

Tritax Symmetry (Hinckley) Limited

## **HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE**

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### **The Hinckley National Rail Freight Interchange Development Consent Order**

Project reference TR050007

## **SoCG Update and Statement of Commonality**

Document reference: 19.12

Revision: 01

**24 October 2023**

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Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations  
2009

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## **1. INTRODUCTION**

### **Purpose of the statement**

- 1.1 This statement updates the Examining Authority (ExA) on the current status of Statements of Common Ground (SoCG) at deadline 2 (24 October 2023).
- 1.2 This statement has been prepared in response to a request by the ExA to set out the commonality on specific points between the SoCG agreed between the Applicant and the various bodies where SoCGs have been requested.
- 1.3 It is the intention that as further agreement and commonality through the SoCGs is reached, this document will be updated to reflect the latest position accurately.
- 1.4 For more detailed information on the respective stakeholders' positions, in relation to the topics covered in this statement, please refer to the specific SoCGs (document references 19.1 to 19.11).

### **Structure of the statement**

- 1.5 This statement is structured as follows:
  - Section 2 and Appendix A provide an up to date list of the SoCGs under preparation and the status of these SoCGs; and
  - Section 3 and Appendix B sets out the commonality between the SoCGs at deadline 2.

### **Background to the SoCGs**

- 1.6 To ensure consistency across the SoCGs, a uniform approach has been taken to drafting. Each is generally structured as follows:
  - a) Tables setting out the matters agreed between the Applicant and the stakeholder on each topic;
  - b) Tables setting out the matters not agreed between the Applicant and the stakeholder on each topic, these tables include a traffic light rating system setting out both parties estimation as to the likelihood that disagreement will remain by the end of the examination (Low – green, medium – amber, high – red);

- c) Where relevant additional appendices are provided to support the discussions on the SoCG and information on the engagement undertaken.

1.7 The exception to this approach has been the SoCG prepared with Network Rail, where the approach taken has been led by the preferences of Network Rail.

## **2. STATEMENTS OF COMMON GROUND UPDATE**

2.1 The Applicant's submission contained an intent schedule, setting out those organisations and matters which the Applicant proposed to enter into a SoCG on (document reference 15.1, APP-356). The ExA in their Rule 6 letter issued on 11 August 2023 requested that SoCGs were prepared between the Applicant and the following parties:

- Blaby District Council;
- Hinckley and Bosworth Borough Council;
- Leicestershire County Council;
- Rugby Borough Council;
- Harborough District Council;
- Warwickshire County Council;
- National Highways;
- Network Rail;
- Environment Agency;
- Natural England; and,
- Historic England.

2.2 The Applicant has prepared SoCGs with the above listed parties throughout the pre-examination phase of the DCO and continuing during the early stages of the examination. These are based upon discussions which commenced prior to the DCO application submission.

2.3 The table overleaf contains the full list of SoCGS and explains their current status. It also identifies any outstanding issues which are the subject of ongoing discussions and may therefore be the subject of further submissions in due course.

- 2.4 It should be noted that on 13 October 2023, the Applicant set a deadline of 17 October 2023 for Councils to provide responses to any SoCGs currently in their possession. The purpose of this deadline was to give the Applicant sufficient time to review and submit an updated SoCG to the Council prior to deadline 2.
- 2.5 Several SoCGs were returned to the Applicant after 17 October 2023. While the Applicant has endeavoured to review and submit an updated SoCG to the Council (also for inclusion in the deadline 2 submission) this has not been possible in all instances. Where this is the case, either the previous version submitted by the Applicant to the Council, or the latest version returned by the Council, has been included for the purposes of the deadline 2 submission.
- 2.6 There is an early draft SoCG in circulation between Network Rail and the Applicant. Network Rail and the Applicant have been working together closely for some years. Network Rail is on record as being supportive of the scheme.
- 2.7 Resources have in part been concentrated on settling the agreements which will be reflected in the SoCG, including dealing with Protective Provisions and other Representations. These are at an advanced stage.
- 2.8 However, it has not been possible to properly reflect these yet in the SoCG, as resources have had to be concentrated on addressing the ExA's evidence base requested for Narborough Level Crossing times. This is based on the current situation over 24 hours over 7 days, rather than the peak hour and shoulder hours of a typical working day, provided previously by agreement with Transport Working Group.
- 2.9 With regards to the SoCG with National Highways, a Highways Position Statement has been submitted and is the basis of a SoCG on transport matters.
- 2.10 For the sake of brevity, some topics have been excluded from the Council SoCGs where it has been agreed that one Council's position aligns with, or is incorporated into, another Council's SoCG. These instances are summarised as follows:
- Socio-economics: where the LCC position aligns with the SoCG with BDC;
  - Acoustics: where the HBBC position is incorporated into the SoCG with BDC;
  - Heritage: where the LCC position is incorporated into the SoCG with BDC;
  - Ecology: where the LCC position relies on land use consultants through BDC and HBBC;
  - Landscape: where the LCC position relies on land use consultants through BDC and HBBC;

- Geology, soils and groundwater: where the BDC position relies on the Environment Agency position; and
- PRoW: where the BDC and HBBC position relies on the LCC position (as part of the Highways SoCG).

2.11 Other topics have been excluded where they are not relevant to a stakeholder.

Document reference no.	Party	Topic	Status	Date of submission	Outstanding issues
19.1	Blaby District Council	Planning	V7	23/10/23	Whether the proposal satisfies the guidance for good design in the NPS with reference to impact on landscape; whether Requirement 10 Rail which supports the construction and occupation of up to 105,000 sqm of logistics floorspace prior to the Rail Port (Phase 1) becoming operational is reasonable, proportionate and accords with paragraph 4.88 of the NPS NN; detailed consideration of Development Plan documents; whether the phasing of development for HNRFI is contrary to paragraphs 4.84 of the draft NPS.
		Lighting	V4	24/10/23	None.
		Climate	V5	10/08/23	Compliance with NPSNN; compliance with NPPF by mitigating and adapting to climate change, including moving to a low carbon economy; compliance with BDC strategic objectives by minimising energy use and use of valuable resources, encouraging renewable energy production in suitable locations, minimising the risk of flooding and encouraging and developing the use of more sustainable forms of transport; that the assessment is sufficient to estimate the effects GHG emissions sources.
		Air quality	V6	24/10/23	Potential impacts on the Free Holt Ancient Woodland; impact of additional queuing traffic as a result of additional 'barrier down' time at Narborough level crossing; requirement for damage cost analysis; requirement of off-site monitoring.
		Acoustics	V5	24/10/23	CEMP measures in relation to noise and vibration; baseline noise survey methodology and in particular the monitoring protocol at NMP5; acoustic design of the illustrative masterplan; assessment of operational noise impacts from the

Document reference no.	Party	Topic	Status	Date of submission	Outstanding issues
					A47 link road in accordance with BS4142; maximum noise levels; operational noise assessment of off-site road traffic; mitigation for HGV movements, loading/unloading operations and service yard areas, including SRFI operations; mitigation for off-site road impacts.
		Ecology	V5	04/10/23	Updates and further clarification sought on the baseline; incorrect guidance cited regarding biodiversity net gain and development; absence of inclusion of matrix of effects; provision of an outline decommissioning plan; cumulative effects assessment; feasibility of delivering 10% BNG; duration/detail of LEMP; further consideration of measures such as passes under/over the road; Woodland Access Management Plan; scope of surveys.
		Landscape	V6	20/10/23	That the landscape chapter has been prepared in accordance with the NPSNN; that Requirement 11 Container Stack Height will mitigate landscape and visual impacts in the long-term; matters contained in the CEMP relating to night time construction effects; sensitivity ratings for landscape character areas; methodology for assessing night-time lighting effects; significant effects during construction phase underestimated; night-time effects experienced at Year 1 and 15; value ratings for night-time views; the measures set out in the LVIA and Landscape Strategy will mitigate the effect of the development on these receptors.
		Heritage	V7	24/10/23	None.
		Contaminated land	V3	15/08/23	None.



Document reference no.	Party	Topic	Status	Date of submission	Outstanding issues
		Socio-economics	V6	23/10/23	Types of construction skills required; inadequate/missing analysis of wage and housing affordability issues that will have a bearing on labour origins.
		Health and equalities	V5	15/08/23	Impacts on mental health; alleged breach of the equality act; absence of equality baseline; lack of voluntary Health Impact Assessment.
19.2	Hinckley and Bosworth Borough Council	Planning	V9	24/10/23	Whether the proposal satisfies the guidance for good design in the NPS with reference to impact on landscape; detailed consideration of Development Plan documents; whether the provision of public open space is consistent with the strategic interventions supported by Policy 20 'Green Infrastructure' within the adopted Core Strategy; whether the Parameters Plan is consistent with the guidance in the Good Design SPD; whether construction of the A47 is in conflict with the provision of Core Strategy Policy 6 Green Wedge; visual impact of green wedge; whether the proposal is in conflict with Policy DM6; whether the proposal is in conflict with Policy DM9; whether the phasing of development for HNRFI is contrary to paragraphs 4.84 of the draft NPS.
		Lighting	V2	15/06/23	None.
		Climate	V5	26/07/23	None.
		Air quality	V4	08/08/23	None.
		Ecology	V4	11/08/23	According of importance to habitats and species based on their abundance within the order limits; lack of consideration given to how long the new woodland plantation will take to establish; clarity on buffer distance between wet ditch habitat and proposed development; clarity on proposals regarding the re-routing of the existing stream, reinstatement and the

Document reference no.	Party	Topic	Status	Date of submission	Outstanding issues
					establishment of vegetation; restrictions' on night time working to mitigate impact on bats; consideration to fragmentation of habitats during operation; provision of an outline decommissioning plan; badger mitigation measures; cumulative effects assessment; feasibility of delivering 10% BNG; Biodiversity Metric 3.1 review; full River Condition Assessment review; clarity on how off-site BNG will be provided, secured and delivered; inclusion of hedgerows into the metric; requirement of further assessment to reduce habitat loss and increase BNG on site; suitability of Woodland Access Management Plan; duration/detail of LEMP; detail of CEMP ecology measures; detail of EMMP.
		Landscape	V6	18/10/23	That Requirement 11 Container Stack Height will mitigate landscape and visual impacts in the long-term; significant effects during construction phase underestimated; night-time effects experienced at Year 1 and 15; value ratings for night-time views; the measures set out in the LVIA and Landscape Strategy will mitigate the effect of the development on these receptors.
		Heritage	V3	29/06/23	None.
		Geology, soils and groundwater	V1	18/05/23	None.
		Socio-economics	V6	23/10/23	Types of construction skills required; inadequate/missing analysis of wage and housing affordability issues that will have a bearing on labour origins.

Document reference no.	Party	Topic	Status	Date of submission	Outstanding issues
		Health and equalities	V5	15/08/23	Impacts on mental health; alleged breach of the equality act; absence of equality baseline; lack of voluntary Health Impact Assessment.
19.3	Leicestershire County Council	Planning	V6	20/10/23	Appropriate site location; whether the Applicant has set out the alternative considerations in the evolution of the design; design of the access and egress to the site; appropriate consideration of Development Plan; whether the proposal satisfies the guidance for good design in the NPS with reference to impact on landscape; whether there will be sufficient capacity on the network to serve additional strategic rail freight; that 'greater weight' must be given to the policies and proposals in the relevant development plan documents; that the NRFI could adversely impact on committed or consented operations for minerals extraction or waste management.
		Highways	V2	12/10/23	Trip generation; uncertainty Log V8; assessment of Narborough Level Crossing; vase VISSIM modelling M6 J2; furnishing methodology; VISSIM modelling of Longshoot/Dodwells, M1 J21/M69 J3, Gibbet roundabout; ongoing maintenance responsibilities; off-site mitigation strategy; output from PRTM 2.2 Model; off-site junction modelling; access infrastructure for all users; structural integrity of existing M69 J2 bridges; forecast VISSIM modelling J1 and J2 M69; Site Wide Framework Travel Plan; final HGV routing strategy; Sustainable Transport Strategy; CTMP; Road Safety Audits Stage 1; S106 Transport related; DCO; whether PRow proposals are deliverable/can be designed fully in accordance standards; details of A47 underpass; details of

Document reference no.	Party	Topic	Status	Date of submission	Outstanding issues
					PRoW connections to link road footway provision; stopping up of duplicated bridleway V35/1; ownership, maintenance and risk assessment of Thorney Fields Farm bridge; RSA of B581 Elmhurst railway bridge footway provision; details of private access to Bridge Farm; details of Outwoods footbridge and its future maintenance.
		Waste	V4	13/08/23	None.
		Climate	V3	26/07/23	None.
		Air quality	V4	18/10/23	Impact on more vulnerable groups; what bus routes will serve.
		Drainage	V4	06/10/23	None.
		Health and equalities	V5	15/08/23	Potential impacts on mental health; alleged breach of the equality act; absence of equality baseline; lack of voluntary Health Impact Assessment.
19.4	Rugby Borough Council	Various	V2	13/10/23	None.
19.5	Harborough District Council	Various	V2	24/10/23	None.
19.6	Warwickshire County Council	Drainage	V3	30/06/23	None.
19.7	National Highways	Highways	n/a	n/a	n/a
19.8	Network Rail	Highways	n/a	n/a	n/a
19.9	Environment Agency	Various	V3	19/10/23	None.

<b>Document reference no.</b>	<b>Party</b>	<b>Topic</b>	<b>Status</b>	<b>Date of submission</b>	<b>Outstanding issues</b>
19.10	Natural England	Various	V5	14/09/23	None.
19.11	Historic England	Heritage	V1	July 2023	None.

### 3. COMMONALITY

- 3.1 The table set out in Appendix B provides a summary of the principal issues covered in the SoCGs and shows the commonality in the topics in discussion with the various parties, based on the current position at deadline 2.
- 3.2 The topics identified principally relate to the topics upon which the ExA have sought SoCG in its procedural decision, contained in the Rule 6 letter issued on 11 August 2023 and reinforced through the Rule 8 letter issued on 22 September 2023.
- 3.3 The table shows the topics covered within the SoCGs with reference to a colour, which demonstrates the status of agreement on that topic as follows:

	Completed, the topic is fully agreed with no areas of disagreement.
	Completed, the topic is partially agreed with some identified areas of disagreement, this represents the final position.
	Completed as an interim SoCG with further identified matters to be addressed through discussion.
	Not completed, discussions are ongoing.
	Not commenced.
	Not applicable – topic not relevant to interested party.

