1 and M42/A42 Corridors.

3.37 Along the A5 between Hinckley and Tamworth congestion locations exist at the Longshoot and Dodwells junctions. The Longshoot junction is a signalised three-arm junction, and the Dodwells junction is a signalised roundabout.

3.38 These junctions provide access to Hinckley and to Nuneaton via the A47 which form the Major Road Network for both Leicestershire and Warwickshire. These junctions are linked in operation and have had extensive reviews to optimise the signal timings; however, significant peak time queuing remains.

3.39 Further to the south, the Gibbet Hill roundabout (A5/A426) is another major junction between the SRN and the MRN. The most significant queuing on the Gibbet Hill junction occurs on the A5 northbound and A426 northbound approaches during the evening peak.



3.40 In addition, the A5 corridor is a key freight route and provides access to several key logistic sites of national and regional importance, which include:

- Birch Coppice Business Park - Atherstone
- Core 42 Business Park - Atherstone
- ALDI UK National Headquarters Office and Atherstone Distribution Centre - Atherstone
- Atherstone Royal Mail Parcel Hub – Atherstone
- Tesco Regional Distribution Centre – Hinckley
- Logix Park – Hinckley
- Hinckley Park – Burbage
- Magna Park – Lutterworth; and,
- Daventry International Rail Freight Terminal – Daventry

3.41 In addition, the A5 will also provide direct access to the West Midlands Strategic Rail Freight Interchange which is to the southwest of M6 Junction 12. The was approved by Development Consent Order on the 4<sup>th</sup> May 2020.

**A46 Corridor**

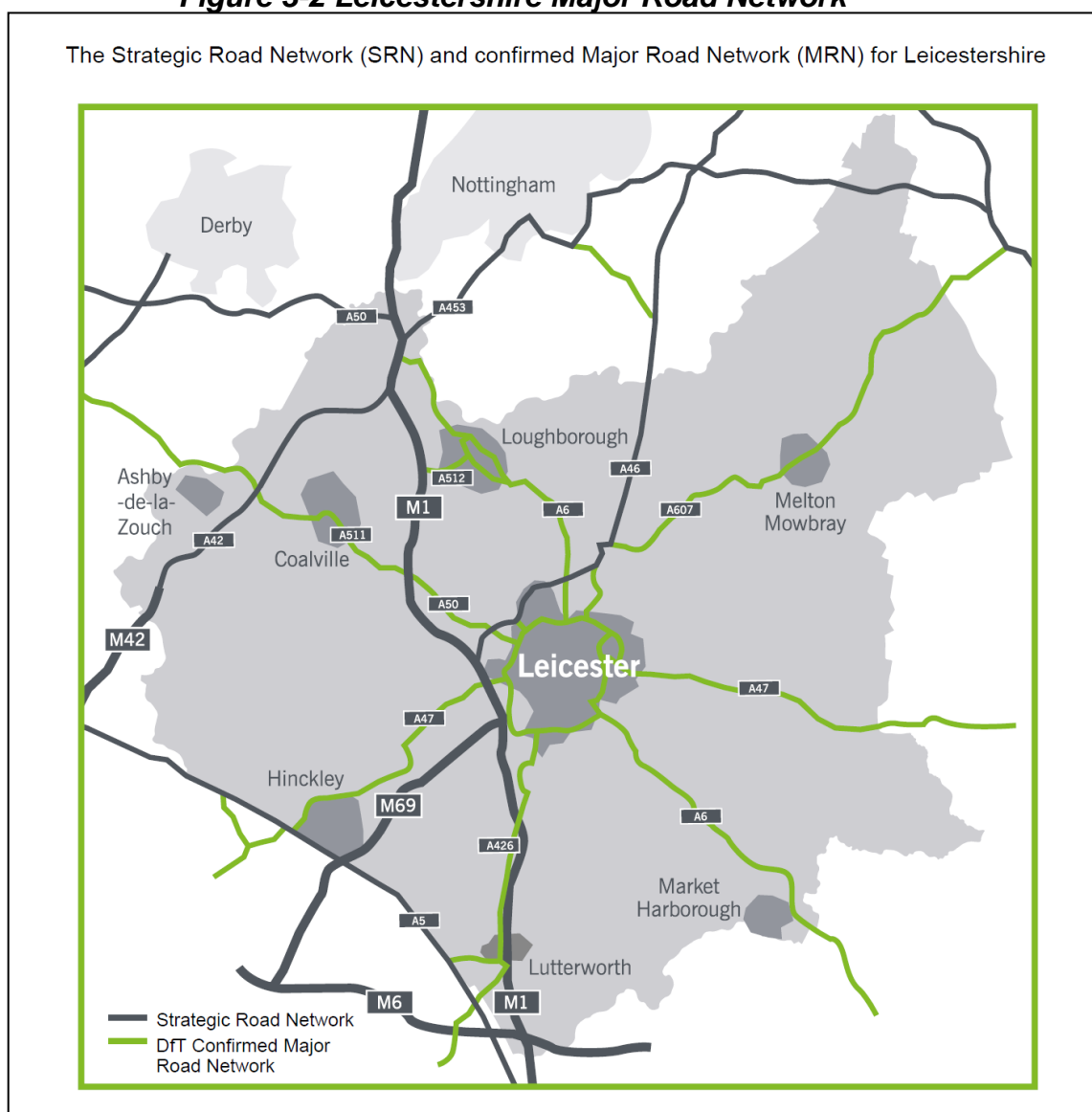
3.42 The A46 Corridor is a key regional corridor providing connection from the M5 Junction 9 in the southwest, connecting to the M69 at M6 Junction 2. This section provides access to Worcester, Evesham, Stratford-on-Avon, Warwick and Coventry.

3.43 The northern section of the operates between M1 Junction 21a and Grimsby, providing strategic access to Leicester, Nottingham, Newark and Lincoln. The A46 also connects with the port at Grimsby, which is a leading automotive port and a major hub for the offshore wind industry.

### **Major Road Network**

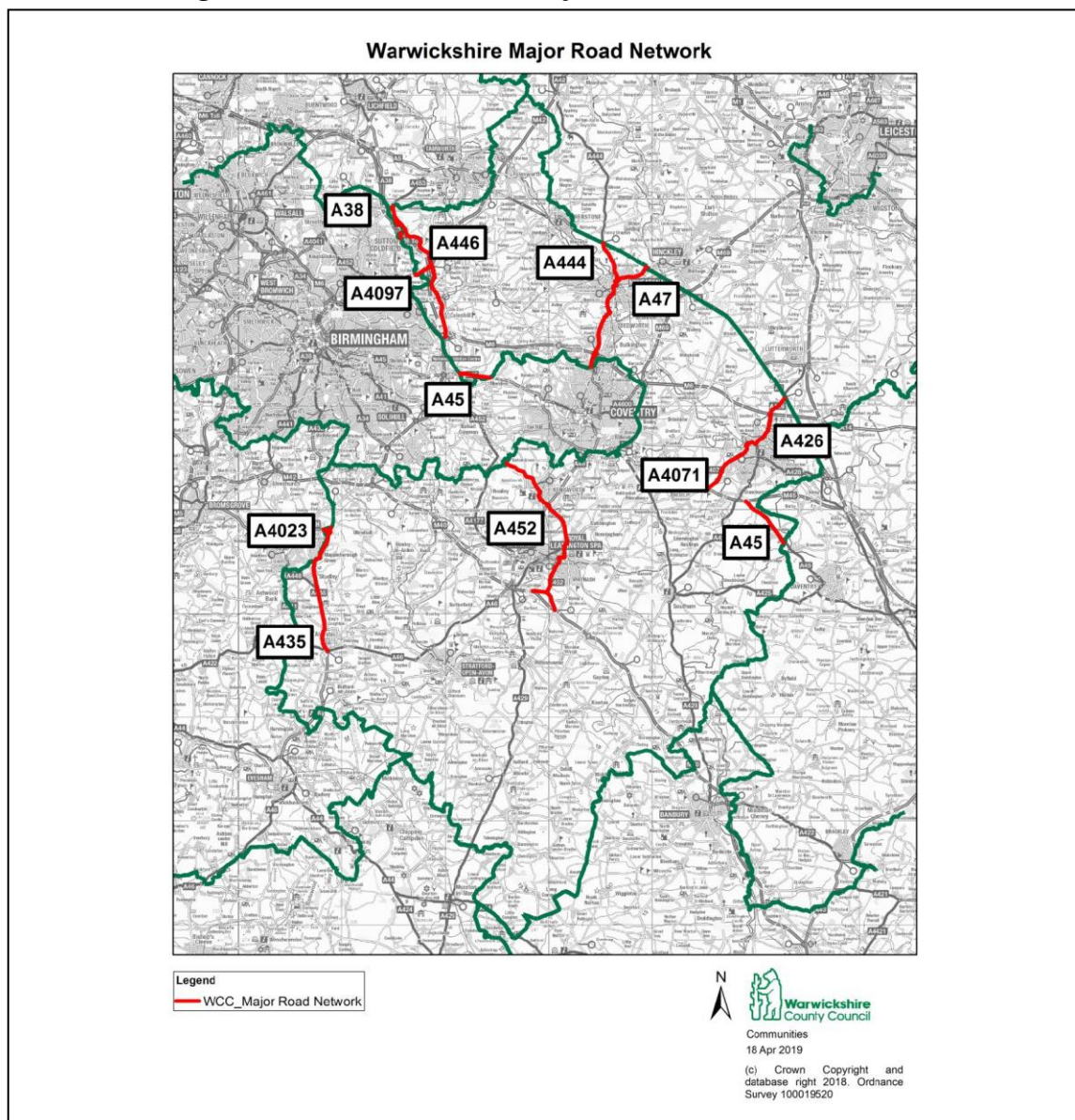
3.44 The Major Road Network (MRN) consists of routes managed and maintained by the Local Highway Authorities (LHAs) and are of strategic importance. These routes also connect and interact with the SRN and therefore are also of importance to National Highways. Figures 2.1 and 2.2 show the MRN extents for both Leicestershire and Warwickshire.

**Figure 3-2 Leicestershire Major Road Network**



(Source: Leicestershire County Council)

**Figure 3-3 Warwickshire Major Route Network**



(Source: Warwickshire County Council)

3.45 The following routes which form part of the MRN for Leicestershire and Warwickshire are of specific interest as they directly interact with the SRN and will be affected by proposed development.

**A47 Corridor:**

3.46 The A47 corridor provides connection between Nuneaton, Hinckley and Leicester, and connects with the A5 Corridor at the A5 The Longshoot / Dodwells Junction. The A47 Corridor is also a key diversion route for the M6, M69 and A5 Corridors



**A426 Corridor:**

3.47 The A426 corridor provides a connection between Rugby and Lutterworth. The A426 connects with the M6 Corridor at M6 Junction 1 and with at A5 at the A5 / A426 'Gibbet' Hill' Roundabout Junction. The A426 is a key diversion route for traffic between the M1, M6 and A5 Corridors.

## **4 Material Documents**

4.1 National Highways considers that the following documents should be considered in the appraisal of the development proposals which have been submitted.

### **National Networks National Policy Statement:**

4.2 The National Networks National Planning Statement (NPS) was published in December 2014. The statement sets out the Government policy relating to the delivery of nationally significant infrastructure projects about the highway and rail networks.

4.3 The statement reflects the importance given to maintain well connected and high performing networks, which have sufficient capacity to meet the long term needs and support economic growth, at both a national and local level.

4.4 In addition, the statement also recognises that the impact of traffic congestion can be economic, by constraining economic activity and growth, as well as environmental consequences including air pollution.

4.5 The statement also provides guidance about the need to ensure that new development is appropriately mitigated to avoid economic, social, and environmental impacts. However, it does recognise that some local effects and impacts may remain, but betterment should be achieved where possible.

### **National Planning Policy Framework**

4.6 The Department for Levelling Up, Housing & Communities published an updated version of the National Planning Policy Framework (NPPF) on the 5<sup>th</sup> September 2023.

4.7 The NPPF is supported by the Planning Practice Guidance on a variety of topics which is published online and updated regularly. These together provide policy and guidance for Local Planning Authorities, Statutory Consultees, Stakeholders and Developers and others to consider when developing or reviewing development proposals through the planning system.

4.8 In addition, it is these documents that set out the requirements for the development of Local Plans, and decision – making process when determining planning applications, in accordance with the Town & Country Planning Act 1990.



4.9 In determining applications under the Planning Act 2008, the key aims of the NPPF and supporting guidance are reflected through the National Planning Policy Statements. These have been proposed to set out the material considerations relating to national significant infrastructure projects.

4.10 However, we would still draw focus to specific paragraphs of the NPPF which we consider are material to the decision-making process. These paragraphs are identified below.

Paragraph 109:

*'Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.'*

Paragraph 110:

*'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

Paragraph 111:

*‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’*

**Department for Transport Circular 01/2022 – The strategic road network and delivery of sustainable development.**

- 4.11 The Department for Transport (DfT) published Circular 01/2022 – The strategic road network and delivery of sustainable development, hereby known as the ‘the Circular’ on the 23<sup>rd</sup> December 2023, and supersedes the former Circular 02/2013.
- 4.12 The Circular is the policy of the Secretary of State for Transport in relation to the SRN and should be read in conjunction with the NPPF and other national guidance. In addition, the policies within the Circular may also be considered important and relevant to decisions on Nationally Significant Infrastructure Projects in the absence of a stated position in the relevant national policy statement.
- 4.13 The Circular also sets out the way in which National Highways engages with the development industry, public bodies and communities to enable the delivery of sustainable development. It should be noted that the Circular is applicable to the whole SRN comprising of the trunk motorways and all-purpose trunk roads in England. Please note that the Circular does not apply to the MRN, except in relation to its junctions with the SRN.
- 4.14 The Circular provides commentary on the principles of sustainable development and the way National Highways will conform to these. National Highways’ licence agreement with the Department for Transport (“Licence”) defines sustainable development *‘as encouraging economic growth while protecting the environment and improving safety and quality of life for current and future generations.’*

4.15 The Circular goes on to state that;

*New development should be facilitating a reduction in the need to travel by private car and focused on locations that are or can be made sustainable. In this regard, recent research on the location of development, found that walking times between new homes and a range of key amenities regularly exceeded 30 minutes, reinforcing car dependency. Developments in the right places and served by the right sustainable infrastructure, delivered alongside or ahead of occupancy must be a key consideration when planning for growth in all local authority areas.*

**Design Manual for Roads and Bridges**

4.16 The Design Manual for Roads and Bridges (DMRB) is a suite of documents which contains the requirements and advice relating to works on the motorway and all-purpose trunk roads for which the Overseeing Organisation is the highway or road authority.

4.17 Based on our consideration of the application and DMRB we consider the following elements are material to aid the development of the highway schemes required to enable the development to come forward. These are identified as follows:

- GG104 – Requirements for safety risk assessment
- GG119 – Road Safety Audits
- GG142 – Walking, cycling and horse-riding assessment and review
- LA 104 – Environmental assessment and monitoring
- LA 105 – Air Quality
- LA 107 – Landscape and visual effects
- LA108 – Biodiversity
- LA 112 – Population and human health
- LA 113 – Road drainage and the water environment
- LA 115 – Habitats Regulations assessment

- LA120 – Environmental management plans
- LD117 – Landscape design
- LD118 – Biodiversity design
- LD 119 – Roadside environmental mitigation and enhancement
- CD122 – Geometric design of grade separated junctions
- CD143 – Designing for walking, cycling and horse-riding
- CD146 – Position of signalling and advice direction signs
- CD350 – The design of highway structures
- CG501 – Design of highway drainage systems
- CD622 – Managing geotechnical risk
- TD501 – Road lighting design

4.18 It should be noted that this is not an exhaustive list, and National Highways reserves the right to identify additional documents within DMRB which are applicable to the development proposals.

**The Licence – Secretary of State for Transport statutory directions and guidance to the strategic highways company**

4.19 The directions contained in the Licence are mandatory<sup>5</sup> and are regulated by the Office of Road and Rail. They include:

- (a) *Paragraph 4.1 - The network for which the Licence holder is responsible is a critical national asset, which the Licence holder must operate and manage in the public interest, in respect of both current activities and needs and in providing effective stewardship of its long-term operation and integrity;*

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<sup>5</sup> Infrastructure Act 2015, s.6(3)



- (b) *Paragraph 4.2 – Without prejudice to the general duties on the Licence holder under section 5 of the Infrastructure Act 2015, the Licence holder must, in exercising its functions and complying with its legal duties and other obligations, act in a manner which it considers best calculated to:*
- a. ensure the effective operation of the network;*
  - b. ensure the maintenance, resilience, renewal and replacement of the network;*
  - c. ensure the improvement, enhancement and long-term development of the network;*
  - d. ensure efficiency and value for money;*
  - e. protect and improve the safety of the network - 5.15 of the Licence expands on this;*
  - f. co-operate with other persons or organisations for the purposes of co-ordinating day-to-day operations and long-term planning;*
  - g. minimise the environmental impacts of operating, maintaining and improving its network and seek to protect and enhance the quality of the surrounding environment;*
  - h. conform to the principles of sustainable development.*
- (c) *Paragraph 5.4 – In complying with 4.2(b), the Licence holder should take all reasonable steps to ensure the continued availability and resilience of the network as a strategic artery for national traffic, and as an effective part of the wider road and transport system.*
- (d) *Paragraph 5.15 – In complying with 4.2(e) and its general duty under section 5(2) of the Infrastructure Act 2015 to have regard to safety, the Licence holder should, when exercising functions related to safety, have due regard to the need to protect and improve the safety of the network as a whole for all road users, including:*

- a. *Ensuring that protecting and improving safety is embedded into its business decision-making processes and is considered at all levels of operations;*
  - b. *Seeking to achieve the best possible safety outcomes across its activities, while working in the context of sustainable development and delivering value for money; and*
  - c. *Taking opportunities to engage with and support wider efforts to improve safety for road users.*
- (e) *Paragraph 5.17 - In complying with 4.2(f) and its general duty to cooperate under section 5(1) of the Infrastructure Act 2015, the Licence holder should co-operate with other persons or organisations in order to:*
- a. *Facilitate the movement of traffic and manage its impacts;*
  - b. *Respond to and manage planned and unplanned disruption to the network;*
  - c. *Take account of local needs, priorities and plans in planning for the operation, maintenance and long-term development of the network (including in the preparation of route strategies, as required at 5.13);*
  - d. *Provide reasonable support to local authorities in their planning and the management of their own networks.*
- (f) *Paragraph 5.33 - In addition to any requirements imposed by planning legislation, the Licence holder must take reasonable steps to assist those seeking to make planning applications for which the Licence holder is likely to be a statutory consultee under the Town & Country Planning (development management procedure) (England) Order 2010.*

- (g) *Paragraph 5.37 – The Licence holder must hold and manage land and property in line with, and as a function of, the Licence holder’s legal duties as a highway authority, and solely for the purposes of operating, managing and improving the highway, unless otherwise approved by the Secretary of State for Transport.*

4.20 The directions contained within the Licence ensure that safety is paramount and that we operate in the best interest of the public and all road users.

## 5 Development Proposals & Communications

5.1 This section sets out the development proposals which are being proposed by DCO. In addition, it also provides information on the engagement and communication which have taken place with the Applicant.

### **Site Location:**

5.2 The development site location is set out under paragraph 1.3 of the submitted Transport Assessment (TA), which has been prepared by BWB Consulting (BWB) on behalf of the Applicants, it states,

*The main HNRFI Site lies to 3km to the north-east of Hinckley, in a level area of mixed farmland to the north-west of Junction 2 of the M69. The railway between Leicester and Hinkley on the north-western boundary of the site is on Network Rail's strategic freight network, linking the west coast and east coast mainlines and forming a primary link between Felixstowe and the Midlands and North.*

### **Development Proposals**

5.3 Tritax Symmetry have submitted the application to obtain the DCO to develop a new strategic rail freight interchange (SRFI). The development will be a multi-purpose freight interchange and distribution centre linked to both the national rail network and SRN, at M69 Junction 2.

5.4 The Authorised Development, as detailed in Schedule 1 of the DCO (Revision 03) includes the following works which will interface with the SRN:



**Table 5-1 - Authorised Development Works which interface with the SRN**

Work Number	Description
4	<p>Within the area shown on the works plans for Work No. 4 the construction of on-site road infrastructure including— 37</p> <ul style="list-style-type: none"> <li>(a) roads and associated junctions;</li> <li>(b) roundabout junctions;</li> <li>(c) footways and shared use footways/cycleways;</li> <li>(d) the stopping up of existing public rights of way as shown on the access and rights of way plans;</li> <li>(f) footpaths shown on the access and rights of way plans;</li> <li>(e) bus stops, bus stop lay-bys, shelters and signage;</li> <li>(f) street lighting and signage;</li> <li>(g) demolition of existing buildings;</li> <li>(h) the closure of existing private accesses shown on the access and rights of way plans; and</li> <li>(i) the stopping up of the length of Burbage Common Road shown on the access and rights of way plans.</li> </ul>
5	<p>Within the area shown on the works plans for Work No. 5 the construction of rail served warehousing including—</p> <ul style="list-style-type: none"> <li>(a) construction of development plateaux;</li> <li>(b) demolition of existing buildings;</li> <li>(c) warehouses and ancillary buildings including estate management office and gatehouses;</li> <li>(d) drainage, swales, bunding, landscape and planting works;</li> <li>(e) vehicle, cycle, equestrian and pedestrian access routes and signage;</li> </ul>

	<p>(f) roof mounted photovoltaics;</p> <p>(g) external plant;</p> <p>(h) vehicle maintenance, service yards, washing and refuelling facilities, weighbridges and electric vehicle charging units;</p> <p>(i) hardstandings and container storage;</p> <p>(j) parking for HGVs and other vehicles (including cycles) and), driver welfare facilities and HGV fuelling area;</p> <p>(k) energy centre;</p> <p>(l) works to accommodate a revised public right of way from Burbage Common Road to be provided as part of Work No. 6;</p> <p>(m) the stopping up of the lengths of existing public rights of way as shown on the access and rights of way plans;</p> <p>(n) the closure of existing private accesses shown on the access and rights of way plans;</p> <p>(o) the stopping up of the length of Burbage Common Road shown on the access and rights of ways plans; and</p> <p>(p) primary electricity substation</p>
6	<p>Within the area shown on the works plans for Work No. 6 the provision of hard and soft landscape works including—</p> <p>(a) demolition of existing buildings;</p> <p>(b) earthworks to create screening bunds; 38</p> <p>(c) soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements;</p>

	<p>(d) basins for surface water attenuation (including flood alleviation related drainage infrastructure);</p> <p>(e) new and diverted footpaths, and bridleways as shown on the access and rights of way plans;</p> <p>(f) wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest;</p> <p>(g) amenity open space;</p> <p>(h) noise attenuation including acoustic fencing and/or landscape screening;</p> <p>(i) the stopping up of existing public rights of way shown on the access and rights of way plans; and</p> <p>(j) signage and totems located within the areas indicated on the parameters plans;</p>
7	<p>Within the area shown on the works plans for Work No. 77 the construction of the A47 link road the general arrangement of which is shown on the highway plans including—</p> <p>(a) connection into a access arm provided at the roundabout at junction 2 of the M69 motorway (Work No. 9);</p> <p>(b) construction of a new three arm roundabout on the B4668 Leicester Road including a segregated left-turn lane from the B4668 southbound onto the A47 link road;</p> <p>(c) upgrading and realignment of the B4668 either side of the new three arm roundabout;</p> <p>(d) two no. roundabouts to connect to Work No. 4 and one further roundabout;</p> <p>(e) a new bridge over the Leicester to Hinckley railway line;</p> <p>(f) a new private access to Bridge Farm as shown on the access and rights of way plans;</p>

	<p>(g) signalised crossings for pedestrians, cyclists and horse-riders;</p> <p>(h) the closure of existing private accesses as shown on the access and rights of way plans;</p> <p>(i) the stopping up of existing public rights of way as shown on the access and rights of way plans;</p> <p>(j) bus stops and bus stop lay-bys;</p> <p>(k) acoustic barriers;</p> <p>(l) demolition of the Burbage Common Road bridge over the Leicester to Hinckley railway line.</p>
8	<p>Within the area shown on the works plans for Work No. 8, works to junction 2 of the M69 motorway within the strategic road network the general arrangement of which is shown on the highway plans comprising—</p> <p>(a) construction of a new slip road for southbound traffic joining the M69 at junction 2;</p> <p>(b) construction of a new slip road for northbound traffic leaving the M69 at junction 2;</p> <p>(c) minor alterations to the existing slip road for southbound traffic leaving the M69 at junction 2;</p> <p>(d) roadside landscape works and planting, to include structural tree planting and landscape bunds;</p> <p>(e) motorway signage;</p> <p>(f) improvements to bridleway V29/6; and</p> <p>(g) diversion and protection of existing services.</p>

9	<p>Within the area shown on the works plans for Work No. 9, works to the roundabout at junction 2 of the M69 motorway outwith the strategic road, the general arrangement of which is shown on the highway plans comprising—</p> <p>(a) realignment, widening and signalisation of the B4669 Hinckley Road to the east and west of the M69 junction 2 roundabout;</p> <p>(b) realignment, widening and signalisation of the circulatory carriageway of the M69 junction 2 to include a dedicated southbound merge sliproundabout;</p> <p>(c) works to connect the A47 link road (Work No. 7) and new slip roads (Work No. 8) into the M69 junction 2 roundabout;</p> <p>(d) signalisation of the M69 approaches to the M69 junction 2 roundabout;</p> <p>(e) closure of existing private accesses and provision of new private accesses as shown on the access and rights of way plans.</p>
16	<p>Within the area shown on the works plans for Work No. 16 works to the Cross in Hand roundabout at the A5, A4303, Coal Pit Lane and B4027 Lutterworth Road, the general arrangement of which is shown on the highways plans including—</p> <p>(a) widening of all approaches to the roundabout to increase capacity; and</p> <p>(b) realignment of the B4027 Lutterworth Road arm of the roundabout to improve entry deflection.</p>

19	<p>Within the area shown on the works plans for Work No. 19—</p> <ul style="list-style-type: none"><li>(a) earthworks to create screening bunds and a bund to the north of the railway works (Work No. 1);</li><li>(b) soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements;</li><li>(c) basins for surface water attenuation (including flood alleviation related drainage infrastructure);</li><li>(d) new and diverted footpaths, and bridleways and as shown on the access and rights of way plans;</li><li>(e) wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest;</li><li>(f) amenity open space;</li><li>(g) noise attenuation including acoustic barriers and/or landscape screening;</li><li>(h) connection into the existing ditch at Burbage Common;</li><li>(i) the stopping up of existing public rights of way as shown on the access and rights of way plans;</li><li>(j) the stopping up of the length of Burbage Common Road shown on the access and rights of way plans; 42</li><li>(k) the reinstatement of agricultural land; and</li><li>(l) the provision of a new turning head. on Burbage Common Road as shown on the highway plans.</li></ul>
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**Further Works:**

The following further works provided that such works do not give rise to any materially new or materially different significant effects on the environment that have not been assessed in the environmental statement or in any updated environmental information supplied under the 2017 EIA Regulations—

1	<p>Within the area shown on the works plans for Work Nos. 1 to 76 the provision of—</p> <ul style="list-style-type: none"> <li>(a) weighbridges;</li> <li>(b) internal estate roads and maintenance accesses;</li> <li>(c) parking facilities for all vehicles including cycles and vehicles;</li> <li>(d) site preparation works, site clearance, regrading and adjustments to ground levels and excavation;</li> <li>(e) footways, cycle tracks, permissive paths for pedestrians and cyclists, bridleways, ramps, footpath linkages and crossing facilities;</li> <li>(f) water supply works, foul drainage and storage, foul pumping stations, surface water management systems, drainage conveyance system, balancing ponds (surface and underground), attenuation and culverting;</li> <li>(g) utilities and services including connections to mains services and provision of utilities infrastructure including primary and secondary electricity substations, catenary and pressure reducing stations;</li> <li>(h) demolition of existing buildings and surface structures;</li> <li>(i) public art;</li> <li>(j) security fencing; 43</li> </ul>
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	<p>(k) gatehouses, barriers and CCTV;</p> <p>(l) acoustic barriers;</p> <p>(m) the clearing of and making good to existing watercourses, works to alter the course of or otherwise interfere with a watercourse;</p> <p>(n) ducting;</p> <p>(o) removal of existing hedgerows and making good;</p> <p>(p) swales, landscaping, fencing, bunds, embankments, aprons, abutments, shafts, foundations, retaining walls, wing walls, cuttings, landscaping and boundary treatments, earthworks and earthwork retaining structures;</p> <p>(q) environmental mitigation;</p> <p>(r) pavements, surface treatments, kerbs and channels;</p> <p>(s) works to alter or remove road furniture;</p> <p>(t) refurbishment works to existing structures;</p> <p>(u) traffic signs, traffic signals, surface course and carriageway markings;</p> <p>(v) street lighting and electrical equipment;</p> <p>(w) diversion of sewers, pipelines, utilities and services;</p> <p>(x) works for the benefit or protection of land affected by the authorised development;</p> <p>(y) works required for the strengthening, improvement, maintenance or reconstruction of any streets; and</p> <p>(z) archaeological associated with archaeology and heritage investigation.</p>
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2	<p>Within the area of land described on the works plans as Work nos. 7 to 22 the provision where appropriate of—</p> <ul style="list-style-type: none"><li>(a) site clearance and excavation;</li><li>(b) removal of existing and creation of new private means of accesses in the locations shown on the access and rights of way plans;</li><li>(c) fencing for boundary treatment and acoustic barriers;</li><li>(d) grid set-outs for safety barriers;</li><li>(e) surface water drainage works including swales, attenuation, outfalls, headwalls and culverting;</li><li>(f) ducting;</li><li>(g) bunds, embankments, cuttings, landscaping, earthworks and earthwork retaining structures;</li><li>(h) pavements, surface treatments, refuge islands, kerbs and channels;</li><li>(i) footways, cycle tracks, bridleways and footpath linkages;</li></ul> <p>44</p> <ul style="list-style-type: none"><li>(j) traffic signs, traffic signals and road markings;</li><li>(k) street lighting and electrical equipment;</li><li>(l) retaining walls;</li><li>(m) motorway communications and control equipment;</li><li>(n) diversion and provision of utilities including foul water sewers; and</li><li>(o) demolition of buildings and structures.</li></ul>
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3	<p>Within the area of land described on the works plans as Work Nos. 1 to 22 temporary works as necessary including but not limited to—</p> <p>(a) traffic management;</p> <p>(b) earthworks, trenching, ducting and stock piling of topsoil and subsoil material;</p> <p>(c) statutory undertakers plant diversions;</p> <p>(d) haulage roads;</p> <p>(e) temporary road construction;</p> <p>(f) temporary signage and fencing;</p> <p>(g) rail sidings;</p> <p>(h) construction compounds including temporary buildings, welfare facilities, batching plants, storage and parking areas; and</p> <p>(i) drainage systems.</p>
4	<p>Such other works as may be necessary or expedient for the purpose of or in connection with the construction and operation of the authorised development.</p>

**Pre-Submission Discussions:**

- 5.5 National Highways proactively engaged with in pre-application discussions with the Applicant and its transport consultants as part of the Transport Working Group (TWG) alongside Leicestershire County Council, Warwickshire County Council, Leicester City Council, Coventry City Council, Blaby District Council and Hinkley & Bosworth Borough Council.
- 5.6 Our aspiration was to agree the methodology and key assumptions for the strategic modelling and to understand the development related impacts on the SRN.



- 5.7 From National Highways perspective the only elements to be agreed through this process were the trip generation and the furnishing methodology, the latter which has now had to be revisited by BWB.
- 5.8 In addition, ad-hoc meetings took place outside the TWG between National Highways to discuss modelling requirements and agreements.
- 5.9 However, the TWG meetings ceased in the Summer 2022, with a number of areas still be agreed with us and the LHAs. Communication with BWB also became limited after this period.
- 5.10 National Highways also provided a Section 42 consultation on the 8<sup>th</sup> April 2022 and a copy is provided in Appendix A of this representation.

**Post-Submission Discussions:**

- 5.11 National Highways has been approached to discuss elements of the DCO or has received additional information from the Applicants. These communications are set out below.

***Protected Provisions and DCO***

- 5.12 National Highways and the Applicant have been negotiating the draft protected provisions appended to the DCO and the articles of the DCO. These protected provisions and DCO articles reflect those secured on historic development consent orders for other schemes. To date the protective provisions nor the DCO have been agreed amongst the parties.

***Statement of Common Ground***

- 5.13 National Highways has received an initial draft Statement of Common Ground (SoCG) from the applicants' transport consultants on the 6 October 2023. National Highways will be undertaking a review of this submission.
- 5.14 However, at present, it is clear that the additional items raised in our letter dated the 31<sup>st</sup> August 2023, in relation to attendance at the Preliminary Meeting and Issue Specific Hearing (ISH1), and subsequently raised at the examination have not been included.

5.15 National Highways maintains its requirement to include the following matters into SoCG.

- Sustainable Transport Strategy
- HGV Routing Strategy.
- Potential impacts on landscape, biodiversity, air quality, emissions and contamination.
- Various Environmental Management Plans, both during construction and operation; and
- The draft Development Consent Order (DCO), including requirements and protective provisions.

***Impact Assessment***

5.16 National Highways has been in receipt of further information, outside of the DCO process, on the 11<sup>th</sup> August 2023 from BWB which included;

- WCC Rural Rugby Area Model Reports
- Traffic Surveys; and,
- Junction Impact Capacity Models

5.17 National Highways attended a meeting with BWB and other key stakeholders including Leicestershire County Council and Warwickshire County Council in their capacity as the LHAs, on the 17<sup>th</sup> August 2023. At the meeting BWB sought to address the comments which have been submitted by each of the parties present and explained the rationale for the provision of the additional information. In addition, BWB also stated that a final updated TA would no longer be provided, with a technical noted being provided to cover outstanding matters. However, no timescales were provided by BWB on when this would be prepared or submitted for the relevant parties to consider.

***M69 Junction 2 Design Discussions***

5.18 BWB and National Highways have been in discussion on the design for M69 Junction 2 and the provision of the northbound off-slip and southbound on-slip. During these discussions we have explained that until the strategic modelling is agreed, the design parameters and standards to be applied. However, the

designers have been identifying the potential need for departures from standard based on those provided in DMRB.

- 5.19 At present, one departure has been submitted, which relates to the removal of a section of hard shoulder on the M69 mainline to accommodate the proposed northbound on-slip and southbound off-slip at M69 Junction 2 which the development requires. This is currently being considered by colleagues in National Highways Safety, Engineering and Standards Directorate, and we are working with BWB to identify dates for a further meeting to discuss design aspects at this location.



## **6 Environmental Statement – Transport & Traffic Matters**

6.1 National Highways have undertaken a robust assessment of the development proposals and the applications supporting documentation to understand the impacts that the proposal will have upon the safe and efficient operation of the SRN.

6.2 Based on this analysis we have undertaken regarding the proposals, the supporting documentation and considering the material documents, we have identified the following matters which need to be considered, and on which our objections are based on transport & traffic matters.

### **The application of relevant national policy and guidance:**

6.3 National Highways considers that the the Applicant's development proposal has not taken into consideration the new policy set out in the Circular and the implications it has in regard to the submission and development proposals identified. Notably regarding the principle of 'vision & validate' and placing emphasis on active and sustainable modes of transport for development trips over car-based journeys. We consider, based on our considerations, the Circular has not been accommodated into the development proposals nor the supporting documents to the application.

6.4 Furthermore, we consider that the Circular now supersedes the policy set out within the National Planning Statement

### **Lack of consistency across the submission documentation:**

6.5 Based on our review of the application submission there are discrepancies across the submission documents regarding the number of jobs the development proposals will generate. In some it is stated as 10,400 jobs and others 8,400 jobs. It is noted that the Transport Assessment work has been based around the lower, and therefore would be underreporting the impact across the SRN if the 10,400 jobs is the representative job creation for the development proposals.

### **Phasing of the Development**

- 6.6 The phasing of the development is not clearly set out, and how it would relate to the delivery of the associated infrastructure required to support the development proposals. It is National Highways opinion that the access arrangements and the provision of the proposed northbound off-slip and southbound on-slip at M69 Junction 2 could be potentially required prior to built construction of the development proposals. However further clarity is sought on this matter.
- 6.7 In addition, it is also considered that the rail head should be provide from opening of the scheme to promote the sustainable movement of freight, as if it isn't provided at this stage, it could potentially result in the development being road based. Therefore, having a greater impact on the operation of the SRN than what has currently been identified.

### **Transport Assessment**

- 6.8 National Highways has considered the Transport Assessment which has been prepared on behalf of the applicants by BWB Consulting Limited (BWB). Based on this appraisal we provide the following commentary.

### ***Active & Sustainable Transport (including Travel Plan)***

- 6.9 National Highways has significant concerns that the proposals for active and sustainable travel have not been fully considered, and what is provided is exceptionally limited. We have therefore concluded it doesn't meet the requirements of the Circular and there is no clear vision or transport strategy for the development proposals.
- 6.10 Our concern is that trips to and from the site by employees will be car dominated, having significant impacts upon the operation of the SRN.

### ***Furnessing methodology***

- 6.11 National Highways originally agreed the modelling methodology through the pre-application discussions with the applicant's transport consultants BWB. However, in the summer of 2023, it became apparent based on discussions between BWB and Leicestershire County Council the methodology needed to be revisited.

6.12 National Highways' review of the updated Furnessing Methodology, dated September 2023, provided in Appendix 8.1 of the Environmental Statement has been completed by our consultants, AECOM. This appraisal has highlighted a number of deficiencies in the proposed methodology, the key matters are summarised below.

1. The approach described is generally considered to be sound. The 'Furness' process is a common method used to adjust turning movement flows to match given target forecast flows entering and exiting a junction (i.e. doubly constrained adjustment).
2. A 'Furness' processed was applied to 'Prior' matrices that were derived from observed turning movements. However, this method of deriving Prior matrices is ineffective where the junctions would be substantially changed, specifically the two junctions at the north and the south accesses to the development site. The standard method of deriving 'Prior' matrices was adapted to instead derive 'Prior' matrices from the pan regional strategic traffic model's forecast outputs (PRTMv2.2) at these two junctions. This alteration to the agreed approach is reasonable.
3. Whilst the general approach to applying the Furness process is acceptable, two areas of concern were identified:
  - Where an observed (2018/19) turning movement is zero, or close to zero, the Furness process will not reflect a reassignment of traffic into the corridor where this is indicated as an effect of the scheme by the forecasting scenario outputs from the PRTM v2.2 traffic forecast model. There is a risk of underestimating the demand for a turning movement at an assessed junction.
  - Where a large observed (2018/19) turning movement has had negative growth applied, due to reassignment effects in the PRTM v2.2 forecast outputs, then this could result in the suppression of a flow demand. This might be important to the junction's operational assessment if the suppressed flow demand is (say) a right turn.



4. These two concerns may be addressed by undertaking a sense check using the PRTM reassignment impacts and turn movements; paying particular attention to the magnitude of flows that turn right at an assessed junction. Alternatively, the operational assessments of the junctions could include sensitivity testing of the derived turning proportions.
  5. For those junctions along the Development's spine road, the report contains no description of how design reference flows were derived from PRTMv2.2 forecast outputs (which model loads all development trips at a single zone) combined with a 'first principals' method of distributing trips generated by the development. It is noted that the design of the spine road is not a specific concern for the SRN, such as the M69, A5, M1 corridors.
  6. There is no traffic forecasting set for the scenario 'With development generated trips' demand assigned to a 'Without HNFI infrastructure network'. This forecasting set would identify if all the link and junction improvements are necessary. This forecasting set would also assist in determining construction phase timing and sequencing of improvements.
- 6.13 A copy of AECOMs report to National Highways is provided in Appendix B of this written representation. However, based on the areas of concern, we are unable to agree the Furnessing Methodology report.

***Strategic modelling methodology and outputs***

- 6.14 National Highways are not able to fully consider the suitability of the strategic modelling undertaken at present. The justification being that not all parameters which have been used within the PRTM modelling methodology have been agreed with us including the furnessing methodology. This has prevented us being able to fully review and consider the outputs which have been provided to ourselves until our concerns regarding the methodology have been addressed.

6.15 Furthermore, we have not been able to undertake a full review of all the transport supporting information as a Transport Addendum is awaited which will provide further modelling methodology and outputs based on modelling through Rugby Rural Area Wide Model which is managed and maintained by Warwickshire County Council. This information is crucial for us to fully understand the impacts the development proposals will have on the SRN.

***PRTM Review***

6.16 AECOM on behalf of National Highways undertook a review of PRTM v2.2 Hinckley National Rail Freight Interchange Application: Forecasting Modelling version 3 dated the 3<sup>rd</sup> May 2022 and supporting additional data and plots provided in September 2022. This review was completed on the 29<sup>th</sup> September 2022, and the technical note is provided in Appendix C

6.17 National Highways has requested a further review be undertaken by AECOM of the supporting PRTM modelling reports. This review has highlighted that no further assessments or refinement have been undertaken by BWB. Based on this the following matters need to be addressed.

1. Whilst the modelled trip distributions appear logical, some of the routing patterns to and from the development do not use highest standard routes to the destination. If traffic can be persuaded to use the most appropriate roads, this would result in an increase in traffic on some parts of the SRN.
2. On some roads, particularly the M69 to the north of Hinckley NRFI going up to M1 Junction 21, the increase in traffic flow on the road is less than the assigned traffic from the development. This is a demonstration that development traffic is causing existing traffic to divert away from the preferred route. The roads being used are of a lower standard.
3. Assuming that all traffic uses the most appropriate roads may mean that more mitigation would be required to avoid adding to congestion at the most congested junctions.

6.18 It would be expected that the improvement to M69 Junction 2 would be beneficial to existing trips, with the diversion resulting from this leading to an improvement at M69 Junction 1. With the biggest issue at an existing junction, being at M1 Junction 21, however, the additional development traffic causes some existing traffic to divert to lower standard roads. Mitigation at M1 Junction 21 would therefore be required to avoid this diversion.

6.19 However, it should also be noted that based on our comments and clarification in regards to the number of jobs the development will generate, to fully understand the impact on the SRN.

### ***RRAM Methodology***

6.20 The RRAM, is maintained and managed by Warwickshire County Council, and is a strategic model that is utilised to consider the impact of development on the highway network across rural areas of Rugby. The model also includes elements of the SRN and is utilised to assess the impact of development on the A5 Corridor in Rugby, notably the A5 / A426 Gibbet Hill Roundabout Junction and the A46 Corridor to the east of Coventry from M6 Junction 2 to the A46 / A45 Toll-Bar Grade Separated Junction. As well as the A45 Corridor.

6.21 Based on our consideration of the RRAM modelling outputs provided, National Highways is unable to agree to the modelling at this moment in time until the following matters are resolved.

1. The claimed reduction of 22 seconds 'mean delay' benefit obtained from across the RRAM network is substantially less than the range of accuracy that can be obtained from an application of the RRAM traffic model. There is a low level of assurance in stating this conclusion.
2. Journey time Route "R1" along the M69 did not validate against observed journey times in the base Year. Without knowing the narrative behind why the RRAM is simulating vehicles as travelling too slowly along the M69, it is difficult to attribute a level of confidence to the tabulated results.
3. Similarly the difference in journey times along the A5 strategic route ("R7") could be due to a number of modelling parameters and might not be attributable to using an alternative forecasting scenario alone.

4. The locations where journey times increase are described in bullet points at paragraph 3.5. However, the wording in brackets is confusing. The journey times presented in Table 1 are total journey times for the full route lengths.
5. Care needs to be taken when examining journey times along route segments. The average journey speeds were not validated in the Base Year for links with short lengths.
6. RRAM was built by Vectos using S-Paramics microsimulation software. BWB is using VISSIM microsimulation software. The claimed betterment appears to have been achieved by changing software packages.
7. Paragraph 3.8 and Table 2 present journey time changes for the PM one-hour peak. The same comments apply as for paragraph 3.4 and Table 1 above.

6.22 A copy of AECOMs review of the RRAM modelling is provided in Appendix D.

***Development impact on the SRN***

6.23 As National Highways has been unable to agree the strategic modelling at present, we have been unable to identify the development impact on the SRN. However, based on the information provided within the application submission and our knowledge of the operation of the SRN in the surrounding area of the development site, we have concerns about the following locations.

6.24 It is recognised that the applicants have provided a series of junction impact assessments. These have been considered by our consultants, AECOM, based on these we provide the following comments, however it should be noted that should revisions be made to the strategic modelling, this may have implications on the traffic flow data adopted in the standalone junction models.

***J4 - A5 Longshoot Junction***

6.25 The assessment of the A5 Longshoot junction is not correct. This is because operationally the A5 Longshoot Junction and A5 Dodwells Junction work as one. Therefore, they must be assessed together. In addition, all three Highway Authorities have agreed a modelling protocol for this junction, which we expect applicants to accord with. A copy of this protocol is provided in Appendix E.

6.26 In addition, the following information is required to enable us to complete our assessment of the submitted LINSIG model.

- Signal Controller not provided so the modelled setup cannot be compared to the on-street setup.
- CAD drawings have not been provided so the measurements in the model cannot be checked.
- The demand spreadsheets have not been provided so the demands in the model cannot be checked.
- The Saturation Flow has been calculated using LinSig's built in RR67 calculation, however, turn radii have not been entered.

J13 - M69 Junction 1

6.27 The following information is required to enable us to complete our assessment of the submitted VISSIM model.

- Signal Controller not provided so the modelled setup cannot be compared to the on-street setup.
- CAD drawings have not been provided so the measurements in the model cannot be checked.
- The demand spreadsheets have not been provided so the demands in the model cannot be checked.
- No model has been provided so cannot be checked.

J14 - A5 Dodwells Junction

6.28 The assessment of the A5 Dodwells junction is not correct. This is because operationally the A5 Longshoot Junction and A5 Dodwells Junction work as one. Therefore, they must be assessed together. In addition, all three Highway Authorities have agreed a modelling protocol for this junction, which we expect applicants to accord with. A copy of this protocol is provided in Appendix E.

6.29 In addition, the following information is required to enable us to complete our assessment of the submitted LINSIG model.

- Signal Controller not provided so the modelled setup cannot be compared to the on-street setup.
- CAD drawings have not been provided so the measurements in the model cannot be checked.
- The demand spreadsheets have not been provided so the demands in the model cannot be checked.
- The Saturation Flow has been calculated using LinSig's built in RR67 calculation, however, some turn radii have not been entered. For example, Lane 10/1.
- Some of the Saturation Flows are also quite high (in excess of 2000 PCU/Hr). These may be too high to accurately model behaviour on a roundabout.

Junction 26 – A5 / A426 Gibbet Hill (Existing Layout)

6.30 It has not been possible to verify the roundabout geometry values input into the Existing Layout model without a scaled plan of the junction. This should be provided. Please also supply any traffic flow spreadsheets developed to demonstrate how the traffic flows used in the submitted models have been determined.

J26 - A5 Gibbet Hill (Proposed Layout)

6.31 The following information is required to enable us to complete our assessment of the submitted LINSIG model.

- CAD drawings have not been provided so the measurements in the models cannot be checked.
- The demand spreadsheets have not been provided so the demands in the model cannot be checked.

- The Saturation Flows have been entered manually rather than using LinSig's RR67 calculation. The calculations that resulted in these Saturation Flows have not been provided so cannot be checked.
- Custom lane lengths have not been entered. This isn't necessary incorrect, however, it would depend on the junction's measurement which have not been provided.

Junction 27 – A5 / A4303 / B4027 Coal Pit Lane Roundabout

6.32 Although the proposed layout drawing has been provided within the Transport Assessment, it has not been possible to fully verify the roundabout geometry values input into the Existing and Proposed models due to the extent of the junction shown on the plan. Please can further information be provided to demonstrate how the roundabout geometry has been calculated.

6.33 National Highways requests the provision of any traffic flow spreadsheets developed to demonstrate how the traffic flows used in the submitted models have been determined.

Junction 30 – A5 / Higham Lane Roundabout

6.34 Chapter 8 of the Transport Assessment does not summarise the capacity results of this junction. Please clarify its absence from the report and update as necessary.

6.35 It has not been possible to verify the roundabout geometry values input into the Existing Layout model without a scaled plan of the junction. This should be provided.

6.36 National Highways requests the provision of any traffic flow spreadsheets developed to demonstrate how the traffic flows used in the submitted models have been determined.

M69 Junction 1 and M69 Junction 2

6.37 Traffic modelling work was previously submitted for review, with comments provided by National Highways within the formal S42 Consultation Response dated 8 April 2022. This response stated that although VISSIM base model validation for M69 Junction 1 and M69 Junction 2 had been agreed, models assessing the with development scenarios were not provided for review.

Although we note that the TA summarises results of these assessment scenarios, will require the accompanying model files to be submitted before impacts at these junctions can be agreed.

#### M1 Junction 21

6.38 From review of the PRTM forecast flows at the junction, TA Table 8-6 shows that the most significant impacts shall be in the PM peak, with an overall increase of 114 vehicles across the junction as a result of the development. 107 of these vehicles however are on the A5460 local road link, with minimal change in demands on the M1 or M69 approaches in either peak period.

6.39 A merge-diverge assessment has been carried out, which based on these flows demonstrates that the development impacts shall not trigger the requirement for upgrade to the junction's merges or diverges.

#### ***Development mitigation strategy for the SRN***

6.40 The Applicant and their consultants have not discussed the mitigation strategy with National Highways at this present time. It should also be noted that some locations have mitigation identified whilst others, the documents note, mitigation is required but a scheme has not been identified.

6.41 At present we are unable to agree the development mitigations strategy. This is because we have been awaiting the completion and sign off of the strategic modelling with the Applicant's consultants and other stakeholders to understand the traffic flows at the junction in the base and future year assessments. This data is key to setting the design parameters and design standards and understanding whether any departures from standard are required in accordance with DMRB.

#### **Deliverability of the Railhead and capacity on the Nuneaton & Leicester Railway Line**

6.42 National Highways is concerned whether the railhead on the Nuneaton & Leicester Railway Line is deliverable as we have not seen the assessments nor agreement from Network Rail.





6.43 We also have concerns that the acceptance of the scheme would limit future capacity on the line to the detriment of passenger services which are crucial as a viable alternative to car based strategic trips between Birmingham, Nuneaton, Hinckley and Leicester.

**HGV routing strategy & enforcement**

6.44 National Highways requires further clarity on the proposed HGV routing strategy and notably around its enforcement. At present National Highways cannot agree to this as who is responsible for the strategy and enforcement is not clear. We also require additional information for the potential location of any associated infrastructure and who would be responsible for its maintenance.

**Construction management plan**

6.45 National Highways requires further clarity on the construction management plan due to how it will function with the implementation of the development proposals and the associated infrastructure.

6.46 In addition, the routing of construction traffic also needs to be fully considered during the phasing of the development and implementation of the associated infrastructure. As works to M69 Junction 2 may warrant for this junction to be closed for significant periods to traffic movements whilst works should the development be approved are implemented.

## **7 Environmental Statement – Other Matters**

7.1 National Highways provides the following commentary on these sections on the Environmental Statement.

### **Air Quality Assessments**

7.2 National Highways notes that whilst air quality assessments have been provided these have been based on the transport modelling. As discussed within this submission there are concerns about the level of employees with the development can accommodate and discrepancies across the submission. Therefore, we anticipate that the air quality assessments may need to be revisited.

7.3 Based on our consideration of the submission of the development proposals, and the air quality impacts the following locations are of concern to National Highways. The reasoning being that existing air quality could be reduced and have effects on local communities and customers who reside next to the SRN. These key locations of concern at present are:

- M1 Junction 21; and,
- A5 The Longshoot / Dodwells Junction.

7.4 As National Highways has not agreed the strategic modelling at present, we are unable to agree the acceptability of the air quality assessments. We therefore reserved the right to provide further comments on this matter once the strategic modelling is agreed and any further assessments are completed.

### **Landscaping**

7.5 National Highways notes that the introduction of the northbound on-slip and southbound off-slip will impact the landscape in the vicinity of M69 Junction 2. This is mainly due to the removal of substantial and well-established vegetation on the embankments adjacent to the M69. Landscaping has an important role of limiting the impact on the landscape of the visibility of the SRN whilst also having a role in mitigating noise impact of the network.

7.6 At present, there have been limited plans provided and discussed on how the vegetation will be lost and how existing landscaping will be replaced and utilised.

7.7 Furthermore, the landscape impact assessments need to consider the potential visual impact that the lighting of M69 Junction 2 will have on the landscape. Whilst the existing circulatory of the junction is lit, the need to accord with the requirements of standards set out in DRMB, may require the new proposed slips, and existing slips to be lit and for this to extend onto the M69 mainline in the interests of highway safety. It should be noted that the existing M69 mainline and existing slips are not lit.

7.8 Therefore, these requirements need to be considered and appraised as part of the landscape impact assessment.

#### **Biodiversity**

7.9 Based on our assessment we would also note that the proposed works at M69 Junction 2, also need to be considered through relevant biodiversity assessments. National Highways also requires details of biodiversity off-setting for the loss of habitats which potentially exist on the verges of the M69 at junction 2.

#### **Drainage**

7.10 National Highways needs to fully consider the full drainage strategy for the development proposals and how it relates to the SRN. However we are unable to fully consider the drainage implications of the proposals related to the SRN until further clarity is provided in the feasibility and development of the highway schemes notable for M69 Junction 2.

## **8 Land Ownership Matters & Compulsory Acquisition**

- 8.1 The Book of Reference (“BOR”) includes various plots of land owned or occupied by National Highways in respect of which compulsory acquisition powers and temporary possession to acquire new rights are sought. Such plots are set out in paragraph 8.3 below. To safeguard National Highways’ interests and the safety and integrity of the SRN, National Highways objects to the inclusion of any plots in the Order and to compulsory powers and/or temporary possession being granted in respect of land owned by National Highways, including the acquisition of the subsurface of any carriageway. Such plots constitute land acquired by National Highways for the purpose of its statutory undertaking and, accordingly, this representation is made under section 56 and sections 127 and 138 of the Planning Act 2008.
- 8.2 National Highways considers that there is no compelling case in the public interest for such compulsory powers or temporary possession and that the Secretary of State, in applying section 127 of the Planning Act 2008, cannot conclude that the permanent acquisition of such land nor the temporary possession of National Highways land can be created without serious detriment to National Highways’ undertaking. No other land is available to National Highways to remedy the detriment.
- 8.3 In order for National Highways to be in a position to withdraw its objections, National Highways requires: (a) the inclusion of protective provisions in the DCO for its benefit as appended to this written representation; and (b) agreements with the Applicant that regulate (i) the manner in which rights over such plots are acquired and the relevant works are carried out including terms which protect National Highways’ statutory undertaking and agreement that compulsory acquisition powers will not be exercised in relation to such land; and (ii) the carrying out of works in the vicinity of the SRN to safeguard National Highways’ statutory undertaking. To safeguard National Highways’ interests and the safety and integrity of the SRN, National Highways objects to the inclusion of such compulsory powers, temporary possession and any other powers affecting National Highways in the DCO.

**Table 8-1 Land Acquisitions which relate to National Highways**

Plot	Owner/Occupier	Acquisition Category	Works Proposed
4	<p>National Highways Limited Bridge House 1 Walnut Tree Close Guildford GU1 4LZ (Owner)</p> <p>Leicestershire County Council County Hall Leicester Road Glenfield Leicester LE3 8RA (Highway authority and Occupier)</p>	<p>Permanent Acquisition</p> <p>Public adopted highway registered to and owned by National Highways Limited.</p>	<p>Works Plan ref 7</p> <p>1,224 square metres, or thereabouts, of public adopted highway (Leicester Road (B4668)) situated to the east of Leicester Road Stadium, Elmesthorpe</p> <p>(The land is required for the construction of a new three arm roundabout on the B4668 Leicester Road, the closure of existing private accesses shown on the access and rights of way plans)</p> <p>Appears on Sheet 1</p>
5	<p>National Highways Limited (Owners in respect of subsoil fronting agricultural land)</p> <p>National Highways Limited (Owner in respect of subsoil fronting scrubland)</p> <p>Leicestershire County Council as Highway Authority (Occupier and Owner)</p>	<p>Permanent Acquisition</p> <p>Unregistered public adopted highway</p>	<p>Works Plan ref 7</p> <p>7,408 square metres, or thereabouts, of public adopted highway (Leicester Road (B4668)) situated to the east and south east of Leicester Road Stadium, Elmesthorpe</p> <p>(The land is required for the construction of a new three arm roundabout on the B4668 Leicester Road, the closure of existing private accesses shown on the access and rights of way plans)</p> <p>Appears on Sheet 1</p>

6	<p>National Highways (Owner)</p> <p>Leicestershire County Council as Owner and Occupier (as highway authority)</p>	<p>Permanent Acquisition</p> <p>Public adopted highway registered to and owned by National Highways Limited</p>	<p>Works Plan ref 7</p> <p>957 square metres, or thereabouts, of public adopted highway (Leicester Road (B4668)) situated to the east of Leicester Road Stadium, Elmesthorpe</p> <p>(The land is required for the construction of a new three arm roundabout on the B4668 Leicester Road, the closure of existing private accesses shown on the access and rights of way plans)</p> <p>Appears on Sheet 1</p>
8	<p>National Highways (Owner)</p> <p>Leicestershire County Council as Owner and Occupier (as highway authority)</p>	<p>Permanent Acquisition</p> <p>Public adopted highway registered to and owned by National Highways Limited.</p>	<p>Works Plan ref 7</p> <p>2,126 square metres, or thereabouts, of public adopted highway (Leicester Road (B4668)) situated to the south of Leicester Road Stadium, Elmesthorpe</p> <p>(The land is required for the construction of a new three arm roundabout on the B4668 Leicester Road, the closure of existing private accesses shown on the access and rights of way plans)</p> <p>Appears on Sheet 1</p>

10	<p>National Highways (Owner)</p> <p>Leicestershire County Council as Owner and Occupier (as highway authority)</p>	<p>Permanent Acquisition</p> <p>Public adopted highway registered to and owned by National Highways Limited.</p>	<p>Works Plan ref 7</p> <p>967 square metres, or thereabouts, of public adopted highway (Leicester Road (B4668)) situated to the south of Leicester Road Stadium, Elmesthorpe Appears on Sheet 1</p> <p>(The land is required for the construction of a new three arm roundabout on the B4668 Leicester Road, the closure of existing private accesses shown on the access and rights of way plans)</p>
11	<p>National Highways (Owner)</p> <p>Leicestershire County Council as Owner and Occupier (as highway authority)</p>	<p>Permanent Acquisition</p> <p>Public adopted highway registered to and owned by National Highways Limited.</p>	<p>Works Plan ref 7</p> <p>68 square metres, or thereabouts, of public adopted highway (Leicester Road (B4668)) situated to the south of Leicester Road Stadium, Elmesthorpe</p> <p>(The land is required for the construction of a new three arm roundabout on the B4668 Leicester Road, the closure of existing private accesses shown on the access and rights of way plans)</p> <p>Appears on Sheet 1</p>

12	<p>National Highways (Owner)</p> <p>Leicestershire County Council as Owner and Occupier (as highway authority)</p>	<p>Permanent Acquisition</p> <p>Public adopted highway registered to and owned by National Highways Limited.</p>	<p>[Works Plan ref 7</p> <p>311 square metres, or thereabouts, of public adopted highway (Leicester Road (B4668)) situated to the south of Leicester Road Stadium, Elmesthorpe</p> <p>(The land is required for the construction of a new three arm roundabout on the B4668 Leicester Road, the closure of existing private accesses shown on the access and rights of way plans)</p> <p>Appears on Sheet 1</p>
61	<p>National Highways and (Owner and occupier)</p>	<p>Temporary possession</p>	<p>Works Plan ref 21</p> <p>106 square metres, or thereabouts, of grassed area situated to the north of side Stanton Road and north west of White House (Stanton Road), Leicester</p> <p>The land is required for the closure of the Thorney Fields level crossing and the diversion of public footpath U17/2 along the route shown on the access and rights of way plans including temporary access and temporary construction compounds.</p> <p>Appears on Sheet 2</p>



65	National Highways (Owner and occupier)	<p>Permanent Acquisition</p> <p>Scrubland and drain registered to and owned by National Highways Limited.</p> <p>National Highways has a right to maintain a headwall as contained in a Conveyance dated 25 October 1979 for the benefit of the M69</p>	<p>Works Plan ref 6</p> <p>895 square metres, or thereabouts, of scrubland and drain situated to the west of Highgate Lodge Farm, Elmhurst</p> <p>(Land required for:</p> <ul style="list-style-type: none"> <li>(i) (the provision of hard and soft landscaping works including, earthworks to create screening bunds; soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, noise attenuation including acoustic fencing and landscape screening along the lengths indicated on the parameters plan; signage and totems located within the areas indicated on the parameters plan (Work No. 6)</li> <li>(ii) earthworks to create screening bunds, soft landscaping</li> </ul>
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			<p>within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, a new bridleway connection into Burbage Common as shown on the access and rights of way plans (Work No. 6)).</p> <p>Appears on Sheets 2 and 4</p>
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66	National Highways (Owner in respect of riparian Rights)	Permanent Acquisition	<p>Works Plan ref 6</p> <p>72 square metres, or thereabouts, of drain and scrubland to the west of Highgate Lodge Farm, Elmhurst</p> <p>(Earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, a new bridleway connection into Burbage Common as shown on the access and rights of way plans)</p> <p>Appears on Sheet 4</p>
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68	National Highways (Owner in respect of riparian rights)	Permanent Acquisition	<p>Works Plan ref 6</p> <p>24 square metres, or thereabouts, of scrubland and drain situated to the west of Highgate Lodge Farm, Elvesthorpe</p> <p>(Earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, a new bridleway connection into Burbage Common as shown on the access and rights of way plans)</p> <p>Appears on Sheet 4</p>
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69	National Highways (Owner and occupier) – Unadopted scrubland registered to and owned by National Highways Limited.	Permanent Acquisition	<p>Works Plan ref 6</p> <p>340 square metres, or thereabouts, of scrubland situated to the south east of Langton Farm Livery, Elmeſthorpe</p> <p>(Required for earthworks to create screening bunds, soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements, new and diverted footpaths, bridleways and cycle tracks, wildlife habitat creation and appropriate improvements to connectivity between areas of ecological interest, amenity open space, noise attenuation including acoustic fencing or landscape screening along the lengths indicated on the parameters plan, a new bridleway connection into Burbage Common as shown on the access and rights of way plans (Work No. 6)).</p> <p>Appears on Sheet 4</p>
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## **9 Development Consent Order & Protective Provisions**

- 9.1 As set out in paragraph 2.1 of this written representation, it is National Highways' position that the draft protective provisions appended at Appendix F be included in their entirety on the DCO.
- 9.2 National Highways considers that without the National Highways protective provisions, there is a considerable risk of serious detriment to the SRN, as any damage or injury to the SRN or wider highway estate would require funding to rectify that is not within National Highways' budget. There is no recourse to public funding for emergency works of this nature and a reserve of funding is not available. Without prejudice to whether the Authorised Development would cause a serious detriment to the SRN, it remains the case that the public purse should not be left to meet or subsidise costs of impacts caused by third party development to the SRN.
- 9.3 Historic protective provisions, including those which National Highways and the Applicant have been negotiating, should not be seen as setting a precedent for this Application. Following recent changes within the organisation closer scrutiny is now being given to such proposals and combined with legal advice received this has informed a change in approach for National Highways whereby the protective provisions appended to this written submission are sought to be secured.
- 9.4 A full justification for each of the key provisions and definitions is set out below:

**Table 9-1 Key Provisions and Definitions**

Paragraph	Heading	Justification
1	Application	This provision has effect to preserve the statutory powers and duties of National Highways except where expressly amended by the Order.
2	Interpretation	<p>Key provisions:</p> <p>“as built information” – contains the relevant information required by National Highways in order to issue the provisional certificate, certifying that works in, on under or over the SRN are satisfactorily complete and safe from National Highways’ perspective.</p> <p>“bond sum” – this provides that a bond sum required is 200% of the cost of the specified works in, on under or over the SRN. The bond required is not the total cost of the works but rather the section of works specifically impacting the SRN. Much in the same way as a section 278 agreement, bonding is required to protect National Highways from financial liability in the event that the Applicant defaulted on the works which impact the SRN.</p> <p>“commuted sum” – provision of financial security to National Highways for any assets which require ongoing maintenance. Where the authorised development includes works which will require ongoing maintenance, this should be funded by the Applicant and not become a burden on the public purse.</p> <p>“detailed design information” – contains the relevant information required by National Highways in order to approve the commencement of the specified works affecting the SRN. In the experience of National Highways’ highway engineers, this definition includes all necessary drawings, specifications and calculations required for signing off works in, on, under or over the SRN but may need to be supplemented depending on the nature of the project.</p> <p>“road space booking” – National Highways has a strict procedure for managing network occupancy to ensure that they are aware of who is working on the SRN at any given point. It also ensures that sections of the SRN are not subject to conflicting or multiple sets of maintenance work.</p> <p>“specified works” – any work authorised by the order (including maintenance) which is on, in, under or over the strategic road network.</p>

		<p>Importantly, this covers the highway estate as well as the operational highway land to ensure that works beneath the highway or above it are subject to the same requirements as work to the highway stratum itself. Critically, works which occur under or over the SRN can still have a detrimental operational impact to the functioning of the undertaking and can result in significant safety impacts.</p> <p>“strategic road network” includes all operational land of National Highways within the order limits and also the highway estate itself to protect the safe functioning of the SRN.</p>
3	General	<p>Parts of the SRN are routinely managed by design build finance and operate contractors, who have primary responsibility for managing the asset. The purpose of these provisions is to ensure that, where the road subject to the specified works is managed under a DBFO contract, the highway operations and maintenance contractor can take the benefit of the protective provisions. Otherwise, any claim that the highway operations and maintenance contractor had against the Applicant by virtue of its stewardship of the asset would need to be through a claim made by National Highways and sub-recovered by the DBFO contractor. This is unnecessary, inefficient and creates a contractual risk to National Highways, as the DBFO contract does not cater for risks occasioned by third party development.</p>
4	General	<p>To create a “corridor” between the lowest point of the highway and any apparatus, to ensure that routine maintenance work to the highway does not compromise the integrity of any assets co-located in the subsoil.</p>
7	Prior approvals and security	<p>To ensure that the specification of the specified works and all associated processes inc. traffic management, financial provision for ongoing maintenance liabilities, scope of maintenance, condition surveys and road safety audits are addressed prior to commencement of works affecting the SRN. All of this information is required whether the specified works comprise of works to the highway or not. For example, scaffolding erected either side of the highway to install overhead lines would require a scheme of traffic management, as it would not be safe to carry out such dangerous works over an online part of the</p>





		<p>SRN. Likewise, undergrounding a pipeline or cable via horizontal directional drilling could not take place without condition surveys of the SRN taking place prior to commencement of works, as without this it would be impossible to know whether the specified works had caused subsidence or displacement in the carriageway.</p> <p>National Highways also requires collateral warranties from any contractor and designer of the specified works affecting the SRN, to ensure appropriate contractual liabilities are recoverable.</p> <p>No exercise of any article set out in 7(2) should take place without the express consent of National Highways, to ensure that National Highways is aware of the progress of the specified works affecting the SRN, the scope of those operations, the potential impact to road users and to ensure that compulsory acquisition is managed appropriately and proportionately. Note, that any approval required of National Highways must not be unreasonably withheld or delayed but will be deemed refused if not given within 2 months. It is very likely that a response will have been received from National Highways within that period, however in some instances this may not be possible due to the technical information submitted and the service level agreements that National Highways has with external consultants. In such circumstances, it would be disproportionate to deem the request approved, which could have potentially catastrophic consequences where procedures had not been followed or there was a concern that was being investigated.</p>
8	Construction of the specified works	<p>The construction of the specified works must be carried out in accordance with National Highways' road space booking procedures to ensure the safety of road users and other contractors on the network. They must also be carried out in accordance with the relevant technical standards where relevant to the works, to ensure consistency with the SRN. Emergency access is to be granted to National Highways in the event of or to prevent the occurrence of danger to the public.</p>

9	Payments	The reasonable costs incurred by National Highways in the administration of the design approval process, the transfer of land, supervision of works, legal costs and VAT should be payable by the Applicant. But for the Applicant's scheme, National Highways would not have to expend resources on the specified works.
10	Provisional Certificate	Where any specified work is proposed to the SRN, on, over or under the highway, the requirements of National Highways' design checking and approval process is required to be discharged. Works underneath the highway or oversailing it have significant potential to cause damage both to the highway itself and to road users and it is critical to the safe and efficient operation of the SRN that works are signed off by National Highways engineers as safe, where there is an interface with the SRN. This provision is also required for the purposes of the Applicant as it has the effect of reducing the bond sum to 20% on the issue of the provisional certificate.
11	Opening	This is relevant only where the SRN has been subject to traffic management orders or temporary closure as a result of the Authorised Development.
12	Final Condition Survey	<p>Where specified works include horizontal directional drilling, as part of the approval of works and prior to commencement, a condition survey of the highway is required. A final condition survey is required on completion of the horizontal directional drilling works, to identify any settlement of the carriageway in accordance with the threshold levels set out in technical standard DMRB CD622. If any settlement beyond tolerance is identified, this would pose a safety risk to road users, as part of the carriageway would have collapsed to unsafe levels. National Highways would require this defect to be remedied.</p> <p>This provision also applies to works to the SRN itself as any final condition survey would inform the decision on issue of the final certificate.</p>
13	Defects Period	On the issue of the provisional certificate, the Applicant will be required to remedy any defect in the SRN caused by the specified works for a period of 12 months. Where National Highways network is damaged by works carried out pursuant to the DCO, it is for the Applicant to remedy that damage.

14	Final Certificate	This provision is required in order to ensure that the National Highway costs are paid by the Applicant and to ensure that National Highways is given a final opportunity to inspect the SRN and be satisfied that the specified works have not resulted in damage to the statutory undertaking.
15	Security	<p>The Applicant is proposing to carry out works to the highway in land owned by National Highways. These works may be commenced and not completed, may be constructed contrary to the approved design or may be suspended due to the dissolution of the Applicant. In such cases, National Highways is exposed to a potentially significant financial burden in removing the works from the highway estate.</p> <p>Outside the Planning Act 2008, payment for any works which an authority are authorised to execute (i.e. not just works to the highway itself) may be secured under a section 278 agreement, with such a payment being secured through a bond or cash deposit. In the absence of any commitment by the Applicant to enter into a section 278 agreement containing provisions to put security in place for the benefit of National Highway, the National Highways protective provisions require security in a manner which is consistent with the measures applying to developments carried out under the Town and Country Planning Act 1990, applying the provisions of the Highways Act 1980. The National Highways protective provisions are an appropriate mechanism to assure security such as a bond and without this, National Highways would be faced with potentially significant financial liabilities for which it is not funded and has no budget.</p>
16	Commutated Sum	Where the Applicant proposes to install apparatus on the highway, a commuted sum is required to contribute to the maintenance of the apparatus. It is not for the public purse to pay for maintenance of apparatus that is added to the highway estate as a consequence of third party development, without contribution.
17	Insurance	Insurance is required of all contractors working on the SRN and this should extend to operations carried on over and under the highway due to the potential for damage to infrastructure, highway assets and road users.

18	Indemnity	It is common practice for statutory undertakers to be indemnified for works carried out in proximity to their undertakings. National Highways should be held harmless as a result of the construction, maintenance and use of the Authorised Development as it should not be for the public purse to cover instances of loss or damage occasioned by third party works.
19	Maintenance of the specified works	To ensure that where maintenance to a specified work is required, the relevant road space booking procedures are complied with to ensure the safety of contractors and road users.
20	Land	To ensure that matters of compulsory acquisition are directed to the legal team at National Highways.
21	Expert Determination	Expert determination is preferred due to the speed of the process and the often technical nature of the points in dispute being more suited to determination by an Engineer or other highway professional.

9.5 It is National Highways' position that should the National Highways protective provisions appended to this written submission be accepted in its entirety and form part of the DCO, the current articles of the DCO are capable of being accepted as drafted. If, however, the protective provisions cannot be accepted as appended and form part of the DCO then various articles of the DCO will be objected to by National Highways on the basis that they do not protect the safer and proper functioning of the SRN.

## **10 Summary and Conclusion**

10.1 For the reasons given above, National Highways objects to the DCO and the Authorised Development and requests that the National Highways protective provisions at Appendix F are included on the face of the Order.

10.2 Should it assist the ExA, National Highways will respond to any written questions that the panel may have and is willing to attend an appropriate hearing to detail the impacts of the Authorised Development to National Highways.

TR050007

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



## **APPENDIX A:**

*National Highways Section 42 Consultation Submission*



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Our Ref: Hinckley NRFI  
Your Ref: 92/EL01LEX\_S42

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08 April 2022

Dear Sir/Madam,

## **Section 42 Consultation Submission for Hinckley National Rail Freight Interchange**

Thank you for the opportunity to comment on the Hinckley National Rail Freight Interchange (NRFI).

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

In relation to the S42 consultation for Hinckley NRFI, our principal interest is in safeguarding the M69 Motorway, M1 Motorway and A5 Trunk Road. Comments provided in this letter are made in the context of the Department for Transport Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development ('The Circular') and the National Planning Policy Framework – July 2021.

Based on our assessment of the supporting documents submitted as part of S42 including the draft Development Control Order (DCO), we have identified the areas of concern that we would wish to see considered prior to the DCO being granted. These are identified in greater detail within the attached Technical Note (TN).



It should be noted that the proposal is located within close proximity of the corridor of the A5 Hinckley to Tamworth RIS3 Pipeline scheme as identified in the Road Investment Strategy 2 (RIS2). The current commitment for us is up to option development. Progress into further stages, including construction, will be determined through the RIS3 process.

Whilst we are currently considering a variety of options, some of these could include offline options which may interface with the development proposals. Given the location of the site, it is considered that the development has the potential to prejudice the options which may be available for the RIS3 Pipeline scheme. We therefore request that you continue to engage with us as the RIS3 Pipeline scheme develops to minimise the risk of delivery of a major SRN improvement.

### **Transport Assessment approach**

As part of the pre-application discussions, the following matters are considered to be agreed in relation to the current proposals:

- Trip generation
- Opening (2026) and Future (2036) Years of assessment
- Suitability of the base year PRTM model
- PRTM Forecast Modelling Brief including planning and network assumptions

It should be noted that agreement has been based on the proposals as presented and should any element change then a further consultation and review is likely to be required on the above.

There are also significant areas which we consider to be outstanding. This is reflected in the submitted Interim Transport Assessment (ITA) dated 1 December 2021 submitted as part of the consultation, which states that *“It is not the finalised assessment but provides an indication of the analysis to date. At the time of writing a further iteration of Leicestershire’s Pan Regional Transport Model version 2.2 (PRTM) is being carried out following adjustments to background infrastructure within the model itself and the recent additional validation to the HNRFI Core Base Mode”*.

We consider this to be a fundamental point which may highlight prematurity of the current consultation as the transport assessment conclusions and any mitigation measures are likely to be subject to some level of change. Once additional information is available we request to be re-consulted.

Our detailed comments are outlined within the TN however, the key points are identified but not limited to those listed below:

- It must be firstly stated that the impact of the development as given in the TA is based upon a previous run of the PRTM model, and a new forecast assessment is being undertaken, therefore, the impacts cannot be agreed at this time. The Area of Influence (AoI) is not yet agreed. ;
- Further analysis of the road safety data is required following the receipt of an updated report, although some clusters of accidents along the A5 do not appear to have been identified, this should then be clarified;
- A revised Sustainable Transport Strategy is being prepared (and has been omitted from the current submission). Our key concerns relate to the base mode share for pedestrians which is considered to be high at 11% given the location of the site and the need to demonstrate a viable public transport solution;
- The use of the PRTM model and all input data and assumptions have been agreed, and we await the revised forecasting assessments. The impact of the development within Warwickshire will need to be included within any revised assessment; and
- As stated above we cannot yet agree the impact of the development upon the highway network and will await the revised assessment.

### **Highway Impact**

The highway impacts have been determined based upon the PRTM v2.2 model, and it is noted that this section will need to be updated as the proposed Longshoot to Dodwells scheme has been cancelled as part of the RIS2 Delivery Plan Update. We cannot therefore provide any agreement on the modelling, the resulting Area of Influence (AoI) nor on the likely highway impact until this new assessment has been undertaken and reviewed.

We would agree with the overall methodology to use PRTM to predict the impacts of the proposal in Leicestershire, with the results then being used for the assessment of individual junctions. However, within Warwickshire the PRTM does not offer a suitable level of detail and an appropriate assessment methodology is required to be agreed.

PRTM Forecast Reports have been appended to the ITA. These have been reviewed but not approved by us as they will be superseded. Therefore, any understanding and

analysis of the transport impacts of the proposed development drawn from this document should be used with caution as they are subject to change with the new forecasting model runs. In particular, the reported mitigation strategy has not been agreed, and we consider that further areas of the SRN are required to be considered, which were highlighted in our scoping response. These include:

- M69, along its entire length
- M1, between Lutterworth (J20) and Leicester (J21)
- A5, between Gibbet Hill (A426) and Tamworth (M42)
- M6, at Coventry (between J2 and J3)
- A46, at Coventry (between M6 to A444)

As the locations of mitigation are identified through the revised PRTM runs, individual junction assessments should be submitted for review and approval.

### **Road Safety**

Further assessment is required on the likely road safety impacts. In particular, the ITA suggests that *'Highways with the most significant change in traffic flow as a result of development are generally not within areas of collision hotspots'*. It is acknowledged that further analysis will be required, and as part of this, it should be noted that development impacts on road safety should not be considered solely on 'significant change in traffic flow'.

### **HGV Routes**

Overall, the proposed routing strategy for most of the routes seems reasonable however, this would only work if drivers are well informed and the strategy is enforced. Further details are required on these matters, in particular the delivery, monitoring and enforcement of the proposed routes. We also require consideration of potential mitigating measures during the construction phase when the A47 link road forming the basis of the HGV strategy will not be completed. Furthermore, any proposals for monitoring equipment that needs to be fitted along the SRN will need to be agreed with us.

### **Sustainable Transport Strategy**

In line with our Net Zero Highways: our 2030 / 2040 / 2050 plan, we support the overall principles within the STS and would consider that bus and cycle travel have the greatest potential for encouraging non-car modes of travel. Therefore, we recommend

that the you continue to engage with operators in order to develop further the bus strategy and improve cycling facilities and availability of cycle routes.

Clarification should also be provided regarding how sustainable travel will be achieved and how the development will achieve a long-term and meaningful pattern shift. Further confirmation should be provided of how funding will be secured.

### **General Preliminary Design**

A number of proposed works plans have been submitted and whilst these may be subject to change as a result of the additional PRTM run, the following points are raised for future consideration:

- A Maintenance and Repair Statement (MRS) in accordance with DMRB GD 304 is to be prepared and updated as the design progresses. A clear highway boundary should be submitted.
- The Design Organisation (DO) should take reasonable steps to ensure compliance with DMRB requirements. Where compliance cannot be achieved, the DO is responsible for identifying and securing Departures from Standard from the Overseeing Organisation (OO). Where the DO is unable to achieve recommended DMRB design clauses, the DO should justify their decision in a Design Strategy Record (DSR).
- Any works along the SRN is to be subject to Walking, Cycling and Horse Riding Assessment and Review (WCHAR), Road Safety Audit (RSA) in strict accordance with GG119 and environmental audits as detailed in the DMRB. RSA should not commence until the end of the preliminary design stage and has been accepted in principle by us.
- Any design hazards are to be assessed with a Safety Risk Assessment (SRA), prepared in accordance with DMRB GG 104, with the view to eliminating the risk, where possible, or, if unavoidable, reducing it to as low as reasonably practicable (ALARP).

Preliminary design drawings should be provided at an appropriate scale with scheme details appropriately dimensioned on the plan. The use of scheme geometric dimensions is key to demonstrate that the designer has developed the scheme in accordance with DRMB standards and other relevant standards as well as DfT Circular 02/2013 paragraph 11 and is therefore compliant in that regard. A 'key' should also be included on the plan to clearly identify the scope of the scheme works.

Whilst the mitigation strategy requires further agreement, it should be noted that the development proposes modifications to the M69J2 as part of the access strategy, including the provision of new south facing slip roads. Details of these must be agreed in line with forecast demand flows. At all other merge/diverge locations, no alterations are proposed and must be supported by appropriate assessments given the likely change in traffic demand.

### **Draft Development Consent Order**

Detailed comments on specific clauses of the Draft Order are provided in Appendix A to the accompanying TN. However, we highlight below points around deemed consent protective provisions and Traffic Regulation Orders.

We are a strategic highway company operating under the terms of the Infrastructure Act 2015 including a licence issued by the Secretary of State for Transport. Section 5(2) of the 2015 Act provides that; *“...a strategic highways company must also, in exercising its functions, have regard to the effect of the exercise of those functions on— (a) the environment, and (b) the safety of users of highways”*

Section 4.2 of the License (dated April 2015) indicates that *“Without prejudice to the general duties on the Licence holder under section 5 of the Infrastructure Act 2015, the Licence holder must, in exercising its functions and complying with its legal duties and other obligations, act in a manner which it considers best calculated to: .....(e) Protect and improve the safety of the network.....”*. Only we as the licensed highway authority can determine the safety and operation implications of any development proposition that introduces changes to its network. This duty is non-delegable to third parties as only we under section 5(2) of the 2015 Act and its license has the locus to carry out this function. Our statutory duty to have regard to the safety of users of our highways is negated by the very principle of deemed consent.

Our preferred protective provisions have been used in part for Schedule 14 Part 2 although we note the following amendments:

- 4(2) Road space bookings has an addition of not to be ‘unreasonably delayed or withheld’. This should be removed, road space booking policy should be followed, the same as for any other scheme.

- 7(4) – the requirement for a 3 year maintenance period for landscaping has been removed. This should be added back in if there are substantial elements of landscaping added or replaced during the works.
- 10 – the commuted lump sum documentation referred to is now out of date – there is a new NH finance manual process. This should read as the current NH CLS process on the date the DCO comes into force.

Within Schedule 1 Part 3 paragraphs 16, 17 and 18 it states is a requirement to advertise intention for Traffic Regulation Orders, but the making is deemed to have been imposed. When advertising the intention, usually an objection period is included; therefore clarification is required.

### Summary and Conclusion

Through the pre-application discussions a number of aspects has been agreed. However, there are significant considerations which are still required, as highlighted in this letter and detailed in the accompanying TN. We consider the lack of an agreed transport model to be a fundamental point which may highlight prematurity of the current consultation as the transport assessment conclusions are likely to be subject to some level of change. As such once additional information is available we request to be re-consulted.

We trust our response provides clarification of our concerns and identify other matters which we consider need to be addressed. However, if you have any questions or comments regarding the contents of the letter then please do not hesitate to contact me on the details provided.

Yours Sincerely,



Eri Wong  
Spatial Planning Manager  
Email: @[highwaysengland.co.uk](mailto:highwaysengland.co.uk)

Enc: -Hinckley NRFI Technical Note - National Highways S42 Consultation  
Response April 2022

Our ref: Hinckley NRFI  
Your ref: 92/EL01LEX\_S42

8 April 2022

## **Hinckley NRFI Technical Note - National Highways S42 Consultation Response April 2022**

This Technical Note (TN) has been prepared to accompany the response letter dated 8 April 2022 in response to S42 consultation associated with Hinckley National Rail Freight Interchange (NRFI) for a Development Consent Order (DCO) to authorise a Hinckley NRFI.

The purpose of this TN is to provide a greater level of detail for areas of concern identified within the accompanying letter that we would wish to see addressed. Comments provided in this TN are made in the context of the Department for Transport Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development ('The Circular') and the National Planning Policy Framework – July 2021.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

The site is situated to the west of the M69 Junction 2, bound by the M69 Motorway to the east, and approximately 5km to the north of the A5 Trunk Road. In the vicinity of the proposed development the SRN comprises the M69 Motorway, M1 Motorway and A5 Trunk Road. We have been actively engaged in discussions with the undertaker (including their consultants) since 2015 with a view to ensuring that the proposed development will not have a severe and detrimental impact on the SRN.

As part of the pre-application stage we reviewed a number of documents which form part of this consultation. However, most notably, the Sustainable Transport Strategy has not been included in this consultation.

It should be noted that the site is within close proximity of the corridor of the A5 Hinckley to Tamworth RIS3 Pipeline scheme as identified in the Road Investment Strategy 2 (RIS2). The current commitment for us is up to option development. Progress into further stages, including construction, will be determined through the RIS3 process.

Whilst we are currently considering a variety of options, some of these could include offline options which may interface with the development proposals. Given the location of the site, it is considered that the development has the potential to prejudice the options which may be available for the RIS3 Pipeline scheme. We therefore request that the developer continues to engage with us as the RIS3 Pipeline scheme develops to minimise the risk of delivery of a major SRN improvement.

## Transport Assessment

### **General Comments**

We accept the overall methodology to use Pan-Regional Transport Model (PRTM) to predict the impacts of the proposal within Leicestershire. The results of the PRTM should then be used for the assessment of individual junctions in the development of mitigation measures.

The Interim Transport Assessment (ITA) dated 1 December 2021 submitted as part of the consultation states that *“It is not the finalised assessment but provides an indication of the analysis to date. At the time of writing a further iteration of Leicestershire’s Pan Regional Transport Model version 2.2 (PRTM) is being carried out following adjustments to background infrastructure within the model itself and the recent additional validation to the HNRFI Core Base Mode”*.

We recognise that more recent discussions have taken place with us which provide further refinements to the assessment of the development impact. Therefore, the results as presented within the submitted ITA are likely to be subject to change and in particular the Area of Influence (AoI) cannot be agreed. We expect that a further consultation will follow once the revised information is available. However, we set out below the key issues which are likely to be relevant and require further consideration as part of the next stages of the transport evidence development.

Furthermore, given the coverage of the PRTM and critical areas of the SRN within Warwickshire being within the buffer zone of the PRTM, we consider that there is insufficient detail to utilise the PRTM to fully understand that impacts of the development within Warwickshire. A suitable methodology, including the possible use of other models within Warwickshire, must be agreed and adopted.

In terms of the development impact in Warwickshire, the results from PRTM v1.0 were previously used as a proxy to understand potential pressure points on the network within Warwickshire. We would request a similar exercise to be carried out using PRTMv2.2 to determine if additional assessment is required for the SRN in that area.



We note that BWB propose to use WCC's models for assessing the impact of the development on this network. However, details regarding the Base Year model validation, network coding and model performance for these models need to be provided before they can be accepted. In addition, details regarding future modelling years and future planning and network assumptions also need to be provided for review.

***Matters agreed through pre-application discussions to date***

Based on the evidence provided during pre-application stage, the following matters have been agreed:

- Trip generation  
The trip generation for the site has been previously agreed, and the total vehicle trips given in Table 18 of the ITA match those agreed in October 2021, based on our review of the BWB report Transport Technical Note revision P04 dated 04 October 2021 (Appendix 3 of the submitted ITA).
- Opening year 2026 and future year 2036  
These years concur with the requirements set out in the DfT Circular 02/2013.
- The suitability of the base year PRTM model,  
The PRTMv2.2 Base Year Model Review and supporting Local Model Validation Report, included in the PEIR Consultation documents (Appendix 6 of the submitted ITA), was most recently reviewed us in October 2021 and found to be suitable for its application in the assessment of the Hinckley NRFI proposals.

To summarise, the source, coverage and application of observed count and journey time data is acceptable. The data and methodology used to construct the trip matrix, develop the network and calibrate / validate the model is considered to be appropriate. Furthermore, based on the supplied information, the quality of calibration and validation is good with TAG guidance generally met for count cordons / screenlines, link counts and journey times.

Whilst there is evidence of some discrepancies between the observed and modelled flows across the study area that are not desirable, the overall result is considered to be reasonable. Further refinement of the model's performance at these locations, especially given the congested nature of the highway network in Leicestershire, may not be practical. It is our opinion that the weaknesses in model performance will not have a significant or material impact on the assessment of the proposed development on the SRN. However, we have cautioned that these

issues should be borne in mind when interpreting the forecast development assessment results.

Whilst subsequent Base Model Reports were received post our agreement, any amendments were related to the operation of the Local Highway Network and as such did not impact our conclusions regarding the SRN.

We would therefore agree that the model is a suitable basis for the assessment of the development

The assessment years and scenarios are agreed based on the presented proposals.

- PRTM Forecast Modelling Brief including planning and network assumptions  
As noted above and in the ITA, a further iteration of PRTM is currently being undertaken. The brief for this iteration (Appendix 7 of the submitted ITA) has been agreed, including the planning and network assumptions on the SRN.

It should be noted that agreement has been based on the proposals as presented and should any element change then a further consultation and review is likely to be required.

### ***Matters requiring resolution***

Our full comments are outlined within the following subsections; however, the key points of matters still requiring resolution are as follows:

- Of key concern is that the impact of the development as reported in the submitted ITA is based upon a previous and out-dated run of the PRTM. In particular, this included A5 Longshoot to Dodwells RIS2 scheme within its assumptions. As the scheme has been cancelled through the RIS2 Delivery Plan Update it has needed to be removed from the forecast assumptions. A new forecast assessment is being undertaken, therefore, the impacts and Area of Influence (AoI) cannot be agreed at this time.
- The use of the PRTM to identify impacts within Leicestershire is acceptable and all input data and assumptions have been agreed. However, given the coverage and detail of the PRTM the impact of the development within Warwickshire will need to be reviewed independently from the PRTM. An appropriate methodology is to be agreed.

- Whilst the principle of the trip distribution methodology is agreed, the resulting distribution will be subject to the new run of the PRTM model.
- Further analysis of the road safety data is required following the receipt of an updated report, although some clusters of accidents along the A5 do not appear to have been identified. This must be investigated, particularly within the Aol once established and agreed.
- A revised Sustainable Transport Strategy (STS) is being prepared and has not been included in the consultation documents. Based on the summary position within the ITA, our previous comments have been repeated for ease of reference. However, key concerns relate to the base mode share for pedestrians which is considered to be high at 11% given the location of the site and limited details provided for a viable public transport solution.
- A revised HGV Route Management Plan and Strategy report is being prepared, assumed to be based on Appendix 12 of the submitted ITA; our previous comments are again given for ease of reference.
- As stated above we cannot yet agree the impact of the development upon the highway network, and will await the revised assessment. However, our previous comments in regard to the M1 junction 21 will need to be addressed before it can be agreed. Overall, the specific locations considered on the SRN within the submitted TA are not considered to be sufficient.

### ***Highway Impact***

The highway impacts have been determined based upon the PRTM v2.2 model, and it is noted that this section of the ITA will need to be updated in line with the additional iteration of the PRTM. We cannot therefore provide any agreement on the likely highway impact until this new assessment has been undertaken and reviewed. Within our scoping response, we highlighted that the following sections of the SRN will need to be considered:

- M69, along its entire length
- M1, between Lutterworth (J20) and Leicester (J21)
- A5, between Gibbet Hill (A426) and Tamworth (M42)
- M6, at Coventry (between J2 and J3)
- A46, at Coventry (between M6 to A444)

The impacts included within the ITA are therefore based on outdated PRTM outputs. Therefore, whilst the AoI cannot be agreed, consideration should be given to the impact of the development on the above listed sections of the SRN. Nonetheless, we have taken the opportunity to review the consultation submission and to provide comments on matters which will require further consideration.

### ***PRTM Forecast Reports***

The Forecasting Report (Appendix 13 of the submitted ITA) was first reviewed for National Highways in September 2021.

Since receiving the documents for review in August 2021, we have issued an update to the Delivery Plan which identified the A5 Longshoot to Dodwells widening scheme as cancelled. A full re-run of the PRTM has been commissioned to remove the scheme from the core model for all scenarios. Whilst this re-run of the model will produce different results than those reported in the submitted Forecasting Report, we have reviewed the report in order to identify and issues with the forecasting methodology which could be addressed in the re-run.

Our main comments were:

- The approach and assumptions described are generally considered to be acceptable.
- The outcomes of the high-level development assessment are generally sensible but there were some unexpected results which would benefit from some explanation. However, we acknowledged the network performance is subject to change from the forecast model re-runs and therefore the queried results may no longer be relevant.
- Clarification was sought on whether the trip distribution for the development trips is to be revised as part of the move to PRTMv2.2. This has subsequently been reviewed and approved by us as part of the on-going Transport Working Group discussions.
- Clarification was sought on the network and planning assumptions that have been accepted by the relevant local Authorities. This has subsequently been reviewed and approved by us as part of the Uncertainty Log review.
- The approach taken for determining an AoI is based on forecast flow changes of at least 5%, or more than 30 vehicles, between the “without development” and “with development with infrastructure” scenarios. The approach and extent defined as a consequence is considered acceptable in principle, subject to the model re-run results. This has been addressed in the approved Forecast Modelling Brief (section 6.1).

To summarise, the Forecasting Report version presented as part of the PEIR Consultation documents has been reviewed but not approved by us. Therefore, any understanding and analysis of the transport impacts of the proposed development drawn from this document should be used with caution as they are subject to change with the new forecasting model runs.

### ***Modal Split***

As highlighted within our review of the Sustainable Transport Strategy, we would query the modal splits presented within ITA. In particular the queries relate to the use of the existing MSOAs which cover the site area and how representative this would be in terms of the final site, with a large predicted pedestrian mode share percentage (11%). Given the site location and shift patterns this must be clarified.

### ***Trip Distribution***

We have previously reviewed the Development Trip Distribution Report version 2.1 dated 10 December 2018 and in March 2021, the principle of determining the distribution through the PRTM modelling was agreed.

However, we still note that our full approval of the trip distribution is dependent on a review and subsequent approval of the further PRTM forecast modelling being undertaken. Therefore, the above should be provided before the trip distribution can be agreed.

### ***Furnessing Methodology***

We agree that Furnessing is required to ensure the robustness of the demand flows being used to assess individual junction impacts. This is due to the lack of sufficient detail at a junction turning count level within PRTM, which a strategic area wide model. The proposed Furnessing approach is largely acceptable in principle, but it will be important that appropriate information is provided to allow the approach and calculations to be fully verified.

2021 flows should be used to calculate interpolated 2018 flows instead of using 2026 flows as suggested. In addition, as the M69 Junction 2 and the B4668 / A47 will be subject to significant modification as part of these proposals, including acting as site access points. Therefore, the Furnessing process would not be applicable at these two locations and flows directly from PRTM should be used as an alternative.

### ***Standalone Junction Assessments***

The ITA sets out the results of the standalone junction assessments and has only included those junctions where the mitigation is proposed. In relation to the SRN only the A5 Cross in Hand roundabout has been included (Ref. Junction 48). The overall mitigation strategy has not been agreed, and cannot be until the outputs from the

additional PRTM run are provided and analysed. Furthermore, consideration should be given to the full extent of the corridors/locations listed above (under the section 'Highway Impact'), and justification provided for exclusion from the mitigation strategy. Key areas of particular operational concern are at the Gibbet Hill roundabout as well as Longshoot and Dodwells junctions, both of which have been discussed through previous Transport Working Group meetings.

Again, in light of the forthcoming rerun of the PRTM model, once this is undertaken and the forecast modelling is agreed, it should be submitted for review. It is critical to understand the likely impact of the development on the wider network where there are known congestion issues to ensure the development considers appropriate mitigation measures at the right locations along the SRN.

#### M69 Junctions 1 and 2

There appears to be information missing from the ITA, in particular outputs of the modelling for M69 Junction 1 and M69 Junction 2. VISSIM models of these junctions have been developed and the base model validation has been agreed; however, there no scenario testing results are provided. Without these it is not possible to review or agree the impact on the proposed changes to either junction. Based on the submitted information, it is not clear if changes are proposed to M69 Junction 1 and this should be clarified.

Although the VISSIM base model for M69 Junction 2 has been agreed, there are still some queries regarding the journey time and saturation flows of the VISSIM base model for M69 Junction 2. It should be noted that M69 Junction2 is fundamental to securing the site access and with the proposed amendments, full VISSIM results should be provided.

We will therefore require additional information before this can be agreed. Although, as the PRTM model is being rerun the impacts will be revised and further comments should be sought once the model outputs are available.

#### M1 Junction 21

BWB have previously undertaken an assessment of the junction for 2036 and considered that although there are cumulative impacts at the junction, physical mitigations at the junctions are not feasible due to the site constraints.

However, we recommended that impacts need to be mitigated, and this could also be through demand management and a transport strategy. It is important to also understand the impact of HGV traffic at this location, as this would not be mitigated by a public transport strategy. We therefore requested further assessment on the impacts at this junction following the revised PRTM results, and these should also include merge/diverge

assessments, in addition to further consideration of potential mitigation options. This is an outstanding matter which must be considered through further transport work.

#### A5 'Cross in Hand' Roundabout Modelling

Modelling of proposals at the A5 Cross in Hand Roundabout does not consider unequal lane usage. Only one exit from the roundabout is suitable for two lane use (A4303) meaning two lane entries may not be able to achieve roughly equal usage as assumed by the default ARCADY assessment. For example, on the A5 south arm the majority of demand is continuing along the A5 but this must be restricted to a single lane unless the exit is widened to provide a suitable two lane exit. The assessments as presented therefore represent an unrealistic and optimistic case. Either a manual adjustment to intercept values is required or the use of the lane simulation mode.

#### **Road Safety**

In regard to the road safety analysis of the highway network, it is stated that an additional Technical Note (HNRFI-BWB-GEN-XX-RP-TR-0021) is being prepared and will be completed following the updated PRTM assessment. Some initial conclusions are included, and we offer preliminary comments on these as they relate to the SRN. It is noted that the search period ends in 2019 therefore, the most recent 5 year period has not been reviewed. We assume that this is due to traffic trends during 2020 and 2021 being skewed by the impacts of the COVID-19 pandemic. However, as the country adopts a 'Living with COVID' approach, and given the likely length of time before Examination in Public, more updated collision statistics should be considered and analysed.

The study area is given as the M69 between its junction with the M1 in the north and the M6 in the south, the M1 between junctions 19 and 21 and the A5 between Gibbet Hill and M42. This seems to be reasonable, although consideration should be given to extending the area further north along the M1. The study area may be subject to change once the final impact upon the SRN is understood following the revised PRTM and AoI is agreed. Therefore, the conclusions currently drawn regarding impacts on road safety cannot be accepted at this time.

Accident clusters occur at the M1 Junction 21, M6 Junction 2 and M42 Junction 10, with other clusters on the A5 at the junctions with:

- Penn Lane / Woodway Lane
- B4455 Fosse Way
- Dodwells roundabout
- Drayton Lane / Woodford Lane
- B4111 / Watling Street / Carlyn Road

- Danny Morson Way.

It is noted that only the Woodford Lane junction has been identified within the TA, and clarification is required as to why other key locations listed above have not been considered.

It is stated in the submitted ITA that the areas with the most significant change in traffic as a result of the development are not generally within the areas of collision hotspots. However, even without significant increases to traffic, there is a potential for road safety issues to be exacerbated and therefore the above listed locations should be considered. Further analysis is required as highlighted within the ITA and this must be provided before the impact of the development on road safety, and any necessary mitigating measures, can be agreed.

### ***HGV Routes***

We have previously reviewed the Framework HGV Route Management Plan and Strategy dated February 2021 which stated that a new report is being developed (HNRFI-BWB-GEN-XX-RP-TR-0009-Appendix 13) with details of the first draft being included within the ITA.

Overall, the proposed routing strategy for most of the routes seems reasonable; however, this would only work if drivers are well informed and the strategy is enforced. It is understood that the general approach is for HGVs to be routed via the new A47 link road, to join the SRN at the M69 Junction 2, where modifications are proposed as part of this application. With this routing strategy, it is intended that HGVs would not need to utilise the congested sections of the A5, nor the low bridge to the west of the M69J1. We consider that additional measures to those already suggested in the Framework HGV Route Management Plan & Strategy should be investigated to ensure compliance.

It should be noted that we are not an enforcement authority. Therefore, we will also require confirmation of who will be responsible for enforcement of routing plans. Monitoring mechanisms are also proposed which are likely to require the installation of equipment on or around the SRN. The locations, specifications and maintenance of any such equipment must also be agreed with us so that they do not inadvertently pose a hazard to road users.

Whilst the HGV routing plan as presented proposes to minimise the use of the A5 under the low bridge, measures to mitigate against bridge strikes should also be considered. This is particularly key during the construction phase where the A47 link road will not be



in place. This should be confirmed and agreed with LCC as the proposed route may not be feasible on LHA network and the A5 may need to be utilised.

The impact of the routing plan on the SRN should be clearly presented. There are also several missing images within the HGV Management Plan & Strategy which will require completion for us to provide further comments and agreement.

### **Existing Accessibility and Design & Access Statement**

The existing level of accessibility is considered to be low, given the location of the site and the catchment within a 2km walking isochrone opportunities to encourage walking are limited. Although the cycling catchment does cover a greater area with local villages and Hinckley within an acceptable distance the opportunities are limited.

Whilst the pedestrian catchment towards the SRN is likely to be minimal, it should be noted that there are limited crossing facilities across the A5 and this will need to be considered.

### **Sustainable Transport Strategy**

The Sustainable Transport Strategy (STS) has not been submitted with the S42 consultation documents. However, our previous review of this and the summary provided in the submitted ITA demonstrates that it is reasonably thorough in exploring sustainable transport options to and from the site, and in the surrounding areas. It is clear the research into this document has covered a broad scope and has included a clear representation of how to make the development accessible by a number of sustainable transport modes. However, what will be required is the development of a robust delivery strategy of the preferred approach.

A review of the specific public transport infrastructure proposals reveals very limited provision with only one bus stop on the periphery of the site requiring busses serving the stop in one direction to circulate around the two roundabouts at either end and requiring passengers to then cross the main development spine road using uncontrolled crossings. While the design of the link road should be agreed with Leicestershire County Council (LCC) as the adopting authority our view is that these proposals are not robust enough to maximise the opportunities for travel to the site by public transport. Further development of these proposals is required to ensure that bus stops provide the minimum necessary diversion for services to protect bus journey times and have high quality connections to the development with walking distances no more than 400m.

In line with NH Net Zero Highways: our 2030 / 2040 / 2050 plan, we support the overall principles within the STS and would consider that bus and cycle travel have great potential for encouraging non-car modes of travel. Therefore, we recommend further

dialogue with operators in order to develop further the bus strategy and improve cycling facilities and availability of cycle routes as set out in the report.

Clarification should be provided how sustainable travel will be achieved and how the development will achieve a long-term and meaningful pattern shift. Confirmation should also be provided of how funding will be secured.

We would note that the modal split targets have been based on the 2011 Census data for the site location, and as such we would like to query how representative this would be in terms of the final site. It is noted that for example there is a large predicted pedestrian mode share percentage (11%) and given the site location and shift patterns further confirmation should be provided whether this is a realistic scenario. We would however, like to acknowledge and encourage the intention to decrease car use by 12% over a five-year period.

Based on the above, we would also like to see further details in terms of incentives and/or penalties should the targets not be achieved, and how any agreed final mode share would then be used within the capacity assessments of the highway network. This is particularly important as failure to achieve these mode shifts and targets is likely to put additional vehicle trips on the SRN which must be appropriately mitigated.

The level of parking provision should be agreed with LCC; however, the level of provision should be carefully considered to assess how it could affect the attractiveness of car travel and not hinder the promotion and shift to sustainable modes of transportation.

The timescales for implementing any measures must be clarified and agreed with LCC along with the funding for any public transport improvements, which may then highlight potential issues regarding the long-term commitment for any upgraded services, if for example, it is only being funded for a certain period of time.

### **Preliminary Design – General Comments**

Plans have been submitted showing the preliminary design proposals for the following locations on the SRN:

- M69 (HRF-BWB-LSI-ZZ-DR-CH-00100)
- M69 Junction 2 (HRF-BWB-LSI-D4-DR-CH-00100)
- M69 (HRF-BWB-LSI-D5-DR-CH-00100)
- M69 (HRF-BWB-LSI-D6-DR-CH-00100)

It should be noted that as the PRTM re-run is currently being undertaken, the impacts of the development, and hence the design requirements are likely to be subject to change. However, the following comments are made in relation to those drawings which have been submitted, and the principles should be applied to any further and revised submissions:

- A Maintenance and Repair Statement (MRS) in accordance with DMRB GD 304 should be prepared and updated as the design progresses. Clear highway boundary plans should be submitted where works are proposed, detailing the adopting body for future maintenance requirements.
- The Design Organisation (DO) should take reasonable steps to ensure compliance with DMRB requirements. Where compliance cannot be achieved, the DO is responsible for identifying and securing Departures from Standard (DfS) from the Overseeing Organisation (OO). Where the DO is unable to achieve recommended DMRB design clauses, this should be justified in a Design Strategy Record (DSR). Any potential DfS requirements should be raised and discussed with us, to minimise the potential for abortive work on a design which may not meet technical approval requirements.
- Any works on the SRN must be subject to Walking, Cycling and Horse Riding Assessment and Review (WCHAR), Road Safety Audit (RSA) in strict accordance with GG119 and environmental audits as detailed in the DMRB. A RSA should not commence until the end of the preliminary design stage and the design has been accepted in principle by us.
- Any design hazards are to be assessed with a Safety Risk Assessment (SRA), prepared in accordance with DMRB GG 104, with the view to eliminating the risk, where possible, or, if unavoidable, reducing it to as low as reasonably practicable (ALARP).
- Preliminary design drawings should be provided at an appropriate scale as outlined in GG184 with scheme details appropriately dimensioned on the plan. The use of scheme geometric dimensions is key to demonstrate that the designer has developed the scheme in accordance with DMRB standards and other relevant standards as well as DfT 02/2013 para 11 and is therefore compliant in that regard. On review of the scheme details limited geometric dimensions have been provided. A 'key' should also be included on the plan to clearly identify the scope of the scheme works.

### **Geotechnical Impacts**

Full CD622 approval will be required for the new grade separated slip road / signalised junction as proposed at M69 Junction 2. The Statement of Intent (Sol) sets out the broad geotechnical scope / requirements and initial considerations of geotechnical risks (and their mitigation).

For developments of significant size such as this, it may be prudent to consider the Sol at the current stage of approvals, so that extent of geotechnical requirements are recognised and defined. This does not cast the scope in the scheme, which is expected to develop and be refined as the scheme advances.

Therefore, the Sol will still be required, and a Design Geotechnical Advisor (DGA) will need to be appointed.

### **Preliminary Geometrical Layout Check**

Whilst it is for the DO to apply the appropriate design requirements within the proposals, we consider that the main DMRB Standards to be complied with, but not limited to, are listed below to demonstrate geometric compliance has been met:

- Cross Sections and headrooms – CD 127
- Geometric design of roundabouts – CD116
- Geometric design of grade separated junctions – CD122
- Designing for walking, cycling and horse-riding – CD143
- Geometric design of at-grade priority and signal-controlled junctions -CD 123
- Highway Link Design – CD109
- Positioning of signalling and advance direction signs- CD146
- Driver location signs – CD193
- The design of lay-bys, maintenance hardstanding's, rest areas, service areas and observation platforms – CD 169
- CD 193 Driver Location Signs

### **M69 Junction 2 scheme**

The SRN Highway works are referenced as Works no. 8 within the DCO, the M69 Junction 2 improvement Scheme within the SRN Boundary consists of the following works:

#### **Proposed Traffic signage**

- 2 no. proposed traffic signs and 1 no. replacement traffic sign within M69 NB Highway Verge south of M69 Junction 2 as detailed within Highways Plan sheet 6 (HRF-BWB-LSI-D6-DR-CH-00100 rev P01).

- 2 no. proposed replacement traffic signs within M69 SB Highway Verge south of M69 Junction 2 as detailed within Highways Plan sheet 2 (HRF-BWB-LSI-D2-DR-CH-00100 Rev P01).
- 4 no. proposed Traffic Signs within M69 SB and NB highway verge as detailed within Highways Plan sheet 5 (HRF-BWB-LSI-D5-DR-CH-00100 Rev P01).

#### Proposed Junction Improvement works

- Proposed M69 Junction 2 Works as detailed with Highways Plan sheet 4 and 5 (HRF-BWB-LSI-D4-DR-CH-00100 Rev P01 and HRF-BWB-LSI-D5-DR-CH-00100 Rev P01) to include:
  - Signalisation of existing SB diverge slip road including associated stop line markings and refresh of existing road markings at the Junction approach. No physical changes to the SB Diverge layout.
  - No physical changes to existing NB merge slip road.
  - New grade separated Southbound merge slip road with signalisation at junction approach. Layout C- Ghost Island merge proposed.
  - New grade separated Northbound diverge slip road with signalisation at junction approach. Layout B Option 1- Ghost Island diverge proposed.
  - No changes to existing M69 Junction 2 Bridge Structures.
  - Proposed Retaining wall at existing transmission tower adjacent new SB merge slip road.
  - Proposed extension of existing culvert to accommodate new south facing slip roads.
  - Discontinuous width of existing hard shoulder provision under M69/ Hinckley Road overbridge in both NB and SB carriageways.
  - Removal of Police Observation area and access on the M69 SB Carriageway to the south of Junction 2.

#### Street Lighting

- Street lighting will be required on the new south facing slip roads. The existing lighting on the north facing slips will need to be replaced to current standards and segregated from LCC's cable network. Lighting through the main line on the M69 shall be assessed. Further information and consultation will be required with the us as the project evolves.

#### M69 Culvert Works (DCO Works no. 6)

- There is no detail stated on Highway Works plan however it appears the culvert will be affected by watercourse diversion works and Footway / bridleway works proposed adjacent M69 Boundary. We would highlight that our drainage asset is not included within the works no. 8 to which we are afforded 'protective provision' under schedule 14 part 2 of the DCO therefore, it will need to be included.

On review of the plans, very limited detail has been provided at this stage. We would therefore ask that appropriate scaled and dimensioned plans are provided to permit compliance with DMRB Standard to be audited by us. Further design information will also be required to support the scheme.

The following detail should be provided within the preliminary design drawings to demonstrate the schemes geometric layout is compliant with relevant design standards and can be fully accommodated within the limits of the DCO as alluded to within Works no. 8 Plan. The Works no. 8 Plan is offered protective provisions under Schedule 14 Part 2 of the DCO.

#### *M69 Junction 2 geometric design comments*

- Proposed cross-section detail associated to works within M69 Mainline and M69 Slips roads to demonstrate compliance with CD 127 and CD 122. Supporting design flow information will need to be provided to support the Connector road cross-section design. It needs to be demonstrated that drainage, ducting, signing, fencing, lighting, VRS, structures and earthworks can be accommodated within the scheme limits, DCO works no. 8.
- The proposed merge and diverge ghost island layout has been stated as Layout C and Layout B option 1 respectively. The geometric parameters detailed are compliant however due to the scale of the plan submitted we are unable to confirm compliance within the design layout. The diverge and merge datum point appear compliant with a Layout B option 1 diverge layout and Layout C Merge layout. Demonstration is required that the layout has been established in accordance with CD122 Figure 3.26 b and Figure 3.12 b. The merge and diverge flows will need to be checked against with development proposals derived from PRTM re-run.
- The existing merge and diverge layout for the north facing slip roads are proposed to remain the same. The development proposal will affect traffic flows therefore will trigger a Merge and Diverge Assessment to be undertaken to demonstrate traffic flows can be safely accommodated within the existing slip road layout. Retention of an existing substandard feature may require a Departure from Standard.
- Due to the proximity of M69 Junction 1 to the scheme it appears that the spacing between successive full grade separated junction would be less than 3 km and a Weaving Assessment will be required to support the design. Clarification should be provided if this has been undertaken in accordance with CD 122, demonstrating a minimum 2km weaving section length can be provided to support the principle of the scheme.
- Visibility requirements based on relevant design speeds must be demonstrated in the vertical and horizontal plane in accordance with CD109, CD 116, CD122, and

CD123. Identify any potential obstructions to visibility requirements within the scheme plans such as vegetation, gradients, signage and so on.

- The operation of the M69 Junction 2 Slip roads and roundabout gyratory is proposed to be changed to full signal control. All proposed traffic signals will be located within the Local Road Network. The proposed traffic signal design and phasing will be of interest to us as this will affect the operation of the M69 Junction 2 Slip roads. Peak queue lengths within the slip roads will impact the visibility requirements, as will be required to reach the back of the queue along the connector road. This information is required to be reviewed by us to support the preliminary design layout and compliance with visibility requirements.
- The existing footway which crosses the top of the existing Northbound on-slip onto the northern bridge footway is to be upgraded within the development site to a 3-metre footway / cycleway. We would note that this may encourage cyclists to utilise the northern bridge footway to connect onto the new facility. The details indicated that the Bridge structures will remain as existing. The parapet height would be below standard height to accommodate frequent cycleway use therefore poses a safety concern to the safe operation of the M69 Motorway which will need to be addressed. Changes to the Parapet Height will require technical approval from Structures SES Team. The existing bridge structures are included within the Works no.9 of the DCO.

#### *Traffic Signage comments*

- Details of proposed Traffic signs including foundation design, sign face design and compliance with visibility requirements in accordance with CD 193, Traffic Signs Manual and TSRGD should be provided to confirm proposed signage can be safely accommodated within the highway verge and limits of the DCO. We can confirm that the longitudinal positioning of the proposed driver information signs appears compliant with CD193 and Works no.8 area permits reasonable adjustment in that respect.

#### *Traffic Regulations*

- Clearway / waiting restrictions should also apply to the Local Authority roads

#### *Highway and Works Plans*

- HRF-BWB-LSI-D6-DR-CH-00100 Sheet 2,4,5,6 - Any new sign and replacement of existing sign (or any other asset, including culvert reconstruction, lighting, technology etc) will need due and full consideration of impact on other assets including drainage, VRS, technology communications and soft estate and will ensure that these are fully addressed even if that extends the work length to accommodate. Similarly, any vegetation will be amended to ensure there is visibility, not just at the point of handover, but at all times thereafter. This may subsequently require mitigation planting.

- HRF-BWB-LSI-D6-DR-CH-00100 Sheet 5 - DfS for hard shoulder discontinuity should be considered in conjunction with Layout B Option 1 and whether there are relaxations or DfS for this layout that may avoid the hard shoulder discontinuity. Final solution and DfS agreement with appropriate risk assessment in line with the DMRB should be provided.
- HRF-BWB-LSI-D6-DR-CH-00100 Sheet 4 - Unsafe provision of New access provided in accordance with LCC SD/11/9 on the SB entry slip start to be removed from gyratory to new location. Exact locations of boundaries between highway authorities to be agreed.
- HRF-BWB-LSI-D6-DR-CH-00100 Sheet 2,4 - Where the bridleway is being installed alongside the M69 there will need to be a review of the condition of the existing highway boundary and this will need to be replaced if inadequate and/or in poor condition to prevent access onto the motorway. This fence will remain NH responsibility long term.
- HRF-BWB-LSI-D2-DR-CH-00100 Sheet 2 -, a clarification should be provided on the works proposed to the culvert and M1 verge – there is no note or commentary provided but is included within the site limits.
- Some inconsistencies have been identified in the lane markings for the M69 Junction 2 however this will be reviewed in greater detail once details of the traffic modelling for the proposals are provided to enable us to review the two side by side.

### **A5 'Cross in Hand' Roundabout Scheme**

The SRN Highway works are referenced as Works no. 16 within the DCO. We would note that Works no. 16 are not referenced within the protective provision under Schedule 14 part 2 of the DCO.

The Junction Improvement works at the A5 'Cross in Hand' Roundabout consist of the following:

- Proposed physical widening of Coal Pit Lane junction approach to formalise two lanes and associated road markings.
- Proposed road markings at A5 Southern Arm to formalise a two-lane approach.
- Widening works also proposed at A5 Northern Arm approach and A4303 approach but to be provided by Magna Park under a committed mitigation scheme.

On review of the plans, very limited detail has been provided at this stage.

The scope of proposed widening works to be delivered under the DCO are located within the Coal Pit Lane and A5 Southern Arm Roundabout approach and dictated by minimal



solid and dashed black lines with no key provided. Due to the limited detail provided and difficulty differentiating between the proposed kerb line and proposed carriageway markings we are unable to undertake a DMRB Compliance geometric layout check at this time. No dimensions have been provided within the scheme design. Within a preliminary design for the scale of mitigation scheme we would expect the following level of detail to be provided as a minimum before review to establish the scheme can be fully accommodated within the DCO highway works plan no. 16:

- Existing and proposed Kerbing alignment clearly shown on plan.
- Existing and proposed Road Marking and Traffic Signage clearly shown on plan.
- Existing and proposed Street Lighting column locations.
- Visibility requirements clearly detailed on plan.
- Highway verge cross sections affected by scheme.
- Proposed and existing constraints identified on plan.
- Existing and proposed drainage details.
- Landscaping plan.
- Utility / services plans
- Proposed extents of pavement resurfacing.

Dimension checks and geometric design parameters as detailed within CD 116 will need to be detailed on preliminary drawings to confirm compliance with DMRB Standard CD116. Any non-compliances with mandatory requirements and recommended requirements will need to be addressed accordingly.

**Boundary related matters affecting the safe operation of the M69 Motorway to be considered within the DCO.**

- Development advertisement signage locations identified on the Parameters Plan (Ref. 5905-252) is potentially viewable from the M69 Mainline and located within fall distance from the SRN Boundary. It is essential that the sign design is compliant with DfT 02/2013 Annex A2 and other relevant guidance and policies. Structural details may also need to be provided. It is recommended that full detailed design information for any proposed development signage is submitted to and agreed in writing by the Highway Authority of the M69 prior to being erected. This will need to be reflected within the DCO.
- External lighting within the site / erected to buildings has the potential to impact motorists on the M69 Motorway by causing a visual distraction if not appropriately designed in accordance with DfT 02/2013 para 49. It is recommended that full detailed design information for any proposed external lighting scheme within the site is submitted to and agreed in writing by the Highway Authority of the M69 prior to being erected. This will need to be reflected within the DCO.

### **Drainage considerations**

To the north of M69 Junction 2, the M69 Highway Drainage appears to currently outfall into existing watercourse situated within the DCO boundary which flows in a south west direction. The watercourse is proposed to be diverted within close proximity to the M69 Boundary and culverted at the M69 Redhill Farm Bridleway overbridge and larger culvert abutment (Structure no. /M69//115.30//). The watercourse diversion works also appear to impact the existing M69 Culvert, Asset Reference SP4794\_0399c.2, therefore will need to be considered by us. It is essential that sufficient drainage detail is provided to demonstrate the diverted watercourse will have sufficient capacity to accommodate for surface water run-off from existing catchments, including the M69 Motorway, and proposed new catchments from the development site.

Agreement of watercourse design is imperative to ensure flood risk is adequately managed and will not negatively impact the safe operation of the M69 Motorway, it is also essential that the existing M69 Drainage watercourse outfall is not negatively impacted in accordance with DfT 02/2013 para 49. Compliance with DfT 02/2013 para 50 will also need to be considered further to determine whether this needs to be raised with the applicant. The proposed culvert near the Overbridge structure will also need to be assessed by the Structures Team at the appropriate time for comment to determine whether compliance with DMRB CG300 – Technical approval of highway structures would be required.

### **Landscape and Visual Effects**

Confirmation should be provided in regard to Figure 11.17, 11.4 and 11.5 in regards to where the highway boundary of the M69 is within the cross section presented in Figure 11.17 as well stating which party is responsible for adjacent land and bridleway.

### **Biodiversity**

The proposed roundabout access from the M69 Junction 2 and other works within or adjacent to the highway would have environmental impacts, such as the loss of habitat during construction. Introduction of new habitats and other ecological mitigation will need to be considered further during detailed design discussions and will be depended upon the final agreed highway scheme.

### **Draft Development Consent Order**

#### *General Statement*

Detailed comments in relation to specific clauses of the Draft DCO are outlined in Table 1 which is attached to this TN as Appendix A.

Where standards are referred to, the author should ensure they are the latest ones for example HD/19/15 for road safety audits and HD42/17 for WCHAR has been replaced by GG119 and GG142, respectively for some time.

#### *Deemed consent*

We are a strategic highway company operating under the terms of the Infrastructure Act 2015 including a licence issued by the Secretary of State for Transport. Section 5(2) of the 2015 Act provides that; "...a strategic highways company must also, in exercising its functions, have regard to the effect of the exercise of those functions on— (a)the environment, and (b) the safety of users of highways"

Section 4.2 of the License (dated April 2015) indicates that "Without prejudice to the general duties on the Licence holder under section 5 of the Infrastructure Act 2015, the Licence holder must, in exercising its functions and complying with its legal duties and other obligations, act in a manner which it considers best calculated to: .....(e) Protect and improve the safety of the network.....". Only we as the licensed highway authority can determine the safety and operation implications of any development proposition that introduces changes to its network. This duty is non-delegable to third parties as only we under section 5(2) of the 2015 Act and its license has the locus to carry out this function. Our statutory duty to have regard to the safety of users of our highways is negated by the very principle of deemed consent.

#### *Traffic Regulation Orders (TROs)*

A clarification is required on Schedule 1 Part 3 paragraphs 16, 17 and 18 why there is a requirement to advertise intention, but the making is deemed to have been imposed. When advertising the intention, usually an objection period is included.

#### **Summary**

National Highways has undertaken a full and robust assessment of the S42 supporting documents. Based on this appraisal there are areas where further information and clarification is required to enable the application to meet the requirements of the Circular, DMRB and the National Planning Policy Framework.

# APPENDIX A

Hinckley NRFI Technical Note - National Highways S42 Consultation Response April 2022 – Appendix A

DCO Article and page no.	Drafting in DCO	NH Comments
Part 3(1), Art 9(1) – Power to alter layout, etc., of streets	<p><i>(1) Subject to paragraph (2), the undertaker may, for the purposes of constructing and maintaining the authorised development, alter the layout of any street within the main site and the layout of any street at its junction with such a street; and, without limitation on the scope of this paragraph, the undertaker may—</i></p> <ul style="list-style-type: none"> <li><i>(a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;</i></li> <li><i>(b) alter the level or increase the width of such kerb, footway, cycle track or verge;</i></li> <li><i>(c) reduce the width of the carriageway of the street; and</i></li> <li><i>(d) make and maintain crossovers, and passing places</i></li> </ul>	Clear ownership/boundary plans should be provided.
Art 9(2) – Power to alter layout, etc., of streets	<p><i>(2) The powers conferred by paragraph (1) must not be exercised without the consent of the local highway authority but such consent must not be unreasonably withheld and if the local highway authority has received an application for consent to exercise powers</i></p>	Please refer to main TN regarding deemed consent.

	<i>under paragraph (1) accompanied by all relevant information and fails to notify the undertaker of its decision before the end of the period of 42 days beginning with the date on which the application is submitted with all relevant information, it is deemed to have granted consent</i>	
Article 11(2) – Temporary closure of streets	<i>(2) Without limitation on the scope of paragraph (1), the undertaker may use any street temporarily closed, altered, diverted or restricted under the powers conferred by this article, and which is within the Order limits, as a temporary working site</i>	This provision allows the undertaker to use any street temporarily closed as a temporary working site. We do not consider this to be acceptable as this may result in damage to National Highways assets and affect the safe operation of the SRN.
Article 11(5) – Temporary closure of streets	<i>(5) Where the undertaker provides a temporary diversion under paragraph (4), the new or temporary alternative route is not required to be of higher standard than the temporarily closed street</i>	<p>Diversion impacts must be agreed with us including individual diversions.</p> <p>Such standard should be determined by the highway authority. If the diversion is only to be used by the undertaker then the standard may not need to be of a higher standard than the street that has been closed. If however the diversion is to be used by the public a higher standard may be required for highway and public safety reasons</p>
Article 11(7), pg 11 – Temporary closure of streets	<i>(7) If a street authority which receives an application for consent under paragraph (5) accompanied with all relevant information fails to notify the undertaker of its decision before the end of the period of 42 days</i>	Please refer to main TN regarding deemed consent.

	<i>beginning with the date on which the application was submitted with all relevant information, it is deemed to have granted consent</i>	
Art 13(3) Access	<i>(1) If a highway authority or street authority which has received an application for consent under paragraph (1) fails to notify the undertaker of its decision before the end of the period of 42 days beginning with the date on which the application was made, it is deemed to have granted consent</i>	Please refer to main TN regarding deemed consent.
Art 17(6) – Traffic Regulation	<i>(6) If the relevant traffic authority fails to notify the undertaker of its decision within 42 days of receiving an application for consent under paragraph (3) that is accompanied by all relevant information the relevant traffic authority shall be deemed to have given consent</i>	Please refer to main TN regarding deemed consent.
Art 20 (3) & (4) – Discharge of water	<p><i>(3) The undertaker must not discharge any water into any public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but must not be unreasonably withheld.</i></p> <p><i>(4) No water may be discharged into a watercourse that flows into the highway drainage system without the consent of the relevant highway authority and such consent</i></p>	These provisions require consent to be obtained from the relevant highway authority before water can be discharged into the highway drainage system and public sewer prior to discharging. As such, measures should be put in place so that such consent or refusal can be provided (where necessary) within 42 days given the deemed consent provisions at Art 21(9), though noting our comments in the main TN regarding deemed consent.

	<i>may be given subject to such terms and conditions as the relevant highway authority consider appropriate such consent not to be unreasonably withheld or delayed</i>	
Art 21(6) – Authority to survey and investigate the land	<i>(6) If either a highway authority or a street authority which has received an application for consent under paragraph (4) that includes all relevant information fails to notify the undertaker of its decision within 42 days of receiving the application the authority is deemed to have granted the consent</i>	Please refer to main TN regarding deemed consent.
Art 22(1) – Compulsory Acquisition of land	<i>(1) The undertaker may acquire compulsorily so much of the Order land as is required for the authorised development or to facilitate it, or is incidental to, it</i>	We suggest inserting the wording “ <i>as described in the book of reference and shown on the land plans</i> ” at the end of this paragraph
Art 22(3) - Compulsory Acquisition of land	<i>(7) This article is subject to article 24(2) (compulsory acquisition of rights), article 26 (time limit for exercise of authority to acquire land compulsorily), and article 32(9) (temporary use of land for carrying out the authorised development)</i>	Private Rights as detailed at Article 27 is omitted from this paragraph. We suggest that reference to it is made here given that compulsory acquisition of land under the order seeks to extinguish private rights
Art 25(3) – Power to override easements	<i>(3) Nothing in this article authorises interference with any right of way or right of laying down, erecting, continuing or maintaining apparatus on, under or over land which is a right vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking</i>	We suggest that the wording “ <i>or a right conferred by or in accordance with the electronic communications code on the operator of an electronic communications code network</i> ” is inserted at the end of this paragraph for further clarity given that different rights apply to statutory



		undertakers and operators of electric code operators
Art 28 (1)– Rights under or over streets		We suggest that the paragraph starts with the wording “ <i>Subject to paragraph 6</i> ” for ease of cross referencing which expressly states that the undertakers ability to enter and appropriate any street within the order does not apply to those streets falling within the SRN
Art 31(4) – Temporary use of land for carrying out the authorised development		We suggest that additional wording (as set out below) should also be included to ensure that the undertaker is required to: <ul style="list-style-type: none"> <li>(b) remove or reposition any apparatus belonging to statutory undertakers or any necessary mitigation works; or</li> <li>(c) restore the land on which any permanent works have been constructed under paragraph (1)(c)</li> </ul> before giving up possession of land of which temporary possession had been taken.
Art 32(1)(c) – Temporary use of land for maintaining the authorised development	<i>(c) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose</i>	We suggest that the wording “ <i>provided that any temporary access to the public highway shall be subject to the approval of the relevant highway authority</i> ” is inserted after sub paragraph (c) which details what the undertaker may do during the maintenance period, given that such temporary access may have an impact on the SRN
Art 32(5) – Temporary use of land for maintaining the authorised development	<i>(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker must</i>	If the above suggested wording is to be inserted, we recommend that the wording “ <i>and reinstate the land affected by any temporary highway</i>

	<i>remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land,</i>	<i>access to the reasonable satisfaction of the relevant highway authority” be inserted at the end of subparagraph (5) for the sake of consistency</i>
Schedule 1, work no.6(c)	<i>(c) soft landscaping within and surrounding the development, integrating and enhancing green infrastructure and incorporating biodiversity enhancements</i>	This sub paragraph details what soft landscaping works are to be included as part of work No.6
Schedule 2 Requirements Part 1 and Part 2		Both parts are missing from this draft order. Once inserted they will need to be checked against Part 3 (Procedure for approvals etc under requirements)
Schedule 14, Part 2, Para (2)– For the protection of National Highways	<i>“as built information” means one digital copy of the following information where applicable to the phase in question”</i>	It is unclear what ‘where applicable’ refers to; it would be useful to expressly state this within the paragraph
Schedule 14, Part 2, Para (2)(I)– For the protection of National Highways	<i>other such information as is necessary to enable National Highways to update all relevant databases and to ensure compliance with the National Highways Asset Data Management Manual as shall be in operation at the relevant time including CCTV surveys</i>	Recommend amending “as is necessary” to “as required” so that there is no debate on whether information is necessary or not
Schedule 14, Part 2, Para (2)– For the protection of National Highways	<i>“the bond sum” means the sum equal to [ ]% of the cost of the carrying out of the phase of the strategic road network works concerned (to include all costs [excluding/including] the commuted sum) or such other sum agreed between the undertaker and National Highways</i>	200% should be inserted.  The word “excluding” contained within the square brackets should be removed

Schedule 14, Part 2, Para (2)– For the protection of National Highways	<i>“the cash surety” means the sum of £[ ] or such other sum agreed between the undertaker and National Highways</i>	A figure needs to be included and be subject to agreement with us
Schedule 14, Part 2, Para (2)– For the protection of National Highways	<i>“strategic road network works” means those parts of the authorised development to be carried out in the areas identified as Works No. 8 on the works plan, the general arrangement of which is shown on the highways plans and any ancillary works thereto</i>	Other necessary works should also be included.
Schedule 14 Part 2, 4(2) Road		Road space bookings has an addition of not to be ‘unreasonably delayed or withheld’. This should be removed, road space booking policy should be followed, the same as any other scheme.
Schedule 14, Part 2, Para (7)– Handover certificate and defects period	<i>(4) The undertaker must submit Stage 4 Road Safety Audits for each phase as required by and in line with the timescales stipulated in the Road Safety Audit Standard. The undertaker must comply with the findings of the Stage 4 Road Safety Audits and be responsible for all costs of and incidental to such</i>	The requirement for a 3 year maintenance period for landscaping should be included where there are elements of landscaping added or replaced during the works.
Schedule 14, Part 2, Para (10) – Commuted Sums	<i>(10) The undertaker must pay to National Highways the commuted sum calculated in accordance with FS Guidance S278 Commuted Lump Sum Calculation Method dated 18 January 2010 within 28 days of the</i>	This should now read the Commuted Maintenance Sum calculation method currently in force.

	<i>date that each phase of the strategic road network works becomes maintainable by National Highways pursuant to paragraph [7(3)] of this Part of this Schedule</i>	The commuted lump sum documentation referred to is now out of date – there is a new National Highways finance manual process. This should read as the current NH CLS process on the date the DCO comes into force.
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## **APPENDIX B:**

### *AECOM Furness Methodology Review*



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**Project:** Hinckley NRFI**Author:** David Elliott  
Associate Transport  
Planner, Technical  
Authority on Traffic Models**Subject:** Highways England Review of Information Submitted Sep 2023**Reviewed:** Adam Hall**Date:** 3<sup>rd</sup> October 2023**Approved:** Daniel Law

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## 1. Introduction

National Highways (NH) is considering the impacts of the proposed National Rail Freight Interchange (NRFI) at Hinckley, in the Blaby District of Leicestershire. This is a nationally significant infrastructure project (NSIP) for which a planning consent is being sought by Tritax Symmetry (Hinckley) Limited.

The planning application to the Secretary of State for an order granting development consent (DCO) was made under section 37(2) of the Planning Act 2008, which application was accepted on 13<sup>th</sup> April 2023 and will be decided<sup>1</sup> by the Examining Authority under Section 89 of the 2008 Act.

The NRFI would be a Strategic Rail freight interchange to include railway sidings and freight transfer area located alongside the two-track railway between Hinckley and Leicester. This line forms a part of Network Rail's 'F2N' freight route between Felixstowe and Nuneaton, lengths of which have been the subject of upgrades, and is also well-placed in the national rail network to provide direct links to and from major cargo terminals at Southampton, Liverpool and the Humber estuary.

NRFI would include a dedicated road access directly from junction 2 of the M69 motorway, which connects the M6 near Coventry (at M69 junction 0) to the M1 near Leicester (at M69 junction 3). The M69 also intersects with the A5 trunk road at its junction 1. The existing M69 junction 2 only accommodates motorway traffic heading to and from the north. As a part of the NRFI proposals, new south-facing diverge and merge slip roads would be added to junction 2 of the M69.

The development site includes up to 225.57 hectares (ha) of level land for the construction of a rail port for the loading and unloading of freight trains, and for a total area of up to 850,000 square metres gross internal area (GIA) (which would consist of 650,000 square metres gross external area (GEA) 'footprint' and 200,000 square metres of mezzanine floorspace) of high-bay storage and logistics buildings in a single land parcel bounded by the railway to the north-west and the M69 to the south-east. Land is also identified for the purpose of landscape and planting works, ecological mitigation, drainage balancing ponds and footpath and cycleway links.

NH is appointed by the Secretary of State for Transport as the strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the Hinckley NRFI scheme, National Highways's principal interest is in safeguarding the operation of the M69, M1 and M6 Motorways and the A5 Trunk Road, which pass through the development's area of influence.

This technical note responds to technical information submitted by the Applicant on 20<sup>th</sup> September 2023.

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<sup>1</sup> [Hinckley National Rail Freight Interchange | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/hinckley-national-rail-freight-interchange/)



## 2. Tasks Relating To Information Submitted To The DCO In September 2023

The submitted documents covered five topic areas related to impacts on the SRN and to transport modelling.

1. Review and identify acceptability of the Furness methodology, which has been undertaken by the applicants to enable suitable junction impact assessments to be undertaken. The relevant information was supplied in the following folders and documents:–

- [Furnessing](#)

- [TR050007-001160-6.2.8.1 Hinckley NRFI ES Appendix 8.1 Transport Assessment Rev 07 \(part 9 of 20\).pdf](#)

2. Review and identify acceptability of the PRTM Modelling and the outputs –

- [PRTM - Hinckley NRFI - Base Year Model Review and Refinements v4.0.pdf](#)

- [PRTM - Hinckley NRFI - Forecasting Report v3.0.pdf](#)

- [Modelling Outputs](#)

- [Node VoC Comparison Plots \(pdf\) - For Issue](#)

- [PRTM 2.2 Additional NH Information](#)

- [Traffic Surveys](#)

- [Zoomable Forecast Flow Change plots \(PCUs\) - For Issue](#)

- [Hinckley NRFI Stakeholder Sign Off Sheet Base Year Model Review and Refinements 4.0 05.05.2022\\_NH.pdf](#)

- [Review of Hinckley NRFI Forecasting Report V2 \(issue\).pdf](#)

3. Review and identify acceptability of the Rural Rugby Area Model (RRAM) and the outputs –

- [TR050007-001166-6.4.8.1 HNRFI-BWB-GEN-XX-RP-TR-0031 - RRAM Modelling Summary.pdf](#)

- [VM220535.R001 Rugby Rural Area Model LMVR\\_A5 Updated Flows\\_ISSUE\\_20230725.pdf](#)

4. Review and identify acceptability of the Junction Impact Assessments related to the SRN and the outputs –

- [Capacity Models](#)

- [Modelling Outputs](#)

5. Review Transport Assessment -

- [8 - Traffic and Transport](#)

- [Additional Information Submitted to PINS - 11.09.2023](#)

The following review note covers Task 1, the “Furness Methodology Review”.

## A. Furness Methodology Review

Issues Ranking Criteria				
Accept (A)	General Observation (GO)	More Information (MI)	Concern (C)	Significant Concern (SC)
This aspect of the proposal is accepted without modification.	An issue highlighted for information but does not require an action.	An issue where there is insufficient information to determine whether or not something is acceptable.	An issue that should be addressed further but is likely to be resolved by a simple solution.	An issue that is unacceptable and will require further work to provide a solution.

Issue	Planning Inspectorate Project Reference: TR050007 Environmental Statement Volume 2: Appendices Appendix 8.1: Transport Assessment (part 9 of 20) "Furness Methodology" Document Reference: 6.2.8.1, Revision: 07, Dated: September 2023 BWB document number: HNRFI-BWB-GEN-XX-RP-TR-0022-S4-P03_Furnessing Methodology BWB Reference: NTT2814. Revision 4, Status S4, Issue date: 04/09/2023			Applicant's Response/Action
<b>1. Introduction</b>				
1.1	(GO)	<p>BWB has produced this note on behalf of the developer, Tritax Symmetry Ltd.</p> <p>Leicestershire County Council maintain a strategic transport model of Leicestershire and the surrounding Districts called the Pan Regional Transport Model (PRTM).</p> <p>Version 2.2 (v2.2) of the PRTM was used for the forecasting of the traffic impacts of the proposed Hinckley NRFI development. This version includes more detailed trip generation forecasts of committed schemes as well as committed infrastructure within the modelling extent.</p> <p>The objective of this BWB technical note was to document the Furness method used to derive future year turning movement matrices at the highway junctions to be operationally assessed.</p>		
<b>2. Background</b>				
2.1 – 2.3	(GO)	<p>It is noted that a previous technical note produced by Hydrock considered three potential approaches to the application of traffic growth. Of these three approaches Option 3, the application of absolute traffic</p>		

Issue	Planning Inspectorate Project Reference: TR050007 Environmental Statement Volume 2: Appendices Appendix 8.1: Transport Assessment (part 9 of 20) "Furness Methodology" Document Reference: 6.2.8.1, Revision: 07, Dated: September 2023 BWB document number: HNRFI-BWB-GEN-XX-RP-TR-0022-S4-P03_Furnessing Methodology BWB Reference: NTT2814. Revision 4, Status S4, Issue date: 04/09/2023		Applicant's Response/Action
		<p>flow differences between base and future year scenarios, was considered the most reasonable approach and was accepted by Leicestershire County Council (LCC) in 2019.</p> <p>This BWB technical note (paragraph 2.3) concurs with this decision.</p> <p>This review agrees that the use of additive approach rather than applying multiplicative growth factors to a base turn matrix is the more likely to produce realistic forecasts of turning movement flows at the junctions. The use of this method means that the incremental change to the forecasts flows – for example resulting from trip redistribution, rerouting, or the occupation of a new development site – will be preserved in the future year turning movement flows derived at the junctions of interest.</p>	
<b>3. Detailed Furness Methodology</b>			
3.1 to 3.2	(GO)	<p>The detailed consideration of the Furness Methodology adapts the (option 3) additive approach previously agreed. This modification to the approach at Stage 3 (of 4 stages) has been proposed because the updated PRTMv2.2 strategic model was able to provide forecasts of flow for an additional assignment year (2019). Modifying the method is sensible and should improve the accuracy of the forecast traffic turning movements at the junctions. This view is taken because the modified method will reduce the magnitude of interpolation required between the supplied future year assignments.</p> <p>The four revised Furness stages are shown in Figure 2. Stage 1 collates the observed 2018 survey flows, in stage 2 a growth factor equal to one year of local growth is applied, and then stage 3 calculates the incremental differences between the 2019 PRTM future link flow forecasts and the 2036 PRTM forecasts to use as "targets" for the Furness process at each junction of interest.</p> <p>Stage 4 is discussed in the technical note at chapter 4. See further comments below.</p>	

Issue	Planning Inspectorate Project Reference: TR050007 Environmental Statement Volume 2: Appendices Appendix 8.1: Transport Assessment (part 9 of 20) "Furness Methodology" Document Reference: 6.2.8.1, Revision: 07, Dated: September 2023 BWB document number: HNRFI-BWB-GEN-XX-RP-TR-0022-S4-P03_Furnessing Methodology BWB Reference: NTT2814. Revision 4, Status S4, Issue date: 04/09/2023	Applicant's Response/Action												
3.3	<p>(C)</p> <p>The objective of the Furness process is to provide forecast turning flows at each junction of interest without and with the proposed Hinckley NRFI highway improvements in place. For the forecasts with the trips generated by the Hinckley NRFI development, these were only assigned to the highway networks with the proposed Hinckley NRFI highway improvements.</p> <p>i.e.</p> <table border="1" data-bbox="546 667 1715 799"> <thead> <tr> <th data-bbox="546 667 943 699"></th> <th colspan="2" data-bbox="943 667 1715 699">Traffic forecast scenario (2026 &amp; 2036)</th> </tr> <tr> <th data-bbox="546 699 943 730">Assigned to highway network:</th> <th data-bbox="943 699 1301 730">Without (WO) Dev trips</th> <th data-bbox="1301 699 1715 730">With Hinckley NRFI trips</th> </tr> </thead> <tbody> <tr> <td data-bbox="546 730 943 762">Future (committed schemes)</td> <td data-bbox="943 730 1301 762">A: Without (WO) Dev</td> <td data-bbox="1301 730 1715 762"></td> </tr> <tr> <td data-bbox="546 762 943 794">Future + NRFI improvements</td> <td data-bbox="943 762 1301 794">D: WO Dev + Infrastructure</td> <td data-bbox="1301 762 1715 794">C: With Dev + Infrastructure</td> </tr> </tbody> </table> <p>These three forecast flows sets (A, C, D) may be used to understand the environmental impacts of the Hinckley NRFI infrastructure improvements and may be used for operational junction modelling with Hinckley NRFI trips included in the forecasts.</p> <p>These three forecasts flow sets will not identify if a junction or link to be improved is unnecessary. This might be a concern if:</p> <ol style="list-style-type: none"> <li>Environmental impacts are unnecessarily incurred.</li> <li>Carbon budget expended on unnecessary construction.</li> <li>Traffic management during construction delays existing users.</li> <li>There are no traffic forecasts to inform the construction phasing programme.</li> </ol>		Traffic forecast scenario (2026 & 2036)		Assigned to highway network:	Without (WO) Dev trips	With Hinckley NRFI trips	Future (committed schemes)	A: Without (WO) Dev		Future + NRFI improvements	D: WO Dev + Infrastructure	C: With Dev + Infrastructure	
	Traffic forecast scenario (2026 & 2036)													
Assigned to highway network:	Without (WO) Dev trips	With Hinckley NRFI trips												
Future (committed schemes)	A: Without (WO) Dev													
Future + NRFI improvements	D: WO Dev + Infrastructure	C: With Dev + Infrastructure												
3.4 – 3.9	<p>(GO)</p> <p>A detailed description of the Furness process, which is coded (as a VBA macro) into an MS Excel spreadsheet, is provided in the document. The description of the process is considered to be reasonable. It is noted that the Furness process was doubly constrained (i.e. to both entry and exit flows) and that 20 iterations produced differences between calculated and target flows of less than 2%.</p>													
3.8	<p>(GO)</p> <p>Paragraph 3.8 explains that the reason some links had reduced traffic flows in future years (i.e. negative growth) is because the PRTM forecasting model reassigned vehicles to routes. This is noted; using this approach should improve the accuracy of the forecasts.</p>													

Issue		Planning Inspectorate Project Reference: TR050007 Environmental Statement Volume 2: Appendices Appendix 8.1: Transport Assessment (part 9 of 20) "Furness Methodology" Document Reference: 6.2.8.1, Revision: 07, Dated: September 2023 BWB document number: HNRFI-BWB-GEN-XX-RP-TR-0022-S4-P03_Furnessing Methodology BWB Reference: NTT2814. Revision 4, Status S4, Issue date: 04/09/2023	Applicant's Response/Action
		<p>But, when vehicles change routes in future scenario forecasts, the turning movements at junctions along those routes could materially change compared to the observed Base Year turning movements. This is an important observation given that the best estimate of the turn movement proportions should be used to derive the Prior matrices to be used in the subsequent Furness process. For example, a zero value in a cell in the Prior matrix will not be adjusted by the Furness process – as recognised in the document at paragraph 4.2 below. Conversely, a large turn movement in the Base Year that has had negative growth applied by PRTM reassignment will distort the turn proportions in the matrix output by the Furness process. Where the distortion results in the suppression of a right turn flow, then the subsequent operational assessment of the junction could over estimate its capacity.</p>	
<b>4. Site Access Junctions</b>			
4.1 – 4.4	(GO)	<p>It is noted that at two access locations (M69 Junction 2 and B4668 / A47 junction) would be modified to include additional entry and exit roads. In these two locations, Prior matrices extracted directly from the PRTM forecast assignments were used as the basis for the Furness process (i.e. a different approach for Stage 4). This method is agreed; the PRTM v2.2 forecast outputs should provide the best available estimate of the future year turn movements at these two junctions.</p>	
4.5	(C)	<p>For the junctions along the development's Spine Road, it is noted that forecast traffic flow matrices will be derived from the reassigned traffic attracted to the Spine Road – as forecasts by PRTMv2.2 – and combined with a 'first principals' method to distribute the trips generated by the proposed development. This method is considered to be a reasonable approach.</p> <p>This paragraph does not explain how the double counting of trips generated by the proposed development (i.e. generated in the PRTMv2.2 forecasts, which loads the trips at a single development zone, and trips added by the 'first principals' method) was addressed.</p>	
<b>5. Summary</b>			
5.1 – 5.3	(A)	A summary of the above is provided.	

### 3. Summary

The “Furnessing Methodology” report is included as Appendix 8.1 to the Environment Statement, as submitted to the Hinckley National Rail Freight Interchange DCO (Planning Inspectorate project reference: TR 050007). The report is dated September 2023 (Revision 07).

The report sets out the method used to produce sets of traffic forecasts turning movement matrices. These matrices were subsequently used to undertake future year operational assessment of those junctions impacted by the National Rail Freight Interchange (NRFI) at Hinckley, Leicestershire.

Summary of National Highway’s Comments:

1. The approach described is generally considered to be sound. The ‘Furness’ process is a common method used to adjust turning movement flows to match given target forecast flows entering and exiting a junction (i.e. doubly constrained adjustment).
2. A ‘Furness’ processed was applied to ‘Prior’ matrices that were derived from observed turning movements. However, this method of deriving Prior matrices is ineffective where the junctions would be substantially changed, specifically the two junctions at the north and the south accesses to the development site. The standard method of deriving ‘Prior’ matrices was adapted to instead derive ‘Prior’ matrices from the pan regional strategic traffic model’s forecast outputs (PRTMv2.2) at these two junctions. This alteration to the agreed approach is reasonable.
3. Whilst the general approach to applying the Furness Process is acceptable, two areas of concern were identified:
  - Where an observed (2018/19) turning movement is zero, or close to zero, the Furness Process will not reflect a reassignment of traffic into the corridor where this is indicated as an effect of the scheme by the forecasting scenario outputs from the PRTM v2.2 traffic forecast model. There is a risk of underestimating the demand for a turning movement at an assessed junction.
  - Where a large observed (2018/19) turning movement has had negative growth applied, due to reassignment effects in the PRTM v2.2 forecast outputs, then this could result in the suppression of a flow demand. This might be important to the junction’s operational assessment if the suppressed flow demand is (say) a right turn.
4. These two concerns may be addressed by undertaking a sense check using the PRTM reassignment impacts and turn movements; paying particular attention to the magnitude of flows that turn right at an assessed junction. Alternatively, the operational assessments of the junctions could include sensitivity testing of the derived turning proportions.
5. For those junctions along the Development’s spine road, the report contains no description of how design reference flows were derived from PRTMv2.2 forecast outputs (which model loads all development trips at a single zone) combined with a ‘first principals’ method of distributing trips generated by the development. It is noted that the design of the spine road is not a specific concern for the Strategic Road Network (SRN), such as the M69, A5, M1 corridors.
6. There is no traffic forecasting set for the scenario ‘With development generated trips’ demand assigned to a ‘Without HNFI infrastructure network’. This forecasting set would identify if all the link and junction improvements are necessary. This forecasting set would also assist in determining construction phase timing and sequencing of improvements.





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TR050007

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



## **APPENDIX C:**

*AECOM Review of PRTM v2.2 Hinckley National Rail  
Freight Interchange Application: Forecast Modelling*

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**Project:** Hinckley NRFI**Author:** Alan Boyce/Parth  
Jain**Subject:** National Highways Review of PRTM v2.2 Hinckley National  
Rail Freight Interchange Application: Forecast Modelling**Reviewed:** Stephen Moss**Date:** 29 September 2022**Approved:** Stephen Moss

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## 1. Introduction

National Highways (NH) is currently reviewing the impacts of a development to the north west of M69 Junction 2. This development is known as the Hinckley Rail Freight Interchange.

NH has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the SRN. It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the proposed Hinckley NRFI development, National Highways' principal interest is in safeguarding the M69 and M1 Motorways and A5 Trunk Road routeing close to the development.

AECOM (South East) have undertaken modelling to support the assessment of the development. The forecasting report has been updated in part to respond to comments.

The AECOM document being reviewed in this Technical Note is 'PRTM v2.2 Hinckley National Rail Freight Interchange Application: Forecast Modelling' version 3, dated May 2022 along with additional data and plots provided in September 2022.

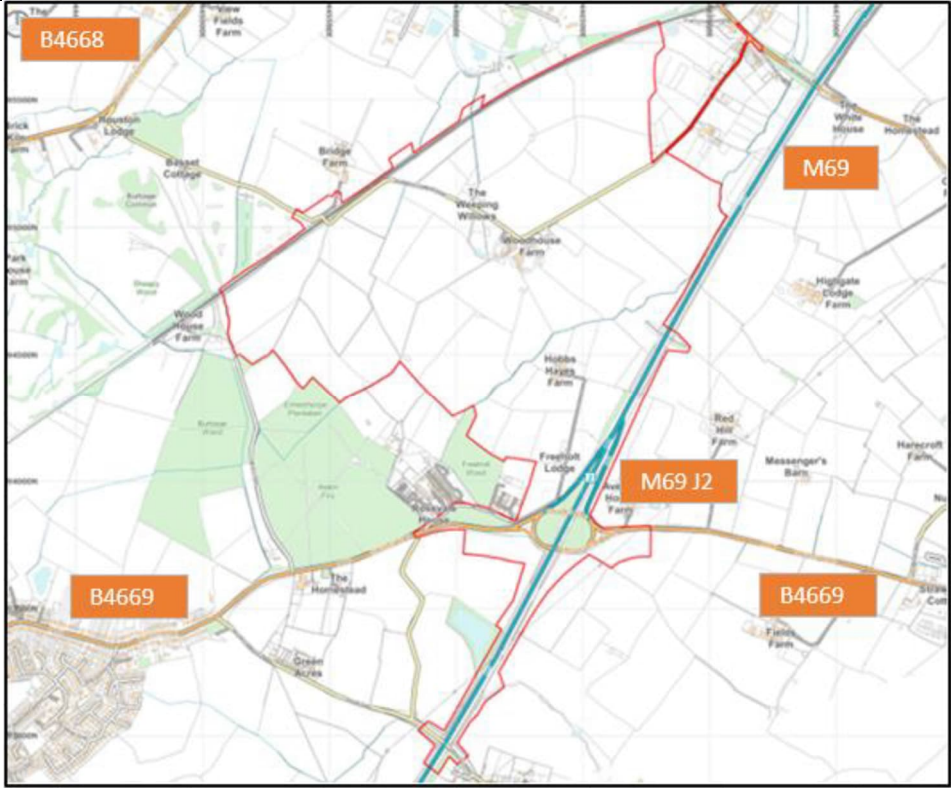
Some of the report concerns local issues that are not a significant concern to National Highways.

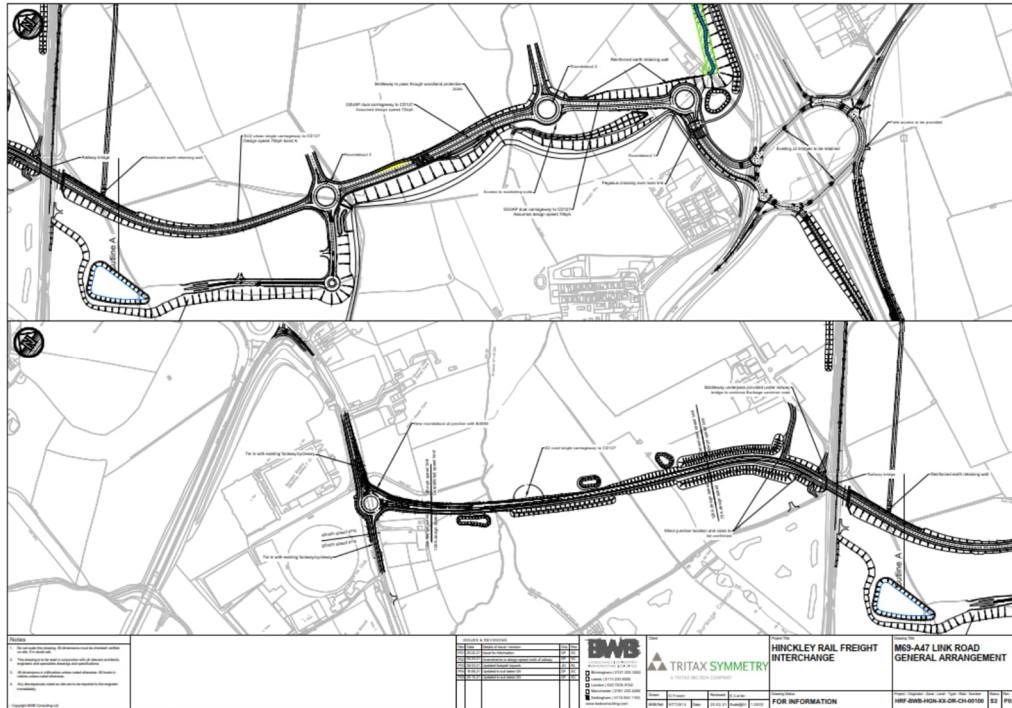
## 2. Assessment Methodology Review

Issues Ranking Criteria				
Accept (A)	General Observation (GO)	More Information (MI)	Concern (C)	Significant Concern (SC)
This aspect of the proposal is accepted without modification.	An issue highlighted for information but does not require an action.	An issue where there is insufficient information to determine whether or not something is acceptable.	An issue that should be addressed further but is likely to be resolved by a simple solution.	An issue that is unacceptable and would require work to provide a solution.

### PRTM v2.2: Hinckley National Rail Freight Interchange Application: Forecast Modelling v3.0 (May 2022)

Issue	Hinckley NRFI Forecast Modelling		Response/Action	NH Response
<b>1. overview</b>				
1.1	(GO)	<p>Introduction</p> <p>The Hinckley National Rail Freight Interchange (NRFI) is a proposed B8 employment development located to the north-west of the M69 Junction 2, near Hinckley, Leicestershire. This proposed development has a capacity for 850,000m2 of employment land and is expected to generate around 8,000 jobs. An indication of the location of the proposed development site is outlined in red as shown below.</p>		

Issue	Hinckley NRFI Forecast Modelling	Response/Action	NH Response
	 <p data-bbox="376 1114 797 1142">Location of Proposed Development</p> <p data-bbox="376 1177 1644 1235">The proposed development will connect with the existing road network directly onto the M69 Junction 2 and includes the following infrastructure associated with the proposed development:</p> <ul data-bbox="421 1241 1666 1391" style="list-style-type: none"> <li>• M69 Junction 2 south-facing slips (a two-lane northbound off-slip and a two-lane southbound on-slip);</li> <li>• a link road from a new access arm at the M69 Junction 2 to the B4668 where a new roundabout is proposed (dual carriageway to an internal roundabout (Roundabout 3) and then single carriageway over the railway between Roundabout 3 and the B4668); and</li> <li>• a sensitivity test to include a fully dualled link road.</li> </ul>		

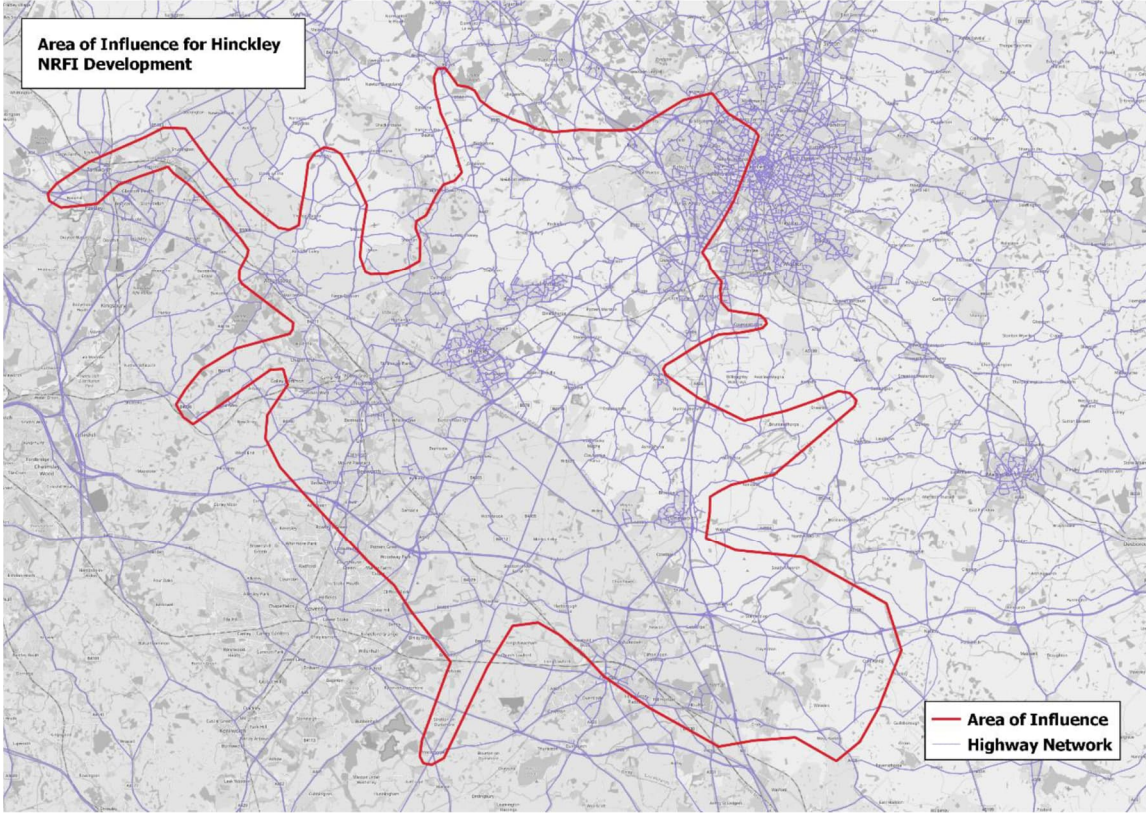
Issue	Hinckley NRFI Forecast Modelling	Response/Action	NH Response
	<p>The design of the link road is shown below.</p>  <p>M69-A47 Link Road General Arrangement1</p> <p>In addition to providing access to the development, the link road allows for the potential diversion of existing traffic. Hence, the infrastructure change has been assessed with and without the development traffic.</p> <p>AECOM (South East) has been commissioned by Leicestershire County Council (LCC) to undertake a strategic assessment of the development using the latest production version of the Pan-Regional Transport Model (PRTM v2.2) for the AM Peak and PM Peak hours.</p>		

Issue		Hinckley NRFI Forecast Modelling	Response/Action	NH Response																					
1.2	(GO)	<p>Previous assessments have been undertaken with earlier versions of PRTM. The latest version has been used for this assessment.</p> <p>Within this updated assessment of the proposed Hinckley NRFI development, the following forecast year model scenarios have been produced:</p> <ul style="list-style-type: none"> <li>• ‘Without Development’ scenario for 2026 and 2036;</li> <li>• ‘Without Development With Infrastructure’ scenario with the proposed infrastructure for 2026 and 2036;</li> <li>• ‘With Development’ scenario with the proposed infrastructure and development for 2026 and 2036; and</li> <li>• a sensitivity test for the ‘With Development’ scenario for 2036 with a fully dualled link road.</li> </ul>																							
<b>2. Forecasting Approach and Assumptions</b>																									
2.1– 2.4	(GO)	<p>The scenarios to be tested and the planning assumptions to be used were agreed with stakeholders. The ‘no-development’ forecasts use all changes in the uncertainty log except the proposed development.</p> <p>The ‘with development’ and ‘no development with infrastructure’ scenarios introduce highway network changes:</p> <ul style="list-style-type: none"> <li>• the addition of a two-lane northbound off-slip for M69 Junction 2;</li> <li>• the addition of a two-lane southbound on-slip for M69 Junction 2;</li> <li>• a link road from a new access arm at the M69 Junction 2 to the B4668 where a new roundabout is proposed; and</li> <li>• two roundabouts on the proposed link road providing access to the proposed NRFI development site.</li> </ul> <p>The proposed Hinckley NRFI development is represented within PRTM using a single development zone. While this might affect the roundabout at which the traffic joins it should not make much difference to the traffic which joins the SRN.</p>																							
2.5	(GO)	<p>In terms of the development phasing, both the 2026 and 2036 ‘With Development’ scenarios contain the full build-out of the proposed development. The agreed figures are shown below.</p> <table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3"><b>AM Peak hour (08:00-09:00)</b></td> <td colspan="3"><b>PM Peak hour (17:00-18:00)</b></td> </tr> <tr> <td></td> <td>Arrivals</td> <td>Departures</td> <td>Total</td> <td>Arrivals</td> <td>Departures</td> <td>Total</td> </tr> <tr> <td>Lights</td> <td>899</td> <td>117</td> <td>1016</td> <td>351</td> <td>922</td> <td>1273</td> </tr> </table>		<b>AM Peak hour (08:00-09:00)</b>			<b>PM Peak hour (17:00-18:00)</b>				Arrivals	Departures	Total	Arrivals	Departures	Total	Lights	899	117	1016	351	922	1273		
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Issue		Hinckley NRFI Forecast Modelling						Response/Action	NH Response	
		Heavies	208	219	427	235	259	494		
		Total	1107	336	1443	586	1181	1767		
		<p>The heavy vehicles are given a PCU value of 2. It is assumed that the light vehicle trips relate to employees, so are classed as commuters.</p>								
2.6	(C)	<p><b>Trip distribution</b> It was agreed that the development trip distribution generated for previous Hinckley NRFI modelling work (using PRTM v1.0) should be adopted for this assessment. The version of PRTM used should make little difference to the trip distribution.</p> <p>The forecast trip distribution of light vehicles on the highway network shows that, as expected, most traffic routes via the M69 Junction 2 to access the wider highway network. The highest volume of development traffic is forecast on the M69, the proposed link road joining the B4668 Leicester Road and the A47, and the B4669 Hinckley Road to the east of M69 Junction 2. There is only a very low number of trips expected to use the A5. It is possible that some of the trips to/from the west of the site are discouraged from using the A5 due to the level of congestion.</p> <p>The trip distribution of heavy vehicles varies somewhat by direction. The largest number of trips to the development come from the M69 south. Some of these have joined the M69 from the A5 in the east. There are no trips joining from the A5 in the west. However, there are trips routeing around the A47 to enter the development from the west which appear to have come via Dodwells Roundabout.</p> <p>Heavy vehicle trips leaving the development with a westerly destination are shown to use the M69 and then the A5 to the west. There is a very low flow on the A47. In terms of having the correct vehicles on the correct roads, it would be expected that heavy vehicles would use the M69 and A5 rather than the A47. The avoidance of the A5/M69 for inbound trips may need to be borne in mind when considering the adequacy of junction design.</p>								
<b>3. Forecast Model Results</b>										
3.1 – 3.2	(MI)	<p>Forecast result have been provided in such a way as to allow the impacts of the infrastructure changes and the development traffic to be separately identified.</p> <p>The diagrams showing wider scale assignment indicate that trips do come from and go to the A5 to the west of Hinckley but use the A47 and minor roads thereby avoiding the M69 and Dodwells Roundabout. While trips to</p>								

Issue	Hinckley NRFI Forecast Modelling	Response/Action	NH Response
	<p>the development from the A5 east use the M69 in the 2026 assignment, they divert onto a minor road in 2036, probably as a result of congestion at the M69/A5 junction.</p> <p>The wider scale view of the heavy vehicle distribution confirms the use of the A47 and Dodwells Roundabout thereby avoiding the M69/A5 junction for trips to the A5 west. Trips to the M1 south are using the A5 rather than the M69/M6. This is shorter in terms of distance.</p> <p>The trip distributions presented are all in the peak direction: inbound to the development in the AM peak and outbound from the development in the PM peak. While this would certainly be the peak direction for employees, it may not be the peak direction for heavy vehicles. No plots are shown for the contra peak direction. It is likely that they are similar in distribution but with different volumes. However, this should be demonstrated.</p>		
3.3	<p>(A) The first scenario demonstrated was the 'Without Development With Infrastructure' minus 'Without Development'. This shows the impact of reassignment with the motorways slips and link road in place but no development. Essentially, this would represent just a road scheme.</p> <p>In all cases, there would be a reduction in traffic within Hinckley and an increase on the M69 to the south of Junction 2. This seems to be a sensible reassignment to take advantage of the new south facing slip roads. There are fewer differences on the M69 to the north of Junction 2 as these movements were possible anyway. The only benefit would be the link road. It is reported that these changes are low due to capacity issues at M1 Junction 21. While this may be the case, it is unlikely to have made a large difference to the assignment in this case.</p> <p>The 'with development' scenarios show increases on the same roads as the 'without development with infrastructure' scenarios. It is not possible to tell the scale of the change from the diagrams in the report.</p> <p>The next results presented show the difference between the 'with development' scenario and the 'without development with infrastructure' scenarios. This is the impact of the development trips with no change in infrastructure. To a large extent, these are similar to the trip distribution diagrams. However, while it appears that the M69 would be used by trips to/from the north in the AM peak, it appears that the distribution would cause diversion off the M69 in the PM peak including use of the B4114 towards Leicester.</p> <p>The changes to the standard of the link road appear to make some local reassignments. However, there is minimal impact on the SRN.</p>		

Issue	Hinckley NRFI Forecast Modelling		Response/Action	NH Response
3.3.9	(A)	<p><b>Area of Influence</b>            This has been defined by identifying links which are forecast to change by more than <math>\pm 5\%</math> and <math>\pm 30</math> vehicles between the 'with development' scenario and the 'without development' scenario for 2026 and 2036 in either the AM Peak or PM Peak hours. The links which are forecast to meet these criteria are included in the AoI, the spatial extent of which is shown below.</p>  <p>The map displays a network of roads in Hinckley, with a red outline indicating the Area of Influence (AoI) and blue lines representing the Highway Network. A legend in the bottom right corner identifies these elements. A title box in the top left of the map reads 'Area of Influence for Hinckley NRFI Development'.</p>		

Issue	Hinckley NRFI Forecast Modelling	Response/Action	NH Response
	<p>This covers the roads shown in the trip distributions. It also covers a significant proportion of Leicester. This change may be down to changes on the A46 Leicester Western Bypass.</p>		
3.4	<p>(A) Plots are displayed of northbound and southbound trips that are forecast to use the proposed link road. The general distributions for trips using the proposed link road are similar between two forecast years and the AM Peak and PM Peak hours. A large proportion of the trips are forecast to route between the M69 (South) and the urban areas of Hinckley, Burbage, Barwell and Earl Shilton. A smaller proportion of the trips are forecast to travel to / from the A47, A5, A447 Ashby Road and B4669 Hinckley Road.</p>		
3.6	<p>(A) <b>Forecast Delay Change</b>            The forecast delays on the approaches to the M69 Junction 3 and M1 Junction 21 are high. Delays are also forecast on the approaches to the A5 / M69 junction (M69 Junction 1) and the B4114 Smockington Lane approach to the A5.</p> <p>Even without the development traffic, the new infrastructure has an impact. There tends to be an increase in delay along the B4669 Hinckley Road in both AM Peak and PM Peak hours as the proposed infrastructure attracts more vehicles from the wider network.</p> <p>There are forecast delay reductions for the M69 Junction 1. With the proposed south-facing slips at M69 Junction 2, a proportion of trips between M69 (South) and Hinckley / Burbage is forecast to route via Junction 2 rather than via Junction 1, reducing the pressure on some approaches to the M69 Junction 1 roundabout. This appears to be logical.</p> <p>It is noted that the level of congestion in some parts of the network mean that small changes in traffic flow (potentially the result of modelling noise) can result in significant changes in delay.</p> <p>With the addition of the Hinckley NRFI traffic, increases in delay are forecast on the approaches to the M69 Junction 2 and the A47, to the west of the proposed link road, when compared with the 'Without Development With Infrastructure' scenario, as these are main access routes to the proposed Hinckley NRFI development site. This is the expected result. Increases in delay are also forecast on the M69 approach to the M1 despite the small changes in forecast flow. Some of the assignments suggest that the level of congestion at this point is so high that any additional trips will cause existing trips to reassign.</p>		

Issue	Hinckley NRFI Forecast Modelling	Response/Action	NH Response
3.7	<p>(A) <b>Forecast Junction Volume Capacity Ratios</b>            Some junctions in the vicinity of the proposed Hinckley NRFI development site are forecast to have a maximum junction volume-capacity ratio exceeding 85% in the 2026 ‘without development’ scenario.</p> <ul style="list-style-type: none"> <li>• the B581 Broughton Road / B4114 Coventry Road junction;</li> <li>• the M69 Junction 1;</li> <li>• junctions along the B4669 Burbage Road and B590 London Road in Hinckley; and</li> <li>• the A47 Normandy Way / A447 Ashby Road junction.</li> </ul> <p>Clearly, the junction of greatest interest to National Highways is M69 Junction 1. The level of congestion may cause trips to use other roads (using less appropriate roads) or lead to existing trips diverting due to the influence of development trips. Any change in assigned traffic flow may not reflect the increase in demand.</p> <p>The maximum junction volume-capacity ratios for the M69 Junction 1 reduce as a proportion of M69 eastbound trips to Burbage and Hinckley is forecast to route via M69 Junction 2 (using the south-facing slips) rather than via M69 Junction 1, reducing the pressure on the eastbound approach to the M69 Junction 1 roundabout. This appears to be logical.</p> <p>In addition to the junctions that are forecast to have high maximum junction volume-capacity ratio in the 2026 ‘Without Development With Infrastructure’, the addition of the Hinckley NRFI traffic is also forecast to increase the junction volume-capacity ratios for M69 Junction 2 and those along the A47 with more nodes exceeding 85%.</p>		
<b>4. Summary of PRTM Assessment</b>			
4.1	<p>(A) Development traffic has been forecast to route:</p> <ul style="list-style-type: none"> <li>• via the M69 to the north and east - to and from Leicester City and the M1 northbound;</li> <li>• via the M69 to the south and west - to and from the A5, the M6 and A46 Coventry Eastern Bypass;</li> <li>• via the proposed link road to the west - to and from locations including Hinckley, Barwell, Earl Shilton and locations further north via A447 Ashby Road, Dan’s Lane and Stoke Road; and</li> <li>• in the case of light vehicles, via the B4669 Hinckley Road to the east - to and from locations including Sapcote, Primethorpe and Countesthorpe via the B4114 Coventry Road.</li> </ul> <p>The forecast flow change patterns between the ‘Without development With infrastructure’ and ‘Without Development’ and between the ‘With Development’ and ‘Without Development’ scenarios are broadly similar, with increases in flow forecast for the M69, the B4469 Hinckley Road and the B4468 Leicester Road.</p>		

Issue	Hinckley NRFI Forecast Modelling	Response/Action	NH Response
	<p>Some movements on the M69 Junction 3 and the M1 Junction 21 are at or near capacity in both 2026 and 2036 for both peak hours, thus limiting flow in both directions on the M69 between Junctions 2 and Junction 3. The development trip distribution analysis shows that a proportion of the Hinckley NRFI traffic is forecast to route via the M69, east of Junction 2, suggesting that non-development traffic is forecast to divert on to alternative parallel routes (such as Huncote Road). This appears to be a reasonable interpretation of the assignments.</p> <p>An Area of Influence (Aol) has been defined by identifying links which are forecast to change by more than <math>\pm 5\%</math> and <math>\pm 30</math> vehicles between the 'With Development' and 'Without Development' scenarios for 2026 and 2036 in either the AM Peak or PM Peak hours. The Area of Influence appeared to be reasonable.</p>		
<b>Additional Data Supplied in September 2022</b>			
Demand flow change plots	<p><b>(GO)</b> The plots supplied are similar to those supplied in the report but at a greater level of detail. The 'Without development with infrastructure – without development without infrastructure' plots show some major rerouting from the local roads to the SRN because of the introduction of slip roads on M69 J2. The diversion resulting from this improvement also leads to an improvement at M69 Junction 1.</p> <p>The 'with infrastructure with development' – 'with infrastructure without development' scenario suggests that some routing patterns to and from the development do not use the highest standard routes to the destination. For example, during the PM peak, traffic is seen using the local roads near Sapcote village (increase in flow by approx. 200 veh) to go north instead of using the M69 NB (decrease in flow by approx. 30 vehicles).</p> <p>This appears to be the result of congestion at M1 Junction 21.</p>		
Flow Plots	<p><b>(GO)</b> 2014 BY flow plots were provided along with forecast flow change plots between 2026/2036 'Without development' scenarios and the 2014 base year. These plots do not have any figures as such, however, it can be seen that there is growth in traffic on the SRN roads in the region in 2026 and 2036 when compared to 2014.</p> <p>It is also observed from these plots that flow on links within Nuneaton and Leicester have declined in the forecast years which could be considered as modelling noise or the result of congestion elsewhere.</p>		
Aol Plots	<p><b>(GO)</b> Aol analysis shows the comparison between the 'Without Development and 'With Development (Sensitivity Test)' scenario and links above the Aol threshold are highlighted. The diversion of trips towards lower standard roads when development traffic is added can also be observed in the Aol plots which shows that local village roads are operating above the Aol threshold for 2026 and 2036.</p>		

Issue	Hinckley NRFI Forecast Modelling	Response/Action	NH Response																																																																																										
Junction Analysis Spreadsheet (MI)	<table border="1" data-bbox="380 343 1680 853"> <thead> <tr> <th colspan="9">AM Peak Hour</th> </tr> <tr> <th rowspan="2">Location</th> <th>2014_Base</th> <th>2026_WoD ev</th> <th>2026_WDe evWInf</th> <th>2026_WDe vWInf</th> <th>2036_WoD ev</th> <th>2036_WoD evWInf</th> <th>2036_WDe vWInf</th> <th>2036_WDe vWInfSens</th> </tr> </thead> <tbody> <tr> <td>M69 Junction 1</td> <td>86%</td> <td>101%</td> <td>88%</td> <td>88%</td> <td>102%</td> <td>98%</td> <td>99%</td> <td>99%</td> </tr> <tr> <td>M69 Junction 2</td> <td>25%</td> <td>32%</td> <td>48%</td> <td>70%</td> <td>34%</td> <td>55%</td> <td>77%</td> <td>71%</td> </tr> <tr> <td>M1 / M69</td> <td>110%</td> <td>106%</td> <td>106%</td> <td>106%</td> <td>109%</td> <td>108%</td> <td>108%</td> <td>108%</td> </tr> </tbody> </table> <table border="1" data-bbox="380 614 1680 853"> <thead> <tr> <th colspan="9">PM Peak Hour</th> </tr> <tr> <th rowspan="2">Location</th> <th>2014_Base</th> <th>2026_WoD ev</th> <th>2026_WDe evWInf</th> <th>2026_WDe vWInf</th> <th>2036_WoD ev</th> <th>2036_WoD evWInf</th> <th>2036_WDe vWInf</th> <th>2036_WDe vWInfSens</th> </tr> </thead> <tbody> <tr> <td>M69 Junction 1</td> <td>74%</td> <td>94%</td> <td>79%</td> <td>79%</td> <td>100%</td> <td>87%</td> <td>88%</td> <td>89%</td> </tr> <tr> <td>M69 Junction 2</td> <td>26%</td> <td>32%</td> <td>75%</td> <td>98%</td> <td>34%</td> <td>78%</td> <td>100%</td> <td>96%</td> </tr> <tr> <td>M1 / M69</td> <td>101%</td> <td>106%</td> <td>105%</td> <td>105%</td> <td>107%</td> <td>106%</td> <td>106%</td> <td>106%</td> </tr> </tbody> </table> <p data-bbox="380 861 1680 949">For the SRN junctions, the changes in junction VoC between scenarios follows the expected pattern. It is believed that the figures represent the maximum VoC at any node within the junction. It would be useful if details regarding how the above shown VoC's were calculated could be provided.</p> <p data-bbox="380 981 1680 1173">As would be expected, VOC increases progressively between the Base Year and the Forecast Years at both junctions and both peaks. It should be noted that M69 Junction 1 is close to or at 100% capacity in the forecast years. The new infrastructure (south facing slip roads at M69 Junction 2 and the link road) results in a significant increase in maximum VoC at Junction 2. This is a result of additional traffic diverting to use this junction. This diversion leads to a reduction in maximum VoC at Junction 1. Some of the traffic assigned as using Junction 2 would previously used Junction 1.</p> <p data-bbox="380 1197 1680 1324">The addition of the development traffic leads to a significant increase in VoC at Junction 2. This is the main point at which this traffic joins the SRN. In the 2036 PM peak, VoC reaches 100% at this location. However, the addition of development traffic has no significant impact on M69 Junction 1. Although, as previously given this is reflective of the rerouting affect to avoid congestion.</p>	AM Peak Hour									Location	2014_Base	2026_WoD ev	2026_WDe evWInf	2026_WDe vWInf	2036_WoD ev	2036_WoD evWInf	2036_WDe vWInf	2036_WDe vWInfSens	M69 Junction 1	86%	101%	88%	88%	102%	98%	99%	99%	M69 Junction 2	25%	32%	48%	70%	34%	55%	77%	71%	M1 / M69	110%	106%	106%	106%	109%	108%	108%	108%	PM Peak Hour									Location	2014_Base	2026_WoD ev	2026_WDe evWInf	2026_WDe vWInf	2036_WoD ev	2036_WoD evWInf	2036_WDe vWInf	2036_WDe vWInfSens	M69 Junction 1	74%	94%	79%	79%	100%	87%	88%	89%	M69 Junction 2	26%	32%	75%	98%	34%	78%	100%	96%	M1 / M69	101%	106%	105%	105%	107%	106%	106%	106%		
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### 3. Summary of Issues with Hinckley NRFI Forecasting Report and Additional data

National Highways had requested that plots should be provided with figures. These have been provided separately to the report. They also requested zoomable plots in order to be able to see the detail. These have also been provided.

There are few issues with the modelling of the development and the network changes. There are the important issues from a National Highways perspective.

1. The modelled trip distributions appear logical. Much of the traffic assigns to the SRN. However, some of the routing patterns to and from the development do not use highest standard routes to the destination. If traffic can be persuaded to use the most appropriate roads, this would result in an increase in traffic on some parts of the SRN.
2. On some roads, particularly the M69 to the north of Hinckley NRFI going up to M1 Junction 21, the increase in traffic flow on the road is less than the assigned traffic from the development. This is a demonstration that development traffic is causing existing traffic to divert away from the preferred route. The roads being used are of a lower standard.
3. Assuming that all traffic uses the most appropriate roads may mean that more mitigation would be required to avoid adding to congestion at the most congested junctions.

It would be expected that the improvement to M69 Junction 2 would be beneficial to existing trips. The diversion resulting from this improvement also leads to an improvement at M69 Junction 1. The biggest issue at an existing junction would be at M1 Junction 21. The assignments put some development traffic through this junction. However, this causes some existing traffic to divert to lower standard roads. Mitigation at M1 Junction 21 would be required to avoid this diversion.





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TR050007

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



## **APPENDIX D:**

*AECOM Review of the Rural Rugby Area Model (RRAM)*



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**Project:** Hinckley NRFI**Author:** David Elliott  
Associate Transport  
Planner, Technical  
Authority on Traffic Models**Subject:** Highways England Review of Information Submitted Sep 2023**Reviewed:****Date:** 5<sup>th</sup> October 2023**Approved:** Daniel Law

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## 1. Introduction

National Highways (NH) is considering the impacts of the proposed National Rail Freight Interchange (NRFI) at Hinckley, in the Blaby District of Leicestershire. This is a nationally significant infrastructure project (NSIP) for which a planning consent is being sought by Tritax Symmetry (Hinckley) Limited.

The planning application to the Secretary of State for an order granting development consent (DCO) was made under section 37(2) of the Planning Act 2008, which application was accepted on 13<sup>th</sup> April 2023 and will be decided<sup>1</sup> by the Examining Authority under Section 89 of the 2008 Act.

The NRFI would be a Strategic Rail freight interchange to include railway sidings and freight transfer area located alongside the two-track railway between Hinckley and Leicester. This line forms a part of Network Rail's 'F2N' freight route between Felixstowe and Nuneaton, lengths of which have been the subject of upgrades, and is also well-placed in the national rail network to provide direct links to and from major cargo terminals at Southampton, Liverpool and the Humber estuary.

NRFI would include a dedicated road access directly from junction 2 of the M69 motorway, which connects the M6 near Coventry (at M69 junction 0) to the M1 near Leicester (at M69 junction 3). The M69 also intersects with the A5 trunk road at its junction 1. The existing M69 junction 2 only accommodates motorway traffic heading to and from the north. As a part of the NRFI proposals, new south-facing diverge and merge slip roads would be added to junction 2 of the M69.

The development site includes up to 225.57 hectares (ha) of level land for the construction of a rail port for the loading and unloading of freight trains, and for a total area of up to 850,000 square metres gross internal area (GIA) (which would consist of 650,000 square metres gross external area (GEA) 'footprint' and 200,000 square metres of mezzanine floorspace) of high-bay storage and logistics buildings in a single land parcel bounded by the railway to the north-west and the M69 to the south-east. Land is also identified for the purpose of landscape and planting works, ecological mitigation, drainage balancing ponds and footpath and cycleway links.

NH is appointed by the Secretary of State for Transport as the strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the Hinckley NRFI scheme, National Highways' principal interest is in safeguarding the operation of the M69, M1 and M6 Motorways and the A5 Trunk Road, which pass through the development's area of influence.

This technical note responds to technical information submitted by the Applicant on 20<sup>th</sup> September 2023.

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<sup>1</sup> [Hinckley National Rail Freight Interchange | National Infrastructure Planning \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/hinckley-national-rail-freight-interchange/)

## 2. Tasks Relating To Information Submitted To The DCO In September 2023

The submitted documents covered five topic areas related to impacts on the SRN and to transport modelling.


A. Review and identify acceptability of the Furness methodology, which has been undertaken by the applicants to enable suitable junction impact assessments to be undertaken. The relevant information was supplied in the following folders and documents:–

Furnessing

 TR050007-001160-6.2.8.1 Hinckley NRFI ES Appendix 8.1 Transport Assessment Rev 07 (part 9 of 20).pdf

B. Review and identify acceptability of the PRTM Modelling and the outputs –

 PRTM - Hinckley NRFI - Base Year Model Review and Refinements v4.0.pdf

 PRTM - Hinckley NRFI - Forecasting Report v3.0.pdf


Modelling Outputs

Node VoC Comparison Plots (pdf) - For Issue

PRTM 2.2 Additional NH Information


Traffic Surveys


Zoomable Forecast Flow Change plots (PCUs) - For Issue

 Hinckley NRFI Stakeholder Sign Off Sheet Base Year Model Review and Refinements 4.0 05.05.2022\_NH.pdf

 Review of Hinckley NRFI Forecasting Report\_V2 (issue).pdf

C. Review and identify acceptability of the Rural Rugby Area Model (RRAM) and the outputs –

 [TR050007-001166-6.4.8.1 HNRFI-BWB-GEN-XX-RP-TR-0031 - RRAM Modelling Summary.pdf](#)

 [VM220535.R001 Rugby Rural Area Model LMVR\\_A5 Updated Flows\\_ISSUE\\_20230725.pdf](#)

D. Review and identify acceptability of the Junction Impact Assessments related to the SRN and the outputs –

Capacity Models

Modelling Outputs

E. Review Transport Assessment -

8 - Traffic and Transport

Additional Information Submitted to PINS - 11.09.2023

The following review note covers Task C, “Review and identify acceptability of the Rural Rugby Area Model (RRAM) and the outputs”.

**C. Review and identify acceptability of the Rural Rugby Area Model (RRAM) and the outputs –**

Issues Ranking Criteria				
Accept (A)	General Observation (GO)	More Information (MI)	Concern (C)	Significant Concern (SC)
This aspect of the proposal is accepted without modification.	An issue highlighted for information but does not require an action.	An issue where there is insufficient information to determine whether or not something is acceptable.	An issue that should be addressed further but is likely to be resolved by a simple solution.	An issue that is unacceptable and will require further work to provide a solution.

Issue	Planning Inspectorate Project Reference: TR050007 BWB document number: HNRFI-BWB-GEN-XX-RP-TR-0031 BWB Reference: NTT2814. Revision P01, Status S2, Issue date: 07/09/2023		Applicant's Response/Action
<b>1. Introduction</b>			
1.1	(A)	BWB Consulting Ltd (BWB) has produced a Technical Note to support the Development Consent Order (DCO) on behalf of the applicant, Tritax Symmetry (Hinckley) Ltd.	
1.2	(A)	The Technical Note provides a summary of the traffic impacts of the Hinckley National Rail Freight Interchange (NRFI) as modelled by the Rugby Rural Area Model (RRAM). The Hinkley NRFI generated trips were modelled within RRAM because the Pan Regional strategic Transport Model (PRTM) indicated that the Rugby Rural Area would be impacted.	
1.3	(A)	RRAM is a bounded by M69 motorway (which is part of strategic road network) to the West and the Fosse Way (B4455) to the East. The RRAM study area extends to the A5 (which is part of the strategic road network) at its North boundary and includes the M6 motorway running east-west through the middle.	
	(GO)	RRAM is a microsimulation model that was built by 'Vectos Microsim' (VM) for Warwickshire County Council (WCC).	

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		The Local Model Validation Report (LMVR) for the RRAM, which is a document that describes how RRAM was build – including a technical description of its strengths and weaknesses – has also been submitted to the DCO. The LMVR document is reviewed below after Section 4 below.	
<b>2. Modelling Scenarios</b>			
2.1 – 2.2	(GO)	These paragraphs document that the RRAM was used to project future year forecasts. There is no technical information about how these traffic forecasts were produced.	
2.2	(A)	The technical note compares Scenario 1 with Scenario 4. Both forecasting scenarios project traffic conditions in the year 2031. <ul style="list-style-type: none"> <li>• Scenario 1 is a 'Reference case' forecast, which assumes that DfT's national traffic growth forecasts will occur and that consented developments will come forward.</li> <li>• Scenario 4 adds trips generated by the Hinckley NRFI development, assigns the generated heavy goods vehicles (HGV) to restricted routes, and assumes that M69 junction 1 has improved operational capacity using optimised traffic signal timings.</li> </ul> The report compares a With Development (WD) against a 'Do-Minimum' (DM) reference case forecast.	
<b>3. Modelling Results</b>			
3.1 to 3.2	(GO)	These two paragraphs argue that that Scenario 4 provides 'betterment' compared to the DM reference case. It relies upon the 'Network Mean Delay' results from RRAM over MA and PM three-hour periods to reach this conclusion. As noted in the RRAM LMVR document review presented below: <ul style="list-style-type: none"> <li>• The Hinckley NRFI development and M69 Junction 1 lie outside of the RRAM network's extent. Therefore this conclusion only applies to a small part of the impacted highway network.</li> <li>• There is a concern that the RRAM model does not represent journey times along the M69 motorway correctly.</li> <li>• The RRAM model is only validated for the AM and PM one-hour peaks. Data extracted over 3-hour periods is speculative.</li> <li>• The RRAM is not reliable on the M6; where there were long-term roadworks in the base year.</li> </ul>	

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		<ul style="list-style-type: none"> <li>The RRAM is not reliable along the A5 northeast of the M69 motorway and cannot represent traffic impacts in Hinckley. See comments on RRAM LMVR below.</li> </ul>	
3.2	(C)	The claimed reduction of 22 seconds 'mean delay' benefit obtained from across the RRAM network is substantially less than the range of accuracy that can be obtained from an application of the RRAM traffic model. There is a low level of assurance in stating this conclusion.	
3.3-3.4 Table 1	(C)	<p>Journey time Route "R1" along the M69 did not validate against observed journey times in the Base Year. Without knowing the narrative behind why the RRAM is simulating vehicles as travelling too slowly along the M69, it is difficult to attribute a level of confidence to the tabulated results.</p> <p>Similarly, the difference in journey times along the A5 strategic route ("R7") could be due to a number of modelling parameters and might not be attributable to using an alternative forecasting scenario alone.</p>	
3.4 Table 1	(GO)	The bottom six rows of Table 1 present differences in forecast journey times at M6 junction 2 'Ansty Interchange'. It is noted that the RRAM LMVR conclusions – at paragraph 9.8 – specifically excludes the use of RRAM to assess impacts on the M6 mainline and impacts on the approaches to M6 junction 2 'Ansty Interchange'.	
3.5	(C)	The locations where journey times increase are described in bullet points at paragraph 3.5. However, the wording in brackets is confusing. The journey times presented in Table 1 are total journey times for the full route lengths.	
3.6	(C)	Care needs to be taken when examining journey times along route segments. The average journey speeds were not validated in the Base Year for links with short lengths.	
3.6	(GO)	<p>It is also noted that M69 junction 1 is at the northernmost extent of the RRAM's network extent. Therefore the demand on these approaches to the roundabout are governed to a large extent by the method of loading and unloading trips at the nearby external zones.</p> <p>No detail has been provided as to how the reference case forecast matrices were built.</p>	
3.7	(C)	RRAM was built by Vectos using S-Paramics microsimulation software. BWB is using VISSIM microsimulation software. The claimed betterment appears to have been achieved by changing software packages.	



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3.8	(C)	Paragraph 3.8 and Table 2 present journey time changes for the PM one-hour peak. The same comments apply as for paragraph 3.4 and Table 1 above.	
3.7 and 3.9	(GO)	<p>If MOVA is capable of being optimised to mitigate the impact of extra trips generated by the Hinckley NRFI development, then it should also be capable of being optimised in the DM case too.</p> <p>The issue with the conclusions at paragraphs 3.7 and 3.9 is that optimising the traffic signal settings, to optimise the junction's operation, will change the routing of trips and the demand flows on the approaches to M69 junction 1. It would appear that the BWB traffic signal offsets / MOVA settings have not been fed back into the assignment model – in this case RRAM (but could be PRTMv2.2 if that was the forecasting method used) – to understand how demands upon the junction would change with the alternative method of operation.</p> <p>It is not logical that the junction will operate more efficiently after more traffic demand has been added. A narrative explaining why this effect should occur is welcome.</p>	
<b>4. Summary &amp; Conclusions</b>			
4.1 – 4.3	(GO)	A summary of the above is provided.	
<b>RRAM Local Model Validation Report (LMVR)</b>			
LMVR ch1		<b>Introduction</b>	
	(A)	Strategic Roads that pass through the Rugby Rural Area include: <ul style="list-style-type: none"> <li>• M6</li> <li>• M69</li> <li>• A5</li> <li>• A46</li> </ul>	
		The microsimulation model was developed using Paramics Discovery v22.0.4 software.	

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<b>LMVR ch2</b>		<b>Observed Data</b>	
2.3	(A)	Traffic count / survey data was observed between March 2017 and November 2018. Data was collected in neutral traffic condition months (March, April, June, Sep, Nov).	
2.3	(C)	Some traffic count data from July 2017 and July 2018 has been used. The inclusion of traffic flow data for July could mean that the RRAM model does not represent annual average conditions.	
2.4	(C)	A manual classified count at M69 junction 1 was collected in November 2016. No information is provided about how traffic conditions might have changed in the last seven years.	
2.5	(A)	It is noted that the RRAM model was recalibrated at the A5/B578 Lutterworth Road junction to incorporate traffic survey data from June 2018.	
2.11	(GO)	The RRAM model is nominally a 2018 Base Year and therefore is considered to represent 2018 traffic conditions.	
2.13-2.15	(GO)	Highway network speeds were validated along 9 routes against the 2018 traffic conditions in June and November as observed by the 'TrafficMaster' data set. One of the journey time routes validated was along the M69 between the M6 junction and M69 Junction 2 (Route lengths "R1 S5" and "R1 S6"). It is not clear from Figure 3 if the journey time routes include the slip roads and the circulating carriageways of the roundabouts.	
2.13-2.15	(GO)	One of the journey time routes is along the A5 strategic road. (Route lengths "R7 S1" to "R7 S6"). Journey speed data is only extracted for the length of the A5 to the southeast of the M69 junction 1. See report's Figure 4. Journey speeds for the length of the A5 to the northwest, where it runs adjacent to Hinckley, have not been extracted. This is probably because this length of the A5 lies outside of the RRAM model network's extents.	
2.13-2.15	(C)	The RRAM model cannot be used for the purpose of assessing the traffic impacts of the Hinckley NRFI site upon Hinckley nor its traffic impacts upon the A5 strategic road to Nuneaton.	
2.16	(GO)	The traffic speeds on links were calculated in the peak one hour in the AM (8-9) and the peak hour in the PM (17-18).	

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		Later in the report, at paragraph 3.5, it is explained that the traffic demand sets covered 3.5 hours in the AM period (06:30-10:00) and 3.5 hours in the PM peak (15:30 to 19:00). It is noted that the traffic demand sets cover very much longer time periods than the journey time data extracted to validate the model network. This means that the RRAM Base Year model is only validated against the one-hour peak traffic flow conditions.	
2.17	(C)	The validation journey times at the interchange of M69 (junction 0) / M6 (junction 2) are specifically described (a diagram is provided at Figure 5). There is no description in the report regarding how the validation journey times were extracted at the M69 junction 1 (M69/A5/B4109) slip roads and roundabout approaches and at the M69 junction 2 slip roads and roundabout approaches (which is located north of the RRAM model's extents). The journey times were calculated from Traffic Master data by polling vehicle positions at 10 second intervals. This method provides observed average speeds on those links with long lengths ('long' being those links which take longer than 10 seconds to traverse). However, for short link lengths (that can be traversed in less than 10 seconds) the average link speed can only be calculated by applying a method of interpolation between adjacent the polled vehicle locations. Consequently, the validation speeds on slip roads and on the circulating links at roundabouts might not be accurate. This means that caution will be needed when attempting to validate the modelled delays at M69 junction 1 against the observed average speeds on links. [It is noted that M69 junction 2 is located to the north of the RRAM model's network extents, and this may be why average links speeds were not extracted for this junction.]	
LMVR ch3		<b>Base Model Development</b>	
	(A)	Chapter 3 describes the building of the base year model, the network characteristics and the model parameters. The Chapter should be consulted to obtain more detail about the method of processing vehicle drivers' route choices through the Rugby rural area's highway network. For the purpose of assessing the impact of the Hinckley NRFI development on the strategic road network, this chapter is not relevant because the NRFI is located to the north of the RRAM network's	

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		extent. Trips generated by the NRFI development site must load onto the RRAM model's network at the external zones near to M69 junction 1.	
<b>LMVR ch4</b>		<b>Matrix Development</b>	
4.1 to 4.26	(A)	The trip matrices contain the travel demand patterns. These travel demand patterns were derived from mobile network data (MND), which should give robust trip distribution patterns upon which to build the travel matrices for each of the modelled time periods.	
4.27 - 4.38	(A)	The number of trips in each of the modelled period matrices was determined by the trip generation process and subsequent matrix estimation procedure.	
4.39	(GO)	<p>The successful calibration of the trip matrix from a Prior matrix and a Survey file, using the matrix estimation method, is highly dependent upon a realistic routing of trips through the network.</p> <p>It is noted that journey time checks were not undertaken until the validation stage (which is described in paragraphs 7.3 to 7.12). Table 15 and Table 16 indicate that 11% of routes failed the journey time validation criteria in the AM and PM one-hour peaks.</p> <p>How sensitive were the matrix estimation outputs to:</p> <ul style="list-style-type: none"> <li>Alternative route choices in those corridors where the journey time validation checks failed?</li> <li>Alternative route choices in the 2.5 hours outside of the observed peak one-hour?</li> </ul>	
4.40 - 4.45	(A)	<p>Checks have been conducted on trip length distribution and also on the pre and post matrix estimation trip totals. The results appear to be reasonable.</p> <p>It is noted that the matrix estimation process has added some extra trips to short distance movements. This is not unusual and is not an important change in relation to appraising the impacts of the Hinckley NRFI, which is a development that generates longer distance trip movements that are loaded onto external zones at the edges of the RRAM model.</p>	
<b>LMVR ch5</b>		<b>Network Calibration</b>	
5.1 – 5.28	(GO)	This section describes how the highway network and drivers' behaviours were represented in the microsimulation model. Whilst the methods and parameters used are important for the modelling of the	

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		rural roads around Rugby, with respect to the strategic road network and the impacts of trips generated by the Hinckley NRFI, this chapter is not important and therefore has not been reviewed in detail.	
<b>LMVR ch6</b>		<b>Flow Calibration</b>	
6.1 – 6.14 Appendix A Appendix B		The M69 junction 1 (M69/A5/B4109) has manual classified count (MCC) identifier “TSP 1”. The M69 junction 2 traffic flow data were not used to calibrate the RRAM model because the junction lies outside of the network’s extent.	
Table 12 Table 14	(C)	The turning movement calibration Table 12 and Table 14 are captions as indicating the PM peak period results. The top row of both tables are labelled (07:00 to 10:00). It is assumed that the table captions are correct and the times in the top rows are incorrect.	
6.15-6.17	(GO)	The base year model was calibrated using 25 two-way counts and 64 junction counts. The model calibration process forces the model to match the base year calibration counts. Where the traffic flows in the model do not match the observed target flows then this indicates that there is a discrepancy in the traffic model that needs to be investigated. Given that paragraph 6.15 to 6.17 are summarising the success of the model calibration process, then a comparison against DfT’s TAG validation criteria is not the correct approach. These paragraphs should provide a narrative of why the RRAM model could not be calibrated in some locations, and the weaknesses and limitations as to the model’s application.	
6.17	(A)	It is noted that no journey time data (which was extracted for the AM and PM one-hour peaks only) was used for calibration of the 3.5-hour models. This is a reasonable approach given the available data. However, it does mean that there was no monitoring of how the RRAM represented traffic conditions outside of the AM and PM one-hour peaks.	
<b>LMVR ch7</b>		<b>Validation</b>	
7.1-7.12 Appendix C	(GO)	These paragraphs and Appendix C present journey time validation. They compare RRAM model outputs with observed 2018 observations of the AM and PM one-hour peak traffic conditions. At the one-hour peak level, 11% of journey time routes fail when assessed against the DfT’s TAG criteria.  Appendix C presents the journey time validations results for segmented lengths of the routes. When assessed over the shorter lengths of these segmented routes, some of the segments pass on the less-	

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		<p>than-sixty-seconds (&lt;60s) difference is journey time (criterion 1). The DfT's TAG criteria should not be applied to segmented lengths of route.</p> <p>The two journey time routes that follow the strategic roads are "R1" (the M69) and "R7" (the A5). It is noted that the journey times on the M69 northbound are 158seconds (about 2 minutes 38 sec) slower in the model than observed. Furthermore, the RRAM model is producing average journey times outputs for the M69 northbound and M69 southbound directions that are different (by about 2 to 3 minutes) in both the AM and PM peak hours.</p> <p>There is a concern that the M69 motorway has not been represented realistically.</p> <p>Section 3 (model development) and section 5 (network calibration) described the link classifications, link category types and the cost factor parameters that have been applied to links in the RRAM network.</p>	
Table 15 Appendix C	(C)	The modelled average speeds on the M69 northbound route appear to be slow (i.e. 23.75km/1,140s = 75kph or 47mph), given that the motorway is relatively lightly trafficked (particularly using a route choice that keeps to the grade separated alignments and avoids the busy junction 1 roundabout).	
<b>LMVR ch8</b>		<b>Model Performance</b>	
8.1-8.6	(A)	A summary of model performance – as described above – is presented.	
<b>LMVR ch9</b>		<b>Summary and Conclusions</b>	
9.1-9.7	(A)	A summary of the above LMVR content is reported.	
9.8	(C)	The conclusion reports that – because of long-term road works on the M6 during the Base Year – the RRAM model should <u>not</u> be used to assess impacts on the M6 mainline or the M6 junction 2 'Ansty Interchange'. (i.e. M69 junction 0).	

### 3. Summary

#### **Modelling Results**

The modelling results state that a reduction of 22 seconds 'mean delay' is obtained from across the RRAM network. This is substantially less than the range of accuracy that can be obtained from an application of the RRAM traffic model, and therefore there is a low level of assurance in stating this conclusion.

Journey time Route "R1" along the M69 did not validate against observed journey times in the Base Year. Without knowing the narrative behind why the RRAM is simulating vehicles as travelling too slowly along the M69, it is difficult to attribute a level of confidence to the tabulated results. Similarly, the difference in journey times along the A5 strategic route ("R7") could be due to a number of modelling parameters and might not be attributable to using an alternative forecasting scenario alone.

The locations where journey times increase are described in bullet points at paragraphs 3.5 & 3.8 for the respective AM & PM one-hour peaks. The wording in brackets is unclear and should be addressed. The journey times presented in Tables 1 & 2 are total journey times for the full route lengths.

Care needs to be taken when examining journey times along route segments. The average journey speeds were not validated in the Base Year for links with short lengths.

RRAM was built by Vectos using S-Paramics microsimulation software. BWB is using VISSIM microsimulation software. The claimed betterment appears to have been achieved by changing software packages.

#### **LMVR – Observed Data**

Some traffic count data from July 2017 and July 2018 has been used: The inclusion of traffic flow data from the month of July could mean that the RRAM model does not represent annual average conditions.

A manual classified count at M69 junction 1 was collected in November 2016, however no information is provided about how traffic conditions might have changed in the last seven years.

The RRAM model cannot be used for the purpose of assessing the traffic impacts of the Hinckley NRFI site upon Hinckley nor its traffic impacts upon the A5 strategic road to Nuneaton.

The validation journey times at the interchange of M69 / M6 junction 2 are specifically described (a diagram is provided at Figure 5).

There is no description in the report regarding how the validation journey times were extracted at the M69 junction 1 (M69/A5/B4109) slip roads and roundabout approaches and at the M69 junction 2 slip roads and roundabout approaches (which is located north of the RRAM model's extents).

The journey times were calculated from Traffic Master data by polling vehicle positions at 10 second intervals. This method provides observed average speeds on those links with long lengths ('long' being those links which take longer than 10 seconds to traverse). However, for short link lengths (that can be traversed in less than 10 seconds) the average link speed can only be calculated by applying a method of interpolation between adjacent the polled vehicle locations. Consequently, the validation speeds on slip roads and on the circulating links at roundabouts might not be accurate.

This means that caution will be needed when attempting to validate the modelled delays at M69 junction 1 against the observed average speeds on links.

We note that M69 junction 2 is located to the north of the RRAM model's network extents, and this may be why average links speeds were not extracted for this junction.

#### **LMVR – Flow Calibration**

The turning movement calibration Table 12 and Table 14 are captioned as indicating the PM peak period results. The top row of both tables are labelled (07:00 to 10:00). It is assumed that the table captions are correct and the times in the top rows are incorrect. This should be amended.

#### **LMVR – Validation**

The modelled average speeds on the M69 northbound route appear to be slow (i.e.  $23.75\text{km}/1,140\text{s} = 75\text{kph}$  or  $47\text{mph}$ ), given that the motorway is relatively lightly trafficked (particularly using a route choice that keeps to the grade separated alignments and avoids the busy junction 1 roundabout).

#### **LMVR – Conclusions**

The conclusion reports that – because of long-term road works on the M6 during the Base Year – the RRAM model should not be used to assess impacts on the M6 mainline or the M6 junction 2 'Ansty Interchange'. (i.e. M69 junction 0).





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## **APPENDIX E:**

### *A5 The Longshoot and Dodwells Modelling Protocol*

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## MODELLING PROTOCOL

Title:	A5 The Longshoot and Dodwells Junctions Modelling Protocol
Author:	Ben Simm – Spatial Planning Manager
Date:	5 October 2023

This modelling protocol has been produced by National Highways and agreed with Leicestershire County Council and Warwickshire County Council, as the respective Local Highway Authorities, to assess the impact of development on the operation of the A5 The Longshoot and Dodwells Junctions.

The protocol has been prepared in accordance with the National Planning Policy Framework (2023) (NPPF), Planning Practice Guidance and Department for Transport Circular 01/2022 Strategic road network and the delivery of sustainable development, ('The Circular').

Please note that this modelling protocol is supplemental to pre-application advice and may be identified as a requirement due to appraisal of strategic modelling which is undertaken. Once identified that this modelling protocol is required to support the transport assessment, early engagement is requested with the three Highway Authorities and the relevant Local Planning Authority.

### ***Background:***

The need for a modelling protocol at this location has been identified due to the substantial level of speculative development coming forward which will impact on the operation of an already sensitive location on the Strategic Road Network (SRN) at the A5 The Longshoot and Dodwells Junctions.

At present both junctions are functioning at their operational capacity with queuing regularly observed on both the A5 Corridor and the Local Road Network during the peak periods.

The Highway Authorities are concerned that any further development will undermine the operational capacity of the junctions and exacerbate the existing issues which would undermine the safe and efficient operation of the highway network contrary to the NPPF. In addition to having a greater impact on residents who reside at this locale with their amenity affected through reduced air quality and increased noise pollution.

***Speculative Development:***

Speculative development is defined as any development which has not been allocated within a relevant adopted plan which has an impact on the A5 The Longshoot and Dodwells Junctions.

Any development which is not an allocation, or is on an allocated site but details differ to that identified within the Local Plan e.g., quantum of development, land use, development mix, will be required to undertake an enhanced level of detailed modelling to support any development applications to demonstrate the impact any proposals would have at this location. This modelling may also include a requirement to test the cumulative impact of other speculative development.

The following section sets out our requirements for the modelling which will be required for speculative developments.

***Modelling Assessment Requirements:***

In addition to local requirements, A5 The Longshoot and Dodwells Junctions modelling will take place through stages and the methodologies for each stage must be agreed in writing by the three Highway Authorities (National Highways, Leicestershire County Council and Warwickshire County Council) jointly prior to any modelling work being undertaken and in accordance with the NPPF, the Circular and local arrangements.

The relevant models are as follows:

- Leicestershire Pan Regional Transport Model (Leicestershire CC)  
<https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/leicester-and-leicestershire-integrated-transport-model-llitm>
- Nuneaton and Bedworth Wide Area (NBWA) Model (Warwickshire CC)  
<https://www.warwickshire.gov.uk/modelling-surveys/traffic-modelling-development-assessments/1>
- A5 Longshoot / Dodwells VISSIM Model (National Highways)

Agreement with the three Highway Authorities on the most appropriate model(s) to be utilised when assessing the development impacts will be critical. The methodology, parameters, assumptions, and inputs should be agreed with the three Highway Authorities prior to commencing any modelling work. It should be noted that if modelling work is carried out prior to agreement of inputs by all three Highway Authorities, this could mean that the outputs of this modelling are not accepted and result in the progress of the development proposals being delayed.

From the outputs of the strategic modelling, utilising either PRTM, NBWA Paramics Model or both, junction impact assessments will be required of the A5 The Longshoot and Dodwells Junctions using the VISSIM model held by National Highways, the latest version to be agreed and accepted by all three Highway Authorities prior to commissioning. This could require further validation work.

Please note that flow data and other outputs cannot be taken directly from PRTM or NBWA and inputted into the VISSIM model, but will first need to be furnished, the methodology for which will need to be agreed by all three Highways Authorities in advance.

This will enable a detailed junction impact assessment to be undertaken to understand how the networks operate with the speculative developments and will be the initial tool to assess any potential mitigation schemes identified by the applicants in this location.

Where mitigation is required, further assessment will be undertaken using the A5 Longshoot / Dodwells VISSIM Model. If the mitigation is strategic then this may require the modelling to be re-run utilising the PRTM / NBWA models.

***Emerging Committed Development:***

It should be noted that all committed developments should be agreed by the three Highway Authorities prior to any model runs taking place.

***Summary***

This note sets the modelling protocol for the A5 Longshoot and Dodwells Junctions, and the form the assessments should undertake. This protocol has been agreed by National Highways, Leicestershire County Council and Warwickshire County Council as the respective Highway Authorities.



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TR050007

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



## **APPENDIX F:**

*Hinckley DCO Protected Provisions*



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## APPENDIX 1

### PART 2

#### FOR THE PROTECTION OF NATIONAL HIGHWAYS LIMITED

##### **Application etc.,**

1. —(1) The provisions of this Part of this Schedule apply for the protection of National Highways and have effect unless otherwise agreed in writing between the undertaker and National Highways.

(2) Except where expressly amended by the Order the operation of the powers and duties of National Highways or the Secretary of State under the 1980 Act, the 1984 Act, the 1991 Act, the Transport Act 2000, or Town and Country Planning (General Permitted Development) (England) Order 2015 which shall continue to apply in respect of the exercise of all National Highways' statutory functions.

##### **Interpretation**

2. —(1) Where the terms defined in article 2 (*interpretation*) of this Order are inconsistent with subparagraph (2) the latter prevail.

(2) In this Part of this Schedule—

“as built information” means one electronic copy of the following information—

- (a) as constructed drawings in both PDF and AutoCAD DWG formats for anything designed by the undertaker; in compliance with Interim Advice Note 184 or any successor document;
- (b) list of suppliers and materials used, as well as any relevant test results and CCTV surveys (if required to comply with DMRB standards);
- (c) product data sheets and technical specifications for all materials used;
- (d) as constructed information for any utilities discovered or moved during the works;
- (e) method statements for the works carried out;
- (f) in relation to road lighting, signs, and traffic signals any information required by Series 1300 and 1400 of the Specification for Highway Works or any replacement or modification of it;
- (g) organisation and methods manuals for all products used;
- (h) as constructed programme;
- (i) test results and records as required by the detailed design information and during construction phase of the project;
- (j) a stage 3 road safety audit subject to any exceptions to the road safety audit standard as agreed by the undertaker and National Highways; the health and safety file; and
- (k) such other information as is required by National Highways to be used to update all relevant databases and to ensure compliance with National Highway's *Asset Data Management Manual* as is in operation at the relevant time.

“the bond sum” means the sum equal to 200% of the cost of the carrying out the specified works (to include all costs plus any commuted sum) index linked;

“the cash surety” means the sum agreed between the undertaker and National Highways;

“commuted sum” means such sum calculated as provided for in paragraph 9 of this Part of this Schedule to be used to fund the future cost of maintaining any new National Highways assets, structures or apparatus provided under the Order;

“condition survey” means a survey of the condition of National Highways structures and assets within the Order limits that may be affected by the specified works;

“contractor” means any contractor or subcontractor appointed by the undertaker to carry out the specified works;

“defects period” means the period from the date of the provisional certificate to the date of the final certificate which shall be no less than 12 months from the date of the provisional certificate;

“detailed design information” means such of the following drawings specifications and calculations as are relevant to the specified works—

- (a) site clearance details;
- (b) boundary, environmental and mitigation fencing;
- (c) road restraints systems and supporting road restraint risk appraisal process assessment;
- (d) drainage and ducting as required by DMRB CD 535 Drainage asset data and risk management and DMRB CS551 Drainage surveys – standards for Highways
- (e) earthworks including supporting geotechnical assessments required by DMRB CD622 Managing geotechnical risk and any required strengthened earthworks appraisal form certification;
- (f) pavement, pavement foundations, kerbs, footways and paved areas;
- (g) traffic signs and road markings;
- (h) traffic signal equipment and associated signal phasing and timing detail;
- (i) road lighting (including columns and brackets);
- (j) regime of California Bearing Ratio testing;
- (k) electrical work for road lighting, traffic signs and signals;
- (l) motorway communications as required by DMRB;
- (m) highway structures and any required structural approval in principle;
- (n) landscaping;
- (o) proposed departures from DMRB standards;
- (p) walking, cycling and horse riding assessment and review report;
- (q) stage 1 and stage 2 road safety audits and exceptions agreed;
- (r) utilities diversions;
- (s) topographical survey;
- (t) maintenance and repair strategy in accordance with DMRB GD304 Designing health and safety into maintenance or any replacement or modification of it;
- (u) health and safety information including any asbestos survey required by GG105 or any successor document; and

(v) other such information that may be required by National Highways to be used to inform the detailed design of the specified works;

“DBFO contract” means the contract between National Highways and the highway operations and maintenance contractor for the maintenance and operation of parts of the strategic road network which are within the Order Limits or any successor or replacement contract that may be current at the relevant time;

“DMRB” means the Design Manual for Roads and Bridges or any replacement or modification of it;

“final certificate” means the certificate relating to those aspects of the specified works that have resulted in any alteration to the strategic road network to be issued by National Highways pursuant to paragraph 9;

“the health and safety file” means the file or other permanent record containing the relevant health and safety information for the authorised development required by the Construction Design and Management Regulations 2015 (or such updated or revised regulations as may come into force from time to time);

“highway operations and maintenance contractor” means the contractor appointed by National Highways under the DBFO contract;

“nominated persons” means the undertaker’s representatives or the contractor’s representatives on site during the carrying out of the specified works as notified to National Highways from time to time;

“programme of works” means a document setting out the sequence and timetabling of the specified works;

“provisional certificate” means the certificate of provisional completion relating to those aspects of the specified works that have resulted in any alteration to the strategic road network to be issued by National Highways in accordance with paragraph 7 when it considers the specified works are substantially complete and may be opened for traffic;

“road safety audit” means an audit carried out in accordance with the road safety audit standard;

“road safety audit standard” means DMRB Standard HD GG119 or any replacement or modification of it;

“road space booking” means road space bookings in accordance with National Highways’ Asset Management Operational Requirements (AMOR) including Network Occupancy Management System (NOMS) used to manage road space bookings and network occupancy;

“Specification for Highways Works” means the specification for highways works forming part of the manual of contract documents for highway works published by National Highways and setting out the requirements and approvals procedures for work, goods or materials used in the construction, improvement or maintenance of the strategic road network;

“specified works” means so much of any work, including highway works, street works and signalisation, authorised by this Order including any maintenance of that work, as is undertaken in, on under or over the strategic road network for which National Highways is the highway authority;

“strategic road network” means any part of the road network including trunk roads, special roads or streets for which National Highways is the highway authority including drainage infrastructure, street furniture, verges and vegetation and all other land, apparatus and rights located in, on, over or under the highway for which National Highways is the highway authority;

“utilities” means any pipes wires cables or equipment belonging to any person or body having power or consent to undertake street works under the New Roads and Street Works Act 1991; and

“winter maintenance” means maintenance of the road surface to deal with snow and ice.

(3) References to any standards, manuals, contracts, Regulations and Directives including to specific standards forming part of the DMRB are, for the purposes of this Part of this Schedule, to be construed as a reference to the same as amended, substituted or replaced, and with such modifications as are required in those circumstances.

### **General**

3. In respect of any part of the strategic road network that is managed under a DBFO contract both National Highways and the highway operations and maintenance contractor shall have the benefit of this Part 2 of Schedule 14 but for the purposes of any approvals required under this Part of Schedule 14 the undertaker shall liaise directly with National Highways.

4. Notwithstanding the limits of deviation permitted pursuant to article 4 of this Order, no works in carrying out, maintaining or diverting the authorised development may be carried out under the strategic road.

5. References to any standards, manuals, contracts, regulations and directives including to specific standards forming part of the DMRB are, for the purposes of this Part of this Schedule, to be construed as a reference to the same as amended, substituted or replaced, and with such modifications as are required in those circumstances.

### **Works outside the Order limits**

6. If the undertaker proposes to carry out works to the strategic road network that are outside of the Order Limits in connection with the authorised development, the undertaker must enter into an agreement with National Highways in respect of the carrying out of those works prior to the commencement of those works.

### **Prior approvals and security**

7.—(1) The specified works must not commence until—

- (a) a stage 1 and stage 2 road safety audit has been carried out and all recommendations raised by them or any exceptions are approved by National Highways;
- (b) the programme of works has been approved by National Highways;
- (c) the detailed design of the specified works comprising of the following details, insofar as considered relevant by National Highways, has been submitted to and approved by National Highways—
  - (i) the detailed design information, incorporating all recommendations and any exceptions approved by National Highways under sub-paragraph (a)
  - (ii) details of the proposed road space bookings;
  - (iii) the identity and qualification of the contractor and nominated persons;
  - (iv) a process for stakeholder liaison, with key stakeholders to be identified and agreed between National Highways and the undertaker;
  - (v) information demonstrating that the walking, cycling and horse riding assessment and review process undertaken by the undertaker in relation to the specified works has been adhered to in accordance with DMRB GG142 – Designing for walking, cycling and horse riding; and

- (d) a scheme of traffic management has been submitted by the undertaker and approved by National Highways such scheme to be capable of amendment by agreement between the undertaker and National Highways from time to time;
  - (e) stakeholder liaison has taken place in accordance with the process for such liaison agreed between the undertaker and National Highways under sub-paragraph (c)(v) above;
  - (f) National Highways has approved the audit brief and CVs for all road safety audits and exceptions to items raised in accordance with the road safety audit standard;
  - (g) the undertaker has agreed the estimate of the commuted sum with National Highways;
  - (h) the scope of all maintenance operations (routine inspections, incident management, reactive and third party damage) to be carried out by the undertaker during the construction of the specified works (which must include winter maintenance) has been agreed in writing by National Highways;
  - (i) the undertaker has procured to National Highways collateral warranties in a form approved by National Highways from the contractor and designer of the specified works in favour of National Highways to include covenants requiring the contractor and designer to exercise all reasonable skill care and diligence in designing and constructing the specified works, including in the selection of materials, goods, equipment and plant; and
  - (j) a condition survey and regime of monitoring of any National Highways assets or structures that National Highways considers will be affected by the specified works, has been agreed in writing by National Highways.
- (2) The undertaker must not exercise—
- (a) article 6 (*maintenance of authorised development*);
  - (b) article 9 (*street works*);
  - (c) article 10 (*power to alter layout etc. of streets*)
  - (d) article 112 (*temporary closure of streets*);
  - (e) article 14 (*accesses*)
  - (f) article 15 (*maintenance of highway works*)
  - (g) article 18 (*traffic regulation*);
  - (h) article 21 (*discharge of water*);
  - (i) article 22 (*authority to survey and investigate the land*);
  - (j) article 23 (*compulsory acquisition of land*);
  - (k) article 25 (*compulsory acquisition of rights*);
  - (l) article 28 (*private rights*)
  - (m) article 29 (*rights under or over streets*)
  - (n) article 32 (*temporary use of land for carrying out the authorised development*);
  - (o) article 33 (*temporary use of land for maintaining the authorised development*); or
  - (p) article 44 (*felling or lopping trees or removal of hedgerows*) of this Order,

over any part of the strategic road network or land in which National Highways has an interest without the consent of National Highways, and National Highways may in connection with any such exercise require the undertaker to provide details of any proposed road space bookings and submit a scheme of traffic management as required for National Highways' approval.

- (3) National Highways must prior to the commencement of the specified works or the exercise of any power referenced in sub-paragraph (2) inform the undertaker of the identity of the person who will act as a point of contact on behalf of National Highways for consideration of the information required under sub-paragraph (1) or (2).
- (4) Any approval of National Highways required under this paragraph-
  - (a) must not be unreasonably withheld;
  - (b) must be given in writing;
  - (c) shall be deemed to have been refused if neither given nor refused within 2 months of the receipt of the information for approval or, where further particulars are requested by National Highways within 2 months of receipt of the information to which the request for further particulars relates; and
  - (d) may be subject to any conditions as National Highways considers necessary.
- (5) Any change to the identity of the contractor and/or designer of the specified works will be notified to National Highways immediately and details of their suitability to deliver the specified works will be provided on request along with collateral warranties in a form agreed by National Highways.
- (6) Any change to the detailed design of the specified works must be approved by National Highways in accordance with paragraph 7(1) of this Part.

#### **Construction of the specified works**

- 8.—**(1) The undertaker must give National Highways 3 months' notice in writing of the date on which the specified works will start unless otherwise agreed by National Highways.
- (2) The undertaker must comply with National Highways' road space booking procedures prior to and during the carrying out the specified works and no specified works for which a road space booking is required shall commence without a road space booking having first been secured from National Highways.
  - (3) The specified works must be carried out by the undertaker to the satisfaction of National Highways in accordance with—
    - (a) the relevant detailed design information and programme of works approved pursuant to paragraph 7(1) above or as subsequently varied by agreement between the undertaker and National Highways;
    - (b) the DMRB, the Manual of Contract Documents for Highway Works, including the Specification for Highway Works, together with all other relevant standards as required by National Highways to include, inter alia; all relevant interim advice notes, the Traffic Signs Manual and the Traffic Signs Regulations and General Directions 2016 save to the extent that exceptions from those standards apply which have been approved by National Highways; and
    - (c) all aspects of the Construction (Design and Management) Regulations 2015 or any statutory amendment or variation of the same and in particular the undertaker, as client, must ensure that all client duties (as defined in the said regulations) are undertaken to the satisfaction of National Highways.
  - (4) The undertaker must permit and must require the contractor to permit at all reasonable times persons authorised by National Highways (whose identity must have been previously notified to the undertaker by National Highways) to gain access to the specified works pursuant to the Order including all land in which National Highways has an interest for the purposes of inspection and supervision of the specified works.

(5) If any part of the specified works is constructed-

(q) other than in accordance with the requirements of this Part of this Schedule; or

(r) in a way that causes damage to the highway, highway structure or asset or any other land of National Highways,

National Highways may by notice in writing require the undertaker, at the undertaker's own expense, to comply promptly with the requirements of this Part of this Schedule or remedy any damage notified to the undertaker under this Part of this Schedule, to the satisfaction of National Highways.

(6) If during the carrying out of the authorised development the undertaker or its appointed contractors or agents causes damage to the strategic road network then National Highways may by notice in writing require the undertaker, at its own expense, to remedy the damage.

(7) If within 28 days on which a notice under sub-paragraph (5) or sub-paragraph (6) is served on the undertaker (or in the event of there being, in the opinion of National Highways, a danger to road users, within such lesser period as National Highways may stipulate), the undertaker has failed to take the steps required by that notice, National Highways may carry out the steps required of the undertaker and may recover any expenditure incurred by National Highways in so doing, such sum to be payable within 30 days of demand.

(8) Nothing in this Part of this Schedule prevents National Highways from carrying out any work or taking any such action as it reasonably believes to be necessary as a result of or in connection with the carrying out or maintenance of the authorised development without prior notice to the undertaker in the event of an emergency or to prevent the occurrence of danger to the public and National Highways may recover any expenditure it reasonably incurs in so doing.

(9) In constructing the specified works, the undertaker must at its own expense divert or protect all utilities and all agreed alterations and reinstatement of highway over existing utilities must be constructed to the satisfaction of National Highways.

(10) Until National Highways issues the provisional certificate the undertaker must carry out all maintenance (including winter maintenance) in accordance with the scope of maintenance operations agreed by National Highways pursuant to paragraph 7(1)(h) and the undertaker must carry out such maintenance at its own cost.

(11) The undertaker must notify National Highways if it fails to complete the specified works in accordance with the agreed programme pursuant to paragraph 7(1)(b) of this Part or suspends the carrying out of any specified work beyond a reasonable period of time and National Highways reserves the right to withdraw any road space booking granted to the undertaker to ensure compliance with its network occupancy requirements.

## **Payments**

**9.—**(1) The undertaker must pay to National Highways a sum equal to the whole of any costs and expenses which National Highways reasonably incurs (including costs and expenses for using internal or external staff and costs relating to any work which becomes abortive) in relation to the specified works and in relation to any approvals sought under this Order, or otherwise incurred under this Part, including—

(a) the checking and approval of the information required under paragraph 7(1);

(b) the supervision of the specified works;

(c) the checking and approval of the information required to determine approvals under this Order;

(d) all costs in relation to the transfer of any land required for the specified works; and

(e) all legal and administrative costs and disbursements incurred by National Highways in connection with the specified works and sub-paragraphs (a)-(d); and



- (f) any value added tax which is payable by National Highways only in respect of such costs and expenses arising under this paragraph and for which it cannot obtain reinstatement from HM Revenue and Customs,

together comprising “the NH costs”.

(2) The undertaker must pay to National Highways upon demand and prior to such costs being incurred the total costs that National Highways believe will be properly and necessarily incurred by National Highways in undertaking any statutory procedure or preparing and bringing into force any traffic regulation order or orders necessary to carry out or for effectively implementing the authorised development.

(3) National Highways must provide the undertaker with a schedule showing its estimate of the NH costs prior to the commencement of the specified works and the undertaker must pay to National Highways the estimate of the NH costs prior to commencing the specified works and in any event prior to National Highways incurring any cost.

(4) If at any time after the payment referred to in sub-paragraph (3) has become payable, National Highways reasonably believes that the NH costs will exceed the estimated NH costs notified pursuant to sub-paragraph (2) it may give notice to the undertaker of the amount that it believes the NH costs will exceed the estimate (the excess) and the undertaker must pay to National Highways within 28 days of the date of the notice a sum equal to the excess.

(5) National Highways must give the undertaker a final account of the NH costs referred to in sub-paragraph (1) within 91 days of the issue of the provisional certificate issued pursuant to paragraph 10(4).

(6) Within 28 days of the issue of the final account:

- (a) if the final account shows a further sum as due to National Highways the undertaker must pay to National Highways the sum shown due to it; and
- (b) if the account shows that the payment or payments previously made by the undertaker have exceeded the costs incurred by National Highways, National Highways must refund the difference to the undertaker.

(7) If any payment due under any of the provisions of this Part of this Schedule is not made on or before the date on which it falls due the party from whom it was due must at the same time as making the payment pay to the other party interest at 3% above the Bank of England base lending rate from time to time being in force for the period starting on the date upon which the payment fell due and ending with the date of payment of the sum on which interest is payable together with that interest.

### **Provisional Certificate**

**10.**—(1) Following the completion of any specified works or prior to reopening any part of the strategic road network following any closure or partial closure, whichever shall be sooner, the undertaker shall notify National Highways who will carry out a site inspection to satisfy itself that the strategic road network is, in its opinion, safe for traffic and the undertaker must comply with any requirements of National Highways following the site inspection.

(2) As soon as the undertaker considers that the provisional certificate may be properly issued it must apply to National Highways for the provisional certificate.

(3) Following an application for a provisional certificate, National Highways must as soon as reasonably practicable:

- (a) inspect the specified works; and
- (b) provide the undertaker with a written list of works that are required for the provisional certificate to be issued or confirmation that no further works are required for this purpose.

(4) When—

- (a) a stage 3 road safety audit for the specified works has been carried out and all recommendations raised including remedial works have (subject to any exceptions agreed) been approved by National Highways;
- (b) the specified works incorporating the approved remedial works under sub-paragraph (4)(a) and any further works notified to the undertaker pursuant to sub-paragraph 10(3)(b) have been completed to the satisfaction of National Highways;
- (c) the as built information has been provided to National Highways; and
- (d) the undertaker has paid the commuted sum to National Highways,

National Highways must issue the provisional certificate.

(5) On the issue of the provisional certificate the bond sum shall be reduced to 20% of the total bond sum save insofar as any claim or claims have been made against the bond before that date in which case National Highways will retain a sufficient sum to ensure it does not have to meet any costs for or arising from the specified works.

(6) The undertaker must submit a stage 4 road safety audit as required by and in line with the timescales stipulated in the road safety audit standard. The undertaker must comply with the findings of the stage 4 road safety audit and must pay all costs of and incidental to such and provide updated as-built information to National Highways.

### **Opening**

**11.—**(1) The undertaker must notify National Highways not less than 56 days in advance of the intended date of opening to the public of the strategic road network and the undertaker must notify National Highways of the actual date the strategic road network will be opened to the public within 14 days of that date and must not open the strategic road network to the public prior to the expiration of that period.

### **Final condition survey**

**12.—**(1) The undertaker must, as soon as reasonably practicable after making its application for a provisional certificate pursuant to paragraph 10(2), arrange for the highways structures and assets that were the subject of the condition survey to be re-surveyed and must submit the re-survey to National Highways for its approval. The re-survey will include a renewed geotechnical assessment required by DMRB CD622 if the specified works include any works beneath the strategic road network.

(2) If the re-surveys carried out pursuant to paragraph 12(1) indicates that any damage has been caused to a structure or asset, the undertaker must submit a scheme for remedial works in writing to National Highways for its approval in writing and the undertaker must carry out the remedial works at its own cost and in accordance with the scheme submitted.

(3) If the undertaker fails to carry out the remedial work in accordance with the approved scheme, National Highways may carry out the steps required of the undertaker and may recover any expenditure it reasonably incurs in so doing.

(4) National Highways may, at its discretion, at the same time as giving its approval to the re-surveys pursuant to paragraph 12(1) give notice in writing that National Highways will remedy any damage identified in the re-surveys and National Highways may recover any expenditure it reasonably incurs in so doing.

(5) The undertaker must make available to National Highways upon request copies of any survey or inspection reports produced pursuant to any inspection or survey of any specified work following its completion that the undertaker may from time to time carry out.

### **Defects Period**

**13.**—(1) The undertaker must at its own expense remedy any defects in the strategic road network as are reasonably required by National Highways to be remedied during the defects period. All identified defects must be remedied in accordance with the following timescales—

- (a) in respect of matters of urgency, within 24 hours of receiving notification for the same (urgency to be determined at the absolute discretion of National Highways);
- (b) in respect of matters which National Highways considers to be serious defects or faults, within 14 days of receiving notification of the same; and
- (c) in respect of all other defects notified to the undertaker, within 4 weeks of receiving notification of the same.

(2) Following the issuing of the provisional certificate National Highways has responsibility for routine maintenance of the strategic road network save for any soft landscaping works which must be established and which must thereafter be maintained for a period of 3 years by and at the expense of the undertaker.

### **Final Certificate**

**14.**—(1) The undertaker must apply to National Highways for the final certificate no sooner than 12 months from the date of the provisional certificate.

(2) Following receipt of the application for the final certificate, National Highways must as soon as reasonably practicable:

- (a) inspect the strategic road network; and
- (b) provide the undertaker with a written list of any further works required to remedy or make good any defect or damage in the strategic road network or confirmation that no such works are required for this purpose.

(6) The undertaker must carry out such works notified to it pursuant to sub-paragraph 14(2).

(7) When National Highways is satisfied that:

- (a) any defects or damage arising from defects during the defects period and any defects notified to the undertaker pursuant to sub-paragraph 14(2) and any remedial works required as a result of the stage 4 road safety audit have been made good to the satisfaction of National Highways; and
- (b) the NH costs have been paid to National Highways in full;

National Highways must issue the final certificate.

(8) The undertaker must pay to National Highways within 28 days of demand the costs reasonably incurred by National Highways in identifying the defects and supervising and inspecting the undertaker's work to remedy the defects that it is required to remedy pursuant to these provisions.

### **Security**

**15.**—(1) The specified works must not commence until—

- (a) the undertaker procures that the specified works are secured by a bond from a bondsman first approved by National Highways in the agreed form between the undertaker and National Highways to indemnify National Highways against all losses, damages, costs or expenses arising from any breach of any one or more of the obligations of the undertaker in respect of the exercise of the powers under this Order and the specified works under the provisions of this Part of this Schedule provided that the maximum liability of the bond must not exceed the bond sum; or where agreed by National Highways
- (b) the undertaker has provided the cash surety combined with a bond totalling the sum of 200% of the cost of the carrying out the specified works which may be utilised by National Highways in the event of the undertaker failing to meet its obligations to make payments under paragraph 9 or to carry out works the need for which arises from a breach of one or more of the obligations of the undertaker under the provisions of this Part of this Schedule.

### **Commuted sums**

**16.**—(1) National Highways must provide to the undertaker an estimate of the commuted sum, calculated in accordance with FS Guidance S278 Commuted Lump Sum Calculation Method dated 18 January 2010 or any successor guidance, prior to the commencement of the specified works.

(2) The undertaker must pay to National Highways the commuted sum prior to the issue of the provisional certificate.

### **Insurance**

**17.**—(1) Prior to the commencement of the specified works the undertaker must effect public liability insurance with an insurer in the minimum sum of £50,000,000.00 (fifty million pounds) in respect of any one claim against any legal liability for damage loss or injury to any property or any person as a direct result of the execution of specified works or use of the strategic road network by the undertaker.

### **Indemnity**

**18.**—(1) The undertaker fully indemnifies National Highways from and against all costs, claims, expenses, damages, losses and liabilities suffered by National Highways arising from the construction, maintenance or use of the specified works or exercise of or failure to exercise any power under this Order and any such costs shall be paid to National Highways within 14 days of demand save for any loss arising out of or in consequence of any negligent act or default of National Highways.

### **Maintenance of the specified works**

**19.**—(1) The undertaker must, prior to the commencement of any works of maintenance to the specified works, give National Highways 28 days' notice in writing of the date on which those works will start unless otherwise agreed by National Highways, acting reasonably.

(2) If, for the purposes of maintaining the specified works, the undertaker needs to occupy any road space, the undertaker must comply with National Highways' road space booking requirements and no maintenance of the specified works for which a road space booking is required shall commence without a road space booking having first been secured.

(3) The undertaker must comply with any requirements that National Highways may notify to the undertaker, such requirements to be notified to the undertaker not less than 7 days' in advance of the planned commencement date of the maintenance works.

(4) The provisions of paragraph 11 shall apply to the opening of any part of the strategic road network following occupation of any road space under this paragraph.

## **Land**

**20.**—(1) Following the issue of the final certificate pursuant to paragraph 14(4) National Highways may serve notice on the undertaker that it wishes to take a freehold transfer of land within the extent of strategic road network boundary which is not in the ownership of National Highways but has been acquired by the undertaker for the purposes of carrying out the specified works.

(2) If the undertaker receives notice under sub-paragraph (1) then the undertaker must effect a freehold transfer of the land which is the subject of the notice and complete such transfer as soon as reasonably practicable at no cost to National Highways.

(3) The undertaker must not under the powers of this Order:

- (a) acquire or use land forming part of;
- (b) acquire new or existing rights over; or
- (c) seek to impose or extinguish any restrictive covenants over;

any of the strategic road network or land owned by National Highways, or extinguish any existing rights or interfere with apparatus of National Highways in respect of any third party property, except with the consent of National Highways by written request to [legalservicesinbox@nationalhighways.co.uk](mailto:legalservicesinbox@nationalhighways.co.uk).

(4) Where any land or interest is proposed to be acquired for the benefit of National Highways, the undertaker must, unless otherwise agreed by National Highways, exercise article 23 (compulsory acquisition of land) and article 25 (compulsory acquisition of rights) as applied by articles 30 (application of the 1981 Act) and article 31 (modification of the 1965 Act) of this Order to directly vest in National Highways any such land or interest.

## **Expert Determination**

**21.**—(1) Article 50 (*arbitration*) of the Order does not apply to this Part of this Schedule.

(2) Any difference under this Part of this Schedule may be referred to and settled by a single independent and suitable person who holds appropriate professional qualifications and is a member of a professional body relevant to the matter in dispute acting as an expert, such person to be agreed by the differing parties or, in the absence of agreement, identified by the President of the Institution of Civil Engineers.

(3) On notification by either party of a dispute, the parties must jointly instruct an expert within 14 days of notification of the dispute.

(4) All parties involved in settling any difference must use best endeavours to do so within 21 days from the date that an expert is appointed.

(5) The expert must—

- (a) invite the parties to make submission to the expert in writing and copied to the other party to be received by the expert within 7 days of the expert's appointment;
- (b) permit a party to comment on the submissions made by the other party within 7 days of receipt of the submission;

- (c) issue a decision within 7 days of receipt of the submissions under sub-paragraph (b); and
  - (d) give reasons for the decision.
- (6) Any determination by the expert is final and binding, except in the case of manifest error in which case the difference that has been subject to expert determination may be referred to and settled by arbitration under article 43 (*arbitration*).
- (7) The fees of the expert are payable by the parties in such proportions as the expert may determine or, in the absence of such determination, equally.

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