

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Applicant's Comments on Local Impact Reports [Part 1 of 4 BDC]

Document reference: 18.4

Revision: 01

24 October 2023

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
Regulation 5(2)(q)

Blaby District Council (BDC)

This document provides the Applicant’s response to the points raised in the Local Impact Report prepared and submitted by Blaby District Council at Deadline 1 and subsequently published by PINS. The matter raised is summarised and the Applicant’s response is then provided in the following table. It is noted that BDC raise matters that have previously been addressed. In the interests of assisting the ExA undertake the Examination of the Application efficiently, where the same or similar points are raised in multiple instances, the Applicant does not repeat the same response. Where the same point has been made in previous submissions, e.g. Relevant Representations, the Applicant refers back to its previous responses, rather than repeating these again here (document reference 18.2).

<u>Response Number</u>	<u>Matter</u>	<u>Applicants Response</u>
	Key Local Policy Documents	
1	BDC refer to the following Core Strategy policies: Policy CS11 – Infrastructure, Services and facilities to support growth; Policy CS12 – Planning Obligations and Developer Contributions; Policy CS14 – Green Infrastructure; Revised Policy CS15 Open Space, Sport and Recreation; Policy CS18 – Countryside; Policy CS19 Biodiversity and Geodiversity; Policy CS20 ‘Historic Environment and Culture’; Policy CS21 Climate Change and Flooding; Core Strategy Policy CS22 Flood Risk Management	<p><u>Policy CS11:</u></p> <p>In respect of applications for a DCO the primary policy consideration is not the provision of the development plan – which is the case for applications to be determined under the TCP Act 1990. The NPS-NN is in the primary basis for making decisions on DCO applications for strategic rail freight interchanges NSIPs in England (NPS-NN paragraph 1.2). Policies in a development plan may be considered important and relevant to the decision PA 2008 (S104 (2)(d)). In this context it is appropriate to consider whether the provisions of policies referred to by the Council add a particular policy objective that is not addressed within the NPS. Policies in development plans are to be given little weight where, for example, they provide local information which may assist in the interpretation or application of NPS policies.</p> <p>Policy CS11 requires developments to meet the needs of the community and mitigate any adverse impacts of development.</p>

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		<p>Decision taking under S104 of the PA requires the decision taker to be satisfied that the adverse impact of the proposed development would be outweighed by the benefits.</p> <p>In undertaking this planning balance the Government expects (NPS-NN 3.3) <i>'applicants to avoid and mitigate environmental and social impacts set out in the NPPF.'</i> The Government acknowledges (NPS-NN paragraph 4.31) that not all impacts of new national network infrastructure will be eliminated. The policy objective is to improve operational conditions (of the national network) and simultaneously minimising adverse impacts.</p> <p><u>Policy CS12:</u> It is stated that (in the context of Policy CS12 Planning Obligations) that</p> <p><i>'The Proposed Development will be required to provide infrastructure (or a contribution) to meet the needs of the community and mitigate any adverse impacts of development.'</i> [Emphasis added]</p> <p>Planning Obligations must satisfy the tests of Regulation 122 of the CIL Regulations 2010.</p>

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		<p><u>Policy CS14:</u> Policy CS14 seeks to protect existing and provide new networks of multi-functional green space. The Site does not comprise Green Infrastructure. The Proposed Development makes provision for substantial enlargement of Burbage Common with new public access to land within the adjoining Green Wedge.</p> <p><u>Policy CS15:</u> All policy statements should be read in their proper context. The supporting text to updated Policy CS15 (Local Plan Delivery) DPD 2019 states (paragraph 2.4):</p> <p><i>‘New residential development is required to contribute to open space, sport and recreation’.</i></p> <p>The supporting text is silent on commercial development. In extensive discussions on Planning Obligations, BDC has not once suggested that the Reg 122 tests for a planning obligation are engaged by HNRFI for the provision of additional sporting and recreational facilities. Policy CS15 is considered to be an irrelevant planning policy in this circumstance.</p> <p><u>Policy CS18:</u> It is of course accepted that HNRFI is situated on land designated as countryside. SRFIs are large sites where <i>‘adequate links to the rail and road networks are essential’</i> (NPS NN 4.85). National</p>

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		<p>policy acknowledges that a countryside location <i>'may be required'</i> (NPS NN 4.84). BDC/HBBC accept no suitable site is available within existing urban areas. HBBC refers (Written Representation paragraph 7.5) to the <i>'site location adjacency to the nearby Hinckley urban settlements'</i>.</p> <p>In so far as there is conflict with Policy CS18 the conflict should be given limited weight in the planning balance. In the context of HBBC recognition of the site location adjacency to the nearby Hinckley urban settlements', the contention that HNRFI is not located in a sustainable location is rejected.</p> <p>The NPS states (paragraph 4.31):</p> <p><i>'A good design should meet the principal objectives of the scheme by eliminating or substantially mitigating the identified problems by improving operational conditions and simultaneously minimising adverse impacts.'</i></p> <p>It is inevitable that by reason of the form, scale and locational requirements for a SRFI, which cannot be accommodated within an existing urban area, there will be residual impacts after mitigation. It is these impacts that need to be balanced with the benefits of a SRFI.</p> <p><u>Policy CS19:</u></p>

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		<p>The Environmental Statement (document reference: 6.1.12, APP-121) addresses the considerations raised under Policy CS19 – which are required to be addressed by the NPS-NN under Biodiversity and Ecological conservation.</p> <p><u>Policy CS20:</u> The matters addressed in Policy CS20 are addressed in the NPS-NN under the heading The Historic Environment.</p> <p><u>Policy CS21:</u> The matters raised in Policy CS21 are addressed in the NPS-NN under Climate Change and Flood Risk.</p> <p><u>Policy CS22:</u> The matters raised in Policy CS22 are addressed in the NPS-NN under Climate Change and Flood Risk.</p>
2	<p>Within Blaby District Local Plan (Delivery) Development Plan Document – Adopted 2019, BDC refer to: Policy DM2 ‘Development in the Countryside’; Policy DM3 ‘Employment Development on Unallocated Sites’; Policy DM4 ‘Connection to Digital Infrastructure’; Policy DM7 ‘Road Related facilities for HGVs’; Policy DM8 ‘Local Parking and Highway Design Standards’; Policy DM9 High Load Route; Policy DM12 ‘Designated and non-designated heritage assets’; Policy DM13 Land Contamination and Pollution;</p>	<p><u>Policy DM2:</u> See comments above in relation to Policy CS18.</p> <p><u>Policy DM3:</u> The LAs accept that a SRFI cannot be located within an existing urban area. Hinckley and Bosworth Borough refer to the ‘location adjacency’ of HNRFI to Hinckley and nearby settlements which are reasonably to be regarded as being sustainable settlements.</p>

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		<p><u>Policy DM4:</u> BDC need not be concerned. The logistics industry is development upon digital infrastructure for the tracking in the movements of goods.</p> <p><u>Policy DM7:</u> The Proposed Development includes provision for facilities for HGV drivers attending the rail port and occupiers of HNRFI.</p> <p><u>Policy DM8:</u> The proposals adhere to the most up to date Leicestershire Local Highway Design Guidance in terms of parking and highway design. The application includes schematic highway layout designs and the detailed designs will be secured through the protective provisions in favour of NH and LCC and WCC</p> <p><u>Policy DM9:</u> Reference to Policy DM9 is irrelevant to HNRFI. The underlying basis of Policy DM9 is the content of Roads Circular 61/72 which is to maintain structures on highway to particular standards, ensuring new road schemes do not disadvantage high load routes and the emplacement of street furniture to allow movement with the minimum of disruption. HNRFI does engage the provisions of Policy DM9.</p>

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		<p><u>Policy DM12:</u> The considerations of Policy DM12 as addressed in the NPS-NN under the Historic Environment paragraphs 5.120 – 5.125.</p> <p><u>Policy DM13:</u> With regard to air quality, please see responses within the air quality section and the draft SoCG submitted at Deadline 2. Refer to comment under Policy CS18</p>
3	Fosse Villages Neighbourhood Plan identify ‘limits to built area’ for Sapcote and Stoney Stanton. The settlement sections of the Plan indicate that “outside these limits land will be designated as Countryside where development will be restricted”. The Proposed Development Site is designated as Countryside through the Neighbourhood Plan where development will be restricted in line with Core Strategy Policy CS18. A review of the Fosse Villages Neighbourhood Plan is underway. This relates to the designation of additional Local Green Spaces through Policy FV5 and is not directly relevant to the Proposed Development.	In so far as there is conflict with the provisions of the Neighbourhood Plan for development in the countryside the conflict should be given limited weight in the planning balance. A neighbourhood plan is engaged with the preparation of non-strategic policies. The primary basis for the decision taking on HNRFI is the NPS-NN. The Government recognises that by reasoning of the locational requirements for a SFRI a countryside location may be required (NPS NN - 4.84). LCC/BDC/HBBC have accepted in the draft Statements of Common Ground that no site suitable for a SFRI exists within the confines of an urban areas.
4	The Leicestershire Minerals and Waste Plan (LMWP) sets out the key principles to guide the future winning and working of minerals and the form of waste management development in the County of Leicestershire over the period to the end of 2031.Peter -	The HNRFI does not conflict with policies in the LMWP. TSH’s position in respect of an operational quarry at Croft is that Network Rail has renewed capacity on the railway and confirm that HNRFI will not restrict freight movements into/out of Croft Quarry (up to 4 per day).
	Relevant Proposed Developments Under Consideration	

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5	BDC refer to: Lubbesthorpe Strategic Urban Extension; Lubbesthorpe Strategic Employment Site; Glenfield Strategic Employment Site; Land North of Hinckley Road, Kirby Muxloe; and Land West of St Johns, Enderby as relevant proposed developments under consideration.	<p>For the Traffic Modelling a full Uncertainty Log was produced which went through several iterations before sign-off. This is in-line with DfT TAG Guidance. The log has looked at the likelihood of projects across the region on the Supply (Infrastructure) and Demand (Planning Allocations) in detail. It has allocated a level of uncertainty to each which is based on robust estimates for future forecasting.</p> <p>While the uncertainty levels applied to traffic modelling apply to development across the region, for other environmental aspects a radius of 5km was agreed for the cumulative effects assessment, as shown on Figure 20.1 of the ES (document reference: 6.3.20.1, APP-345). This is because 'other' cumulative effects are only likely to occur where projects are in closer proximity. It is noted that a number of the developments referred to by BDC are in close proximity to J21 of the M1.</p>

	Likely Impacts of the Proposed Development	
	Traffic and Transport	
6	BDC has strong concerns in respect of the highway impacts of the Proposed Development within BDC's area and the adequacy and accuracy of the information provided by the Applicant. BDC understands that a high degree of uncertainty remains in the transport related impacts of the Proposed Development and that mitigation in this regard is likely to need significant amendment.	Not agreed. Refer to Applicant's response to Relevant Representations; Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)
	Impact A: Traffic impacts and congestion	
7	BDC consider that the Proposed Development would significantly increase the traffic through Junction 3 M69 and Junction 21 M1. BDC understand that the ability of the strategic road network to accommodate the traffic generated by the Proposed Development without further mitigation, particularly in respect of Junction 3 M69 / Junction 21 of the M1, is doubtful. This has the potential to cause congestion in the area, with consequential negative impacts on the surrounding road network. This has implications for existing users of the strategic and local road networks.	Refer to Applicant's response to Relevant Representations; Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033) Paragraphs 3.19 to 3.23
8	BDC is concerned that the Applicant has failed to appropriately assess and mitigate the Scheme's impacts on both the strategic and local road network. Issues with congestion have been highlighted but no mitigation has been proposed beyond an inadequate sustainable transport strategy, while by-pass options around the southern villages of Blaby District have been prematurely discounted. Moreover, the mitigation has not been agreed with the appropriate highway and planning authorities prior to submission of the application.	Refer to Applicant's response to Relevant Representations; Highways Position Statement. (document reference: 18.2.1, REP1-033) Bypasses of Sapcote and Stoney Stanton were not agreed through the model brief with the members of the Transport Working Group. They were removed in the face of significant local opposition as reported within Transport Assessment (document reference: 6.2.8.1, APP-138)

9	<p>BDC is concerned that ES Chapter 8 (Traffic and Transport) of the ES refers to the generation of 8,400 jobs. This seems like an underestimate (with knock on effects for other topics) as ES Chapter 7 (Land Use and Socio-Economic Effects) references an upper threshold of 10,400 jobs reflecting the maximum unit sizes that can be constructed.</p>	<p>This matter was addressed at the Preliminary Meeting at which BDC was present. It is an inefficient use of Examination time and resources to raise matters as though they have not already been addressed, particularly where this is covering matters outside BDC's areas of expertise.</p> <p>Refer to document 18.1.1, REP1-018 within Deadline 1 Submission</p> <p>The Applicant team has updated the Transport Assessment (document reference 6.2.8.1A, AS-019) to quote the range and there are no other implications.</p>
<p>Impact B: Inadequate Support for Sustainable Transport</p>		
10	<p>BDC consider the site to be in an unsustainable location that will be heavily reliant on private car use and consider the applicants proposals to facilitate sustainable transport inadequate, stating that much greater measures in respect of public and active transport need to be proposed and secured.</p>	<p>Chapter 4 of the Environmental Statement (document reference: 6.1.4, APP-113) sets out the process that was followed in terms of considering alternative sites and the reasons for selection, this chapter also explored design options for the main site. Further to this, as reported in Chapter 3 of the Environmental Statement (document reference: 6.1.3, APP-113), a number of environmental mitigation measures are included within the design with the intention of designing out environmental effects.</p> <p>It should be noted that most of the railways in the UK were built in the 1800's with low powered steam engines, so wherever possible, they were built in level river valleys, raised just above the flood plains. Flood plains cannot be developed for an SRFI. The number of locations that can also take at least</p>

		<p>1km of track between the points on and off the scheme are also very limited (to meet Network Rail’s standards and serve 775m trains. The difficulty in finding suitable SRFI sites is recognised in the NPS.</p> <p>In the Applicant’s view, BDC is considering locational sustainability from a narrow, parochial perspective, that ignores the locational requirements of a development of this type, rather than the strategic, regional and wider than regional perspective that is appropriate for SRFI projects of national significance.</p> <p>Refer to Applicant’s response to Relevant Representations; Appendix A Highways Position Statement. (document reference: 18.2.1, REP1-033)</p> <p>Further discussion with LCC and NH is to be held and updates to the Sustainable Transport Strategy will be progressed for Deadline 3.</p>
	<p>Impact C: Narborough Level Crossing</p>	
<p>11</p>	<p>BDC considers there are significant deficiencies in the Applicant’s assessment of the traffic impacts of downtime at Narborough level crossing, which could be as high as 32.5 mins per hour during the AM peak.</p> <p>The impact of the increased barrier downtime at Narborough Level Crossing is negative. The negative impacts comprise traffic impacts, severance impacts and increased inconvenience for users</p>	<p>BDC’s assertions are unsupported by any specific evidence and are too vague to allow the Applicant to provide a focussed response e.g. <i>‘the issues raised in the Arup and M-EC reports’</i>. The Applicant will respond to specific matters that are clearly stated and supported by adequate evidence.</p> <p>A Narborough Level Crossing Note covering all matters raised on Narborough level crossing in local impact reports, written</p>

	<p>of the crossing, and noise and air quality impacts associated with queuing traffic.</p> <p>BDC consider that the applicant should carry out further assessment work to address the issues raised in the Arup and M-EC reports.</p>	<p>representations and the Rule 17 letter dated will be submitted at Deadline 3.</p> <p>BDC in its Deadline 1 Written Response (Appendix 4, Narborough Social, Health & Wellbeing Impact Report (Iceni)) concluded “that the increased downtime of the barrier at Narborough Crossing is not considered to have an overall material impact on quality of life of residents”.</p>
	Land Use and Socio-Economics	
12	<p>BDC recognise that there will be Positive impacts related to employment creation in the wider area, increased business rate receipts and general GVA during both construction and operation.</p>	Noted and agreed
13	<p>BDC recognise that there will be neutral impacts on the current demand for housing to meet employee requirements during operation.</p>	<p>Response on housing is provided by the applicant in RR-0134 of 18.2 Applicants Response to Relevant Representations (document reference: 18.2, REP1-026) and is further tested in</p>

		the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2.
14	BDC recognise that there will be negative impacts related to the scale of the Proposed Development which could cause the rate of demand for labour to experience a step change, which could create challenges for the local labour pool with the risk of demand outstripping supply and leading to an increase in commuting.	Response to this matter is provided in RR-0134 of 18.2 Applicants Response to Relevant Representations (document reference: 18.2, REP1-026) and in Matters not Agreed in the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2.
15	BDC has concerns regarding the extent to which socio-economic benefits will be experienced within BDC, the accuracy of the assessment of these benefits undertaken by the applicant, and the adequacy of the proposed mitigation and other measures to support these local benefits.	Specific comments on concerns are provided below.
	Impact A: Construction employment	
16	The IP recognise that the 461 Construction Workers on site per annum will be a benefit to the local economy and support the local construction sector in a range of occupations.	Noted and agreed
17	BDC state that it would have been more appropriate for the study area to be based on a drive distance of 30km rather than a radius of 30km (as used for the operation assessment gravity model. By using a 30km radius, the assessment fails to take into account the connectivity of key routes of the M69, A5 and M1. Considering that typically 14% of construction workers travel beyond 30km and due to the inaccuracies in the drive distance	Response to this matter is provided under Matters not Agreed in the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2.

	mapping, BDC consider the estimated leakage of 0% to be unrealistic and local employment benefits overstated.	
18	BDC are uncertain of the type of construction workers or skills required for the proposed development, suggesting this hinders the development of a training and skills programme by preventing the programme being able to target identified skills shortages.	Not agreed. A response to this matter is provided under Matters not Agreed in the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2.
19	BDC estimate that the construction GVA benefits for Leicester and Leicestershire are estimated as £17,839,140m per annum for the ten-year construction period, based on an average GVA per worker of £49,830 (HENA 2022). Despite this, BDCC has concerns regarding the extent to which these benefits will be experienced within BDC.	BDC provides an estimate of construction GVA. This should be treated with caution as it is based on 2018 information for all sectors and not for the construction sector. It is therefore not comparable with the GVA estimates of Environmental Statement Chapter 7: Land Use and Socio-Economic Effects (document reference: 6.1.7, APP-116). The ES captures the construction effects in the local economy in terms of construction jobs. The approach used in this matter to calculate the GVA is based on the number of construction jobs and the average GVA per worker. Response to this matter in terms of skills is provided under Matters not Agreed in the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2.

	Impact B: Operational Employment	
20	<p>BDC acknowledges that the location of jobs is developed using a trip model based on worker densities at output area level, aggregated up to districts. It is of note that the TRIP model selects the future worker locations based on a criteria which excludes higher Occupations 1-3. However the 'Environmental Statement Volume 1: Chapter 7: Land Use and Socio-Economic Effects' in table 7.15 suggests these higher occupations will make up 33.3% of employees.</p> <p>If this were the case then a different TRIP pattern would be established, which draws into doubt conclusions arising from Chapter 7 in the ES.</p>	<p>The Trip Distribution model has been tested by the Leicestershire County Council Network Data Intelligence team and signed off by the LCC development management team. It is considered robust. This is also included in the draft LCC SoCG (document reference: 19.3) under Matters Agreed.</p>
21	<p>BDC estimate that 53% (3,339 to 4,134) of workers would be residents based in Leicester and Leicestershire. Some of the additional multiplier jobs will also be taken by residents in Leicester and Leicestershire.</p>	<p>BDC provides an estimate of workers anticipated to be residents based in Leicester and Leicestershire. This should be treated with caution as it is a proxy based on current information from ONS Business Register and Employment Survey and the Annual Population Survey.</p>
22	<p>BDC estimate that direct additional GVA per year (due to additional operational on-site jobs) is £247 million to £305 million per annum based on the average GVA per worker per annum in the LLEP (2020) for Storage and Distribution of £39,135 (ES chapter 7 table 7.18). The GVA can be attributed to the workplace base of Blaby.</p>	<p>Noted and agreed.</p>

23	Using a national GVA per jobs of £54,613 (HENA 2022 table 2.3) BDC estimate the benefits of the national off-site jobs as being £109m to £137m per annum. Some of these will be in the Leicestershire area.	Noted. This estimate should be used with caution as it is based on 2018 prices and therefore not in line with the direct additional GVA.
,24	BDC compares the wages referenced for logistics nationally (£30,700 per annum) to that of warehousing and support activities for transportation in the East Midlands (£26,884 per annum) and wholesale trade in the East Midlands (£27,092 per annum), stating that given the comparatively low sector pay for the future operational wages at the proposed development it is likely that fewer employees will reside in the borough and Leicestershire, which will reduce positive impacts reposted, increase negative impacts reported in the ES (including on traffic/transport).	The earning comparison includes inconsistencies as it compares earnings from HENA based on 2020 data and Annual Survey of Hours and Earnings (ASHE) 2021 data. Based on 2021 ASHE annual earnings of full time employee jobs the two sectors (Wholesale and retail trade and repair of motor vehicles and motorcycles and Warehousing and support activities for transportation) in East Midland have slightly higher £26,341-£27,666 earnings and a lower gap with Blaby resident-based (£29,137) and workplace-based earnings (£30,592) shown in Table 7.10 of Environmental Statement Chapter 7: Land Use and Socio-Economic Effects (document reference: 6.1.7, APP-116). Using the 2021 earnings as a proxy for future wages at the Proposed Development should be treated with caution given the higher earning growth rate (32%) that the transportation and storage sector has in comparison with the all sectors growth rate (27%) in United Kingdom between 2010 and 2022 (ASHE Time Series of Selected estimates, 2022). This does not affect the applicant's conclusions on positive employment effects stated in the ES.
25	BDC stress the importance of an Employment and Skills Strategy for the operational phase in order to maximise the local benefits and reduce commuting.	Response to this matter is provided under Matters not Agreed in the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2 and is under discussion with the Local Authorities.

	Impact C: Demand for Housing during Construction	
26	The IP consider that the impact on housing is considered to be negligible. The only conditions where this may not be the case are if (i) the profile of worker specialisms does not fit the current profile, and (ii) the worker requirements are concentrated in particular years rather than spread evenly over the ten years. BDC state that further information on this matter would be anticipated in due course to develop the Skills and Employment Strategy.	Response to this matter is provided under Matters not Agreed in the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2 and is under discussion with the Local Authorities.
	Impact D: Demand for Housing during Operation	
27	BDC recognise that it is unlikely that the operation of the Proposed Development would generate additional pressure on the Leicester and Leicestershire housing market area. However, this does not negate the need to ensure that residents are properly trained and skilled to meet the operational skills requirements.	This is also tested in Matters not Agreed in the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2 and is under discussion with the Local Authorities.
28	BDC consider that there are likely to be housing affordability implications for HNRFI workers. This increases the likelihood of in-commuting from urban areas such as Leicester as well as Rugby and Coventry where housing is relatively affordable.	Response on Impact on wages is applicable to this matter alongside the response to RR-0134 of 18.2 Applicants Response to Relevant Representations (document reference: 18.2, REP1-026) regarding housing affordability.
29	BDC supports the Applicant's indication that nearly half of jobs could be fulfilled by future unemployed persons, thus reducing the demand for workers in newly forming households. However, suggests that these figures need to be treated with caution as it cannot be assumed with any degree of confidence that several thousand currently unemployed persons would fill the roles at the Proposed Development.	Response to this matter is provided under Matters not Agreed in the draft BDC SoCG in the Land Use and Socio-Economic Effects section submitted at Deadline 2 and is under discussion with the Local Authorities.
30	BDC states that there appears to be a misalignment between the operational employment study impact area (para 7.17) and the	Justification for the selection of the HMA is provided in paragraph 7.19 of Environmental Statement Chapter 7: Land

	housing market area (table 7.23). With no apparent attempt to reconcile this difference, the conclusions arrived at in the ES regarding the impact of demand for workers on housing is in question (stated as a minor adverse effect in table 7.26) however work undertaken in this report as above suggests that the conclusions are likely to be incorrect.	Use and Socio-Economic Effects (document reference: 6.1.7, APP-116).
	Impact E: Skills and Training	
31	BDC state that whilst the effect on employment within the wider area is considered beneficial, the likely employment requirements of the Proposed Development as it progresses towards operation could have significant negative impacts for resourcing staff or particular skills in the area. This is compounded by the operational employment and housing impacts specified above. BDC consider that these impacts must be sufficiently mitigated through a robust employment, skills and training programme for the construction and operational phases. BDC considers the Applicant's proposals in respect of skills and training contained in Schedule 2 to the draft Section 106 Agreement are not sufficient and BDC's Written Representation contains details of the additional obligations which are sought from the Applicant.	It is noted that the benefits of employment opportunities are acknowledged. BDC advise that to mitigate against the demands on resourcing staff and skills a robust skills and training plan is required, this is currently being worked through with the Local Authorities as part of S106 discussions.
	Landscape and Visual Impacts	
	Impact A: Landscape Character	
32	BDC consider that the proposed design is not sensitive to its landscape context, in terms of scale, massing, local vernacular or general materiality.	As set out in ES Chapter 11 (document reference: 6.1.11A, AS-025), in the draft BDC under landscape SoCG and Tritax Symmetry's response to LUC's Design Review, the main HNRFI development site has been defined by the Parameters Plan and it is inevitable the creation of an SRFI, in an environment that has been used for agricultural purposes, will create a new

		aesthetic and character that is not in accord with the existing character and vernacular.
33	BDC consider that mitigation of long-term/permanent significant effects would require a change in the Proposed Development including reducing the development footprint/height and providing a more substantial landscape scheme.	<p>The form of the development is dictated by its function and the market demand for this type of facility. It is agreed that there are significant long terms effects as set out in ES Chapter 11 (document reference: 6.1.11A, AS-025) and the draft BDC SoCG submitted at Deadline 2.</p> <p>The Landscape Strategy shows the proposed landscape mitigation, which includes substantial new tree planting and an extension to Burbage Common and Woods.</p>
34	BDC considers the long-term significant landscape impacts will affect a wider area than those identified in the LVIA. These landscape and visual receptors are identified in the statement of common ground, and for BDC include; Elmesthorpe and Sapcote Settlement Character Areas, and Photo Viewpoints 1 (PRoW Users), 2 (PRoW Users), 35 (PRoW Users), 44 (Country Park Users) and 53 (Church Users).	Not agreed as set out in the draft BDC SoCG (document reference: 19.1) submitted at Deadline 2.
	Landscape Mitigation	
35	BDC understand that the scale of the Proposed Development means that the Landscape Strategy (ES Figure 11:20, document reference 6.3.11.20) does not fully mitigate effects but does seek to reduce effects.	<p>Agreed that some significant effects remain</p> <p>It is acknowledged that the proposed development would result in a change to the local network of footpaths. The proposals would provide new, safe routes including broad natural green ways within which a shared use bridleway would be routed providing off-road access to Burbage Common and Country Park from Burbage Common Road North. Within the centre of the site permissive shared footpath/cycleways would</p>

		<p>be routed alongside the main internal road system within broad tree-lined avenues with verges.</p> <p>The proposed development site has been defined by the parameter plans and it is inevitable the creation of an SRFI site, in an environment that has been used for agricultural purposes will create a new aesthetic and character that is in discordance with the existing character and vernacular.</p>
36	<p>BDC considers the separation distance between the built development and the Burbage Common and Woods Country Park is not 'generous', achieving natural separation (as stated) but creates a pinch point (25 m) which crosses into Burbage Common Local Wildlife site. This is a particular concern given the proposed lighting columns.</p>	<p>The Landscape Strategy includes woodland and tree planting which maintains good visual separation with Burbage Common and Woods Country Park as demonstrated in the Photomontages, Figure 11.16 (document reference: 6.3.11.16, APP-300). Lighting column will likely be visible from some locations as illustrated by Photomontage PVP3 based on the outline Lighting Strategy (document reference: 6.2.3.2, APP-132).</p>
37	<p>BDC welcome the planting of a new Western Amenity Area but believe that the proposed A47 Link Road will be a dominant feature affecting the amenity of future users to the extent that it is unlikely to offer any further attraction over what is currently there.</p>	<p>The new amenity area is designed to extend the access area, allow for a greater level of biodiversity and some alternative habitat experience to the existing Country Park. It will enhance the recreational offering in the area with opportunity for educational/activity trails.</p>
38	<p>BDC consider that the broad roadside green verges within the Proposed Development are what would be expected as part of any landscaping scheme for development.</p>	<p>Agreed</p>
39	<p>BDC consider that the corridor along the western boundary with the diverted bridleway and footpath is relatively narrow and located between the development and the M69 and so does not replace the rural amenity provided by the existing rights of way.</p>	<p>Not agreed that this is relatively narrow, being 50-70m wide along its length. The rural amenity cannot be replaced in this location given the development. However, improvements in</p>

		surfacing, road and rail crossing safety and additional amenity open space is designed to mitigate for this loss.
40	BDC consider that the replacement of networks of PRoW across the rural landscape with pavements and cycleways running along large main roads will present an entirely different urbanised character.	<p>It is acknowledged that the proposed development would result in a change to the local network of footpaths. The proposals would provide new, safe routes including broad natural green ways within which a shared use bridleway would be routed providing off-road access to Burbage Common and Country Park from Burbage Common Road North. Within the centre of the site permissive shared footpath/cycleways would be routed alongside the main internal road system within broad tree-lined avenues with verges.</p> <p>The proposed development site has been defined by the parameter plans and it is inevitable the creation of an SRFI site, in an environment that has been used for agricultural purposes will create a new aesthetic and character that is in discordance with the existing character and vernacular.</p>
41	BDC consider that the landscape strategy has been designed to fit around the perimeters of the development rather than working with the natural landscape context.	The Applicant's response to this is set out in the response to LUC's Design Review (document reference: 18.4.1).
42	BDC consider that the Proposed Development does not reflect the local distinctiveness of the area where the proposed design is visually generic, to the detriment of the local area contributing to an erosion of local character.	The Applicant's response to this is set out in the response to LUC's Design Review (document reference: 18.4.1).
43	BDC consider the scale of the built form out of proportion when compared to the urban grain within the locality, whereby the massing and orientation of the built form erodes the existing character of the Site.	The Applicant's response to this is set out in the response to LUC's Design Review (document reference: 18.4.1).

	Impact B: Visual Impact	
44	BDC consider the Zone of Theoretical Visibility (ZTV) (ES Figure 11.8, document reference 6.3.11.8) to show potential views of the Proposed Development extending to at least 4km east of the Site, including significant effects in views west from Croft Hill looking across the low-lying vale. The area from which there will be views of the development extends to almost 100 Km2 and the area where these views are deemed to have significant impacts extends to about 15km2.	This is a misrepresentation of the ZTV. The ZTV is based on topography and does not allow for the effects of vegetation and built form. It is used by landscape architects as a guide to 'test' where views might be possible. There will be no views of the development across much of the area. The representative viewpoint locations identify locations where there are opportunities for views and in many instances this is a limited area where an opening or local high point allows a view.
45	BDC consider the scale of the development means that, in the majority of views, mitigation is inadequate and will result in many/far reaching significant visual effects.	Visual Impacts are agreed as set out in ES Chapter 11 (document reference: 6.1.11A, AS-025) and the draft SoCG submitted at Deadline 2.
46	BDC consider that in the ridge top settlements of Barwell and Earl Shilton, the characteristic long views out across the vale will be blocked in the middle ground by the development which breaches the skyline and results in a solid vertical 'wall' with loss of the sense of space and the wider rural landscape continuing across the vale.	There are only two public locations in Barwell where views can be obtained across the Vale. As illustrated in Proposed Photomontages PVP 25 and PVP26, (document reference: 6.3.11.16, APP-300) whilst the development will be visible, there remains longer views beyond the development maintaining as sense of prospect. These are assessed as part of ES Chapter 11 (document reference: 6.1.11A, AS-025) and agreed in the SoCG.
47	BDC consider that for the small linear ridge village of Elmesthorpe the scale of the development will be a permanent solid development backdrop extending across the whole range of view, with the rectilinear roofscape dominating the skyline.	Views from Elmesthorpe are largely well contained by built form and vegetation. Photomontages PVP19, 53, 48, 49 and 50 illustrate the locations where the development will be visible and these are assessed as part of ES Chapter 11 (document reference: 6.1.11A, AS-025) and agreed in the SoCG.

48	BDC consider that views for people using local rights of way across a large area of up to 15km ² will be affected, noting that there is one significant effect identified at Croft hill some 4 km distance.	As noted above opportunities for views do not extend across the whole ZTV area but are limited to local high points such as Croft Hill beyond 1km distance.
49	BDC consider that the Proposed Development is of such a size and scale that it will be a constant presence for people moving around the area (on local rights of way and roads).	The development will generally be visible within the immediate vicinity (1km of the Main HNRFI Site). As noted above, views do not extend across the whole ZTV area but are limited to local high points.
50	BDC consider that significant long term negative residual effects (during the day and night time) will be experienced at a greater number of viewpoints than identified in the LVIA.	<p>The viewpoints are representative of what will be seen in the local area and are not intended to cover every possible view of the development. However, in this instance, many more views than would normally be selected have been included such that there is no general location where a public view might be experienced that isn't represented by a viewpoint.</p> <p>Given the considerably lower number of viewers at night, the selection is considered appropriate. Viewpoints were agreed with LCC Landscape officer representing BDC at the time of the assessment as described in ES Chapter 11 (document reference: 6.1.11A, AS-025).</p>
	Visual Mitigation Measures	
51	BDC consider that despite mitigation planting for most views, the size and scale of the development means that it remains well above the treeline at year 15 and in the longer term.	Agreed, however proposed boundary planting will be effective in screening much of the development over the longer term.
52	BDC consider that the height (28m) and scale of the development means that planting along boundaries such as the 'meandering woodland' on earth bunds north of the railway line (e.g. Photoviewpoint 17) or the 'green' corridor to the south adjacent	Not agreed, the boundary planting will be very effective at screening views of much of the development over the longer term, particularly the lower active zone where movement of

	to the M69 (e.g. Photoviewpoint 9) is not effective in screening or filtering views of the development.	trains, HGV's and containers would otherwise be a distracting feature in views from the surrounding area.
	Ecology	
53	BDC have identified a range of negative and neutral impacts that the Proposed Development would have on local biodiversity and ecology including loss of woodland, mature trees, a veteran tree, hedgerows and fragmentation of habitats. This section of the LIR details the impacts in relation to specific areas and ecological features within or close to the Order Limits.	These impacts are covered in the Responses to Relevant Representations (document reference: 18.2, REP-026) and Written Representations responses, (document reference: 18.3)
54	BDC does not consider that the Applicant has fully explored opportunities to microsite the development footprint and associated peripheral works around features such as mature trees and hedgerows, resulting in an unnecessary loss of habitat and habitat fragmentation.	<p>The nature of an SRFI necessitates a plateau to be created within the development footprint. As such, opportunities for habitat retention are unavoidably limited in the first instance. The large-scale operational nature of the development does not lend itself to the retention of pockets of ecology, as these would be inevitably isolated from similar habitat and surrounded by hardstanding, limiting their ecological value overall.</p> <p>Habitat has therefore been retained where possible and where feasible (i.e. where a plateau is not required, such as the A47 Link Road land at the very peripheries of the site).</p> <p>Any habitat losses have been fully accounted for, with appropriate mitigation proposed.</p>
55	BDC consider that further assessment should be undertaken to establish impacts on species such as bats from light spill.	The applicant does not agree that further assessment is necessary to establish impacts on bats. Potential impacts on bats have been discussed further within the Applicant's response to Relevant Representations (document reference:

		18.2) and the Applicant's response to Written Representations, (document reference: 18.3).
	Impact A: Burbage Common and Woods Local Nature Reserve	
56	BDC consider that the hedgerows, treelines and individual trees between the Proposed Development and Burbage Common and Woods LNR provide vital commuting and foraging opportunities for bats.	The potential impacts on bats are covered in the Applicant's response to Relevant Representations (document reference: 18.2) and the Applicant's response to Written Representations, (document reference: 18.3) and is currently an as yet unresolved matter of draft the SoCG submitted at Deadline 2.
57	BDC consider that despite proposed mitigation, there remains a risk of significant disturbance and degradation for Burbage Common and Woods LNR.	<p>There will be no direct impacts on Burbage Common and Woods LNR. The parameter plans demonstrate that off-site woodland habitats will be significantly buffered (at least 25m but up to 50m in most instance). As acknowledged by BDC, these wide buffers will go some way to mitigating indirect impacts to the LNR. The creation and management of these buffers will be sympathetic to such off-site habitats, and will be undertaken within input from Natural England and Hinckley and Bosworth Borough Council (HBBC).</p> <p>The strategy established within the Woodland Management Plan (WMP) (document reference: 6.2.12.4A, APP-REP1-015) ensures that the construction and operation of the authorised development will be undertaken in such a way that off-site woodland habitat will be protected. The woodland creation, management and maintenance measures outlined within the WMP (a detailed version of which is secured at Requirement 33) are designed to fully mitigate any potential adverse</p>

		impacts to off-site woodland which may arise through the construction and operational phases of the development.
58	BDC consider that it is currently unclear as to how offsite Biodiversity Net Gain (BNG) will offset the loss of habitat while maintaining habitat connectivity.	Requirement 30 will ensure the development delivers a 10%. Whilst BNG assessments are ongoing, current calculations show there is sufficient scope to deliver net gains on site, with options to deliver additional through off-site solutions.
59	BDC has concerns regarding the Applicant's assessment of air quality due to the disparity in employment numbers used in the traffic modelling	With regard to the employment numbers, a response is provided to this in the Transport and Employment numbers technical note (document reference: 18.1.1, REP1-018).
60	BDC considers displacement of walkers and dog walkers to be likely, resulting in increases in recreational pressure at Burbage Common & Woods which could result in a negative impact on local ecology, predominantly as a result of the creation of desire lines, littering and general heavy recreational use year round but particularly during the warmer months.	<p>It is acknowledged that the proposed development would result in a change to the local network of footpaths. Displacement would be limited, since the proposals would provide new, safe routes including broad natural green ways within which a shared use bridleway would be routed providing off-road access to Burbage Common and Country Park from Burbage Common Road North. Within the centre of the site permissive shared footpath/cycleways would be routed alongside the main internal road system within broad tree-lined avenues with verges.</p> <p>As above, the strategy established within the Woodland Management Plan (WMP) (document reference 6.2.12.4A, REP1-015) ensures that the construction and operation of the authorised development will be undertaken in such a way that off-site woodland habitat will be protected. The woodland creation, management and maintenance measures outlined within the WMP are designed to fully mitigate any potential adverse impacts to off-site woodland which may arise through</p>

		<p>the operational phases of the development, including access management.</p> <p>Discussions with off-site management bodies and surveys of off-site woodland will inform a detailed WMP (secured via Requirement 33). These talks/surveys aim to identify any existing pressures (including recreational) and how they can be appropriately managed from within the development site. It should be noted that initial talks with HBBC have been undertaken on site at Burbage Woods and Aston Firs SSSI (with Natural England), with no existing access issues identified.</p>
61	BDC consider that further information is needed regarding the landscape buffer and the BNG provision proposed by the Applicant as the details currently available do not adequately assess or mitigate the operational impacts of the Proposed Development.	This has been addressed within the Applicant's response to BDC's Written Representations (document reference: 18.3).
	Impact B: Aston Firs SSSI	
62	BDC considers displacement of walkers and dog walkers to be likely, resulting in increases in recreational pressure and negative impacts at Aston Firs SSSI.	As agreed with Natural England through the SoCG, significant increases in recreational pressure on the SSSI are considered unlikely. In any event, talks with relevant management bodies are underway, and seek to ensure appropriate management of on-site habitat provision to help effectively manage access. Such management measures will be secured in the detailed WMP (Requirement 33) and subject to local authority sign off. The southern section the SSSI is not publicly accessible, and so it is considered that no access issues will likely arise.
63	BDC consider that the risk of degradation from soil compaction/encroachment by machinery or pollution events at Aston Firs SSSI have not been adequately assessed. Any loss of	As agreed with Natural England through the SoCG, the proposals will come forward in line with Natural England's and the Forestry Commissions adopted guidance, development and woodland/ancient woodland, including necessary

	ground flora/tress would be significant given the level of protection the SSSI holds.	measures to avoid impacts on off-site woodland through degradation from soil compaction/encroachment by machinery or pollution events.
	Impact C: Ancient Woodland, PAWS and Ancient and Veteran Trees	
64	BDC consider that increased hard standing and built structures, proposed drainage and SuDS attenuation features may be overwhelmed, and increased overland flow could cause flood water and excess nutrients to inundate the woodland during periods of heavy rainfall.	The proposed development includes drainage infrastructure that will manage surface water within the development to the required design standard – this includes consideration of future climate change. The Lead Local Flood Authority has confirmed that the proposed scheme is at an acceptable level of surface water flood risk and that the proposed scheme will seek to appropriately mitigate surface water flood risk within Leicestershire in line with best practice guidance.
65	BDC consider that degradation from construction works will have a negative impact on retained woodland and trees.	As agreed with Natural England through the SOCG process, the detailed CEMP secured via Requirement 7 will include defined operational and construction buffers in line with Natural England and Forestry Commissions standing advice. Through the Natural England SoCG, the Requirement 7 wording is being updated to include specific reference to a dust management plan and the ‘highly recommended’ measures set out in table 9.40 and 9.41 of chapter 9 of the environmental statement (Air Quality) (document reference: 6.1.9, APP-118).
66	BDC do not consider the loss of 0.4ha of broadleaved plantation woodland to be temporary due as it will not be reinstated within two years.	The loss of 0.4ha of plantation woodland is currently deemed to be minor adverse (i.e. negative), but also reversible. Large areas of new woodland are proposed across the site which will negate any significant impacts associated with woodland loss.
67	As concluded in the Ecology Statement of Common Ground it is agreed that it may be possible to microsite around mature/veteran	This has not been agreed within the Ecology SoCG. As outlined above in response 54 above, and as addressed in the Design

	trees rather than lose these important landscape and ecological features.	Review, whilst some flexibility exists, retaining individual trees within central parts of the site is not considered possible.
	Impact D: Hedgerows	
68	BDC consider that the severance and fragmentation of habitats through loss of hedgerows and the time taken to reach target condition for those enhanced or replaced habitats is considered to be a significant, adverse impact .	The potential impacts on fragmentation and severance have been discussed further within the Applicant's response to BDC's Written Representations (document reference: 18.3).
69	BDC consider it unclear how hedgerow enhancement or creation will be managed and monitored for the required 30 year period.	The principles for hedgerow enhancement are listed at paragraph 5.10, and the principals for hedgerow creation are discussed at 5.12 – 5.21 of the LEMP (document reference: 17.2, APP-360). Monitoring and Management are dealt with at paragraphs 5.40 and 5.41. Detailed LEMPs are to be secured via Requirement 20, (Landscape Ecological Management Plan) with each requiring LPA sign off.
70	BDC require further detail with regard to the proposed additional hedgerow creation or enhancement that is expected to be achieved through partnering with the Environment Bank to enable BDC to assess whether these proposals adequately mitigate the impacts on existing hedgerows.	There is a commitment to 10% net gain in hedgerow habitat, 7% of which will be delivered within the Main Order Limits. It is anticipated that any shortfall will be delivered through off-site land in the locality. Where this cannot be achieved, credits will be sought through the Environment Bank, discussion have taken place with the Environment Bank confirming that they can provide appropriate credits (Requirement 30 Biodiversity Net Gain).
71	BDC consider that further assessment of the impact upon bats from habitat fragmentation and light spill onto retained and enhanced hedgerows should be undertaken.	Potential impacts on bats have been discussed further within the Applicant's response to BDC's Written Representations (document reference: 18.3).
	Impact E: Watercourses	

72	The IP consider that the loss of permanent water bodies will reduce the availability of habitat to aquatic species and therefore, represents an undervalued irreversible, negative impact .	As outlined within the Relevant and Written Representations, the applicant is continuously working to minimise on site losses and maximise gains. BNG assessment of watercourse is ongoing to minimise losses/maximise gains (as per the draft SoCG submitted at Deadline 2).
73	BDC consider that buffer planting or vegetated swales would be beneficial to reduce the likelihood of pollutants entering the watercourse and further hindering the enhancement of the rerouted stream.	Agreed.
	Impact F: Impacts Upon Species	
74	BDC consider that details of some mitigation are unclear, and until further information is provided BDC must adopt a precautionary approach, concluding that there will be negative impacts upon species.	Not agreed as set out in the draft SoCG submitted at deadline 2.
75	BDC considers that retaining connectivity of habitats is under explored within the application; the lighting strategy is brief and unsupported by appropriate surveys to determine effects on the surrounding/retained habitats. Therefore, BDC request a more detailed assessment in respect of ES Chapter 13 and the supporting BNG assessment which appropriately follows the mitigation hierarchy.	Not agreed. Potential impacts from lighting on bats and the potential effects of fragmentation have been accounted for within the assessment. Further information has been added within the Applicant's response to BDC's Written Representations (document reference: 18.3), and updated lighting plans demonstrate the limited light spill that the proposals achieve. The BNG assessment follows the mitigation hierarchy, and works are ongoing to improve gains. An updated Ecology and Biodiversity chapter is therefore not considered necessary.
76	BDC consider the impact on bats is negative but has the potential to be neutral in the long term if the key habitats being lost	Agreed.

	(hedgerows and woodland) are successfully established/managed/monitored in the long term.	
77	The IP consider that Great Crested Newts (GCN) should be included as an Important Ecological Feature (IEF) with particular mitigation to be proposed during construction (e.g. with an appropriate precautionary method of working within suitable habitats).	The assessment work and proposed mitigation in relation to GCN is considered proportionate. However, it has been agreed that GCN will be included as an IEF on a precautionary basis. Detailed CEMPs will include precautionary working measures when working in proximity to off-site ponds. As outlined in the EMMP (document reference 17.5, APP-363, paragraphs 3.46 – 3.48) sensitive working methodologies are to be employed in respect of GCN (and amphibians generally). Detailed iterations of the CEMPs (as secured via Requirement 7) will specifically account for any off-site ponds within the local area for which survey access was not possible, with working methodologies devised on that basis.
78	BDC state that it is unclear within the application documents as to the dimensions of proposed buffers.	Specific dimensions for buffers have not been provided, as they range across the site. However, as is demonstrated within the Landscape Strategy (ES Figure 11:20, document reference 6.3.11.20, APP-304), open space is provided at the site boundaries (most notably to the west). Given retained features are almost exclusively at the site perimeter, this shows the extent of buffering to be delivered.
79	Badger surveys identified two setts that will be completely lost as a result of the Proposed Development; a subsidiary sett and an outlier sett. As no main sett has been recorded, a replacement sett will not be required unless pre-construction surveys identify any. The Applicant also acknowledges the loss of foraging habitat and disruption to foraging habitat during construction. Opportunities are presented within the creation of new habitats and	Agreed.

	enhancement of retained habitats, to improve foraging habitat for badger.	
80	BDC state that for each species precautionary working method statements will be required as well as greater detail regarding mitigation, monitoring, management and protocols such as stopping works should be provided within the CEMP.	Detailed CEMPs will include precautionary method statements for reptiles and amphibians, with other species considered where appropriate on a phase-by-phase basis. This is not considered appropriate for invertebrates, given the common and widespread species the site is considered to support.
81	Overall, the impact on GCN is negative however this is subject to further surveys and assessment using the 500m buffer as agreed through the Statement of Common Ground. With respect to Birds, the overall impact is negative due to the loss of breeding/nesting habitat for arable farmland birds. It should be noted that this directly links to the BNG assessment and the loss of linear/area habitats and the potential to retain and enhance habitat suitable for breeding and wintering birds. With respect to badgers the overall impact is neutral, subject to further assessment and monitoring during construction. Monitoring and mitigation for badgers will need to be adequately reflected in a revised CEMP.	<p>As above (response number 77) GCN will be considered an IEF on a precautionary basis. The 500m methodology has been used in survey work to date, and it is acknowledged that the text regarding the 250m methodology in the Ecology Baseline (document reference: 6.2.12.1, APP-197) is incorrect. The proposed landscape strategy will include habitats of benefit to GCN, including a number of ponds.</p> <p>Overall impacts on birds are not considered significant following the proposed mitigation.</p> <p>The EMMP (document reference: 17.5, APP-363) details the appropriate measures for badgers, including contractor briefings, vegetation clearance, exclusion measures, monitoring and sett destruction. Detailed CEMPs will include monitoring and mitigation measures for badgers where appropriate, with finer aspects of monitoring and mitigation dealt agreed with Natural England through the licencing process.</p>

	Impact G: Biodiversity Net Gain	
82	BDC does not consider that the BNG calculations are compliant with planning policy requirements or the aims of the Environment Act 2021 on the basis that the proposed partnership with the Environment Bank has not yet been established and is it not clear how BNG proposals will be achieved. BDC state that a full and complete Biodiversity Impact Assessment (BIA) report should provide an assessment of the proposed offsite BNG provision.	The BNG strategy is compliant with national planning policy in that the application identifies and pursues opportunities for securing measurable net gains for biodiversity. Until 2025, the 10% net gain for NSIPs will not be in force. Talks with the environment bank are ongoing but until the detailed BNG has been completed, the precise credit requirement will not be known. The BNG strategy, secured via Requirement 30 is sufficient to ensure a 10% net gain is met.
83	BDC consider that further assessment is required, including establishing the remaining deficit of biodiversity units, in order to adequately assess the units required for further offsite BNG.	As outlined within the SOCG and Written and Relevant Representations, further assessment is ongoing. Talks regarding the securing off-site land is also ongoing. The precise amount of deficit units will not be known until detailed BNG assessments have been undertaken. However, the principal of gains has been demonstrated within the BIA (document reference 6.2.12.2, APP-198). Requirement 30 ensures 10% will be delivered.
84	BDC state that the need for a phased assessment approach needs to be further explored as the phased construction phase may result in habitat being created/enhanced in advance of loss, improving the overall BNG score.	Agreed.
	Air Quality	
85	BDC notes that the applicant has not considered AQMA 6 of BDC, stating that Design Manual for Roads and Bridges guidance was used, when the more stringent (and appropriate) Environmental Protection UK (EPUK) / Institute of Air Quality Management (IAQM) guidance should have been used.	The assessment methodology, screening criteria for roads to be assessed and receptor locations were issued for BDC to review and confirmation of acceptance was received in June 2021. During this process, it was agreed that Design Manual for Road and Bridges (DMRB) would be used as the roads screening criteria. Roads located within AQMA 6 did not

		exceed the DMRB screening criteria and therefore were not considered further. However, within the submitted draft SoCG under Air Quality consideration is given to potential impacts on AQMA 6 and this point has been addressed.
86	BDC has concerns regarding the Applicant's assessment of air quality due to the disparity in employment numbers used in the traffic modelling	This point is addressed within the Transport and Employment numbers technical note (document reference: 18.1.1, REP1-018)
	Impact A: Potential Air Quality Improvement	
87	BDC state that there are no predicted potential positive impacts in BDC.	<p>Table 9.26 of the Air Quality ES Chapter (document reference: 6.1.9, APP-118) shows that improvements in NO2, PM10 and PM2.5 concentrations occur at 24, 23 and 23 receptors, respectively within the BDC administrative area, in the Scenario 5: 2026 Opening Year With the HNRFI.</p> <p>Table 9.27 of the Air Quality ES Chapter (document reference: 6.1.9, APP-118) shows that improvements in NO2, PM10 and PM2.5 concentrations occur at 21, 20 and 20 receptors, respectively within the BDC administrative area, in the Scenario 7: 2036 Completion Year With the HNRFI.</p>
88	BDC note the absence of traffic flow information provided as part of the air quality assessment to enable verification of any predicted impacts.	The traffic data utilised within both the noise assessment and the air quality assessment was provided to Edward Stacey of BDC on 16th August 2023 via a WeTransfer link as part an email regarding the noise assessment works. A response was received from BDC on the 16th August 2023 confirming receipt.

	Impact B: Potential Impacts on Human and Ecological Receptors	
89	BDC state that increases in ambient pollutant concentrations will be experienced at a number of human and ecological receptors within BDC and the wider assessed areas.	Acknowledged; however these increases are predicted to be negligible in accordance with relevant guidance and the current relevant air quality objectives.
90	<p>BDC has concerns regarding the predicted impact on the Free Holt Ancient Woodland located immediately adjacent to the new link road, where a percentage change relative to the lower critical load (10 kg N ha⁻¹ year⁻¹) of up to 1.4% is predicted.</p> <p>Whilst the default value for woodland habitats is considered to be 10 kg N ha⁻¹ year⁻¹, there is increasing evidence that this figure is not sufficiently robust, with the critical load for key components of woodland ecosystems likely closer to 5-6 kg N ha⁻¹ year⁻¹. Therefore, the predicted impact is likely to be worse than that outlined in the Air Quality ES Chapter 9 [APP-118], and there is the potential for irreversible, major, adverse negative impacts on this ancient woodland.</p>	<p>The Air Quality ES Chapter (document reference: 6.1.9, APP-118) provided the changes in nitrogen deposition at the Freeholt Ancient Woodland and the significance of these impacts were considered in Ecology ES Chapter 12 (document reference: 6.2.12, APP-121).</p> <p>The Ecology and Biodiversity Chapter states that although there will be some increase at ecological receptors (including Freeholt Wood) 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> <p>The figure of 10 kg N ha⁻¹ year⁻¹ on woodland habitat is taken from Air Pollution Information System (APIS) who are considered the authority on matters of air quality on natural habitats. It is therefore considered appropriate to use the 10kg figure for the purposes of assessment.</p> <p>It is considered that the removal of arable land (and therefore, a large source of nitrogen) from the northern boundary of Freeholt Woodland would be of great benefit. It is also noted that the Air Quality ES Chapter (document reference: 6.1.9, APP-118) modelling shows that the overall levels of nitrogen</p>

		deposition at Freeholt Wood (and indeed all ecological receptors) all decrease from the opening year to the full operational year (accounting for improvements in technology). In addition, the ancient woodland will be buffered by new woodland and scrub planting and so any initial exposure to increased nitrogen is considered temporary/reversible as new planting matures and screens the woodland.
	Noise	
91	BDC considers that the Proposed Development will result in Major Permanent and Irreversible Negative Adverse Impacts on the identified Noise Sensitive Receptors (NSR) within the vicinity of the Site and have identified significant concerns with the assessments undertaken and conclusions reached by the ES.	<p>Consultation was undertaken with BDC at the outset of the project to discuss and agree the noise assessment methodology. A response was received via email on 10th March 2023 from the Senior Environmental Health Officer confirming they were satisfied with the proposed methodology.</p> <p>Blaby District Council stated within the relevant representations that the approach and extent of the assessment was considered appropriate.</p> <p>Furthermore, the noise and vibration assessment methodology and adopted criteria is in-line with other DCO schemes for similar developments.</p> <p>With the exception of a single matter related to the detail of the CEMP, all matters were set out as agreed in Blaby District Council's V02 draft Statement of Common Ground on noise and vibration. Only following the recent review of the ES noise and vibration chapter by the Council's external consultant, M-EC, were there any other issues raised. This is despite a number of points during consultation where the Council have</p>

		<p>confirmed that they have no concerns with the information provided. V04 Statement of Common Ground on noise and vibration represents a significant shift in matters that are now not agreed.</p> <p>BWB has provided a detailed response to M-EC's comments, which was provided on 16th August 2023, addressing all outstanding comments.</p> <p>Table 10.56 of the ES noise and vibration chapter (document reference: 6.1.10, APP-119) shows that no residual major, permanent, irreversible adverse effects will result.</p>
92	BDC has concerns regarding the Applicant's assessment of noise, and potential for underestimation of effects, due to the disparity in employment numbers used in the traffic modelling.	Trip generation figures had been agreed through substantial negotiation with the Transport Working Group (TWG) and technical appendices including detailed review of the onward freight percentages and their derivation (document reference: 18.1.1).
	Impact A - Negative Impacts on Noise Sensitive Receptors	
93	BDC consider that cumulatively, there will be irreversible and significant adverse, negative impacts on the majority of the assessed Noise Sensitive Receptors ("NSR") and on the local areas of recreation, such as Burbage Common woods. The operational sound levels of the Proposed Development throughout the daytime and night-time, are predicted to exceed the prevailing background sound levels by up to 10dB at nearby receptors such as NSR1 and NSR24, even with mitigation, which would represent a Significant Adverse Impact in accordance with British Standards.	We do not agree with this statement. The results of the noise assessment indicate that at, worst there will be minor adverse impacts at NSRs with mitigation in place as a result of the proposed SRFI. Minor adverse impacts are also predicted as a result of the proposed A47 link road, with mitigation in place. The exception is NSR1, Bridge Farm, where a major adverse impact is predicted as a result of road traffic on the A47 link road in the short-term. Although noise levels fall between the Lowest Observed Adverse Effect Level and Significant

		<p>Observed Adverse Effect Level, and noise levels have been mitigated and minimised as far as practicable in line with the Noise Policy Statement for England.</p> <p>Notwithstanding this, BS4142 states that ‘where the initial estimate of the impact needs to be modified due to the context, take all pertinent factors into consideration.</p> <p>Once mitigation is provided and context is accounted for, the residual impacts are predicted to be low.</p>
94	<p>BDC consider that mitigation measures do not follow a good acoustic design process and rely upon visually intrusive barriers, which should be a last resort. Requirement 4 (detailed design approval) of the draft DCO specifies that acoustic fencing must not exceed 3 metres in height and therefore it is unclear if the measures assumed in the Applicant’s assessment can be relied upon.</p>	<p>Chapter 4 of the ES (document reference: 6.1.4, APP-113) covers alternatives and design evolution. Orientation and alternative layouts were considered through the masterplanning process and noise sources were considered in arriving at the illustrative masterplan. There are constraints from the perspective of the site needing to be functionally connected to the existing rail line, which limits the potential location of the rail loading area. The stacking yards need to be adjacent to this and cannot be the other side of buildings.</p> <p>The Applicant has reconsidered the viability of further design interventions and where feasible, these have been incorporated into the updated illustrative masterplan. These are detailed in the noise and vibration chapter (document reference: 6.1.10, APP-119) in terms of likely heights and extents.</p> <p>Notwithstanding the masterplanning approach that has been undertaken, the noise and vibration ES chapter (document</p>

		<p>reference: 6.1.10, APP-119) has considered the parameters of the proposed development, as required at this stage of the proposals.</p> <p>Wording at Requirement 4 is updated to appropriately reflect the height of acoustic fencing and is included in the amended dDCO (document reference: 3.1B), thus providing a mechanism for securing the control of onsite operational noise</p>
95	<p>BDC consider that the acoustic character corrections applied to the assessment are lenient and do not reflect the irreversible change in acoustic environment that the proposed development will have. There would be a potential for a greater than 12 dB increase in sound levels which would result in further impact on residents and would result in nearby residents potentially needing to keep windows closed to achieve acceptable ambient noise levels indoors.</p>	<p>For noise associated with the freight interchange and service yard activities associated with the units, acoustic penalties have been applied for tonality and impulsivity. For NSR24, it is considered that these characteristics will be clearly perceptible due to the proximity to the rail freight interchange.</p> <p>For the remaining NSRs located to the north, with the exception of NSR1 which benefits from significant screening due to the associated outbuildings, (NSRs 2 through 8, 19, 20, 25 and 26) are in excess of 150m from the rail freight interchange (NSR26) with the remainder in excess of this. Therefore, it is considered that the penalties have been applied in accordance with the parameters set out in BS4142 and are a realistic appraisal of the acoustic climate once the site is operational.</p> <p>Notwithstanding the above, as detailed within the Noise and Vibration Chapter, although operations will include activities which are individually intermittent, it is considered that many of these operations will overlap which will give the impression of the site operating consistently.</p>

		<p>It is assumed that the 12 dB increase relates to the rating level above the background noise level. The background noise level is the noise level which is exceeded 90% of the time, over a given period. The exceedance of the LA90 value does not necessarily equate to an increase in the noise level by that amount. The difference between the rating level and LA90 level is to determine the initial impact, which can then be modified for context, as stated in the pertinent guidance.</p> <p>As set out in Tables 10.58 and 10.59, the predicted increases in the ambient noise level are predicted to be up to +1.7dB with mitigation in place, which is not significant.</p>
96	<p>BDC consider the impact on the local area and identified NSRs likely remain as significant adverse despite the contextual considerations the Applicant has provided. Therefore, the overall conclusion in accordance with the Noise Policy Statement for England would be one of a Significant Observed Adverse Effect Level, where the action would be to avoid/prevent and subsequently, the Site is fundamentally unsuitable from a noise perspective.</p>	<p>This statement is incorrect. BS4142 states that ‘where the initial estimate of the impact needs to be modified due to the context, take all pertinent factors into consideration, including the following;</p> <ul style="list-style-type: none"> The absolute level of sound; The character and level of the residual sound compared to the character and level of the specific sound; and The sensitivity of the receptor and whether dwellings or other premises used for residential purposes will already incorporate design measures that secure good internal and/or outdoor acoustic conditions. <p>Once mitigation is provided and context is accounted for, the residual impacts are predicted to be low.</p>

		<p>It is important to note that the Noise Policy Statement for England (NPSE) does not define a single objective noise-based measure that defines a Significant Observed Adverse Effect Level (SOAEL) that is applicable to all sources of noise in all situations.</p> <p>One noteworthy advisory point in the NPSE is the need to place into context any general requirements that increases in ambient noise should be ‘minimised’. In this regard the NPSE states:</p> <p><i>‘Of course, taken in isolation and to a literal extreme, noise minimisation would mean no noise at all. In reality, although it has not always been stated, the aim has tended to be to minimise noise as far as is reasonably practical... the application of the NPSE should enable noise to be considered alongside other relevant issues and not to be considered in isolation. In the past, the wider benefits of a particular policy, development or other activity may not have been given adequate weight when assessing the noise implications’.</i></p> <p>It is therefore considered that the methodology adopted for the noise assessment is compliant with BS4142 and NPSE.</p>
97	<p>BDC refer to the railway noise assessment where the resultant calculations show a calculated noise level of 62 dB for daytime and night-time. However, measured sound level data from receptor NMP3, which is adjacent to the railway line in question, shows much quieter sound levels of 52 – 58 dB.</p>	<p>The existing and proposed noise from the rail line has been predicted using the methodology found within the Calculation of Rail Noise (CRN 1995). This states that only noise from the moving railway vehicles is considered, and no account is taken from any non-railway source. Therefore, the calculation deals purely with noise from the existing and proposed trains, and allows a direct comparison to be made.</p>

		<p>The measured ambient noise level takes into account the whole measurement period which includes periods where there are no trains, which results in a lower noise level overall. Therefore, it is not appropriate to compare the predicted level to the measured ambient level. As the measured noise level is lower, it is reasonable to assume that the future noise level will also be lower than is predicted. Therefore, the future noise level should not exceed the criteria of the Noise Insulation Regulations at any properties.</p> <p>Furthermore, a significant increase in the noise level implies that there will be a significant increase in the number of trains, which is not the case. For context, a doubling of the number of trains would result in an increase of 3dB. As there is predicted to be an additional 32 2-way movements, and the existing line carries 105 2-way movements, an increase of around 2dB is more realistic.</p>
98	<p>BDC state that using measured data provided by the applicant at NMP3, the change in sound levels would be up to 12.2 dB not 1.8 dB as alluded by the ES Chapter. This would be a major negative adverse impact that would be irreversible and would have the potential trigger the Noise Insulation Regulations to be applicable at a number of receptors.</p>	<p>It is assumed that this comment relates to the predicted increase in noise level as a result of the additional trains.</p> <p>The existing and proposed noise from the rail line has been predicted using the methodology found within the Calculation of Rail Noise (CRN 1995). This states that only noise from the moving railway vehicles is considered, and no account is taken from any non-railway source. Therefore, the calculation deals purely with noise from the existing and proposed trains, and allows a direct comparison to be made.</p>

		<p>The measured ambient noise level takes into account the whole measurement period which includes periods where there are no trains, which results in a lower noise level overall. Therefore, it is not appropriate to compare the predicted level to the measured ambient level. As the measured noise level is lower, it is reasonable to assume that the future noise level will also be lower than is predicted. Therefore, the future noise level should not exceed the criteria of the Noise Insulation Regulations at any properties.</p> <p>Furthermore, a significant increase in the noise level implies that there will be a significant increase in the number of trains, which is not the case. For context, a doubling of the number of trains would result in an increase of 3dB. As there is predicted to be an additional 32 2-way movements, and the existing line carries 105 2-way movements, an increase of around 2dB is more realistic.</p>
99	BDC consider that with the inclusion of more robust corrections and modelling exercises, the 11 NSRs experiencing 'Adverse' or 'Significant Adverse' impact based upon the BS 4142 assessment would increase.	<p>This statement relates to the predicted impact prior to a context assessment being undertaken. BS4142 states that, "where the initial estimate of the impact needs to be modified due to the context, take all pertinent factors into consideration".</p> <p>Once context is accounted for, the residual impacts are predicted to be minor adverse which is not significant.</p>

	Lighting	
100	Appendix 3.2 (Lighting Strategy) [APP-132, 133 and 134] of the ES highlights the surrounding light-sensitive receptors and mitigation measures that will be included in any future detailed assessment. No finalised lighting scheme or quantitative assessment was provided by the Applicant in the initial submission material. This made it hard to determine the full extent of the impacts.	The technical note was produced to advance SoCG discussions and during a meeting with BDC 18.10.23 it was conformed that the technical note addresses previous matters of disagreement on lighting, this is reflected in the draft SoCG submitted at Deadline 2.
101	The Site can be categorised as being within Environmental Zone E27, which is generally categorised as “Sparsely inhabited rural areas, villages or relatively dark outer suburban locations”.	The Applicant assumes that this statement contains a typo and should read: <i>The Site can be categorised as being within Environmental Zone E2, which is generally categorised as “Sparsely inhabited rural areas, villages or relatively dark outer suburban locations”.</i> This has been previously agreed as part of the SoCG process.
	Impact A: Residential Receptors	
102	BDC consider that the impact of the operational lighting on surrounding residential properties from light intrusion has the potential to be major adverse negative and long-term . Due to the height and intensity of some of the lights around the rail yard, the impact of the operational lighting on surrounding residential properties from source intensity (glare) has the potential to be major adverse negative and long-term .	The Lighting Strategy (document reference: 6.2.3.2, APP-132 to APP-134) states that the final lighting scheme must comply with the obtrusive light criteria for Environmental Zone E2 (post-curfew) as set out in ILP Guidance Note 01/21. The Applicant has also provided a Technical Note for Lighting which contains 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, while not exceeding the obtrusive light limitations for E2 post-curfew conditions. This included

		<p>quantitative assessments at Bridge Farm and Langton Farm. This Technical Note is appended to the draft BDC SoCG submitted at Deadline 2 (document reference: 19.1, APP-TBC).</p> <p>The Applicant therefore considers the impact on residential receptors to be acceptable.</p>
	Impact B: Ecological Receptors	
103	BDC states that the indicative lighting layout shows that there will be some light spill onto sensitive sites including Burbage Common and the railway crossing in the western corner, this area has been shown in the bat transect survey (Document 6.3.12- 16-17) to have some of the highest number of bat activity yet light levels are shown to be over 1lux.	Potential impacts on bats are dealt with at the BDC Written Representations. The latest lux radii plans (included in the Technical Note appended to the draft BDC SoCG submitted at Deadline 2 (document reference 19.1) show that the lux line falls outside Burbage Common, demonstrating that any areas minor spill will be less than 1 lux, and therefore, given the bat assemblage on site (i.e. species which are not light-sensitive), no impacts are considered likely.
104	BDC states that there is no commentary on the colour temperature of the lights as whiter light colours (4000k, 5000k) which tend to be used on industrial sites such as this have a great impact on bats and other nocturnal animals than warmer colour temperatures.	The final colour temperature will be defined following input from the various stakeholders including adoptable street lighting standards with ecological input. This will be determined at the detailed stage but will be done so in line with the Lighting Strategy (document reference: 6.2.3.2, APP-132 to APP-134) and the Technical Note for Lighting.
105	BDC considers that there is a high potential that the commuting and foraging routes of these bats would be disturbed and the impact on ecological receptors would be major adverse negative and long-term.	Not agreed.

	Impact C: Road and Rail Users	
106	BDC consider that without a quantitative assessment on source intensity or glare, the impact of the operational lighting on surrounding road and rail users would be considered major adverse negative and long-term .	<p>The Applicant has provided a Technical Note for Lighting which contains 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 glare rating limitations for railway and highway receptors at normal traffic areas as established in CIE 112 – Glare Evaluation System. This is the most onerous glare criteria. This quantitative assessment therefore demonstrates acceptable impact according to CIE 112 – Glare Evaluation System. This Technical Note has been prepared to provide additional information to supplement the original Lighting Strategy and is appended to the draft SoCG submitted at Deadline 2.</p> <p>The Applicant therefore considers the impact on road and rail users to be acceptable.</p>
	Impact D: Sky Glow	
107	BDC consider that despite the external lighting strategy, there will be residual lighting glow effects due to the 24-hour operational needs of the Proposed Development, which will extend into the relatively undeveloped landscape of the Site, reducing the extent of local dark skies. Therefore, the impact will be minor adverse negative and long-term .	<p>The Lighting Strategy (document reference: 6.2.3.2, APP-132 to APP-134) calls for all luminaires to be installed at 0 tilt to meet the ILP Guidance Note 01/21 limitations for sky glow.</p> <p>The Applicant therefore considers the impact on sky glow to be acceptable.</p>

	Mitigation	
108	BDC consider that submission of details of external lighting for each phase of the Proposed Development for approval by the Local Planning Authority (“LPA”) should provide the opportunity to ensure that the operational phase lighting effect will be minimised to Negligible.	Any future phase of the Proposed Development will be submitted for approval to the Local Planning Authority to meet their requirements.
109	However, BDC consider that undertaking a quantitative lighting impact assessment of the whole Proposed Development at this stage would be beneficial as it will assess the cumulative impact of all the external lighting to inform future assessments at the detailed design stage.	<p>The Applicant provided an indicative lighting layout (document reference 6.2.3.2, APP-133) as part of the Lighting Strategy (document reference: 6.2.3.2, APP-132 to APP-134) to illustrate the nature and scale of lighting required to adequately illuminate the whole site.</p> <p>The Applicant further developed this indicative lighting layout as part of a Technical Note for Lighting which contains a 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 while not exceeding the referenced obtrusive light limitations.</p> <p>The Applicant therefore considers the concept to be proven.</p>
	Geology and Soils	
	Impact A: Contamination Effects	
110	BDC consider The Applicant’s approach to considering contamination and the proposed remediation of the Site to be appropriate; and with the implementation of the proposed mitigation measures the impacts of the Project with respect to contamination are negligible.	Noted and agreed

	Mitigation	
111	BDC consider the remedial measures proposed to deal with any contamination encountered within the soil and potential spills of fuel during the construction period to be appropriate.	Noted and agreed
112	BDC recommend additional information to be included in the SWMMP to detail the procedure that will be followed when dealing with site waste materials if contamination or suspected contamination is encountered during movement and handling of these materials, with a particular focus on asbestos materials.	<p>ES Chapter 16: Geology, soils and contamination (document reference: 6.1.16, APP-125) references asbestos quite extensively, both in existing buildings in the farm buildings and as a potential ground contaminant (Section 16.91 and Table 16.13). The Remediation Strategy and Earthworks specifications will detail procedures for dealing with unforeseen contamination.</p> <p>Paragraphs 16.123 and 16.124 discuss mitigation measures in relation to asbestos in building and within the soil.</p> <p>“Demolition of existing buildings must be completed in accordance with Control of Asbestos Regulations 2012. Prior to demolition a full asbestos survey must be completed to identify all asbestos and enable a plan of work to be prepared to safely remove any asbestos.</p> <p>Any asbestos contaminated soils may be retained on site beneath hardstanding subject to a risk assessment and preparation or a safe system of work under the Control of Asbestos Regulations 2012.”</p> <p>These measures for dealing with unforeseen contamination will be set out in the remediation strategy to be developed as</p>

		<p>part of detailed design. The SWMMP (document reference: 17.3, APP-361) will be developed as further ground investigation is completed and material types and waste streams are defined. As stated in Paragraph 16.133 and 16.157 a Material Management Plan (MMP) will be prepared to manage the re-use of excavated soils, required to reuse any contaminated soil or clean 'made ground' onsite or to export any soils offsite for reuse elsewhere. This will be done before any excavation of material occurs on any part of the site.</p> <p>In general terms the procedure would comprise a watching brief during the demolition and earthworks to identify and assess any areas of potential contaminated soil. Where unforeseen contamination is identified, the earthworks in that areas will be suspended and a specialist will inspect the ground and determine a suitable remediation approach to deal with the contamination, to be agreed with the LPA. Where asbestos is encountered works will be stopped and the area made safe. Depending on the future cover requirements of the cut and fill, the contaminated soils</p> <p>If the soils need to be excavated as part of the bulk cut and fill earthworks, then an asbestos risk assessment and plan of work will be prepared by the contractor to comply with the requirements of Control of Asbestos Regulations (2012). If the risk from asbestos is significant the works would be completed as Licensed asbestos works.</p>
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	<p>BDC note that the Environment Agency has recommended conditions and Requirements to control the impacts of contamination associated with the Proposed Development.</p> <p>Requirement 15 (contaminated land) in Schedule 2 to the Draft DCO includes provision for exercising planning controls over the contamination associated with the Proposed Development. Amended wording to Requirement 15 are set out in BDC's Written Representation, to ensure the sufficient planning controls can be exercised over the contamination associated with the Proposed Development.</p>	Noted and agreed
	Surface Water and Flood Risk	
	Impact A: Flood Risk	
113	BDC are concerned by flood risk and drainage as part of the site is within Flood Zones 2 and 3.	The Applicant's consultant has worked with the Environment Agency and Lead Local Flood Authority to develop mitigation measures which include a surface water drainage scheme that will manage flood risk in accordance with best practice guidance. This is to be secured as a Requirement in the DCO.
114	BDC are concerned as to whether the baseline information provided regarding surface water and flooding is sufficiently robust. The finalised drainage system from a flood risk perspective and surface water storage ability is therefore questioned.	The Environment Agency has reviewed the hydraulic modelling undertaken in support of the Flood Risk Assessment and confirmed that it is fit for purpose. The Environment Agency has confirmed that the proposed scheme is at an acceptable level of flood risk and, subject to the implementation of the flood risk management principles outlined in the Flood Risk Assessment, and the surface water drainage principles agreed with the Lead Local Flood Authority, the proposed scheme will

		seek to appropriately mitigate flood risk in line with best practice guidance
	Mitigation	
115	BDC consider it necessary for additions to the requirements in Schedule 2 to the dDCO to be made so that the lead local flood authority can have better input into the approval of the required flood and drainage mitigation strategies.	The suggested amendments to the requirements include adding reference to Leicestershire County Council. However, the current wording of requirement 13 and 14 was specifically stipulated by Leicestershire County Council as lead local flood authority. Therefore, the current wording is considered suitable.
	Energy and Climate Change	
116	BDC has concerns regarding the Applicant's assessment of Energy and Climate impacts and considers that Proposed Development in its current form results in unnecessary energy, water, and climate impacts.	<p>As restated in items 1 to 3 of the draft SoCG under Climate and in the Applicant's response to Relevant Representations (response to RR-0134) (document reference: 18.2, REP1-026), the HNRFI scheme supports the objectives of national and district policy requirements on climate and sustainability.</p> <p>The scheme has been designed with a primary focus on limiting its effects on climate change, meaning that careful consideration has been given to mitigating greenhouse gas emissions and promoting sustainable practices throughout its development and operation. An Energy Strategy (document reference: 6.2.18.1, APP- 217) is provided that clarifies the omission of some technologies and explains limitations.</p> <p>Headline commitments to limiting the effects of HNRFI on climate change include:</p> <ul style="list-style-type: none"> • A commitment to Net-Zero construction.

		<ul style="list-style-type: none"> • Onsite renewable solar generation on a scale that is likely to achieve net zero operation from first occupation, well ahead of 2050. • Maximising all available space for solar PV providing energy to an on-site microgrid and battery storage network. Where there is a shortfall in terms PV energy output, additional energy will be made up via an on-site battery storage system once building load profiles are known before import from the Grid supply. • Sustainable Drainage Systems designed to account for predicted climate trends and rainwater harvesting • Improving energy performance of buildings and reducing energy consumption through efficiency measures. This includes increasing the efficiency of plant by procuring cleaner equipment. • A package of transport and access improvements which will help reduce GHG emissions associated with the transport of employees to and from the Main HNRFI Site during the operational phase. This includes provision of high quality, safe and convenient walking and cycling routes permeating through the Main HNRFI Site and a Framework Site Wide Travel Plan (document reference: 6.2.8.2, APP-159) minimises and mitigate GHG emissions associated with staff vehicle movements. • Encouraging the phasing out fossil fuels by providing capacity to meet 100% low-carbon energy vehicles and plant and championing the use of sustainable transport types. <p>In summary, Chapter 18 of the Environmental Statement (document reference: 6.1.18, APP-127) assesses HNRFI's</p>
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		<p>predicted effects on climate change: in summary HNFRI aims to minimise its contribution to climate change, making it a more environmentally responsible and resilient development in the face of climate challenges. Such initiatives align with global and national efforts (including legislative and policy requirements) to combat climate change and create a more sustainable future: the NPS outlines the Government’s policy framework for rail freight expansion. With respect to climate change, UK Government’s objective is to: ‘ensure that the transport and rail freight make a significant and cost-effective contribution towards reducing global emissions’. We are committed to maintaining a rigorous approach to environmental impact assessment. As the Applicant progresses through each detailed design phase, the Applicant will continually reassess and refine their evaluations as more information becomes available. The Applicant’s commitment to staying up to date with the latest data and research ensures that informed decisions that prioritise sustainability and minimise adverse effects on the climate can be made.</p>
	Construction and Building Operation	
117	<p>BDC states that details should be provided with respect to how the employment of construction plant that relies of the use of fossil fuels may be avoided, particularly when considering the location of the proposed development, and the nature of the existing land uses.</p>	<p>It is appropriate and proportionate for such a large and strategic scheme to put in place parameters which inform the detail of the various phases as they come forward. The CEMP and CTMP provide a framework for future building contractors to supplement with further detail on construction methodology and plant. It is not appropriate for the application to stipulate specific construction methodology as this constrains opportunity for innovation and improvements in technology. A combination of the CEMP, CTMP and a carbon</p>

		<p>reduction target approach to procurement (described in ES para 18.247, document reference 6.1.18, APP-127), which aligns with the applicants commitment to delivering Net Zero in Construction (ES para 18.252, document reference 6.1.18, APP-127), provides the most effective mechanism for mitigating any construction related impacts.</p> <p>Fossil fuels are certainly not a main source of energy provision (document reference: 6.2.18.1, APP-217). The energy infrastructure design expressly optimises the path to net zero operations and minimises reliance on fossil fuels. Onsite renewables used directly when generated or after storage in batteries are the first supply. Grid electricity is the second. The use of battery storage will enhance the ability of occupiers to use only renewable grid energy. Any CHP or standby generation would only be used in exceptional circumstances during a failure of supply. The Energy Strategy Appendix 18.1, (document reference 6.2.18.1, APP-217) concludes that 83% of the peak operational energy requirements would be produced by solar photovoltaics (PV) with 100% of the total available roof space (excluding areas required for rooflights, drainage and safe access) to be covered by PV cells.</p>
118	<p>BDC states that the targeted BREEAM Rating should be reconsidered, with a minimum 'Excellent' rating preferred to the currently targeted 'Very Good'; the scope to achieve a LEED Rating of 'Gold' should be explored, and targeted where feasible; the proposals should also target a minimum EPC rating of A.</p>	<p>In addition to delivering a scheme that aligns with Net Zero requirements, ES para 18.269 summarises the minimum Green Building Certification standards which will be achieved. These comprise:</p> <ul style="list-style-type: none"> - BREEAM Very Good - DGNB Gold - LEED Silver

		<p>EPC B</p> <p>These minimum standards provide very positive sustainability credentials for a large scale distribution scheme. It is noted that the Applicant as part of their wider business has moved to BREEAM Excellent. This has been updated in the Design Code (document reference 13.1A) and Design and Access Statement (document reference 8.1A) submitted at Deadline 2 .</p> <p>LEED is considered to be an international alternative to UK’s BREEAM, largely used in Central and North America, the Middle East and parts of the Far East. Therefore, we would propose to use the required BREEAM standard as the primary objective and that will dictate the LEED standard achieved.</p>
119	BDC state that the necessary building specification to ensure net zero operation should be secured in the Schedule 2 Requirements.	<p>The scheme is in line with Net Zero policies and it is established in the ES (document reference: 6.1.18, APP-127) that the scheme does not impact or compromise the country’s ability to achieve Net Zero by 2050.</p> <p>Due to the outline nature of the application, conservative assumptions have been made in the assessment of GHGs (e.g. we have excluded the significant CO2 benefit that comes from a modal shift of freight from road to rail, excluded the greening of power network and the changes to operational vehicle types over the lifetime of the development). As it is a precautionary and conservative assessment, through detailed design of the scheme as it progresses, any residual emissions and any requirement to offset operations will reduce.</p> <p>It is correct to state that timescales for construction of the full scheme are likely to be extensive and in that time emission targets may become more stringent. However it would be wrong to specify the proposed buildings to a level of detail that</p>

		<p>restricted the future needs of the occupiers and restricted the significant innovations and building improvement that will be developed by the building industry over this period. Instead the most appropriate approach is defer a reassessment to the detailed design stage of each phase of development through a requirement to produce a detailed GHG Reduction Strategy specific to the phase in question as stated in para 18.290 (document reference: 6.1.18, APP-127,).</p>
120	<p>BDC state that the applicant should be asked to justify the 49.9 Mw limitation for the generation of on-site electricity especially with regard to other potential locations for solar PV such as car park canopies.</p>	<p>The application is specific to that of a SFRI not a power station. Therefore the Energy Strategy (document reference: 6.2.18.1, APP-217,) is specifically tailored to marrying the potential yield from the on-site generation with the likely demand from the development, not to maximise generation yield for exporting power to the grid. This is based on sustainability principles to allow the site to be self-sufficient in normal operation. 100% of the available roof space has been used in the assessment of PV generation capacity which is calculated to be 42.4 MWp and this yield aligns well with likely demand from the site with some possible additional need for battery storage to buffer supply in peak periods.</p> <p>The Energy Strategy (document reference: 6.2.18.1, APP-217) determines that peak consumption for the entire HNRFI site, inclusive of 100% EV charging, would not exceed 50MW. The Energy Strategy has therefore been devised to meet 100% of HNRFI's needs. This supports the Draft National Policy Statement for Renewable Energy Infrastructure 2021 (NPS EN-1 – draft). The Planning Act 2008 defines a Generating Station at Section 15. Should an occupier wish to use solar power to generate additional renewable energy, then depending upon</p>

		statutory provisions at that time, a further DCO may be required
121	BDC considers that the Proposed Development should commit to going beyond the minimum requirements of Part S of the Building Regulations, providing a proportion of spaces with chargers prior to the commencement of the operation of the proposals, with the remaining car parking spaces provided with the cabling routes that would enable the later installation of chargers.	The development would provide 20% vehicle charging spaces with the balance of 80% being provided with cabling routes to allow later installation of chargers.
122	BDC consider it unusual that a gas powered Combined Heat and Power (CHP) and hydrogen is being considered ahead of already widely used heat pump technology, suggesting that a revised low and zero carbon technology feasibility assessment should be undertaken, and regularly updated at each design stage, to account for changing and advancing technologies.	CHP is not being “considered ahead of heat pump technology”. The Energy Strategy (document reference: 6.2.18.1, APP-217) clearly describes the use of air source heat pumps for heating and cooling to the office areas of the proposed units (para 11.1.6) in tandem with on site PV generation and battery storage. Grid connection is proposed solely in times of excess peak demand. The supplementary CHP is solely to be used as a last resort in the event of a failure of the system, not for normal operation. It is important in the event of a failure that the emergency system can be switched on and provide both heat and power quickly. The proposed CHP technology provides this facility in emergencies, unlike most other technologies. Because of the infrequent use the CHP does not create a material impact to the GHG or sustainability credentials of the scheme. Nonetheless it is proposed that such a non-significant impact would be further mitigated by the facility being hydrogen ready.
123	BDC are disappointed that reliance is being placed on fossil fuels for a significant energy source to the facility and is concerned that a long term development whose approach to climate change is	The energy strategy will be continuously reviewed as and when different phases of the scheme come forward to detailed design and reassessed through a GHG reduction plan, thereby

	unambitious at the outset will appear already out of date at completion.	incorporating the best technical solutions and innovations available at the time.
124	BDC consider that due to significant uncertainties around the suitability of hydrogen as a fuel in heating and electricity generation, the reliance on hydrogen as a fuel source is short-sighted and the proposed use of hydrogen is unlikely to constitute a resilient approach.	<p>The proposed scheme is not reliant on hydrogen.</p> <p>Sustainable technologies are proposed for delivering the heat and power needs for the site in normal operation.</p> <p>The CHP proposal is solely an element of redundancy in the energy strategy for use in times of system failure, to maintain operation of the site until the failure is resolved. The CHP is proposed to be “hydrogen ready” to future proof the facility for any future change to the gas supply network.</p>
125	BDC expect to see a full consideration and uptake of zero carbon heat and cooling options as standard in the application as per the EIA Hierarchy (e.g. heat pump technology).	The Energy Strategy (document reference: 6.2.18.1, APP-217) clearly describes the use of air source heat pumps for heating and cooling to the office areas of the proposed units (para 11.1.6) in tandem with on-site PV generation and battery storage. These elements deliver the heat and power requirements for the site in normal operation and are fully compliant with the EIA hierarchy from figure 18.3.
	Water Conservation	
126	BDC consider that the Scheme should include commitments to and set out the mechanisms for securing the measures taken to reduce water usage.	Water harvesting systems require significant amounts of infrastructure which significantly increases the embodied carbon of the building, they are power hungry, making the carbon in operation increase for the life of the building, they require considerable additional maintenance, which has negative impacts on both cost and carbon and they can only

		be relied on for a proportion of the year, so you have to have a mains connection which feeds all of the water fittings anyway.
	Overheating	
127	BDC consider that an overheating assessment should be undertaken for the proposed buildings to ensure the risk of overheating is mitigated, and that the health of future occupants will be protected. Measures to reduce reliance on active cooling technology should be employed, with the inclusion of openable windows and solar shading considered in preference to air conditioning systems.	<p>As part of the aspiration to achieve a BREEAM Excellent accreditation for the development, a CIBSE TM52 (Chartered Institute of Building Services Engineers Technical Memorandum 52) calculation will be undertaken for each building.</p> <p>The purpose of this analysis is to test the design and ensure the mitigation of overheating risk within the occupied zones of the development, to ensure the comfort of the occupants as well as future-proofing the scheme by taking into account projected increased ambient air temperatures.</p> <p>Building design features will be implemented to reduce overheating risk in the first instance with passive shading features, consideration of building orientation and careful positioning and selection of glazed features.</p> <p>The overheating analysis to inform design and fabric first approach will reduce reliance on mechanical cooling insofar as reasonably possible.</p>
	Transport	
128	BDC consider the Proposed Development's existing approach to sustainable travel unacceptable/offer of off-site facilities and services to enable sustainable transport options limited, suggesting that this would result in excessive climate related impacts.	Further development of the Sustainable Transport Strategy is to be submitted at Deadline 3.

129	<p>BDC consider: the site to be located in an unsustainable location; mitigation currently proposed is inadequate; more significant enhancement to infrastructure and investment is required to provide options to employees of the Scheme; and the Scheme appears to be reliant on improvements to cycle infrastructure being made externally.</p> <p>BDC suggest the requirement for: shuttle bus services from Hinckley Railway Station; cycle/E-cycle storage and hire facilities at the station and on the Site; provision of new and/or upgraded cycle ways; encouraging travel by means other than the private vehicle; charging facilities; and showers on the Site.</p> <p>BDC also suggest enhancement of other bus services, beyond the X6 service referenced in the Applicant’s proposed S106 Planning Obligation Heads of Terms (document reference 10.1), should be provided by the Applicant.</p>	
	Cultural Heritage	
130	<p>BDC state that the Applicant’s Heritage Assessment (ES Appendix 13.2 APP-202) identifies a range of designated heritage assets within BDC that could potentially experience a change to their wider settings. These assets within Blaby District include a Scheduled Monument, four listed buildings and a conservation area.</p>	Agreed in the draft SoCG submitted at Deadline 2.
131	<p>BDC has a concern regarding the presentation of the heritage assets as a combined/shared group of assets with a shared impact value rather than being presented as individual assets with</p>	Agreed through SoCG and addressed through the resubmission of Chapter 13 with table 13.8 amended to present the impact on individual assets (document reference: 6.1.13A, AS-015).

	separate significance, sensitivity and magnitude of change values in the matrix itself.	
	Impact A – Potential Impacts on Scheduled Ruins of the Church and Grade II Church of St Mary	
132	BDC consider the magnitude of change to Scheduled Ruins of the Church and Grade II Church of St Mary to be minor at worst, and negligible at best, resulting in a probable environmental impact of minor/moderate or minor. The level of harm is in the category of ‘less than substantial’.	Agreed through the draft SoCG submitted at Deadline 2.
	Impact B – Potential Impact on the Wentworth Arms	
133	BDC considers the magnitude of change to the Wentworth Arms to be negligible, resulting in an environmental impact of minor. The level of harm is in the category of ‘less than substantial’.	Agreed through the draft SoCG submitted at Deadline 2.
	Impact C – Archaeological Assets and Assets Listed on the Historic Building Record	
134	BDC understand that the Proposed Development has a high likelihood to impact on beneath-ground archaeology. It is also apparent that the Proposed Development will have a significant impact on several structures that appear on the Historic Environment Record.	Agreed through the draft SoCG submitted at Deadline 2.
135	BDC state that mitigation is sought in the form of a Historic Building Record secured via requirement 12 of the draft DCO. Provisions should be made for the archaeological investigation and recoding of these earthworks prior to their loss.	Agreed through the draft SoCG submitted at Deadline 2.
136	BDC state that with the exception of the western link road connecting the Order Limits to Leicester Road (A47/B4668) and the proposals for off-site junction improvements and compounds,	Agreed through the draft SoCG submitted at Deadline 2 that adequate assessment of the whole DCO site has been

	the development impact of the Proposed Development on non-designated heritage assets have been adequately assessed.	undertaken to inform the DCO. A programme of further mitigation has been agreed as a Requirement of the DCO.
137	BDC recommend that the outstanding archaeological investigation, comprising trial trench investigation of the western road link and targeted investigation associated with the off-site junction improvements, compounds, etc., should be undertaken as an initial stage of post-determination mitigation. The results of this investigation should be made available prior to start of works on Site, in order to determine the scope of any further necessary mitigation of the development impact.	Agreed through the draft SoCG submitted at Deadline 2.
138	BDC state that the current the Archaeological Mitigation Strategy proposes excavation of the Areas A and B, to this should be added features located in the vicinity of Trenches 542 and 543.	Agreed through the draft SoCG submitted at Deadline 2.
139	BDC state that for each phase of the archaeological mitigation programme one or more site or stage specific Written Schemes of Investigation will be prepared and submitted to the respective planning authorities for approval prior to implementation.	Agreed.
140	BDC state that LCC Archaeology on behalf of the IP will be undertaking on-site archaeological monitoring and post-excavation review, to ensure appropriate and efficient management of the mitigation programme.	Agreed.
	Health and Wellbeing	
141	BDC consider the Proposed Development to result in negative impacts to numerous health determinants.	BDC state that the proposed development has the potential to impact upon determinants of health (i.e. factors that influence health), but does not establish or provide any evidence of any actual health impact, and does not present any evidence that

		<p>would contradict that provided or infer any gap in the assessment submitted.</p> <p>In contrast, the DCO investigates, assesses and addresses all credible environmental and socio-economic change directly attributable to the proposed development, and provides a Health and Equality Briefing Note (document reference: 6.2.7.1A) to aid transparency and set potential hazard and risk into context.</p>
142	<p>BDC consider the Wards chosen for the Applicant’s assessment of health and wellbeing impacts has underrepresented the areas of Narborough and also Hinckley and Earl Shilton.</p>	<p>The wards study area has been selected based on the DCO Order Limits, the composition of which is referenced in multiple places throughout the Health and Equalities Briefing note. For clarity, the ward study area comprises the wards of: Croft Hill; Hinckley de Montford; Burbage St Catherine’s & Lash Hill; Stanton & Flamville; Barwell; Broughton Astley-Primethorpe & Sutton; Cosby with South Whetstone; Lutterworth West; Ullesthorpe; and Revel and Binley Woods.</p> <p>Please note however, that this health baseline was included in the voluntary Health and Equality Briefing Note (document reference: 6.2.7.1A) for additional context, and supplements the topic specific baseline for each of the overlapping technical disciplines in the DCO, tailored to topic specific hazard characteristics, distribution profile and receptor sensitivity.</p> <p>There is no question that each of the technical disciplines within the DCO are appropriately scoped to investigate, assess and address the specialist topics they cover, protective of the environment and health.</p>

143	BDC consider it is presently unclear as to the quality of the proposed alternative open space which will be provided.	The applicant acknowledges that good quality open space is beneficial to health and wellbeing and notes the importance of delivering this within the new publicly accessible green space.
144	BDC consider there has been a lack of analysis around the qualitative nature of replacement rural open space bridleways, and that the user experience will change from encountering a natural aesthetic to an urban one with most of the proposed routes being adjacent to roads.	The re-provision of a bridleway that will now pass through an urban setting will not materially impact access to physical activity or mental wellbeing on the basis that several nearby alternative routes which also pass through natural settings exist and can be used if that is the preference.
145	BDC state that there has been no analysis within Appendix 7.1 of the Environmental Statement [APP-137] of the commuting patterns and how active travel will be incorporated into the Proposed Development.	The use of active modes of transport for commuting is promoted by the applicant through design. For further information please see Section 8.315 of Chapter 8 of the ES (Framework Travel Plan and Smarter Travel Measures) (document reference: 6.1.8, APP-117).
146	BDC state that given no traffic flow information has been provided as part of the air quality assessment, any stated impacts on the human receptors cannot be verified or relied upon.	<p>The Health and Equalities Briefing note (document reference: 6.2.7.1A) does not seek to repeat the traffic flow data relied upon for the air quality assessment, instead providing cross-references where appropriate. Please note however that the air quality assessment demonstrates compliance with air quality objectives protective of the environment and health, and as noted in the Health and Equality Briefing Note, both the concentration and exposure remains orders of magnitude lower than is required to quantify any measurable change in local health outcome (when considering the Committee on the Medical Effects of Air Pollutants risk ratios).</p> <p>No evidence has been provided by any party that contradicts these findings or indicate a gap in the assessment.</p>

	Mitigation	
147	BDC suggest that mitigation should ensure quality open space provision: The Landscape plan should include Burbage Common to ensure that the quality of the open space is improved from the Open Space Assessment's current assessment of being below the target of 80%.	The Applicant is discussing this matter further with the relevant planning authority Hinckley and Bosworth Borough Council.
148	BDC suggest that a signage and wayfinding strategy should be proposed in around the Proposed Development to mitigate community severance's health impact by promoting pedestrian safe movements – to encourage active travel and foster a sense of belonging.	Agree and details of this will be secured by Requirement 4 Detailed Design Approval