

Section 2: Statutory Bodies and Organisations

RR Reference	Name / Organisation	Matter	Applicant Response
RR-0973	National Highways	We have reviewed the Applicant’s submission for the DCO, taking into consideration the National Planning Policy Statements, National Planning Policy Framework and DfT Circular 01/2022 – Strategic Road Network and the Delivery of Sustainable Development (“Circular”) and Design Manual for Roads and Bridges (“DMRB”).	The Applicant is disappointed with the comments received from NH and responds to the points made by National Highways (NH) but has also prepared a Highways Position Statement dealing with the comments made by the three Highway Authorities. This statement is attached at Appendix A to the Applicant’s Responses to Relevant Representations
		<p>Relevant Policy</p> <p>The former DfT Circular 02/2013 Strategic Road Network and the delivery of sustainable development was replaced on the 23 December 2023 by DfT Circular 01/2022: Strategic Road Network and the delivery of sustainable development, now known as the Circular. The submission 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</p>	<p>The Circular was released 23 December 2022, i The Circular was read and reviewed at the time to understand the fundamental changes within it.</p> <p>The Circular’s emphasis has shifted to the promotion of Active Travel and Sustainable modes ahead of direct infrastructure interventions. However, the HNRFI submission does not contradict the guidance</p>

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		<p>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 submission.</p>	<p>set out within the Circular, in the opinion of the Applicant, so NH would need to be more specific in evidencing its position. A full sustainable transport strategy [Part 15 of 20] (document reference: 6.2.8.1, APP-153) and Walking Cycling and Horse-riding Assessment Report (WCHAR) [Part 16 of 20] (document reference: 6.2.8.1, APP-154) formed part of the documents submitted and we refer NH to these documents.</p> <p>Mitigation, notably at Junction 21, takes the form of enhanced frequency bus services to Leicester ahead of direct infrastructure interventions. NH had favoured a direct infrastructure intervention. New access infrastructure incorporates extensive cycling and pedestrian routes and the displacement of existing bridleways have been incorporated into the masterplan layouts. The main application site is close to built-up areas and connectivity to rail station and bus services is proposed to be enhanced as part of the mitigation strategy. It is inevitable, when delivering a new rail freight interchange, that new highway infrastructure will be required.</p>

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			<p>However, this has been designed to be proportionate to the impact of the scheme.</p> <p>Completing a higher capacity link road loop around Hinckley and constructing the south facing slip roads has a clear benefit to Hinckley and Burbage. It draws southbound traffic routing to the M69 and vice versa, out of the town centre and suburbs. The link also permits direct access to the SRN for HGVs, minimising impacts on the local road network. This has been part of the HNRFI 'vision' from early on in BWB Transport's involvement in the project.</p>
		<p>Lack of consistency</p> <p>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.</p>	<p>Trip generation figures part 4 of 20 (document reference: 6.2.8.1, APP-142) have been agreed through substantial negotiation with the Transport Working Group (TWG), of which NH is a member. The basis of trip generation is set out unambiguously in the Transport Assessment and NH have confirmed their prior agreement of these trip rates (see below). The trip generation has always been</p>

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			<p>based on floor area as per the standard approach to Transport Assessment.</p> <p>This was as discussed during the preliminary hearing/ISH 1 and a short supplementary note: Appendix A Employee numbers and trip generation note (document reference: 18.1.1) is attached to the post hearing submissions. is provided detailing this at Deadline 1.</p> <p>The base data was used from other RFI applications and refined/amalgamated with other distribution sites to produce trip rates for both car and HGV movements. The employee numbers sit independent to this derivation as these are often uncertain at the time of submission and have an indirect link to trip rates, rather than a direct relationship, owing to matters such as shift patterns. The estimates of employment have been derived by the socio-economic assessment which states a range, the lower value being 8,400 and an upper ceiling of up to 10,400 employees. This was based on the HCA Employment Density Guide 3rd edition. In practice the employment figure is expected to be between the lower and upper estimates.</p>

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			<p>On review of the absolute projected trip generation figures (Table 7 within the Trip Generation Addendum note) these equate to approximately 8,200 car trips for the site (half the arrivals plus departures). For the lower employment figures, these would be extremely robust with close to 100% of employees driving to site in their own car, which is unrealistic. For the upper employee estimate this value would be around 78% mode share, which remains robust and in line with other distribution sites. The figures used for car trips are high when compared with the floorspace and usage. This was to test the infrastructure provision with a likely worst case, as agreed with the TWG.</p>
		<p>Trip Rates and Trip generation</p> <p>National Highways considered the trip rates and trip generation for the development proposals and agreed them during the pre-application discussions. However, having reviewed the submitted document we are now aware of the inclusion of a Lorry Park Facility which was not accounted for within the trip rates nor generation for the development site.</p>	<p>We note NH's prior agreement of the trip rates. The HGV Park is not for public use. It is a facility for drivers delivering to the site to layover. It is to be strictly controlled through a barrier access and will not change the trip generation profile for the site.</p>

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		<p>Therefore, this element has not been considered in the strategic modelling methodology nor assessments. We therefore consider that further examination is required on whether the trip rates and generation proposed continue to be robust. Therefore, at present we are unable to support the trip rates and trip generation provided.</p>	<p>All inputs were scrutinised and agreed with NH at the time of the modelling inputs for the final strategic model forecast run. Based on the above it is therefore concluded that the figures are fit for purpose for the forecasting of the development impact on the highway network.</p>
		<p>Active & Sustainable Transport (including Travel Plan)</p> <p>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 Circular and there is no clear vision or transport strategy for the development proposals. 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.</p>	<p>A full Sustainable Transport Strategy (document reference: 6.2.8.1, APP-153) has been submitted with the application. This Strategy will remain live through the lifetime of the project. Routes through the site and connections to existing facilities are proposed as part of the strategy. Discussions have also been held with local bus providers to agree public transport enhancements to improve connectivity to the site, key areas for employee catchments and transport hubs. These improvements are extensive and are proportionate to the scale of the HNRFI scheme and its employment. Impacts have been assessed , however, fNH has specific</p>

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			<p>concerns about impacts on the SRN they have not been specifically identified to the Applicant.</p>
		<p>Strategic modelling methodology and outputs</p> <p>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 utilised within the PRTM modelling methodology have been agreed with us including the furnishing 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.</p> <p>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.</p>	<p>It is acknowledged that the TWG has not agreed the mitigation strategy. The mitigation put forward from the end of 2020 has largely remained the same with targeted improvements on highways that are forecast to experience the largest impacts and we do not expect any change in what is proposed</p> <p>A list of junctions for review was provided by LCC following the strategic model outputs in August 2022. These were fully reviewed and addressed within the TA submission as part of the DCO (document reference: 6.2.8.1, APP-155). The furnishing methodology and its outputs have been shared from early in the model process. Points made by LCC and NH at the time related to changes in methodology to account for the fact that Junction 2 would have wholly new arms. Discussions were held with LCC Network Data Intelligence (NDI) and</p>

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			<p>their consultants who broadly agreed with the BWB approach- which was ultimately included in the DCO submission. NH had provided a technical note from their call off consultant AECOM (unconnected with the LCC NDI modellers) on the subject dated 03/09/21. This summarised that the “Approach described is generally considered to be sound, the process for deriving inputs to the Furness process is reasonable and the proposed process itself is correct” before describing specific observations and making clear recommendations. Outputs from the strategic modelling had been shared in April 2022 with further information shared up to early September 2022, based on requests for information by both NH and LCC. A commentary dated 29/09/22 was provided by NH which contained observations but no significant issues.</p> <p>On this basis we consider that NH has been fully consulted on all of the parameters of the PRTM modelling, including the furnessing strategy, which it has agreed.</p>

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			<p>RRAM models have been run in tandem to the PRTM but did not form part of the DCO submission, the final iteration has now been provided with a supplementary note in the Rule 6 response. The RRAM note was submitted to the Planning Inspectorate (PINS) on 11 September 2023. This highlighted the key impact being at J1 M69, which has already been addressed through detailed microsimulation modelling.</p>
		<p>Development impact on the SRN</p> <p>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 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. - M1 Junction 21 (M1 / M69 Interchange) - M69 Junction 1 - M6 Junction 2 (M6 / M69 / A46 Interchange) - M6 Junction 3 - A5 / Drayton Lane 'Ghost Right Turn Lane' Priority Junction - A5 / Woodford Lane 'Ghost Right Turn Lane' Priority Junction - A5 / A444 'Redgate' Junction - A5 / A47 The Longshoot / Dodwells Junctions - A5</p>	<p>Strategic modelling outputs were shared and commented on in Autumn 2022 including a full commentary from NH. . It should be noted that base model flows were signed off by NH in December 2021. Junctions where impacts are forecast to be affecting operation as a result of the development have been modelled further. A need to progress with the scheme refinement and to appropriately assess the impact of the development led to mitigation which is reasonable based on the professional judgement of the Applicant's consultant team . We refer NH to Sections 7</p>

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		/ A4303 / B4027 / Coal Pit Lane Roundabout Junction - A5 / A426 Gibbet Hill Roundabout Junction	and 8 of document reference: 6.2.8.1, APP-144 and APP-145 Transport Assessment, which addresses all of the relevant junctions in response to NH's previous commentary.
		<p>Development mitigation strategy for the SRN</p> <p>The applicants 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 other documents note that mitigation is required but a scheme has not been identified. 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 whether any departures from standard are required in accordance with DMRB.</p>	<p>As above, the mitigation strategy has been shared with transparency throughout the process - this has largely remained unaltered. All highway design linking to the SRN has been designed in accordance with DMRB and is based on the data from modelling outputs. This is fully set out in the application. The Applicant continues to seek to assist NH with any and all discussions regarding highway design and mitigation and indeed any clarification that might be required regarding the modelling outputs and traffic flows.</p>

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		<p>Design and deliverability of the access arrangements onto M69 Junction 2</p> <p>National Highways has had limited discussion in the design of the proposed access arrangements onto M69 Junction 2. This is because we have been awaiting the completion and sign off 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 3 and whether any departures from standard are required in accordance DMRB.</p>	<p>Designs for the M69 J2 layout have been circulated to the TWG following the initial run of modelling BWB had directed. Initial conversations have been entered into between the highway designers and NH representatives. This revolved around land take and potential for departures at J2. It is noted that DfT have confirmed to NH that the slips do form part of the DCO for Hinckley and do not comprise a separate NSIP. This has also been confirmed by NH. The Applicant continues to engage in discussions of junction design included with the application.</p>
		<p>Phasing of the Development</p> <p>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</p>	<p>Outlined within the submission is a programme of construction (document reference: 17.6, APP-364). This highlights that the access to the site followed by the construction of the slips at M69 Junction 2 will be in the earliest stages of the</p>

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		<p>2 could be potentially required prior to built construction of the development proposals. However further clarity is sought on this matter.</p>	<p>development. This is also secured by Requirement 5 of the DCO.</p>
		<p>Phasing</p> <p>In addition, it is also considered that the rail head should be provided 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.</p>	<p>This matter is covered comprehensively in the highways position statement attached at Appendix A to the post hearing submissions.</p> <p>The Applicant has been working with Network Rail in detail since March 2019 and in doing so has secured a joint understanding of the deliverability of the mainline connections to a level beyond that previously secured prior to a DCO decision (normally to GRIP2 (now ES2)). This particularly related to signalling and the Applicant is now working towards completing ES3, to assist an early start. Network Rail is satisfied that, on the basis of the development work undertaken to date, there are no rail obstacles to the development and taking into operational use of HNRFI. Network Rail has confirmed to the Applicant that it is confident that early connections can be delivered however the proposed DCO</p>

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			<p>requirement provides flexibility and ensures that the development won't be stalled in the unlikely event of delays outside of the Applicant's control. The requirement also protects against the risk that while Network Rail agree that connections can be delivered early there is an element of risk that the relevant Network Rail teams may have to postpone work for the HNRFI connections if Network Rail teams or rail possessions are needed elsewhere on the line to deal with an emergency.</p>
		<p>Deliverability of the Railhead and capacity on the Nuneaton & Leicester Railway Line</p> <p>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. 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.</p>	<p>This matter is covered in detail in the highways position statement attached at Appendix A.</p> <p>See also the Applicant's response above in terms of delivery. The Nuneaton & Leicester Railway forms part of Network Rail's Strategic Freight Network. Network Rail is satisfied that sufficient capacity has been identified for 16 intermodal trains (32 movements) to and</p>

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			<p>from HNRFI in the Working Time Table between 05:00 and 23:00; and allowing for known passenger service development aspirations identified by Midlands Connect to better link Birmingham, Nuneaton, Hinckley and Leicester.</p>
		<p>HGV routing strategy & enforcement</p> <p>National Highways requires further clarity on the proposed HGV routing strategy and notably around its enforcement. At present National Highways cannot agree to this 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.</p>	<p>The HGV Strategy (document reference: 17.4, APP-362) is for agreement. The premise is based on precedent from Redditch Gateway, which is operational and is agreed with the relevant authorities. This places the onus on the applicant to enforce transgressions through penalties on operators at the site. The Applicant is happy to explain this position in dialogue with NH if necessary.</p>
		<p>Construction Management Plan</p> <p>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. In addition, the routing of</p>	<p>The Construction Traffic Management Plan sets out the strategy for managing traffic through the phasing of the site and routing of vehicles. This will be a live document and</p>

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		<p>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.</p>	<p>subject to further discussions and agreement as construction comes forward. It is currently a best estimate. Construction of the slip roads will be largely off-line, with planned connections to be coordinated with NH.</p>
		<p>Land Ownership Matters</p> <p>The Book of Reference (“BOR”) includes various plots of land owned or occupied by National Highways in respect of which compulsory acquisition powers to acquire new rights are sought. 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 being granted in respect of land forming part of the SRN, 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. National Highways considers that there is no compelling case in the public interest for such compulsory powers and that the Secretary of State, in applying section 127 of the Planning Act 2008, cannot conclude that the permanent acquisition of land forming the SRN or under the SRN, nor the creation of</p>	<p>The Applicant is engaged in ongoing discussions and negotiations with National Highways in respect of suitable protective provisions and land ownership matters. The Applicant is committed to continuing to engage with National Highways and anticipates being in a position to include final and agreed protective provisions in the DCO and to positively conclude land matters. The Applicant explained the position with regard to land owned by NH in Compulsory Acquisition Hearing 1, as summarised in the Applicant’s Post Hearing Submissions (ISH1 and CAH1) (document reference: 18.1).</p>

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		<p>new rights and restrictions over such plots can be created without serious detriment to National Highways' undertaking. No other land is available to National Highways to remedy the detriment.</p> <p>National Highways also objects to all other compulsory powers in the Order that affect, and may be exercised in relation to, National Highways' property and interests. 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 Order for its benefit; 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 and any other powers affecting National Highways in the DCO.</p> <p>National Highways requests that the Examining Authority treat National Highways as an Interested Party for the purposes of the Examination.</p>	

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RR-1392	UK Health Security Agency	<p>We are reassured that earlier comments raised by us on 06 April 2022 have been addressed.</p> <p>In addition, we acknowledge that the Environmental Statement (ES) has not identified any issues which could significantly affect public health.</p> <p>Potential impacts arising from historic ground contamination have been considered in the draft consent order- requirement that a scheme to assess and manage these impacts, be agreed with the relevant local authority in consultation with the Environment Agency, as the relevant regulatory authorities with regards to contaminated land.</p> <p>We are satisfied that the proposed development should not result in any significant adverse impact on public health.</p> <p>We have no additional comments to make at this stage and can confirm that we have chosen NOT to register an interest with the Planning Inspectorate on this occasion. Please do not hesitate to contact us if you have any questions or concerns.</p>	The comments made by the UK Health Security Agency are noted.

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RR-1360	The Woodland Trust	<p>The Woodland Trust strongly opposes the loss of T486, a veteran oak tree that is set to be felled for the proposed project.</p> <p>We request that the applicants explore further opportunities to retain T486 during construction and ensure adequate protection in line with the standing advice of Natural England and the Forestry Commission.</p> <p>This advice specifies that for ancient or veteran trees, the buffer zone should be at least 15 times larger than the tree's diameter. If the area covered by the tree's canopy exceeds 15 times its diameter, the buffer zone should be five meters from the edge of the canopy. This ensures a minimum root protection area. If other impacts are expected to extend beyond this distance, a larger buffer zone will be necessary.</p> <p>We also remain concerned regarding potential detrimental impact to ancient woodland from predicted increases in nitrogen deposition (Chapter 9; 9.155) and ask that further mitigation measures are considered to ensure indirect impacts are fully avoided.</p>	<p>As described in the Arboricultural Impact Assessment (AIA) (document reference: 6.2.11.4, APP-194), the Proposed Development will have a direct impact on the veteran tree T486 which is unavoidable given the need to create level plateaus for the railport and warehouses. Every effort was made in the design process to retain T486 and others but doing so compromised the ability of the design to deliver the rail connected units that are a critical part of the delivery of the scheme.</p> <p>As described in the AIA at Table 3.1, to compensate for the loss of this tree, the trunk, stem, and significant limbs should be left intact (in large sections) at the edge of the woodland. This will allow them to decay and serve as a source of deadwood habitat. Two other veteran trees, T835 and T854, located within the A47 Link Road, are not directly affected by the development proposals. These trees will be preserved and protected in accordance with BS5837 Trees in Relation to Design, Demolition and Construction (2012), as well as Natural England's and the</p>

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			<p>Forestry Commission's standing advice. This will be done through the creation of a buffer zone in accordance with Natural England's and the Forestry Commission's standing advice.</p> <p>As per paragraph 12.188 of Environmental Statement – Chapter 12 – Ecology and Biodiversity (document reference: 6.1.12, APP-121), the operational phase of the HNRFI has shown in Tables 9.29 and 9.30 of the Air Quality Chapter (document reference 6.1.9, APP-118) that although there will be some increase at ecological receptors above 1% of the critical load, these do not exceed an increase of more than 1% of the current baseline deposition without the HNRFI. Therefore, these increases would not be considered significant in EIA terms.</p>
RR-0974	Natural England	<p>Overall, Natural England are satisfied that the proposals address the majority of potential impacts to the natural environment. The only areas of concern we consider require further assessment and/or information to enable the examining authority to make an informed decision are: Nationally Designated Sites, Protected Species Licencing and Biodiversity Net Gain.</p>	<p>Noted. Further details are provided in the responses below.</p>

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		<p>The key concerns we have regarding Nationally Designated Sites are: - Omission of measures within the CEMP to avoid impacts to Burbage Wood and Aston Firs during construction (Dust and Root Compaction/encroachment) – A lack of rationale provided to discount potential impact to Narborough Bog SSSI.</p> <p>“The key concerns we have regarding protected species licencing are: - The requirement for protected species licences for Bats and Badgers”</p> <p>The key concerns we have regarding Biodiversity Net Gain are: - The absence of certainty regarding the delivery of Biodiversity Net Gain</p> <p>The Examining Authority may wish to ensure that the matters set out in these relevant representations are addressed as part of the Examining Authority’s first set of questions to ensure the provision of information early in the examination process.</p>	
		<p>Internationally Designated Sites</p> <p>Whilst no standalone in combination assessment is included within the sHRA, it is concluded that likely significant effects</p>	Noted

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		<p>alone and in combination can be ruled out. It is Natural England's advice that an in-combination impact can be ruled out. This is due to the fact that, as shown above, no impact pathways exist between the proposed development site and the SACs. As such, the proposal cannot add to the impacts of any other proposals on these sites</p>	
		<p>Air Quality</p> <p>Due to the proximity of the development site to Burbage Wood and Aston Firs SSSI, there is potential for impacts to occur as a result of dust created during construction. Dust, or particles, falling onto plants can physically smother the leaves affecting photosynthesis, respiration, transpiration and leaf temperature. Larger particles can also block stomata. There may also be toxicity issues (caused by heavy metals particles) and potential changes in pH (particularly if the dust is alkaline (e.g. cement dust)). Lichens can be directly affected by the dust (shading, chemical effects) or by changes in bark chemistry.</p> <p>Natural England welcome the intention for all of these mitigation measures to be implemented on site during the construction phase. Paragraph 9.179 notes that the measures in tables 9.40 and 6 9.41 will be included in the CEMP, which will be secured by a DCO requirement.</p>	<p>Following a meeting with Robbie Clarey of Natural England (21/07/2023), it has been agreed that amended wording of the draft Requirement 7: Construction Environmental Management) is sufficient to deal with reduced air quality, specifically in relation to relevant SSSIs. This will be confirmed within the final statement of Common Ground (SoCG) and the agreed amended requirement will be updated in the next version of the dDCO to be submitted.</p> <p>The CEMP (document reference: 17.1, APP-359) specifies the overarching principles and measures to manage and mitigate the effects of the activities associated with the construction of the Proposed Development</p>

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		<p>Paragraph 9.202 then concludes that ‘with the implementation of these mitigation measures the impact of construction phase dust emissions is considered to be ‘not significant’ in accordance with IAQM guidance’. Whilst the above is noted, Natural England have concerns that all of the measures set out in tables 9.40 and 9.41 have not been included within the draft CEMP (document ref 17.1). Paragraphs 1.77 to 1.79 of the CEMP set out a list of examples of dust mitigation measures, but this list does not contain all of the measures previously described in tables 9.40 and 9.41. In addition, paragraph 1.79 of the CEMP states that ‘not all of these will be necessary or feasible for this particular construction project’; whilst Natural England acknowledge that not all of the measures listed will be possible, the assessment of impacts from dust during construction relies upon the implementation of all of the mitigation measures set out in tables 9.40 and 9.41. As a result, Natural England advise that all of the ‘highly recommended’ measures set out within tables 9.40 and 9.41 should be included in the CEMP.</p>	<p>and will be further developed once the appointment of the Principal Contractor for the project has been confirmed and a detailed construction programme has been developed. The recommendation regarding the inclusion of 'highly recommended' measures into the CEMP (document reference: 17.1, APP-359) is noted and this can form part of the detailed CEMP to be secured by requirement 7 of the DCO. The agreed amended requirement will be updated in the next version of the dDCO to be submitted.</p>
		<p>Construction - Road Traffic</p> <p>Natural England concur that air quality changes are unlikely to cause a significant impact on Burbage Wood and Aston Firs SSSI. In-combination impacts from construction road</p>	<p>Noted.</p>

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		<p>traffic have been considered at paragraph 9.195. As there are no other committed developments nearby that are expected to be constructed at the same time, cumulative construction road traffic impacts are unlikely. Natural England consider this approach to be appropriate.</p>	
		<p>Operation - Road Traffic</p> <p>Natural England concur that air quality changes during operation are unlikely to cause a significant impact on Burbage Wood and Aston Firs SSSI.</p>	Noted.
		<p>Operational – Rail Emissions</p> <p>Natural England consider air quality impacts to Burbage Wood and Aston Firs SSSI as a result of rail emissions to be unlikely.</p> <p>As such, Natural England concur that air quality changes caused by the CHP plant during operation are unlikely to cause a significant impact on Burbage Wood and Aston Firs SSSI.</p>	Noted.

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		<p>Cumulative Operational Air Quality Impacts</p> <p>The results of the cumulative assessment, at tables 17.3, 14.4, 17.5 and 17.6, show that when considered together, Operational Road Emissions and CHP emissions will not give rise to a significant increase in NOx levels and Nitrogen Deposition at Burbage Wood and Aston Firs SSSI (i.e. more than 1% of the site relevant critical level⁸ or Load⁹). This is the case at both the 2026 opening year scenario, and 2036 future year scenario. As such, Natural England concur that cumulative air quality change</p>	<p>Noted.</p>
		<p>Recreational Disturbance</p> <p>Burbage Wood and Aston Firs SSSI currently suffers from extensive recreational pressure which, if worsened, could result in an adverse impact on the SSSI.</p> <p>ES paragraph 12.224 outlines the mitigation proposed to prevent additional recreational pressure on the SSSI. This includes:</p> <ul style="list-style-type: none"> - Provision of an Access Management Plan, to include: - Funding/responsibility for ongoing management and monitoring 	<p>The detailed Woodland Management Plan (WMP) secured by Requirement 32 (Biodiversity Net Gain) will include all measures outlined within the outline WMP and will include recommendations from Natural England outlined here, including provision of wych elm. A meeting held between Natural England, HBBC and EDP was undertaken 11/07/2023 and will be used to further inform the detailed WMP.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>Natural England consider that where the WAMP is implemented successfully, significant impacts to the notified features of the SSSI are unlikely.</p> <p>Natural England's comments on the draft WAMP are provided below:</p> <ul style="list-style-type: none"> - Natural England welcome the habitat creation and enhancements that are outlined within the plan. - Natural England welcome outline management principles for woodland management within the DCO site (at WAMP paragraph 4.4). It is considered that the outline management and maintenance prescriptions set out in WAMP paragraphs 4.12 to 4.47 represent a good example of woodland management to benefit biodiversity. The management of woodland within the DCO site is important in ensuring the site is a welcoming place to travel through. This will further ensure footpath users will make use of the footpaths and bridleways through the site, thus preventing further recreational pressure within the adjacent SSSI. 10 - Natural England welcome the planting mixes noted in Tables 4.1, 4.2 and 4.3, however note the omission of Wych Elm. This species was discussed at the pre-application stage due to its importance for White Letter Hairstreak butterfly; as such, we would be pleased to see Wych Elm included in the proposed planting. - Natural England acknowledge the proposed measures at WAMP paragraph 4.9, specifically designed to direct visitors away from sensitive habitat features and provide alternative recreational opportunities. Appendix 	

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>11.2: Public Rights of Way Appraisal and Strategy provides further detail regarding the design of Public Rights of Way and permissive routes to prevent additional recreational impacts to the SSSI. Figure 11.14: Public Rights of Way strategy illustrates the changes made to the PRoW network through the site. Natural England welcome the provision of the bridleway along the south-eastern portion of the site; consider this likely to promote access along the main footpath through the SSSI (footpath A50). This was a point Natural England raised within our pre-application consultation responses. The bridleway also provides connection from the east of the development site to Burbage Common and Woods to the west, without necessitating the use of the permissive routes through the SSSI.</p> <p>Natural England acknowledge the proposed measures at WAMP paragraph 4.9, specifically designed to direct visitors away from sensitive habitat features and provide alternative recreational opportunities. Appendix 11.2: Public Rights of Way Appraisal and Strategy provides further detail regarding the design of Public Rights of Way and permissive routes to prevent additional recreational impacts to the SSSI. Figure 11.14: Public Rights of Way strategy illustrates the changes made to the PRoW network through the site. Natural England welcome the provision of the bridleway along the south-eastern portion of the site; consider this likely to promote access along the main footpath through the SSSI</p>	

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>(footpath A50). This was a point Natural England raised within our pre-application consultation responses. The bridleway also provides connection from the east of the development site to Burbage Common and Woods to the west, without necessitating the use of the permissive routes through the SSSI.</p>	
		<p>Root Compaction and Direct Habitat Loss</p> <p>Natural England consider that in addition to the 25m built development buffer, a minimum 15m construction buffer, in line with Natural England and the Forestry Commission's standing advice, should be established and fenced prior to construction, to prevent any encroachment, root compaction or pollution incidents from impacting the SSSI during construction. This should be included within the CEMP.</p>	<p>During the construction phase, the above and below parts of the retained individual trees, groups of trees and woodlands will be protected according to British Standard BS5837: Trees in Relation to Design, Demolition, and Construction (2012).</p> <p>The detailed CEMP secured via Requirement 7 will include defined operational and construction buffers in line with Natural England and Forestry Commissions standing advice.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>Water Quality</p> <p>It is considered that changes to water quality are unlikely to impact this SSSI.</p>	<p>Noted</p>
		<p>Light Spill</p> <p>Burbage Wood and Aston Firs SSSI is notified only for its woodland interest. As such, light pollution from the proposed development is unlikely to cause an impact on the notified features of the SSSI. Nonetheless, the SSSI woodland supports an array of other wildlife, which could be significantly impacted by light pollution. As such, the Lighting Strategy provided at Appendix 3.2 is welcomed by Natural England. This should be secured by a DCO requirement.</p>	<p>Agreed and the lighting strategy will be secured by Requirement 31 (Lighting)</p>
		<p>Noise & Vibration</p> <p>The identified mitigation measures should be secured through the DCO.</p>	<p>Construction noise and vibration will be managed through the CEMP which will be secured through Requirement 7(2).</p> <p>Secured by Requirement 27 (Control of operational noise)</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>Narborough Bog SSSI</p> <p>Natural England consider these measures, which include those specific to preventing pollution of watercourses by sediment and fuel/oil, to be suitable in removing any likelihood of impacts to Narborough Bog during construction.</p> <p>Natural England consider the drainage design to be suitable in preventing any likelihood of impacts to Narborough Bog during operation.</p> <p>Natural England advise that the maintenance of the SuDS for the lifetime of the development should be made a commitment of the project, to ensure it functions in perpetuity.</p>	<p>As agreed with Robbie Clarey of Natural England (21/07/2023), the detailed CEMP will include measures to ensure there will be no impacts to relevant SSSIs, including Narborough Bog. The wording of the detailed CEMP (Requirement 7) states that the CEMP will include details of the facilities to be provided for the storage of fuel, oil and other chemicals, including measures to prevent pollution and adverse impacts on designated sites, including Narborough Bog.</p>
		<p>Protected Species</p> <p>As it stands, ES Chapter 12 indicates protected species licences are required from Natural England, namely for Badgers (ES 12.176) and Bats (ES 12.219).</p>	<p>Draft licence applications will be submitted to NE in September/October 2023. The applicant has entered into a Pre-submission Screening Service (PSS) contract with NE and discussions are ongoing. The draft licences,</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>once signed off by NE, will facilitate Letter of No Impediment (LoNI). In initial PSS meetings with NE, NE have confirmed that there doesn't appear to be any issues which would prohibit the issue of a LoNI.</p>
		<p>Biodiversity Net Gain</p> <p>Whilst Biodiversity Net Gain is not yet mandatory, it is considered best practise to deliver a measurable net gain through any new development.</p> <p>Provision of finalised details of net gain delivery may not be considered by the Planning Inspectorate to be required at this stage in the development process. Nonetheless, Natural England must advise that the information provided to date would not be sufficient to discharge a requirement for Biodiversity Net Gain. Natural England also has concerns regarding the wording at ES Chapter 12 paragraph 12.245 (regarding cumulative effects) which states 'the BIA calculations (see Appendix 12.2, document reference 6.2.12.2) show that the Proposed Development is capable of providing a 10% net gain in biodiversity'. As described above, the BIA does not show that a 10% net gain in biodiversity can be met; as such, this paragraph should be amended to reflect this.</p>	<p>The Applicant is committed to delivering 10% net gain such that a DCO requirement has been proposed to ensure its delivery. The current calculations show there is sufficient scope to achieve appropriate net gains through a mix of on-site and off-site solutions, though no off-site solutions have yet been secured but positive discussions are taking place. In any event, as agreed with Robbie Clarey of Natural England during the meeting on 21/07/2023, Natural England will be rewording their future representations, which will no longer require amendments to the BIA. This is on the basis that 10% is not yet mandatory.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>Nationally Designated Landscapes</p> <p>The proposed development is not located within, or within the setting of, any nationally designated landscapes. As a result, Natural England has no specific comments to make on the landscape implications of this development.</p>	Noted
		<p>Soils and best and most versatile agricultural land</p> <p>We consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' (BMV) agricultural land</p>	Noted
		<p>Ancient woodland and ancient/veteran trees</p> <p>We note that there is no Ancient Woodland or ancient/veteran trees within the development site; as such no direct loss of this irreplaceable habitat is likely.</p>	<p>One veteran tree that lies within the development site (T486 in the Arboricultural Assessment) is to be removed.</p> <p>As described in the AIA at Table 3.1, to compensate for the loss of this tree, the trunk, stem, and significant limbs should be</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>left intact (in large sections) at the edge of the woodland. This will allow them to decay and serve as a source of deadwood habitat. Two other veteran trees, T835 and T854, located within the A47 Link Road, are not directly affected by the development proposals. These trees will be preserved and protected in accordance with BS5837 Trees in Relation to Design, Demolition and Construction (2012), as well as Natural England's and the Forestry Commission's standing advice. This will be done through the creation of a buffer zone in accordance with Natural England's and the Forestry Commission's standing advice.</p>
		<p>Connecting people with nature</p> <p>The proposals included in the development for this area are likely to complement the existing access land areas at Burbage Common.</p> <p>The ProW strategy includes a number of recommendations that have been included within the development proposal (See Appendix 11.2 paragraph 1.97). Natural England concur with the overall conclusion of the appendix, stating that</p>	<p>As noted, the Public Rights of Way Appraisal (document reference: 6.2.11.2, APP-192) finds that the proposed mitigation package would be proportionate in relation to the proposed development.</p> <p>As shown on the Public Rights of Way Strategy, Figure 11.14 (document reference:</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>although the development is likely to reduce the amenity of some of the diverted ProW routes through the site, the provision of alternative footpaths, bridleways and informal open space mean that the overall Public Right of Way network, and associated public benefit, are unlikely to be significantly affected.</p>	<p>6.2.11.4, APP-194), while some existing routes would be stopped up as a result of the proposed development, there would be several new routes proposed around and through the site, which provide pedestrian and cycle connectivity as well as bridleways connecting to the local network.</p> <p>As indicated on the Illustrative Landscape Strategy (document reference: 6.3.11.20, APP-304), the Burbage Common Country Park would be extended as part of the proposals. This provides additional, publicly accessible routes which would facilitate access to Burbage Common.</p>
		<p>Natural England's overall conclusions</p> <p>Natural England does not intend to make oral representations regarding this examination but is happy to work with the applicant and examining authority to ensure the development will not have adverse impacts on the natural environment.</p>	<p>Noted.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
RR-1356	The Environment Agency	<p>Flood risk</p> <p>During the pre-application phase of the NSIP process the Environment Agency liaised with the applicant's consultant on flood risk aspects of the proposal. This included the submission to the Environment Agency of a hydraulic model assessing the potential off-site flood risk arising from the proposals, including fluvial risk from the ordinary watercourses on site.</p> <p>The Environment Agency reviewed the model and found it fit for purpose. The outputs from the model were used to inform the Flood Risk Assessment (FRA) submitted with the application. The FRA confirms that the vast majority of the development site lies within Flood Zone 1, the area of land deemed to be at least risk of flooding according to the National Planning Policy Framework and Planning Practice Guidance. There is some encroachment into Flood Zones 2 and 3 near to the site boundary.</p> <p>Following our review of the FRA the Environment Agency consider that the development is at an acceptable level of flood risk and, subject to the implementation of the flood risk management principles outlined in the FRA, that the proposed scheme will seek to appropriately mitigate flood risk in line with best practice guidance. Since there are no</p>	<p>The applicant thanks the Environment Agency for their engagement during the pre-application phase of the NSIP process which helped facilitate the preparation of the flood risk management solution.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>Main Rivers within the development site there is no requirement for the applicant to apply for Flood Risk Activity Permit(s) from the Environment Agency for the proposed works associated with the watercourses on site.</p>	
		<p>Surface water drainage</p> <p>Surface water drainage will need to be managed appropriately during the construction phase and for the lifetime of the development. Whilst Leicestershire County Council, in their role as Lead Local Flood Authority (LLFA), are the lead on surface water matters that authority is not listed as a statutory consultee in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms & Procedure) Regulations 2009). For this reason, we wish to advise the Inspector that the Environment Agency has been liaising with the LLFA on surface water matters. The LLFA requested Requirements be included on the Development Consent Order and whilst the Environment Agency repeated these on our Section 42 response to the applicant it will be for the LLFA to review and comment on information submitted to discharge those Requirements.</p>	<p>The applicant acknowledges the need to manage surface water runoff during the construction phase, and the operational phase of the development for its lifetime. The applicant's consultant met with the LLFA during the pre-application phase of the NSIP process to obtain their input, and an outline surface water drainage strategy was submitted with the application (document reference: 6.2.14.2, APP-210) Hinckley NRFI ES Appendix 14.2 Sustainable Drainage Statement). The Requirements requested by the LLFA have been included in the draft DCO.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>Contaminated land and groundwater 'controlled waters' protection</p> <p>The Environment Agency has no adverse comments to make on the information submitted regarding the proposals for how any contamination found on site is to be dealt with to ensure the protection of 'controlled waters' (Chapter 16 of the Environmental Statement). We support the imposition of Requirement 15 in the draft Development Consent Order in this regard. In our response to the s42 consultation we requested a further Requirement for the production of verification report(s) at the appropriate stage of the mitigation/development process. We are working with the consultant via a Statement of Common Ground to ensure this is included in the final version of the Development Consent Order document.</p>	<p>Requirement 15 will be clarified to include for the production of a verification report.</p>
		<p>Pollution prevention</p> <p>Protection of the water environment during the construction phase and for the lifetime of the development is essential. The application provides information how this is proposed to be achieved. Regarding construction, a separate Construction Environmental Management Plan (CEMP) is to be drawn up for each phase of development. We have no</p>	<p>Noted</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>objections to this approach. For the Inspectors information, and while not diminishing the importance of other aspects of the CEMPs, in our s42 response we emphasised the importance of ensuring that schemes to mitigate the risk of suspended solids entering watercourses during the construction phase must be routinely inspected to ensure they remain functional. The Environment Agency has no adverse comments to make on the pollution prevention methods the applicant proposes to use for the development's lifetime. We advise these should also be routinely checked to ensure they remain functional.</p>	
		<p>Foul drainage disposal</p> <p>The Environment Agency notes that connection to the Severn Trent Water Ltd (SvT) sewage drainage system is proposed for the purposes of disposal of foul drainage during both the construction phase and also for the lifetime of the development. We would welcome this arrangement.</p>	<p>Noted.</p>
		<p>Proposed Energy Centre</p> <p>The development proposals include the installation of an energy centre, incorporating a gas-fired combined heat and power plant with an electrical generation capacity of up to</p>	<p>The comments from the Environment Agency have been noted. Note that the proposed energy centre will not exceed 50MW and so</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>5MW. We have advised the applicant that whilst the proposed energy centre may not meet the threshold for Large Combustion Plant (50MW Thermal Input), it may still need an Environmental Permit as a Medium Combustion Plant or Specified Generators. Further details are available here If an Environmental Permit is required the applicant will be expected to demonstrate that there are no releases from the installation that have a negative impact on air quality, water quality, noise, odour and releases to land. The Environment Agency operate a pre-permitting application advice service, further details of which can be found here. According to our records the Environment Agency has not been contacted by the applicant regarding any permitting advice on this aspect of the proposals. We trust the Inspector finds the above comments useful.</p>	<p>will not exceed the criteria for a Large Combustion Plant. Once further details on the energy centre are confirmed, the Applicant will review the need for an Environmental Permit as a Medium Combustion Plant or Specified Generator. Permitting will be considered through early discussions with the Environment Agency.</p>
		<p>Flood risk</p> <p>During the pre-application phase of the NSIP process the Environment Agency liaised with the applicant's consultant on flood risk aspects of the proposal. This included the submission to the Environment Agency of a hydraulic model assessing the potential off-site flood risk arising from the proposals, including fluvial risk from the ordinary watercourses on site.</p>	<p>The Applicant thanks the Environment Agency for their engagement during the pre-application phase of the NSIP process which helped facilitate the preparation of the flood risk management solution.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>The Environment Agency reviewed the model and found it fit for purpose. The outputs from the model were used to inform the Flood Risk Assessment (FRA) submitted with the application. The FRA confirms that the vast majority of the development site lies within Flood Zone 1, the area of land deemed to be at least risk of flooding according to the National Planning Policy Framework and Planning Practice Guidance. There is some encroachment into Flood Zones 2 and 3 near to the site boundary.</p> <p>Following our review of the FRA the Environment Agency consider that the development is at an acceptable level of flood risk and, subject to the implementation of the flood risk management principles outlined in the FRA, that the proposed scheme will seek to appropriately mitigate flood risk in line with best practice guidance. Since there are no Main Rivers within the development site there is no requirement for the applicant to apply for Flood Risk Activity Permit(s) from the Environment Agency for the proposed works associated with the watercourses on site.</p>	
RR-0476	Historic England	The proposal would negatively impact the setting of a number of designated heritage assets. We do not intend to comment on the conservation areas or grade II listed buildings. We would instead refer you to the local planning	Historic England's comments are noted and agreed by the Applicant.

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>authorities' Conservation Officers on these matters. With regards to the non-designated archaeology, we would refer you to Leicestershire County Council's Historic & Natural Environment Team.</p>	
		<p>The submitted Environmental Statement (ES) has noted and responded to our April 2022 comments.</p> <p>We raised concerns with the impact of the scheme upon the setting of several designated heritage assets, and the level of information provided to assess this. These designated heritage assets comprise:</p> <ul style="list-style-type: none"> • Elmesthorpe Church ruins scheduled monument (List Entry No. 1005076); • Grade I Listed Church of St Mary, Barwell (List Entry No. 1074229); • Grade II* listed Church of St Catherine, Burbage (List Entry No. 1295212); and • Grade II* listed Church of St Simon and St Jude, Earl Shilton (List Entry No. 1074259). <p>We are satisfied that sufficient further information has now been provided as requested, including additional descriptions and heritage specific photos and visualisations. This has better evidenced and clarified the assessment of</p>	<p>Historic England's comments are noted and agreed by the Applicant.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>impact, considering intervisibility, kinetic views and the relationship between the assets and their surrounding landscapes. The ES has also clarified where impacts beyond visual (such as noise or light pollution) might occur and provided more detail on how the embedded mitigation responds to the individual designated heritage assets.</p>	
		<p>The ES has concluded that the significance of these designated heritage assets is predicted to be affected by the proposed development through adverse changes within their wider settings.</p> <p>Depending upon the asset being discussed, the ES notes that there would be impacts on the ability to appreciate sites in the context of their historically associated agricultural settings, appreciate how they feature in views from the wider landscape, and / or a loss of localised views towards these assets from land within or surrounding the application site.</p> <p>It concludes that this would represent noticeable changes in the settings of the assets, expected to result in between negligible and small changes to significance. There would be permanent minor adverse effects on these assets of high sensitivity.</p>	<p>Historic England's comments are noted and agreed by the Applicant.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>The ES also detailed the limitations of the embedded mitigation. Whilst landscaping proposals seek to screen the development and minimise its visual impact, the size of the development and elevated nature of some of the heritage assets means this mitigation is not expected to result in any notable reduction in adverse effects on views towards or across the application site. Similarly, given the nature of the proposed development and spread of warehouse buildings, there is no specific mitigation that can be employed to limit the loss of views towards the heritage assets from within and across the application site.</p>	
		<p>Historic England does not object to the application. We welcome the additional information that has been provided. We note the broad conclusions of the ES that the proposals would result in adverse changes to settings and significance. Based on this and the information provided, it is our view that the proposals would have a low, but appreciable, level of less-than-substantial harm (as per the National Policy Statement for National Networks) to the significance of the four designated heritage assets listed above. This harm requires clear and convincing justification and should be outweighed by the public benefits of the proposal (NPSNN 5.131 – 5.134). Historic England has no objection to the application on heritage grounds. However, the proposals would result in some harm to the significance of several</p>	<p>Historic England's comments are noted and agreed by the Applicant.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>highly graded designated heritage assets. In Examining this application, you must be satisfied that there is clear and convincing justification for this harm, and that the level of harm is outweighed by the public benefits of the scheme.</p>	
		<p>Historic England has no objection to the application on heritage grounds. However, the proposals would result in some harm to the significance of several highly graded designated heritage assets. In Examining this application, you must be satisfied that there is clear and convincing justification for this harm, and that the level of harm is outweighed by the public benefits of the scheme. We recommend that you take these representations into account in the Examination of this application.</p>	<p>Historic England's comments are noted and agreed by the Applicant.</p>
		<p>The proposals comprise the development of the Hinckley National Rail Freight Interchange, with associated ground and demolition works, highway works, warehousing, access and landscaping. The proposal would negatively impact the setting of a number of designated heritage assets. We do not intend to comment on the conservation areas or grade II listed buildings. We would instead refer you to the local planning authorities' Conservation Officers on these matters. With regards to the non-designated archaeology, we would</p>	<p>Historic England's comments are noted and agreed by the Applicant.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		refer you to Leicestershire County Council's Historic & Natural Environment Team.	
RR-0253	CPRE	The need is not properly established. This includes taking account of competing projects and potential for over-provision locally and regionally.	<p>Full account of other projects has been taken. Together they form a critical provision of rail freight access, each with different benefits, required to help decarbonise otherwise heavily HGV dependent supply chains, in the UK's largest logistics and manufacturing market across the East and West Midlands.</p> <p>The Market Needs Assessment (document reference 16.1, APP-357) has explained the 'Market for Hinckley NRFI' (paragraphs 6.6-6.16).</p> <p>Both the Leicester and Leicestershire Strategic Distribution Study 2021 and HNRFI Logistics Demand and Supply Assessment (document reference: 16.2, APP-358) clearly establish the needs case for the HNRFI. These two studies arrive at different levels of need but both confirm the need for HNRFI. This matter is being covered in the SoCG and the Applicant understands the parties position as agreeing that this need is identified in the</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>Leicester and Leicestershire Strategic Distribution Study 2021 which was commissioned and agreed by the relevant Local Authorities.</p> <p>Estimated future demand is 2.5 times higher than current and known available supply based on the evidence detailed in the HNRFI Logistics Demand and Supply Assessment (document reference: 16.2, APP-358). This level of shortfall between demand and supply clearly evidences a large scale and strategic site such as the HNRFI is needed.</p> <p>The Market Needs Assessment fully explains the demand for rail and HNRFI (document reference: 16.1, APP-357).</p>
		<p>The rail network is unlikely to be utilised to the extent assumed and there is no requirement for it to be used from the outset or at all. This includes limitations to the availability of rail paths, the limited prospects of any significant measures to overcome rail capacity limitations, as well as uncertainty about usage of the rail freight element.</p>	<p>The Nuneaton & Leicester Railway forms part of Network Rail's Strategic Freight Network and Network Rail is satisfied that sufficient capacity has been identified for 16 intermodal trains (32 movements) to and from HNRFI. The Needs Case fully explains the demand for rail and HNRFI (document reference: 16.1, APP-357). dDCO Requirement 10 allows the</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>occupation of only 105,000sqm of floorspace to be occupied prior to the railport becoming operational. Network Rail have confirmed that they are confident early connections to the mainline can be delivered. This matter is addressed in detail in the highways position statement attached at Appendix A.</p>
		<p>The direct and indirect traffic impact will be serious, particularly on surrounding roads. This includes the M69 itself and the M1. It also includes impacts on local villages and on rural roads, all the time and when there are diversions because the M69 (or other major roads) are not available/</p>	<p>Significant amounts of strategic modelling has been carried out throughout the preparation of the DCO. This has led to the planning of access infrastructure and highway upgrades which mitigate the impact of the HNRFI development. Narrative around the mitigation can be found AC-016, ES Appendix, Transport Assessment Sections 8 and 9. (document reference: 6.2.8.1, APP-145 and APP-146)</p>
		<p>There are wider detrimental impacts from the major change of introducing additional slip-roads to the M69 Junction 2. This includes HNRFI traffic and the impact of redistribution of existing traffic and newly generated traffic, not necessarily associated with the HNRFI itself.</p>	<p>Scenarios within the modelling have fully considered background traffic redistribution Environmental Statement - Appendix 8.1 - Transport Assessment [Part 4 of 20] - Trip Generation Addendum (document reference: 6.2.8.1, APP-141) alongside development</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			traffic. The mitigation proposed accounts for both.
		It has not been demonstrated that the site would have good sustainable transport access or that this would make a noticeable difference to the way people would access to the site. This includes limitations to existing and proposed public transport and its viability, as well as walking and cycling provision.	A full Sustainable Transport Strategy (document reference: 6.2.8.1, APP-153) has been submitted which outlines the upgrades to pedestrian/cycle links around the site, as well as improvements to public transport and how this links with existing transport provision.
		<p>The impact on the landscape, biodiversity and amenity cannot be adequately addressed. This includes:</p> <ul style="list-style-type: none"> • loss of countryside, • wider landscape impacts, • loss of footpaths, access to open space and open countryside, • impacts on natural sites, including SSSIs and other local designations, • impacts on biodiversity, including protected species. 	<p>With regards to the likely impacts on the wider landscape and the loss of countryside, the proposals have been informed by landscape and visual analysis to reduce overall building parameters and provide strategic areas of planting within the site. As shown on the Illustrative Landscape Strategy (document reference: 6.3.11.20, APP-304), extensive areas of landscape buffer planting are proposed to soften views of the proposals.</p> <p>It is acknowledged that there would be significant adverse residual effects on</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>identified representative landscape and visual receptors, as noted at paragraphs 11.189, 11.190 and 11.191 in the Summary and Conclusion of Chapter 11: Landscape and Visual Effects of the ES (document reference: 6.1.11, APP-120).</p> <p>With regards to the loss of footpaths, access to open space and open countryside, the Public Rights of Way Appraisal (Document Reference: 6.2.11.2, APP-192) finds that the proposed mitigation package would be proportionate in relation to the proposed development. Furthermore, as indicated on the Illustrative Landscape Strategy (document reference: 6.3.11.20, APP-304), the Burbage Common Country Park would be extended by approximately 22ha (roughly a 25% increase) as part of the proposals. This would provide additional, publicly accessible routes which would facilitate access to Burbage Common.</p> <p>Impacts on biodiversity have been fully assessed. Comprehensive protected species surveys have been undertaken and will be updated where necessary in line with adopted guidance. The results show that the</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>site is of limited value for wildlife, with opportunities mainly identified for common and widespread species which will also utilise the surrounding areas where similar (and occasionally, better) opportunities are present.</p> <p>The proposals will deliver a new areas of open space, comprising a range of species-rich habitats which will offer new and varied opportunities for wildlife. As shown on illustrative landscape strategy (document reference: 6.3.11.20, APP-304), the proposals will deliver continued opportunities for commuting/dispersing wildlife.</p> <p>In line with current policy and future legislation, the development will achieve a 10% net gain (secured via Requirement 30). On-site gains are demonstrable, however where the full BNG commitment cannot be achieved on site, off-site and credit solutions will be utilised.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		Increase in light pollution	<p>The Lighting Strategy (document reference: 6.2.3.2, APP-132 to APP-134) defines the parameters and standards that any proposed lighting installation will have to be designed in accordance with to meet the specific criteria in terms of obtrusive light to meet the applicable standards and guidance</p> <p>Any new development should be specified an Environmental Zone (ranging from E0 'protected environment e.g., UNESCO starlight reserve, to E4 'High district brightness e.g. City Centre). For each Environmental Zone the ILP recommends maximum values of light parameters for the control of obtrusive light.</p> <p>The Site has been considered to fall within Environmental Zone E2 'Low district brightness' e.g. sparsely inhabited rural area. The Lighting Strategy (document reference: 6.2.3.2 APP-132 to APP-134) states that the development must not exceed the maximum values for environmental Zone E2.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>As part of the SoCG conversations with BDC and HBBC it has been agreed that the Applicant will also provide a Technical Note for Lighting which will contain further guidance, information, and quantitative assessment to demonstrate that the Proposed Development can be provided with an external lighting installation that complies with the criteria as set out in the Lighting Strategy (document reference: 6.2.3.2, APP-132 to APP-134), while not exceeding the obtrusive light limitations for E2 post-curfew conditions. This Technical Note is intended to provide additional information to supplement the original Lighting as part of the Statement of Common Ground (SoCG) process with the relevant consultees. This Technical Note shall be appended to the BDC SoCG and submitted at Deadline 2 (24/10/2023).</p>
		Increase in noise pollution	<p>Noise associated with the proposed operational phase of the development has been considered at nearby receptors, which has included noise associated with fixed plant</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>and break-out noise from units, HGV loading/unloading activities, SRFI operations, additional train movements, the A47 Link Road and additional road traffic. The results of the assessment indicate that with mitigation in place, residual effects will be minor adverse.</p> <p>It is acknowledged that there would be a major adverse effect at Bridge Farm in the short-term as a result of the A47 Link Road. However, noise levels are predicted to fall between the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) and in line with the Noise Policy Statement for England (NPSE), the noise levels have been mitigated and minimised as far as reasonably practicable, through the recommendation of a 5m high earth bund located between the A47 and the property.</p>
		Impacts on air quality, noise and vibration. This includes the impact of additional traffic particularly HGV	Noise associated with the proposed operational phase of the development has been considered at nearby receptors, which has included noise associated with fixed plant

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			<p>and break-out noise from units, HGV loading/unloading activities, SRFI operations, additional train movements, the A47 link road and additional road traffic. The results of the assessment indicate that with mitigation in place, residual effects will be minor adverse.</p> <p>It is acknowledged that there would be a major adverse effect at Bridge Farm in the short-term as a result of the A47 Link Road. However, noise levels are predicted to fall between the Lowest Observed Adverse Effect Level (LOAEL) and Significant Observed Adverse Effect Level (SOAEL) and in line with the Noise Policy Statement for England (NPSE), the noise levels have been mitigated and minimised as far as reasonably practicable, through the recommendation of a 5m high earth bund located between the A47 and the property.</p> <p>It was agreed through the scoping report that operational vibration associated with the A47 Link Road did not warrant consideration. Vibration associated with off-site rail movements and service yard activities was also scoped out of the assessment due to the</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>distance between the activities and nearest receptors and the location of the existing rail line between the proposed development and receptors. Therefore, it is considered that vibration associated with the proposed development is unlikely to be significant at nearby receptors.</p> <p>The latest version (2022) of the Defra Technical and Policy guidance has been used in the air quality assessment (document reference: 6.1.9, APP-118). Modelled concentrations have been compared against the current relevant air quality objectives for England.</p> <p>Air quality impacts associated with the construction and operational phase of the HNRFI has been considered at nearby receptor locations.</p> <p>No significant changes in pollutant concentrations were predicted at the modelled individual receptor locations across the whole study area, for both the construction year and operational year, as detailed in the air quality assessment</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			(document reference: 6.1.9, APP-118). The HNRFI is not predicted to cause any significant impacts with regards to air quality.
		<p>The overall impact on climate emissions is likely to be more serious than is being suggested. This includes the impact of construction and embedded carbon. It also includes the operation of the site, transport associated with the site and additional generated traffic on the network.</p>	<p>Carbon emissions at the outline design stage of a project is a critical step in environmental impact assessment, and in this instance, has consistently considered the worst-case scenario for several reasons. This approach is conservative in nature and helps ensure that the overall impact on climate emissions is not underestimated. Here are some key points to explain why this approach is adopted:</p> <p>Uncertainty and Variability: Emission estimates can be affected by numerous variables, such as changes in construction methods, design progression and operator need, energy sources, and operational practices. Worst-case scenarios account for these uncertainties and variations, providing a more robust assessment.</p> <p>Assessment Thresholds: though the construction of the project will be completed over a number of years, the assessment</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>considers construction during a singular year and benchmarks this against the most stringent target, the UK's Sixth Carbon Budget. Additionally, IEMA Guidance notes an indicative threshold of 5% of the UK carbon budget for the applicable time period should be proposed, at which the magnitude of GHG emissions from very large-scale development irrespective of any reductions is likely to be significant. A project that meets this threshold can materially affect achievement of the carbon budget. As HNRFI is not considered to qualify as a development of the largest scale in this context, a more stringent threshold of 1% of the UK carbon budget has been set. By way of comparison the estimated residual annual emissions from the scheme equates to less than 0.03% of the carbon budget, significantly below the 1% threshold, which underpins the determination of the effect of the impact being "non-significant", as described in para 18.288 (document reference: 6.1.18, APP-127).</p> <p>Assessment Scenarios: Transportation emissions are a significant contributor to carbon footprints, especially for large</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>projects. Conservative estimates in this instance include factors like increased traffic congestion during peak times or changes in transportation modes that could lead to higher emissions, consistent with the transport modelling.</p> <p>The assessment of embodied carbon (for structures, rail port and highways) (document reference: 6.2.18.2, APP-218) also appraises standard materials used to comply with both current and do minimum building regulations at the time of writing and therefore does not consider any anticipated betterment. This constitutes a worst-case scenario.</p> <p>Development of Market and Emerging Technologies: The use of more efficient/cleaner or electric plant and machinery during construction has not been considered and it is likely that savings will reduce emissions. Through regulatory measures, technological innovation, and sustainable practices, there are ongoing efforts to mitigate the climate emissions associated with construction and infrastructure development: the construction</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>industry is evolving rapidly, with advancements in construction techniques and materials. Innovations such as carbon-neutral building materials, energy-efficient construction methods, and sustainable design practices are becoming more common. These developments can and will significantly reduce the embedded carbon in buildings and infrastructure. Improving energy efficiency in various sectors, including buildings, transportation, and industrial processes, can reduce the overall energy demand and consequently lower carbon emissions. This can involve using more efficient appliances, better insulation, and optimising industrial processes. In addition, though the scheme has been designed to influence, incentivise and accommodate the transition to 100% renewable technologies the evolution of rail locomotives and vehicles from current fuel usage to more efficient/cleaner or electric locomotives/vehicles has not been considered quantitatively. This therefore presents a worst-case scenario.</p> <p>Long-Term Perspective: Large infrastructure projects often have long lifespans, and carbon</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>emissions associated with them can extend over decades. Assessing the worst-case scenario accounts for potential changes in technology, regulations, and societal expectations over time. Transitioning from fossil fuels to renewable energy sources such as solar, wind, hydro, and geothermal power can significantly reduce carbon emissions. These sources generate electricity with little to no direct greenhouse gas emissions, unlike burning coal, oil, or natural gas.</p> <p>As described in para 18.290 (document reference: 6.1.18, APP-127) it is proposed that a GHG Reduction Strategy would accompany design detail for each phase of the scheme as and when they come forward. TThis continued appraisal over the lifetime of the delivery of the scheme will identify and implement opportunities for mitigation, resource efficiency, and the adoption of low-carbon technologies. This iterative approach underscores the Applicants' dedication to responsible development and environmental stewardship, assuring that the project aligns with their sustainability goals and contributes</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>positively to the broader climate action efforts.</p> <p>This assessment demonstrates that Applicant is committed to environmental responsibility by showing that the project team is taking climate change seriously and is willing to account for all potential impacts. Whatever the outcome, TSH are committed to contributing to a more positive environmental outcome by committing to a net-zero in construction standard which will benefit the UKs pledge to reach net zero by 2050. As the Applicant progresses through each detailed design phase, they will continually reassess and refine the evaluations as more information becomes available; this approach ultimately contributes to more accurate and reliable estimates of a project's carbon footprint and its potential long-term impact on climate emissions. What is more, a Strategic Rail Freight Interchange can help reduce carbon emissions by promoting a shift from road to rail transport, leveraging economies of scale and efficiency, encouraging the use of cleaner energy sources, reducing congestion,</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>providing last-mile sustainability solutions, enabling carbon accounting benefits, and aligning with sustainable policies and regulations. By facilitating more sustainable freight transportation, SRFIs contribute to overall efforts to mitigate climate change and reduce the environmental impact of logistics and supply chains.</p>
		<p>Cumulative Impacts - This includes the impact of future development facilitated by changes to the highway network, particularly the introduction of new M69 Junction 2 slip roads.</p>	<p>The cumulative assessment set out in ES Chapter 20 (document reference: 6.1.20, APP-129) sets out the methodology for determining the schemes to be considered. This approach has been undertaken in line with the Planning Inspectorate's Advice Note Seventeen. The approach has been based on bespoke zones of influence for each environmental topic area and then an identification of 'other existing and/or approved development' in line with the guidance set out in table 2 of Advice Note Seventeen. Taking this information into account and the timescales, scale and nature of the developments a shortlist was then established, the findings are set out in ES Appendix 20.1 (document reference:</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>6.2.20.1, APP-226). All projects identified in the shortlist have then been assessed for the cumulative interactions with the Proposed Development, the findings are set out in ES Appendix 20.2 (document reference: 6.2.20.2, APP-227). A summary of the results are set out in chapter 20. The long list of developments considered are set out in figure 20.1 of the ES (document reference: 6.3.20.1, APP-345).</p>
<p>RR-0971</p>	<p>National Grid Electricity Distribution</p>	<p>While NGED will continue to seek to have positive engagement with the applicant in relation to the project, NGED needs to ensure that the wider powers being sought in the Order will not have a detrimental impact on NGED's electricity network and its duties under the EA 1989. This includes ensuring acceptable terms of any proposed protective provisions.</p> <p>NGED is therefore making this representation as a holding objection to the application until an asset protection arrangement has been agreed between the parties. No formal agreement has yet been concluded and accordingly we are lodging this representation to protect NGED's position pending conclusion of an appropriate agreement. Once NGED is satisfied that its network is protected, we will</p>	<p>The Applicant is engaged in ongoing discussions and negotiations with NGED in respect of suitable protective provisions and there remain only a few outstanding matters between the parties. The Applicant is committed to continuing to engage with NGED and anticipates being in a position to include final and agreed protective provisions in the DCO shortly, and certainly within the timeframe of the Examination.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		notify the Planning Inspectorate promptly and withdraw the objection.	
RR-0732	Leicestershire Local Access Forum	We have had earlier discussions with the developer. The impact on travel throughout the area will be unimaginable and has not been adequately addressed - the roads will be a nightmare but if the inspectorate is in any way minded to approve the plan we will be arguing that the bridleway and footpath provisions are inadequate and could be conditioned to properly compensate for the lost amenity. We see no need for such a facility with others offering very much the same not many miles away.	<p>With regards to the loss of footpaths, the Public Rights of Way Appraisal (document reference: 6.2.11.2, APP-192) finds that the proposed mitigation package would be proportionate in relation to the proposed development. Furthermore, as indicated on the Illustrative Landscape Strategy (document reference: 6.3.11.20, APP-304), the Burbage Common Country Park would be extended by approximately 22ha (roughly a 25% increase) as part of the proposals. This would provide additional, publicly accessible routes which would facilitate access to Burbage Common.</p> <p>The Market Needs Assessment (document reference: 16.1, APP-357) has explained the 'Market for Hinckley NRFI' and its offering as a Strategic Rail Freight Interchange (paragraphs 6.6-6.16).</p> <p>Both the Leicester and Leicestershire Strategic Distribution Study 2021 and HNRFI</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			Logistics Demand and Supply Assessment (document reference: 16.2, APP-358) clearly establish the needs case for the HNRFI.
RR-1266	Sport England	<p>It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement. Sport England has considered the application in light of the National Planning Policy Framework (in particular Paragraph 99 and the presumption that playing fields should not be developed) and against its own playing fields policy which is presented within its 'Playing Fields Policy and Guidance Document:' www.sportengland.org/playingfieldspolicy.</p> <p>Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of or would prejudice the use of all/part of a playing field. Exceptions to this policy are contained within the Playing Fields Policy Document.</p>	<p>The Planning Statement (document reference: 7.1, APP-347) addresses the consideration of the impact of HNRFI on existing playing fields at paragraphs 3.197-3.202. It is acknowledged that HNRFI will involve the loss of 240sqm of pond and wooded area (numbered 7 on Land Plan 1 of 8) (document reference: 2.20A, APP-058) in the ownership of Leicester Road Football Club and 1,096sqm of cricket ground premises and scrubland (numbered 9 on the Land Plan 1 of 8) (document reference: 2.20A, APP-058) at Leicester Road Amateur Sports Club, for the purposes of constructing the proposed roundabout on Leicester Road (western end of the A47 Link). None of this area of land comprises a 'playing pitch' as defined in the Town and Country Planning (Development Management) Procedure Order 2015. The policy position of Sport England is understood namely to object to any loss of playing field to development. However, as acknowledged in</p>

RR Reference	Name / Organisation	Matter	Applicant Response
			<p>the Planning Statement (document reference: 7.1, APP-347) there is a tension within the provisions of paragraph 99 as the NPPF is a material consideration for the planning balance. The impact of HNRFI upon existing playing fields is considered to be insignificant in terms of land requirements.</p> <p>No assessment has been undertaken to determine whether the playing fields are surplus to requirements. The playing pitches are in active use. The amount of land required from the 'playing fields' (as defined in the TCPA Development Management) Order 2015 is considered to be insignificant to the availability of space.</p>
		<p>Within the DCO Order limit are two playing fields which lie within the Hinckley and Bosworth Borough Council administration area. These are:</p> <p>Leicester Road Sports Club, Hinckley The playing fields at Leicester Road Sports Club involved in this proposal includes a cricket pitch used by Hinckley Town Cricket Club and a rugby pitch used by Hinckley Rugby Club.</p>	Noted

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>Hinckley Academy and John Cleveland Sixth Form Centre, Butt Lane, Hinckley. The playing fields at Hinckley Academy involved in this proposal are included on Sport England's Active Places Power Database as containing a number of grass pitches at the school in community use and used for Rugby Union, Football, Rounders and Softball. Drw No: 1842-8018_003341 Rev: v10.0 (Interchange Land Plan Sheet 3 of 8) (document reference: 2.20C, APP-060) shows the extent of the temporary possession of land required for works to the railway level crossing. This land does include part of the school playing field. As part of the assessment of this consultation, Sport England has sought the views of the England and Wales Cricket Board (ECB) and the Rugby Football Union (RFU) who act as Sport England's technical advisor in relation to their sport and its facilities.</p>	
		<p>Leicester Road Sports Club, Hinckley The playing fields at Leicester Road Sports Club involved in this proposal includes a cricket pitch used by Hinckley Town Cricket Club and a rugby pitch used by Hinckley Rugby Club.</p>	Noted
		<p>Hinckley Academy and John Cleveland Sixth Form Centre, Butt Lane, Hinckley The playing fields at Hinckley Academy involved in this proposal are included on Sport England's Active Places Power Database as containing a number of</p>	Noted

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		<p>ECB: The proposal would not appear to prejudice the use of the cricket ground. Due to the distances involved between the wickets and the extent of the highway works a ball strike risk assessment would not be recommended.</p>	<p>The response from the English Cricket Board is noted and agreed.</p>
		<p>RFU:</p> <p>The loss of land would not affect the use of the rugby pitch except there would be a need for a ball stop fence to be constructed along the pitch length.</p> <p>There should be a condition that a similar index linked fund</p>	<p>The temporary possession of land (comprising some 3,938sqm of sports field from Hinckley Academy and John Cleveland Sixth Form Centre) to enable a pedestrian bridge to be constructed over the railway</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>be made available to the club to replace the ball stop fence in the future.</p> <p>A full ball strike risk assessment would be required to determine the full details of the required ball stop fencing.</p>	<p>does not change the spatial relationship between the existing rugby/football pitch and the railway. It is considered that a Requirement for a future fund to the Club for a replacement ball stop fence does not reasonably relate to the development for which a DCO is sought. As such a full ball strike assessment is not justified.</p>
		<p>The Rugby Club is in discussion with the developer's agent over the extent of land to be lost.</p> <p>The land to be lost is used as an overspill car park for the rugby club. The loss of this land would impair the clubs ability to hold whole club events that ensure they achieve safe parking on the site. There is a need for the boundary fence along the roadway to be replaced by the developer</p>	<p>The Applicant is not aware of an overspill car park at the Rugby Club which the proposals affect. Such overspill car parking has not been raised by the applicant in discussions with the Rugby Club.</p>
		<p>The above information should be provided as part of pre-commencement conditions to ensure that the use of the rugby pitch is protected during the construction operation and beyond in accordance with the requirements of paragraphs 99 and 187 of the NPPF. Based on the current lack of evidence it is Sport England's opinion that this proposed</p>	<p>For reasoning stated above, the Applicant's position is that the development does not prejudice the use of land for the purposes of a playing pitch but will continue discussions with Sport England.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		development could prejudice the use of land being used as a playing field.	
		<p>Hinckley Academy and John Cleveland Sixth Form Centre, Butt Lane, Hinckley. The loss of the playing field should be assessed against paragraph 99 of the NPPF and exception E3 in Sport England’s Playing Fields Policy which requires that:</p> <p>'The proposed development affects only land incapable of forming part of a playing pitch and does not:</p> <ul style="list-style-type: none"> • reduce the size of any playing pitch • result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); • reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; • result in the loss of other sporting provision or ancillary facilities on the site; or • prejudice the use of any remaining areas of playing field on the site.' 	<p>National planning policy for sports and recreational buildings and land is set out in the NPPF paragraph 99. The Playing Fields Policy Guidance issued by Sport England does not comprise planning policy – but represents the approach to be taken by Sport England when consulted on development proposals which affect playing fields. SE’s opposition to the loss of playing fields to development is explained subject to 5 Exceptions, including Exception 3.</p> <p>The land required from Hinckley Academy and John Cleveland Sixth Form Centre is required on a temporary basis only. If Exception 3 is applied to a temporary loss of playing fields, the land required is situated too close to the operational railway to form a playing pitch. The temporary loss of land does not adversely impact upon the criteria set out under Exception 3.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>The proposed scheme at the Hinckley Academy School is considered to accord with exception E3 of Sport England's Playing Fields Policy and with paragraph 99 of the NPPF in that the proposal would involve development on land incapable of forming part of a playing pitch and would not prejudice the use of any remaining areas of the playing field on the site.</p>	<p>The Applicant agrees with this analysis as above.</p>
		<p>Conclusion Based on the above assessment Sport England has no objections to the proposal. The absence of an objection is subject to the following conditions being attached to the decision notice should the Planning Inspectorate be minded to approve the application:</p>	<p>Noted.</p>
		<p>Condition: Prior to the commencement of any development hereby approved a ball strike risk assessment shall be submitted to the local planning authority for approval in writing. The assessment shall include full details of the design and specification of any ball stop mitigation required to protect users of the B4668 from sporting activities on the Hinckley Road Rugby Pitch and shall include details of management and maintenance responsibilities. The approved details shall be installed in full prior to any construction activity commencing on the highway</p>	<p>The requirement to be imposed on HNRFI as 'pre-commencement' is considered not to be justified.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		improvement works proposed on the B4668 Leicester Road and thereafter be managed and maintained in accordance with the approved details.	
		Reason: To safeguard sporting use of the adjacent sports facilities and to accord with paragraphs 99 and 187 of the NPPF.	The condition is not justified as a 'pre-commencement' Requirement. The timing for the provision of works should be prior to the commencement of road works on Leicester Road.
		Condition: Prior to the commencement of any development hereby approved full details of the car parking to be provided for users of the Hinckley Town Rugby Pitch shall be submitted to the local planning authority for their approval in writing. The details shall include any compensatory land required for parking which would be lost as a result of the proposed development hereby approved. The approved details shall then be implemented in full prior to any construction activity commencing on the highway improvement works proposed on the B4668 Leicester Road and thereafter be managed and maintained in accordance with the approved details.	It is considered that this requirement would not be required as the development does not impact upon existing parking at the Rugby Club.

RR Reference	Name / Organisation	Matter	Applicant Response
		Reason: To safeguard sporting use of the adjacent sports facilities and to accord with paragraphs 99 and 187 of the NPPF.	See comment above.
		Pre-commencement conditions are required to ensure that these details are agreed and implemented on site prior to any construction activity taking place on and adjacent to playing field land. If you wish to amend the wording or use another mechanism in lieu of the above conditions, please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome, and it is consulted on any amendments. Sport England would like to be notified of the outcome of the application through the receipt of a copy of the decision notice.	Discussions with Sport England will continue on these matters.
RR-0161	Cadent Gas	Cadent wishes to make a relevant representation to the Hinckley National Rail Freight Interchange DCO in order to protect its position in light of infrastructure which is within or in close proximity to the proposed DCO boundary. Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits	The Applicant is engaged in ongoing discussions and negotiations with Cadent in respect of suitable protective provisions. The Applicant is committed to continuing to engage with Cadent Gas and anticipates being in a position to include final and agreed protective provisions in the DCO shortly, and

RR Reference	Name / Organisation	Matter	Applicant Response
		including should be maintained at all times and access to inspect such apparatus must not be restricted.	certainly within the timeframe of the Examination.
		The documentation and plans submitted for the above proposed scheme have been reviewed in relation to impacts on Cadent's existing apparatus located within this area, and Cadent has identified that it will require adequate protective provisions to be included within the DCO to ensure that its apparatus and land interests are adequately protected and to include compliance with relevant safety standards.	Noted, as above
		Cadent has low and medium pressure gas pipelines and associated apparatus located within and very close the order limits which are affected by works proposed, the extent to which is still being assessed and which may require diversions subject to the impact. Any Proposed diversions have not yet reached detailed design stage and so the positioning, land rights and consents required for these gas diversions are not confirmed.	Noted, as above

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>At this stage, Cadent is not satisfied that the DCO includes all land and rights required to accommodate such diversions as design studies will need to influence these requirements.</p>	<p>As above. The Applicant is confident that agreement can be reached with Cadent with regard to land and rights requirement to accommodate any necessary diversions.</p>
		<p>Cadent will not decommission its existing apparatus and/or commission new apparatus until it has sufficient land and rights in land (to its satisfaction) to do so, whether pursuant to the DCO or otherwise. This is a fundamental matter of health and safety. At this stage, Cadent is not satisfied that the tests under section 127 of the PA 2008 can be met.</p>	<p>Noted, as above</p>
		<p>Cadent has experience of promoters securing insufficient rights in land within DCOs for necessary diversions of its apparatus or securing rights for the benefit of incorrect entities. It is important that sufficient rights are granted to Cadent to allow Cadent to maintain its gas distribution network in accordance with its statutory obligations. As a responsible statutory undertaker, Cadent's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations.</p>	<p>Noted, as above</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>Adequate protective provisions for the protection of Cadent's statutory undertaking have not yet been agreed but are in discussion between parties. Cadent wishes to reserve the right to make further representations as part of the examination process but will seek to engage with the promoter to reach a satisfactory agreement.</p>	<p>As set out above, the Applicant remains committed to agreeing suitable protective arrangements to address Cadent's concerns and welcomes Cadent's willingness to engage.</p>
<p>RR-0972</p>	<p>National Grid Electricity Transmission</p>	<p>National Grid will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus. National Grid's rights of access to inspect, maintain, renew and repair such apparatus must also be maintained at all times and access to inspect and maintain such apparatus must not be restricted.</p> <p>Further, where the Applicant intends to acquire land or rights, or interfere with any of National Grid's interests in land or National Grid's apparatus, National Grid will require appropriate protection and further discussion is required on the impact to its apparatus and rights.</p> <p>National Grid owns or operates the following infrastructure within or in close proximity to the proposed Order Limits for the Project: Electricity Transmission NGET has a high voltage electricity overhead transmission line within or in close</p>	<p>The Applicant is engaged in ongoing discussions and negotiations with National Grid Electricity Transmission in respect of suitable protective provisions and there remain only a few outstanding matters between the parties. The Applicant is committed to continuing to engage with National Grid Electricity Transmission and anticipates being in a position to include final and agreed protective provisions the DCO shortly, and certainly within the timeframe of the Examination.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>proximity to the proposed Order Limits. The overhead lines form an essential part of the electricity transmission network in England and Wales. The details of the electricity assets are as follows:</p> <p>Overhead Lines • 4WP 400kV Coventry - Ratcliffe on Soar Hams Hall – Willington East Protection of National Grid Assets</p> <p>As a responsible statutory undertaker, National Grid’s primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. As such, National Grid has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the draft Order Limits. As noted, National Grid’s rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order Limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted. National Grid will require protective provisions to be included within the draft Development Consent Order (the “Order”) for the Project to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards.</p>	

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>National Grid has instructed solicitors and will be liaising with the Applicant in relation to such protective provisions, along with any supplementary agreements which may be required.</p> <p>National Grid requests that the Applicant continues to engage with it to provide explanation and reassurances as to how the Applicant's works pursuant to the Order (if made) will ensure protection for those National Grid assets which will remain in situ, along with facilitating all future access and other rights as are necessary to allow National Grid to properly discharge its statutory obligations.</p> <p>National Grid will continue to liaise with the Applicant in this regard with a view to concluding matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions.</p> <p>National Grid has concerns over tower 4WP041, its proximity to the proposed slip road and any potential restrictions on future maintenance of the asset. National Grid will continue to run internal checks and liaise with the Applicant around this concern.</p> <p>Compulsory Acquisition Powers in respect of the Project As noted, where the Applicant intends to acquire land or rights, or interfere with any of National Grid's interests in land, National Grid will require further discussion with the Applicant. National Grid reserves the right to make further</p>	

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>representations as part of the Examination process in relation to specific interactions with its assets but in the meantime will continue to liaise with the Applicant with a view to reaching a satisfactory agreement.</p>	
RR-0988	Network Rail	<p>Principle</p> <p>For any new terminal proposal Network Rail, through its Licence Condition obligations, has a balancing duty of care to support the promoter's development whilst at the same time ensuring that the proposed development does not compromise both Network Rail's wider network stewardship obligations and the contractual rights of other users of the network. A technical evaluation of the proposals has been carried out, including assessing:</p> <ul style="list-style-type: none"> a. Strategic fit b. the viability of connecting the terminal to the Network Rail network c. Affected level crossing assessments d. An assessment of indicative network capacity to support the proposed level of train movements. 	Noted and agreed.

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>In terms of strategic demand, between 1994 and 2005 when the DfT first promoted development of the Strategic Freight Network, rail freight grew to 9.1% of all UK freight movements annually. Of this approximately 20% was intermodal traffic. Since commencement of the Strategic Freight Network programme in 2005 and 2021, intermodal rail freight has grown by 59% and is forecast to continue to grow through to the late 2040s. The Strategic Freight Network programme is intended to enhance the capability of key UK rail freight routes to support the movement of longer and heavier freight trains and supports Government freight mode shift objectives. For rail intermodal mode shift and growth forecasts to be achieved there needs to be investment in high quality inland terminals in key regional locations. Increasingly, private sector promoters are developing such terminals. The benefits of this investment are evidenced by accelerated levels of rail traffic growth to/from these terminals</p>	<p>Noted and agreed.</p>
		<p>The scheme also connects into the gauge cleared Strategic Freight Network cross country route from Felixstowe to the West Midlands and connections into the West Coast Main line at Nuneaton which has important connectivity benefits for the movement of deep-sea container traffic. Network Rail is therefore satisfied that, strategically, the Hinckley</p>	<p>Noted and agreed.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		proposal, if consented, will support Government and rail industry targets for intermodal rail freight growth and delivering freight mode shift from road to rail.	
		Having satisfied itself in a strategic context Network Rail has entered into a Basic Services Agreement with the promoter to support development of the rail works (excluding the internal rail terminal itself) in support of the promoter making an application via the NSIP process for a DCO to develop and build the terminal. This Agreement was entered into in December 2020.	Noted and agreed.
		As set out in our section 42 response dated 8th April 2023, there remain some issues on site that will need to be addressed. It is noted the proposal is to provide two 775m terminal sidings with a turnout at each end onto the main down line on the Leicester-Nuneaton route, along with associated trap points. This layout is considered to be acceptable and is standard for a freight terminal connection onto the network. Some earthworks are necessary to provide a level platform for the loading/unloading terminal because the existing main line lies on a rising gradient. As such the entry line to the terminal from the east end connection will be on a rising gradient as will the exit line between the terminal and the west end connection. As a	These works will be covered by a Basic Asset Protection Agreement (BAPA) which is under discussion with Network Rail.

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>consequence, there will be a need for earthworks on the Network Rail/ terminal boundary which will need to tie in with and not compromise the earthworks on the Leicester – Nuneaton line.</p>	
		<p>The access will need to be fully signalled, with entry and exit signals and a protecting signal to guard against head on collisions for trains using the main-to-main crossovers. Signalling control for the connections will be undertaken from the signalling control centre at Derby and specifically the workstation responsible for all wider train movements on the Leicester – Nuneaton line.</p>	<p>Noted and agreed.</p>
		<p>The scope of telecoms works related to the proposal include:</p> <ul style="list-style-type: none"> i. Protection and diversion as necessary of existing lineside telecoms services and equipment. This will particularly apply at the two connection points but may include diversion and protection of services linked to earthworks and the works to reconstruct overbridge WNS 13. ii. Provision of Signal Post Telephones at all new/changed signals. 	<p>Noted and agreed.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>iii. Provision of a telecoms/data link between the terminal operator and the Network Rail signaller.</p>	
		<p>Passive provision for future electrification would also be sought. Although services to/from the terminal are expected to be diesel hauled at commencement, if the cross-country route were to be electrified there would be an expected transition for much if not all of the traffic to transition to electric haulage. Passive provision for the future electrification of the terminal has been incorporated in two ways:</p> <p>i. Provision of space on the terminal plateau for the future addition of reception lines. These become necessary under electrification to allow the electric locomotive to be detached and a diesel shunt locomotive to then perform the final positioning move of the wagons onto the gantry roads (for obvious reasons it is not possible to extend OLE onto the gantry roads as this would impede the safe positioning and removal of containers from the train).</p> <p>ii. Allowing appropriate space for the later addition of OLE structures and equipment. One over line structure, over bridge WNS13 Burbage Common Lane, is impacted by the proposals. The existing structure is a Network Rail owned three span masonry arch structure. The proposal requires</p>	<p>Passive provision for future electrification and OLE structures has been a requirement of the scheme design from the outset and will be included in the developed scheme.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>reconstruction of this structure as part of the highway works associated with the development. The reconstruction works also require the structure to be widened to accommodate a bridleway alongside the railway. This will involve changes to the Network Rail boundary. Provision of a bridleway alongside the operational railway will require appropriate containment and screening provisions such that there can be no planned or unplanned incursion from the bridleway onto the operational railway by equestrian users and that the risk of horses being startled by a passing train is appropriately mitigated. Such screening should be the subject of approval by Network Rail via a bespoke addition to the protective provisions or via a requirement within the Order. A bridge agreement covering all matters pertaining to design, construction methodology, easements and future maintenance will need to be entered into following the grant of the Order.</p>	
		<p>A number of level crossings are directly impacted by the proposal. These are crossings that either fall within the proposed red line boundaries for the Scheme or that are within the “blocking back” zones for a train waiting to enter the terminal. Works to these crossings must be included within the DCO. There are five level crossings directly affected. These are:</p>	<p>The 5 identified level crossing are included in the DCO.</p> <p>The Outwoods diversion will be facilitated by a footbridge.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>The Outwoods NGR 444278/294186 ELR WNS 5 miles 213 yds Barwell NGR 445783/295246 ELR WNS 6 miles 469 yds Earl Shilton NGR 446057/295435 ELR WNS 6 miles 833 yds Elmesthorpe NGR 447128/295892 ELR WNS 7 miles 346 yds Thorneyfields Farm No 2 NGR 448103/295975 NGR WNS 7 miles 1402 yds</p> <p>Each crossing has been assessed for the change in risk profile as a result of the proposal. Three of the crossings need to close (Outwoods, Barwell and Earl Shilton), because the risk from increased activity because of the proposal cannot be reasonably alleviated. The preference for the other two (Elmesthorpe & Thorneyfields Farm No.2) is again closure, noting that the route of the diversions for both would be less than those proposed for Outwoods/Barwell & Earl Shilton.</p> <p>It is noted that the draft Order includes two options for the diversion route at Outwoods: (1) a ramped footbridge and (2) diversion of an existing public footpath.</p> <p>Given its urban location Network Rail considers that a footbridge is preferable to a diversion of over 1km via Atwell Close, though it would be expected that any bridge and surfacing would become the responsibility of the local highway authority; for Barwell and Earl Shilton the</p>	

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>alternative access route would be over the re-constructed Burbage Common Road bridge</p> <p>For Elmesthorpe the alternative access route would be over Station Road bridge and at Thorneyfields a diversion is proposed over Fields Farm railway bridge.</p> <p>In relation to the Elmesthorpe, it is noted that no alternative is proposed in Schedule Part 2. However, works number 22 refers to the closure of the Elmesthorpe level crossing and the diversion of public footpath T89/1 to the extent shown on the plans.</p> <p>No diversion is shown on the plan so this may be a drafting error in respect of works number 22. Can you please clarify your intentions as regards this crossing?</p> <p>Network Rail support these diversions and the closure of the crossings as being the safest means of crossing the railway and in the wider interests of railway operation.</p> <p>If the promoter takes the view that closure is not appropriate then Network Rail expects any alternative solutions proposed by the promoter to be discussed with Network Rail, and the appropriateness of any alternative solutions will depend on the increase in risk at the relevant crossing.</p>	

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>The DCO will need to make provision for the closure and diversion, or alteration, of these crossings accordingly.</p>	
		<p>The other main issue for the rail network relates to other level crossings outside the Order limits of the proposals. These crossings do not currently form part of the DCO but in certain circumstances the potential impact of the terminal traffic will warrant Network Rail seeking a contribution from the promoter to works to offset the impact of that traffic.</p> <p>Network Rail has assessed 6 level crossings in this category (excluding Narborough) These are (west to east): which are anticipated to have closed at the point the proposals are constructed</p> <ul style="list-style-type: none"> • Padge Hall Farm (Stretton Baskerville, Warwickshire NGR 440124/292533 ELR WNS 2 miles 532 yds) • Jericho (Hinckley, NGR 441802/293051-ELR WNS 3 miles 684 yds) • Holts (Potters Marston, NGR 449961/295736 – ELR WNS 8 miles 1703 yds) • Durhams (Cosby, NGR 453088/296692-ELR WNS 11 miles 116 yds) • Hinds (Whetstone, NGR 455364/297985- ELR WNS 12 miles 1204 yds) • Twittens (Glen Parva, NGR 457540/298424-ELR WNS 14 miles 120 yds) 	<p>This matter is in discussion. It is intended it will be resolved by agreement and dealt with in the Statement of Common Ground.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>In the case of Padge Hall Farm and Jericho closure is being pursued by NR in any event because of the existing risk profile of the crossings. This is expected before the DCO Inquiry and thus the proposal should have no impact on the crossings which are anticipated to have closed at the point the proposals are constructed.</p>	<p>Noted</p>
		<p>For Holts crossing the provision of telephones with a proportionate contribution from the promoter is sought consequent on the uplift in risk as a result of the increase freight traffic. This should be secured via a S106 Agreement or alternative appropriate mechanism.</p>	<p>This matter is in discussion. It is intended it will be resolved by agreement and dealt with in the Statement of Common Ground.</p>
		<p>For Durhams and Hinds crossings the preference is for closure but if that cannot be achieved, the provision of miniature warning lights and telephones may be a secondary alternative, again be secured via a S106 Agreement or alternative appropriate mechanism.</p>	<p>This matter is in discussion. It is intended it will be resolved by agreement and dealt with in the Statement of Common Ground.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>For Twittens crossing Network Rail's current position is that the risk profile at the crossing following opening of the terminal will be such that total closure is likely to be required. This could take the form of either closure and diversion via the nearby underpass or by means of a new bridge over the railway. Whilst the crossing does not need to be brought within the scope of the DCO, Network Rail and the promoter are in discussions to make arrangements to facilitate its closure within the Framework Agreement, however Network Rail fully reserves its position in this regard.</p>	<p>This matter is in discussion. It is intended it will be resolved by agreement and dealt with in the Statement of Common Ground.</p>
		<p>Narborough Station level crossing has been considered separately because of the nature of the surrounding built up area, heavy usage (over 7,000 vehicles per day) and constrained highway features present.</p> <p>There is a history of blocking back over the crossing, which largely relates to the existing road layout and poor driver discipline. However, many of the issues relating to the crossing are pre-existing and the direct impact of the Scheme would be to increase the barrier down time by only another five minutes in the hour. Currently the barriers are down for between 17 and 19 minutes in the hour. This would be increased to a maximum of 24 minutes overall, well within</p>	<p>Network Rail have undertaken a detailed analysis of Narborough Station and the barrier down time. Based on the pre-pandemic timetable, in the morning peak hours 7 – 10 am, there is only one possible time an additional intermodal freight train could run. In the afternoon, between 4 – 7 pm only two. Each train travelling at 75 miles per hour would cause a maximum barrier downtime of 2.5mins. This is far less than a stopping passenger train coming from Leicester, which is 4-5 minutes. In each hour the total barrier down time within an hour would be approximately 20 minutes, with 40</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>the limits for a town centre level crossing down time of 40 minutes maximum.</p> <p>As such Network Rail is satisfied that the small increase in barrier down time will not impact significantly on the risk profile at the crossing as regards rail traffic and thus it is not considered the Terminal would trigger the need for further works at the crossing.</p>	<p>minutes open which is well within Network Rail's acceptable barrier down time at a level crossing.</p>
		<p>We have specific comments on the actual wording of the DCO, which we set out below:</p> <p>(a) Network Rail has identified a number of level crossings outside the Order limits where measures are needed to mitigate the impacts arising from the proposed development. As detailed above, those mitigations need to be secured by development consent obligation or other appropriate mechanism. Network Rail and the promoter are in ongoing discussions about these mechanisms.</p> <p>(b) Article 4 permits the authorised development to be carried out beyond the parameters shown on the plans where the relevant planning authority certifies that a deviation in excess of these limits would not be likely to give rise to any materially new or materially significant effects on the environment that have not been assessed in the</p>	<p>(a) As mentioned in the relevant representation, Network Rail and the Applicant are engaged in ongoing technical discussions. The Applicant welcomes Network Rail's engagement and is committed to engaging with Network Rail.</p> <p>(b) and (c) This is not the effect of the article. It does not authorise works outside of the Order limits.</p> <p>The article works so that the authorised development (as defined in Schedule 1) is to be carried out within the parameters shown and described on the parameters plan. Paragraphs (a) and (b) then permit lateral deviations from the limits of deviation shown</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>environment statement. Network Rail's clearance will be based on the limits of development shown on the plans.</p> <p>(c) Any development beyond those limits would necessitate a further clearance. Network Rail therefore requires a contractual commitment that, notwithstanding any approval of the planning authority, no work beyond the Order limits will be carried out until further clearance approval has been obtained from Network Rail.</p> <p>(d) Article 38 permits Tritax to "operate and use the railway comprised in the authorised development and any other elements of the authorised development as a system, or part of a system, of transport for the carriage of goods". We asked that a new sub-clause is added as follows: "(2) Nothing in this Order, or in any enactment incorporated with or applied by this Order, prejudices or affects the operation of Part 1 (the provision of railway services) of the Railways Act 1993." This approach is consistent with The East Midlands Gateway Rail Freight Interchange and Highway Order 2016.</p> <p>(e) Article 44 sets out the governance of requirements and governance of protective provisions relating to highway works. The authorised works include, amongst other things, a new bridge over the railway. To the extent Network Rail must approve any of those details, they should be referenced</p>	<p>on the works plans (all of these remain within the Order limits) and in respect of highway works only, vertical deviation by 1.5m up or down from the levels shown on the highway plans. The proviso in respect of the materially new or materially different significant effects relate only to (a) and (b). This is subject always to the requirement that the authorised development must be carried out within the parameters shown and described on the parameters plan.</p> <p>In any event, it is not expected that the relevant planning authority would authorise anything which would affect the railway network without consulting Network Rail.</p> <p>It is not understood what is proposed by 'contractual commitment' but this is not considered necessary or appropriate.</p> <p>(d) The Applicant is liaising with Network Rail to agree the wording of this provision.</p> <p>(e) It is not considered that the article needs to change. Network Rail will have the benefit of protective provisions relating to works</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>in this article. Network Rail are happy to consider further drafting on this point as the position becomes more settled.</p> <p>(f) Schedule 2 Part 3, paragraph 3 – The timeframe given for the discharging authority to request further information is only 10 workings which is an unusually tight timeframe. Network Rail requests that this is amended to 20 working days in line with The Northampton Gateway Rail Freight Interchange Order 2019.</p> <p>(g) Schedule 14 Part 1 – The protective provisions in the draft DCO are inconsistent with Network Rail's standard form protective provisions. We enclose the standard form of protective provisions which Network Rail requires to be included within the DCO. Please note that these are secured by Article 43, not Article 47 as stated at the start of Schedule 14. 1.1.2 In carrying out our review we noted the following minor amendments are needed: (a) Schedule 2 Part 2, paragraph 4(2)(d) – After the words "paragraph (c)" insert "or such other timeframe specified by the Secretary of State".</p> <p>Please note that these observations represent Network Rail's current position. We would hope that they can form the basis of further discussion between your client and Network Rail with the aim of establishing a mutually advantageous</p>	<p>affecting the railway which will cover the bridge and there will also be an Overbridge Agreement between NR, The Applicant and LCC which will deal with the detail of this.</p> <p>(f) This time period is consistent with PINS Advice Note 15</p> <p>(g) The Applicant is engaged in ongoing discussions and negotiations with Network Rail in respect of suitable protective provisions. The Applicant is committed to continuing to engage with National Highways and anticipates being in a position to include final and agreed protective provisions in the DCO.</p> <p>(a) It is not considered that the paragraph needs to change, this wording is not included in respect of the other time periods included in this Part.</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		position leading to an agreed Statement Of Common Ground to table to the DCO Inquiry.	
RR-1188	Royal Mail	<p>Royal Mail (RM) does not have an in principle objection to Hinckley National Rail Freight Interchange but is seeking to secure mitigations to protect its operations during the construction and operational phases.</p> <p>Under section 35 of the Postal Services Act 2011 (the “Act”), RM has been designated by Ofcom as a provider of the Universal Postal Service. RM is the only such provider in the United Kingdom. The Act provides that Ofcom’s primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on RM, requiring it to provide the Universal Postal Service. The Act includes a set of minimum standards for Universal Service Providers, which Ofcom must secure.</p> <p>The conditions imposed by Ofcom reflect those standards.</p> <p>RM is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project. RM’s postal sorting and delivery operations rely heavily on road communications.</p>	<p>The Applicant welcomes that Royal Mail does not have an in principle objection to the development. The Applicant recognises Royal Mail’s regulatory obligations and the public benefits these bring. However, it is not considered that a DCO requirement pertaining to notification will be required. This is because:</p> <p>A Construction Traffic Management Plan (CTMP) (document reference: 17.6, APP-364) was submitted as part of the DCO Application and seeks where reasonably possible to do so to limit temporary closures and diversions. This includes the submission to and approval by the local highway authority of a temporary traffic management plan (see paragraphs 1.113 - 1.116 of the CTMP). Requirement 24 (Schedule 2) of the draft Development Consent Order (document reference: 3.1, APP-085) requires the Applicant to submit a detailed construction traffic management plan which must accord with the principles</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>RM's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network. RM is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on RM's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to RM's business.</p> <p>Junction 21 of the M1 and Junction 2 of the M69 are used by RM's collection, distribution and delivery operations. RM has nineteen operational facilities within 12 miles, Leicester DO, Hinckley RTW and Hinckley DCO being less than 2 miles. Highway works and Traffic Management for this scheme risk impact on RM's operations.</p> <p>Every day, in exercising its statutory duties RM vehicles use all the main roads that will be affected by additional traffic arising / delays during construction of this scheme. Any road disruption / closures, night or day, has potential to impact operations.</p> <p>RM does not wish to stop or delay this scheme from being constructed but does wish to protect its future ability to provide an efficient mail sorting and delivering service. In order to do this, RM requests that:</p>	<p>set out in the CTMP submitted with the Application.</p> <p>Information and advance warning will be available through the highway authorities who will manage the Project's impact on the highway network. The Applicant will liaise with the relevant highway authorities to undertake the highway improvement works on a phased basis, and as a road user, Royal Mail will be able to engage with the highway authorities in respect of traffic management to ensure the current position at the relevant time is known to it.</p> <p>It would also not be appropriate to interfere the highway authorities' public duty to manage the highways under their control by providing for third parties to be involved with this process. Royal Mail will be able to engage with the relevant highway authority in the usual way as it would whenever a road is closed for construction or other purposes. With regard to operational traffic, Requirements 8 and 9 of the DCO ensure that the development traffic is controlled through the Framework Site Wide Travel Plan</p>

RR Reference	Name / Organisation	Matter	Applicant Response
		<p>1. the DCO includes specific requirements that during the construction phase RM is consulted by Tritax Symmetry or its contractors at least one month in advance on any proposed road closures / diversions / alternative access arrangements, hours of working, and on the content of the final CTMP,</p> <p>2. the final CTMP includes a mechanism to inform major road users (including RM) about works affecting the local highways network (with particular regard to RM's distribution facilities near the DCO application boundary), and</p> <p>3. RM is invited to join any stakeholder traffic management consultation group that is set up during the operational phase. RM reserves its position to object to the DCO application if these requests are not adequately addressed.</p>	<p>(document reference: 6.2.8.2, APP-159) and the Sustainable Transport Strategy (document reference: 6.2.8.1, APP-153). The Applicant also notes that there is no such requirement included in other rail freight DCOs.</p>