

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 Written Representations [Part 1 of 4 Statutory Bodies]

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Planning Act 2008

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

This document provides the Applicant’s response to the points raised in the Written Representations prepared and submitted by Statutory Bodies at Deadline 1 and subsequently published by PINS. The representation is summarised and the Applicant’s response is then provided in the following table. It is noted that a number of the parties raise matters that have previously been addressed, or are duplicated in the LIRs. 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 has sought not repeat the same response. As far as possible, 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). Inevitably some duplication remains.

<u>Matter</u>	Applicants Response
NATURAL ENGLAND	
<p>The IP uses a system of red, amber or green, citing their use as follows:</p> <ul style="list-style-type: none"> • Red are those where there are fundamental concerns which it may not be possible to overcome in their current form. • Amber are those where further information is required to determine the effects of the project and allow the Examining Authority to properly undertake its task and or advise that further information 3 is required on mitigation/compensation proposals in order to provide a sufficient degree of confidence as to their efficacy. • Green are those which have been successfully resolved (subject always to the appropriate requirements being adequately secured) 	Noted
1. Internationally designated sites – GREEN	
The IP position regarding internationally designated sites has not changed since submission of Relevant Representations (RR-0974).	Agreed.
The IP position regarding impacts on internationally designated sites is as set out in Relevant Representations (RR-0974). This is also summarised within Written Representations Part III.	Agreed.
2. Nationally designated sites – GREEN	

<u>Matter</u>	Applicants Response
<p>The IP position regarding nationally designated sites has changed since submission of Relevant Representations (RR-0974). The IP consider the issues raised to have been suitably addressed; have thus altered categorisation to GREEN. Further explanation is set out below and summarised in the IP Written Representations Part III.</p>	<p>Agreed.</p>
<p>The IP notes that the Applicant proposed a change to the DCO requirement for the CEMP has been put forward to ensure the detailed CEMP includes all of the required dust mitigation measures, as set out in tables 9.40 & 9.41 of the ES. The IP are satisfied that the amendment to the DCO requirement will ensure impacts to Burbage Wood and Aston Firs SSSI are avoided.</p>	<p>Agreed.</p>
<p>The IP states that the Applicant has since proposed an amendment to the DCO requirement for the CEMP to specifically include details of built development and construction buffers in the arboricultural method statement. The IP consider this amendment will ensure the appropriate buffers are in place during both the construction and operational phases, thus mitigating any potential direct impacts or root compaction issues at Burbage Wood and Aston Firs SSSI.</p>	<p>Agreed.</p>
<p>The IP state that the Applicant has proposed an amendment to the DCO requirement for the CEMP, to include specific reference for the need for measures to prevent oil/fuel/chemical spills, and sediment mobilisation, to prevent an adverse effect on the Narborough Bog SSSI. The IP feel this is appropriate to avoid any impacts on the SSSI.</p>	<p>Agreed.</p>
<p>3. Protected Species – AMBER</p>	
<p>The IPs overall position regarding impacts on protected species is as set out in Relevant Representation (RR-0974) (AMBER). However, the IP has</p>	<p>Noted.</p>

<u>Matter</u>	Applicants Response
been in discussion with the applicant with regard to the issues raised and more detail relating to this is set out below. This is also summarised within the IPs Written Representations Part III.	
Following submission of the IP relevant representations, the IP and the Applicant have agreed a contract via pre-submission screening service to assess draft licence applications for Bats and Badgers, then to work with the Applicant towards producing a Letter of No Impediment (LoNI). Until the IP have received and reviewed the draft licence applications, the IP is unable to advise upon the likelihood of any impediments to a licence being granted. It is anticipated that the LoNI process will be complete during the process of the examination.	The draft bat licence application has now been submitted to Natural England, with the draft badger licence to be submitted imminently. . It is also anticipated that the LoNI process will be complete during the process of the examination.
The IP note that it may be appropriate to include a DCO requirement to ensure any licencing requirements are met. Until further progress is made regarding a LoNI, the IP note that they are unable to advise on the detail of any such requirement.	Noted.
4 Biodiversity Net Gain Provision – GREEN	
The IPs position regarding provision of biodiversity net gain has changed since submission of Relevant Representations (RR-0974). Details are set out below and are also summarised within the Written Representations Part III.	Noted.
The IP notes that as Biodiversity Net Gain is not yet a mandatory requirement, the IPs categorisation of this element has been altered to GREEN ; the IP accept that there is no legal mechanism to require the up-front delivery of Biodiversity Net Gain.	Agreed.
The IP welcomes the commitment within the DCO to deliver a minimum of 10% Biodiversity Net Gain; the IPs advice regarding the delivery of	Noted.

Matter	Applicants Response
<p>Biodiversity Net Gain, as set out in relevant representations (RR-0974), still stands as advice on current best practise. This includes:</p> <ul style="list-style-type: none"> - Delivery of a minimum 10% gain in habitat, hedgerow and river units. - Full details regarding the location and design of biodiversity enhancements - Minimum 30-year management plan for biodiversity net gain enhancements - All metric trading rules satisfied. - Clear and transparent metric reporting - stating any assumptions made / deviations away from BNG principles 	
<p>5. Nationally Designated Landscapes – GREEN</p>	
<p>The IPs position regarding nationally protected landscapes has not changed since submission of Relevant Representations (RR-0974). The IP provides summary within the Written Representations Part III</p>	<p>Agreed.</p>
<p>6. Soils and Best and Most Versatile Agricultural Land – GREEN</p>	
<p>Natural England’s position regarding soils and BMV land has not changed since submission of Relevant Representations (RR-0974). The IP provides summary within the Written Representations Part III</p>	<p>Agreed.</p>
<p>7. Ancient Woodland and Ancient/Veteran Trees – GREEN</p>	
<p>The IPs position regarding ancient woodland and ancient/veteran trees has not changed since submission of Relevant Representations (RR-0974). However, the IP notes an error in the relevant representations:</p>	<p>Noted</p>
<p>The IP stated that ‘there is no Ancient Woodland or ancient/veteran trees within the development site; as such no direct loss of this irreplaceable habitat is likely.’ Since this submission, it was drawn to the IPs attention</p>	<p>Noted.</p>

Matter	Applicants Response
<p>that one veteran tree will in fact be lost as a result of the development (T486, a veteran oak tree).</p>	
<p>The IP notes that Natural England and the Forestry Commission’s standing advice on Ancient Woodland and Ancient/Veteran Trees sets out that any loss or deterioration of ancient woodland or ancient/veteran trees should be avoided; where it cannot be avoided, compensation must be provided. The IP notes that the loss of T486, a veteran oak tree, should also be considered in line with the National Policy Statement for National Networks (para 5.32) which sets out that the loss of these features should be avoided unless the national need for and benefits of the development, in that location, clearly outweigh the loss.</p>	<p>Noted</p>
<p>The Applicant has noted, in the latest version of their statement of common ground with the IP, that compensation for the loss of this veteran oak tree would comprise creation of deadwood habitat and woodland creation which is being delivered as part of the proposals. The IP note that Natural England and the Forestry Commission’s standing advice notes that compensation measures can include creation of new woodland. Nonetheless, the IP note that that woodland creation, where being carried out in order to meet the Biodiversity Net Gain requirement, will not be able to be considered as compensation for loss of irreplaceable habitats (i.e., ancient woodland/veteran trees), as compensation will need to be additional to the 10% Biodiversity Net Gain delivery. However, the IP note that as BNG is not a statutory requirement for this project, the woodland planting noted may be able to be considered as part of a compensation strategy for the proposal.</p>	<p>Noted.</p>
<p>8. Connecting People with Nature (National Trails, Open Access Land and England Coast Path) GREEN</p>	

<u>Matter</u>	Applicants Response
<p>Natural England’s position regarding access has not changed since submission of Relevant Representations (RR-0974). The IP provides summary within the Written Representations Part III</p>	<p>Noted</p>
<p>Natural England’s overall conclusions</p>	
<p>Overall, the IP states that the majority of concerns raised within relevant representations have been addressed by the applicant, with the key outstanding element being the finalisation of a Letter of No Impediment for protected species licencing. The IP notes that work with the applicant will continue on this matter and to finalise the statement of common ground.</p>	<p>Agreed</p>
<p>Natural England’s Written Representations PART II: Natural England’s detailed comments on the Development Consent Order (DCO)</p> <p>Part II of these representations provides the IPs detailed comments on the Development Consent Order. This table supersedes Part III of Relevant Representations (RR-0974).</p> <p>The IP notes the following requirements as GREEN.</p> <ul style="list-style-type: none"> • Requirement 7 – Construction Environment Management Plan • Requirement 13 – Sustainable Drainage • Requirement 14 – Surface Water • Requirement 20 – Landscape Ecological Management Plan • Requirement 21 – Ecological Mitigation Management Plan • Requirement 23 – Site Waste and Materials Management Plan • Requirement 26 – Public Rights of Way Strategy (& Requirement 6 – Public Rights of Way and Level Crossing Closures) 	<p>To satisfy Natural England Requirement 7 has been updated in the dDCO submitted at Deadline 2.</p>
<p>Natural England’s Written Representations Part III: A summary of Natural England’s advice</p>	<p>Noted</p>

Matter	Applicants Response
<p>Part III of these representations summarises the IPs position, and the reasons for this position, on all the areas which represent the key areas of the IPs remit. This incorporates the advice provided within the IP relevant representations (RR-0974) and updated advice provided in Part I of these written representations.</p> <p>The IP will continue engaging with the applicant to seek to resolve the outstanding concerns throughout the examination. The IP advises that the matters indicated as ‘amber’ will require consideration by the Examining Authority during the examination.</p> <p>The topics considered as having a Green risk rating are as follows, all amber risks are commented on in detail thereafter:</p> <ul style="list-style-type: none"> • International designated sites, including HRA in combination assessment. • Nationally designated Sites; Impacts to Burbage Wood and Aston Firs and Impacts to Narborough Bog SSSI following CEMP being be secured via DCO Requirement. • Delivery of Biodiversity net Gain via DCO requirement for the delivery of 10% Biodiversity Net Gain. • Impacts to Nationally Designated Landscapes. • Soils and Best and Most Versatile Agricultural Land due to the DCO Requirement for a Site Waste and Materials Management Plan. • Ancient woodland and ancient/veteran trees due to CEMP to being secured as a DCO requirement. 	

Matter	Applicants Response
<ul style="list-style-type: none"> • Loss of Veteran TREE T486 • Connecting people with nature (National Trails, open access land and England Coast Path) due to the DCO requirement for public rights of way and level crossing closures & Public Rights of Way Strategy. <p>The IP note and Amber risk rating with regards to requirements for Licences for Badgers and Bats. The IP notes that licences are likely to be required for works which may impact Bats and Badgers. The IP has an active Pre-Submission Screening service contract with the applicant and await submission of draft licence applications, following which the IP will work with the applicant towards developing a Letter of No Impediment. This is due to be complete prior to the end of the examination. The IP notes a possible DCO requirement to ensure LoNI conditions will be fulfilled.</p>	
NATIONAL GRID ELECTRICITY TRANSMISSION PLC	
<p>The IP has identified the following assets which are within or within close proximity to the limits of the proposed Order:</p> <p>Tower Tower 4WP041</p> <p>Overhead line 4WP 400Kv Coventry – Ratcliff on Soar Hams Hall – Willington East</p>	Noted and agreed
<p>The IP states that the Applicant has been provided a template form of protective provisions and is in the process of liaising with the Applicant with the aim of agreeing the same as soon as possible. The IP will keep the Examining Authority updated in relation to these discussions</p>	<p>The Applicant is engaged in ongoing discussions and negotiations with National Grid Electricity Transmission in respect of the draft protective provisions provided and there remain only a few outstanding matters between the parties. The Applicant is committed to continuing to engage with National Grid Electricity Transmission and anticipates being in a</p>

<u>Matter</u>	Applicants Response
	position to include final and agreed protective provisions the DCO shortly, and certainly within the timeframe of the Examination.
CADENT GAS	
Introduction	
<p>The IP has identified that it will require adequate protective provisions to be included within the DCO to ensure that its apparatus and land interests are adequately protected and to include compliance with relevant safety standards.</p>	<p>The Applicant is engaged in ongoing discussions and negotiations with Cadent in respect of suitable protective provisions and there remain only a few outstanding matters between the parties. The Applicant remains committed to continuing to engage with Cadent and anticipates being in a position to include final and agreed protective provisions the DCO shortly, and certainly within the timeframe of the Examination. The Applicant is progressing the detail of the drafting with Cadent with a view to agreeing appropriate provisions to capture the matters raised by Cadent to the satisfaction of both parties, but has not been able to include amended drafting in the updated dDCO at Deadline 2 due to the short timescales. The Applicant will ensure updated provisions are included in the next version of the dDCO to be submitted.</p> <p>The Applicant is confident that agreement can be reached with Cadent with regard to land and rights requirement to accommodate any necessary diversions.</p>
<p>The IP wish to ensure appropriate land rights are available for any diversion of their assets sitting outside the adopted highway boundary and will require consent to be granted where there are proposals to work within the easement strip of any existing Cadent's Apparatus.</p>	
<p>The IP is required to comply with the terms of its Licence in the delivery of its statutory responsibilities. It is regulated by the Network Code which contains relevant conditions as to safe transmission of gas and compliance with industry standards on transmission, connection and safe working in the vicinity of its Apparatus, to which see paragraph 2.</p>	
REGULATORY PROTECTION FRAMEWORK	
<p>The IP require all Applicants carrying out Authorised Development in the vicinity of their Apparatus to comply with:</p>	Noted, as above.

Statutory Bodies

Matter	Applicants Response
<p>(a) CD/SP/SSW/22 Cadent's policies for safe working in the vicinity of Cadent's Assets;</p> <p>(b) ICE (institution of Gas Engineers) recommendations IGE/SR/18 Edition 2 Safe Working Practices to Ensure the Integrity of Gas Pipelines and Associated Installations, and</p> <p>(c) the HSE's guidance document HS(G)47 Avoiding Danger from Underground Services.</p>	
<p>The IP notes that industry standards referred to above have the specific intention of protecting:</p> <p>(a) the integrity of the pipelines and thus the distribution of gas;</p> <p>(b) the safety of the area surrounding gas pipelines;</p> <p>(c) the safety of personnel involved in working with gas pipelines.</p>	<p>Noted, as above.</p>
<p>The IP requires specific protective provisions in place for an appropriate level of control and assurance that the industry regulatory standards will be complied with in connection with works in the vicinity of Cadent's Apparatus.</p>	<p>Noted, as above.</p>

PROTECTIVE PROVISIONS	
<p>The IP seeks to protect its statutory undertaking, and insists that in respect of works in close proximity to their Apparatus as part of the authorised development the following procedures are complied with by the Applicant:</p> <ul style="list-style-type: none"> a) The IP has had the opportunity to review and consent to the plans, methodology and specification for works within 15 metres of any Apparatus, works which will adversely affect their Apparatus or otherwise breach distances/guidance set out in paragraph 2 above. b) DCO works in the vicinity of the IPs apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of the IPs land or rights or overriding or interference with the same. c) DCO works in the vicinity of IPs apparatus are not commenced unless there is third party liability insurance effected and maintained for the construction period of the relevant authorised works and that the person or body undertaking the works (acknowledging the ability to transfer the benefit of the DCO) has the appropriate net worth to enable it to meet any liability arising from damage to IPs apparatus (acknowledging the potential significant consequences of damaging a gas pipeline) or there is appropriate security in place through a bond or guarantee. 	<p>As above.</p>
<p>The IP maintain that without an agreement or qualification on the exercise of unfettered compulsory powers or its Apparatus the following consequences will arise:</p>	<p>As above.</p>

Statutory Bodies

<ul style="list-style-type: none"> i) Failure to comply with industry safety standards, legal requirements and Health and Safety Executive standards create a health and safety risk. ii) Any damage to Apparatus has potentially serious hazardous consequences for individuals/property located in the vicinity of the pipeline/apparatus if it were to fail. iii) Potentially significant consequences arising from lack of continuity of supply; 	
<p>The IP notes that insufficient property rights have the following safety implications:</p> <ul style="list-style-type: none"> (a) Inability for qualified personnel to access apparatus for its maintenance, repair and inspection. (b) Risk of strike to pipeline if development occurs within the easement zone in respect of which an easement/restrictive covenant is required to protect the pipeline from development. (c) Risk of inappropriate development within the vicinity of the pipeline increasing the risk of the above 	As above.
<p>The IP states that the proposed Order contains specific Protective Provisions expressed to be for the protection of the IP, but these are currently deficient from the IPs perspective as explained below:</p> <ul style="list-style-type: none"> (a) Provision needs to be included within the DCO or a side agreement that the works in the vicinity of IPs apparatus are not commenced unless: <ul style="list-style-type: none"> (i) there is third party liability insurance effected and maintained for the construction period of the relevant works; and (ii) the person or body undertaking the works (acknowledging the ability to transfer the benefit of the DCO) has the appropriate net worth to enable it to meet any liability arising from damage 	Noted, as above.

<p>to IPs apparatus (acknowledging the potential significant consequences of damaging a gas pipeline) or there is appropriate security in place through a bond or guarantee.</p> <p>(b) The definition of maintenance needs to cover the IPs ability and right to do any of the following in relation to any apparatus or alternative apparatus of the IP including retain, lay, construct, inspect, maintain, protect, use, access, enlarge, replace, renew, remove, decommission or render unusable or remove the apparatus;</p> <p>(c) If alternative apparatus for the IP (or any part of such apparatus) is to be constructed other than land secured by the Applicant, or the Applicant is unable to afford the rights for such apparatus through the DCO, the IP cannot be under an obligation to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be situated. The Applicant has to be responsible for securing the land and rights for all necessary works (including appropriate working areas required to reasonably and safely undertake necessary works by the IP in respect of the apparatus), the maintenance of that apparatus and importantly access thereto. The IP will agree to assist but ultimately the Applicant has to secure the facilities and rights for any diversion of IPs apparatus necessitated by the authorised works and the on-going maintenance and access.</p> <p>(d) If the IPs existing apparatus is to be diverted the Protective Provisions need to acknowledge that it may be more appropriate to decommission the existing gas apparatus without removal and in such circumstances the Applicant should take over responsibility and liability for such decommissioned apparatus.</p>	
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<p>(e) Due to the IPs statutory functions and the need to specifically discharge those functions the IP cannot agree to deemed consent nor a third party or arbitrator approving details which relate to the protection or diversion of the IPs apparatus or the rights and facilities required for the benefit of the IPs apparatus.</p> <p>(f) Due to the nature of the IPs apparatus and the implications associated with any damage the IP may require a watching brief and the IP must have the ability to recover such costs.</p> <p>(g) It is common practice that if the placing of alternative apparatus involves construction costs exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, that the IP will meet the additional costs. This needs to be subject to the IPs standard carve out namely, where it is not possible or appropriate in the circumstances (including due to statutory or regulatory changes) to obtain the existing type of apparatus at the same capacity and dimensions or place at the existing depth in which case full costs should be borne by the Applicant. It may be possible to replace like for like but it may not be appropriate.</p> <p>(h) The IP must have a full indemnity for any costs or claims resulting from the authorised development including any indirect or consequential loss of any third party arising from any such damage or interruption.</p> <p>(i) Where the Applicant is acquiring land which is subject to any IP right or interest (including, without limitation, easements and agreements relating to rights or other interests) the IP require motive of the relevant interest to be included on the title. Acknowledging that the Applicant's acquisition of third party land provides an opportunity to regularise existing land interests.</p>	
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Statutory Bodies

<p>(j) Notwithstanding article 35 or any other powers in the Order generally, s85 of the 1991 Act in relation to cost sharing and the regulations made thereunder will not apply in relation to any diversion of apparatus of Cadent under the 1991 Act.</p> <p>The IP contend that it is essential that these issues are addressed to their satisfaction to ensure adequate protection for their Apparatus.</p>	
<p>THE WOODLAND TRUST</p>	
<p>The IP objects to the proposed scheme on the basis of loss of T486, a veteran oak tree outlined in the Arboricultural Impact Assessment (APP-194), plus potential detrimental impact to the surrounding ancient woodlands from predicted increased in ammonia deposition.</p>	<p>See below.</p>
<p>Veteran Trees</p> <p>The IP refers to Natural England’s standing advice on veteran trees which states that they “can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks or other areas. They are often found outside ancient woodlands. They are also irreplaceable habitats. A veteran tree may not be very old, but it has significant decay features, such as branch death and hollowing. These features contribute to its exceptional biodiversity, cultural and heritage value.”</p>	<p>Noted.</p>
<p>Ancient Woodland</p> <p>The IP notes that Natural England and the Forestry Commission, the Government’s respective bodies for the natural environment and protecting, expanding and promoting the sustainable management of woodlands, define ancient woodland as follows within their standing:</p> <p>“Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. It is a valuable natural asset important for: wildlife (which include rare and threatened species); soils; carbon</p>	<p>Noted.</p>

Statutory Bodies

<p>capture and storage; contributing to the seed bank and genetic diversity; recreation, health and wellbeing; cultural, historical and landscape value. It has been wooded continuously since at least 1600AD. It includes:</p> <ul style="list-style-type: none"> • Ancient semi-natural woodland [ASNW] mainly made up of trees and shrubs native to the site, usually arising from natural regeneration. • Plantations on ancient woodland sites – [PAWS] replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi” 	
<p>Planning Policy</p>	
<p>The IP refers to the he National Policy Statement for National Networks (NNNPS) Paragraph 5.32 which states: “Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Once lost it cannot be recreated. The Secretary of State should not grant development consent for any development that would result in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the national need for and benefits of the development, in that location, clearly outweigh the loss. Aged or veteran trees found outside ancient woodland are also particularly valuable for biodiversity and their loss should be avoided. Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons for this.”</p> <p>The IP also refers to National Planning Policy Framework, paragraph 180, which states: “When determining planning applications, local planning authorities should apply the following principles:</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should</p>	<p>Noted.</p>

<p>be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;”</p> <p>Further to this, the IP refers to paragraph 174 of the NPPF which states the following: “Planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”. Where an application involves the loss of irreplaceable habitats, such as veteran trees, net gain for biodiversity cannot be achieved.</p>	
<p>Impacts to Veteran Trees</p>	
<p>The IP notes that the proposals will result in the direct loss of a veteran oak tree to facilitate the development. The IP states that it is essential that no veteran trees are lost as part of the development. The loss of any such trees can have a significant impact on local wildlife, particularly those which depend on the habitat provided by veteran trees.</p> <p>The IP notes that trees are susceptible to change caused by construction/development activity. As outlined in ‘BS5837:2012 - Trees in relation to design, demolition and construction’ (the British Standard for ensuring development works in harmony with trees), construction work often exerts pressures on existing trees, as do changes in their immediate environment following construction of any new infrastructure. Root systems, stems and canopies, all need allowance for future movement and growth, and should be taken into account in all proposed works on the scheme through the incorporation of the measures outlined in the British Standard.</p> <p>The IP states that while BS5837 guidelines state that trees should have a root protection area (RPA) of 12 times the stem diameter (capped at 15m), this guidance does recognise that veteran trees need particular</p>	<p>As above, the opportunities for the retention of T486 have been explored in the LUC Design Review.</p>

Statutory Bodies

<p>care to ensure adequate space is allowed for their long-term retention. The IP notes that it is imperative that Natural England and Forestry Commission’s standing advice on root protection areas for veteran trees is taken into account in planning decisions. This advice states: “For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The IP notes that the buffer zone should be 5 metres from the edge of the tree’s canopy if that area is larger than 15 times the tree’s diameter. This will create a minimum root protection area. Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone.”</p>	
<p>Air Quality</p>	
<p>The IP has concerns regarding potential nitrogen deposition on ancient woodlands surrounding the proposed scheme. The IP refers to Chapter 9 (Air Quality) of the Environmental Statement which outlines a likely greater than 1% increase towards the critical load of numerous ancient woodlands (9.155).</p> <p>The IP believe that that the development must be able to demonstrate that any resulting increase in the levels of nitrogen will be insignificant (<1% of the critical load) at all ancient woodland sites. The IP note that the scheme may need to be amended to include further control measures or other proposals in order to attempt to reduce the process contribution to <1%.</p>	<p>The Air Quality ES Chapter [APP-118] provided the changes in nitrogen deposition at the Free Holt Ancient Woodland and the significance of these impacts were considered in Ecology ES Chapter 12 (document reference: 6.2.12, APP-121). The Ecology and Biodiversity Chapter states that although there will be some increase at ecological receptors above 1% of the critical load, these do not exceed an increase of more than 1% of the current baseline deposition without the HNRFI. Therefore, these increases would not be considered significant in EIA terms. 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. It is also noted thar the Air Quality ES Chapter (document reference: 6.1.9, APP-118) modelling shows that the overall levels of nitrogen deposition on 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</p>

Statutory Bodies

	scrub planting and so any initial exposure to increased nitrogen is considered temporary/reversible as new planting matures and screens the woodland.
THE ENVIRONMENT AGENCY	
The IPs Written Representation consists of a reiteration of those comments raised and discussed in Relevant Representations submission (letter dated 22 June 2023, reference LT/2023/127772/01-L01), including where relevant any updates to those comments. In addition, the IP notes that the section 'Environmental Permitting Regulations Proposed Energy Centre' may assist the Inspector with regards to Hearing Action Point 4: Energy Generation and which arose out of Issue Specific Hearing 1.	Noted
The IP highlights to the Inspector that they have been responding to correspondence received from the Applicant regarding the wording of Statements of Common Ground between the applicant and the Environment Agency.	Agreed.
The IPs comments remain the same as those provided in Relevant Representations for Flood Risk and Surface Water drainage, as follows:	
Flood risk "During the pre-application phase of the NSIP process the Environment Agency liaised with the applicant's consultant on flood risk aspects of the proposal. This included the submission to the Environment Agency of a hydraulic model assessing the potential off-site flood risk arising from the proposals, including fluvial risk from the ordinary watercourses on site. The Environment Agency reviewed the model and found it fit for purpose. The outputs from the model were used to inform the Flood Risk Assessment (FRA) submitted with the application.	The applicant thanks the Environment Agency for their engagement during the pre-application phase of the NSIP process which helped facilitate the preparation of the flood risk management solution. We are pleased that the Environment Agency agree with the findings of the Flood Risk Assessment and that they have no objections to the scheme.

Statutory Bodies

<p>The FRA confirms that the vast majority of the development site lies within Flood Zone 1, the area of land deemed to be at least risk of flooding according to the National Planning Policy Framework and Planning Practice Guidance. There is some encroachment into Flood Zones 2 and 3 near to the site boundary.</p>	
<p>Following review of the FRA the Environment Agency consider that the development is at an acceptable level of flood risk and, subject to the implementation of the flood risk management principles outlined in the FRA, that the proposed scheme will seek to appropriately mitigate flood risk in line with best practice guidance.</p>	
<p>Since there are no Main Rivers within the development site there is no requirement for the applicant to apply for Flood Risk Activity Permit(s) from the Environment Agency for the proposed works associated with the watercourses on site".</p>	<p>Noted.</p>
<p>Surface water drainage</p> <p>"Surface water drainage will need to be managed appropriately during the construction phase and for the lifetime of the development. Whilst Leicestershire County Council, in their role as Lead Local Flood Authority (LLFA), are the lead on surface water matters that authority is not listed as a statutory consultee in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms & Procedure) Regulations 2009). For this reason the IP wish to advice the Inspector that the Environment Agency has been liaising with the LLFA on surface water matters. The LLFA requested Requirements be included on the Development Consent Order and whilst the Environment Agency repeated these in the Section 42 response to the applicant it will be for the LLFA to review and comment on information submitted to discharge those Requirements".</p>	<p>The applicant acknowledges the need to manage surface water runoff during the construction phase, and the operational phase of the development for its lifetime. The applicant's consultant met with the LLFA during the pre-application phase of the NSIP process to obtain their input, and an outline surface water drainage strategy was submitted with the application (document reference: 6.2.14.2, APP-210) Hinckley NRFI ES Appendix 14.2 Sustainable Drainage Statement). The Requirements requested by the LLFA via the Environment Agency have been included in the draft DCO.</p>

Statutory Bodies

<p><i>The IP Relevant Representations regarding contaminated land and groundwater 'controlled waters' protection, the following was provided:</i></p> <p><i>"The Environment Agency has no adverse comments to make on the information submitted regarding the proposals for how any contamination found on site is to be dealt with to ensure the protection of 'controlled waters' (Chapter 16 of the Environmental Statement). The IP support the imposition of Requirement 15 in the draft Development Consent Order in this regard. In response to the s42 consultation the IP requested a further Requirement for the production of verification report(s) at the appropriate stage of the mitigation/development process. We are working with the consultant via a Statement of Common Ground to ensure this is included in the final version of the Development Consent Order document".</i></p>	<p>The dDCO has been updated to accurately reflect the EAs requested requirements and has been submitted at Deadline 2.</p>
<p>The IPs comments remain the same as those provided Relevant Representations on Pollution Prevention, as follows:</p> <p>"Protection of the water environment during the construction phase and for the lifetime of the development is essential. The application provides information how it is proposed this to be achieved. Regarding construction, a separate Construction Environmental Management Plan (CEMP) is to be drawn up for each phase of development. The IP have no objections to this approach. For the Inspectors information, and while not diminishing the importance of other aspects of the CEMPs, in the s42 response the IP emphasised the importance of ensuring that schemes to mitigate the risk of suspended solids entering watercourses during the construction phase must be routinely inspected to ensure they remain functional. The Environment Agency has no adverse comments to make on the pollution prevention methods the applicant proposes to use for</p>	<p>Noted.</p>

Statutory Bodies

<p>the development's lifetime. The IP advise these should also be routinely checked to ensure they remain functional".</p>	
<p>The IPs comments remain the same as those provided Relevant Representations on Foul drainage disposal, as follows: "The Environment Agency notes that connection to the Severn Trent Water Ltd (SvT) sewage drainage system is proposed for the purposes of disposal of foul drainage during both the construction phase and also for the lifetime of the development. The IP would welcome this arrangement"</p>	<p>Noted.</p>
<p>Environmental Permitting Regulations Proposed Energy Centre</p>	
<p>The IP notes that the development proposals include the installation of an energy centre, incorporating a gas-fired combined heat and power (CHP) plant with an electrical generation capacity of up to 5 megawatts (MW). The IP notes that based on the information submitted with the DCO application an Environmental Permit issued by the Environment Agency will be required to operate the CHP plant. The IP note that the type of Permit will be defined by the thermal input of the proposed plant. The IP note that further detail is required from the applicant including the thermal input of the proposed plant before it is clear what Permit this plant requires.</p>	<p>See response to the Environment Agency's comment on the potential for an environmental permit for the proposed energy centre within the Relevant Representations (ref. RR-1356). The comments from the Environment Agency have been noted. Note that the proposed energy centre will not exceed 50MW and so will not exceed the criteria for a Large Combustion Plant. Once further details on the energy centre are confirmed, the Applicant will review the need for an Environmental Permit as a Medium Combustion Plant or Specified Generator. Permitting will be considered through early discussions with the Environment Agency.</p>
<p>The IP notes the following comments as advisory at this stage:</p>	
<p>The IP note that if the rated thermal input is between 1 MW and 50 MW thermal input, a Medium Combustion Plant (MCP) Permit would be required. The permit would cover emissions to air and depending on the fuel - The IP notes that there are no MCP Permit conditions for water, land, energy efficiency, odour or noise. Therefore the Examining Authority</p>	<p>All comments are noted.</p>

Statutory Bodies

<p>may wish to consider these aspects should the plant be confirmed as requiring an MCP permit. The IP notes that if an MCP is sized between 20MW and 50MW thermal input it may fall under the scope of a S1.1 Part B installation activity; in this case the applicant would also need to submit an assessment of compliance with the relevant technical standards.</p>	
<p>The IP notes that where the combustion plant exceeds 50MW thermal input it is Permitted as a Section 1.1 Part A(1)(a) installation activity under Environmental Permitting Regulations (burning any fuel in an appliance with a rated thermal input of 50 or more megawatts).</p>	
<p>The IP notes that 50MW threshold covers all relevant combustion plant on the same site and so it can either be made up of one single large combustion plant (LCP) or an aggregation of smaller plant.</p>	
<p>The IP notes that for an installation permit the applicant will be expected to demonstrate that there are no releases from the installation that have a negative impact on air quality, water quality, noise, odour and releases to land.</p>	
<p>The IP notes that they operate a pre-permitting application advice service and according to records the IP have not been contacted by the applicant regarding any permitting advice on this aspect of the proposals. The IP trust the Inspector finds the above comments useful</p>	
<p>NETWORK RAIL</p>	
<p>The IP note that broadly speaking, the proposals intend to enhance the capability of the strategic rail freight network to support, inter alia, the movement of longer and heavier freight trains to maximise the delivery of freight by rail and minimise it by road. The IP is, therefore, satisfied that the proposal will support rail industry targets for intermodal rail</p>	<p>Noted</p>

Statutory Bodies

<p>freight growth and facilitate the delivery of a freight modal shift from road to rail.</p>	
<p>The IP notes that they are still in the process of assessing how the works to be authorised by the DCO may create operational and safety issues and reserves its position to make further representations if required.</p>	<p>Noted</p>
<p>The IP objects to any compulsory acquisition of its operational land or rights over operational railway land and its assets or extinguishment of the rights held by the IP over operation railway land or any of its assets. The IP also objects to the seeking of powers to carry out works in the vicinity of the operational railway without first securing appropriate protections for the IPs statutory undertaking.</p>	<p>Protective Provisions and asset protection agreements are currently being actively reviewed and negotiated with Network Rail. The Applicant seeks to continue to negotiate the land interests and Protective Provisions and is confident that the position with regard to any necessary interests will be finalised and agreed as part of those Protective Provisions.</p>
<p>The IP is continuing to discuss with the Applicant arrangements to ensure that the proposed development can be carried out while safeguarding the IPs undertaking. Any agreed arrangements are subject to the outcome of the IPs internal clearance process which is detailed in section 2 below.</p>	<p>The Applicant understands that the Business Clearance has been agreed and that Technical Clearance is well advanced.</p>
<p>The IP reserves the right to request the Applicant to enter into any property agreements which may be required following the clearance process. This, for example, may include a deed of easement, licence to carry out works, and/or conveyancing documents for the acquisition of land.</p>	<p>Noted – this is being dealt with through the discussions on the protective provisions and asset protection agreements between the parties.</p>
<p>In order to ensure that its interests are protected, the IP requests the examining authority recommend that the IPs standard form of protective provisions are included in the DCO.</p>	<p>Noted, as above.</p>
<p>Network Rail Clearance</p>	
<p>The IP notes that clearance is a two-stage process by which Network Rail’s technical and asset protection engineers review a proposal before</p>	<p>Noted, as above, the Business Clearance has been agreed, the Technical Clearance is well advanced.</p>

Statutory Bodies

clearance can be granted for a proposal to proceed. Clearance may be granted subject to conditions and requirements.	
The IP note that the process of applying for clearance is in progress. Until the outcome of the clearance process is known, the IP states that they are unable to comment fully on the impact of the proposals on its operational railway.	The Applicant has been working with the IP and developed the scheme with its support to ES2, towards ES3. As such the Technical Clearance is expected to record aspects that are known and / or will be dealt with in the detailed design stage ES3-4
The IP intends to keep the Examining Authority informed regarding the clearance process at the relevant examination deadlines.	Noted
Level Crossings	
The IP note that negotiations are continuing to progress between the IP and the Applicant in relation to all of the level crossings that may be affected by the DCO.	Agreed
The IP has confirmed with the Applicant that the existing mitigation measures for the following level crossings are sufficient for managing any additional risk introduced by the introduction of Hinckley SFRI: Jericho (Hinckley, NGR 441802/293051-ELR WNS 3 miles 684 yds) Holts (Potters Marston, NGR 449961/295736 - ELR WNS 8 miles 1703 yds) Padge Hall Farm (Stretton Baskerville, Warwickshire NGR 440124/292533 ELR WNS 2 miles 532 yds)	Noted and Agreed. Discussions on the other level crossings is well advanced.
The IP notes that the closure of the above level crossings is not required to allow the proposed development to go ahead nor will the development necessitate additional mitigation.	
The IP will provide the Examining Authority with further updates as and when a position is agreed with respect to the other level crossings.	
Issue Specific Hearing	

Statutory Bodies

<p>In accordance with the Examining Authority's request for Deadline 1, the IP request the opportunity to be heard at the Issue Specific Hearing which is scheduled to take place on 31st October 2023 and the Compulsory Acquisition Hearing which is scheduled to take place on 2nd November 2023.</p>	<p>Noted</p>
<p>NATIONAL HIGHWAYS</p>	
<p>Objection</p>	
<p>The IP does not object to the principle of the Authorised Development (subject to the objections summarised at paragraph 2.2 and set out in more detail at chapters 6, 7, 8 and 9 of this written representation being resolved, and the inclusion of the National Highways protective provisions (in the form found at Appendix F of this document) on the DCO).</p>	<p>Noted</p>
<p>The IP notes that objection would be removed should the following matters to be fully addressed or mitigated where appropriate as well as the inclusion of the National Highways protective provisions on the DCO.</p> <ol style="list-style-type: none"> 1. The application of relevant national planning policy and guidance in regard to DfT Circular 01/2022. 2. Lack of consistency across the submission documentation. 3. Phasing of the development has not been clearly set out and how it would relate to the delivery of the associated infrastructure to support the development proposals 	<p>Noted</p>
<p>The IP notes that there is lack of a full and robust transport assessment and evidence base, due to the following matters.</p>	<p>See below.</p>
<p>a. Limited consideration of Active & Sustainable Transport, including the Travel Plan, which will lead to a car – dominated development.</p>	<p>To be developed further in discussion with the relevant highway authorities and submitted at Deadline 3.</p>

Statutory Bodies

<p>The strategic modelling methodology and outputs are yet to be agreed by all the relevant Highway Authorities.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>The impact of the development on the SRN cannot be identified, as the strategic modelling is yet to be agreed.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>The applicants have not provided a clear development mitigation strategy for the SRN.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>National Highways have not been able to agree the design or deliverability of the access arrangements onto M69 Junction 2 due to the outstanding strategic modelling.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>National Highways have not been able to agree the design or Deliverability of the of the northbound off-slip and southbound on-slip at M69 Junction 2 due to the outstanding strategic modelling.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>The deliverability of the railhead and capacity on the Nuneaton & Leicester Railway.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>HGV Routing strategy & enforcement</p>	<p>To be developed further in discussion with the relevant highway authorities and submitted at Deadline 4.</p>
<p>Construction management plan</p>	<p>Further details to be submitted at Deadline 3</p>

Statutory Bodies

<p>The IP notes the following environmental considerations have not been fully considered within the application regarding the highway works at M69 Junction 2.</p> <ul style="list-style-type: none"> • Landownership matters & compulsory acquisitions. • Development consent order and protective provisions. • NH reserves the right to produce additional grounds of objection to the ExA as the DCO progresses. 	<p>As discussed in ISH1 and noted in the Applicant’s Post Hearing Submissions (ISH1 and CAH1) (document reference 18.1.1, REP1-018), the Applicant had, at the point of submission of the Application, had detailed commentary from National Highways on the drafting of the dDCO including on the articles and the protective provisions and many of the drafting provisions had been agreed, with some issues outstanding. The Applicant has been seeking to progress these provisions with NH including in relation to landownership matters. This position was agreed by NH at the ISH.</p> <p>The Applicant now understands from NH’s WR submitted at Deadline 1 that it is seeking a different version of protective provisions in the dDCO and the Applicant therefore needs to consider those provisions and will continue in its endeavours to agree appropriate provisions with NH. The Applicant, however, does not currently intend to revisit provisions which it had previously agreed with NH and would respectfully suggest that time is spent discussing matters which were not previously already agreed.</p>
<p>Pre-Submission Discussions:</p>	
<p>The IP noted proactive engagement with in pre-application discussions with the Applicant and its transport consultants as part of the Transport Working Group (TWG) alongside Leicestershire County Council, Warwickshire County Council, Leicester City Council, Coventry City Council, Blaby District Council and Hinkley & Bosworth Borough Council.</p> <p>The IP stated that the aspiration was to agree the methodology and key assumptions for the strategic modelling and to understand the development related impacts on the SRN.</p>	<p>Noted</p>

Statutory Bodies

<p>From the IPs perspective the only elements to be agreed through this process were the trip generation and the furnishing methodology, the latter which has now had to be revisited by BWB.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>In addition, the IP noted that ad-hoc meetings took place outside the TWG between National Highways to discuss modelling requirements and agreements.</p>	<p>Noted and agreed</p>
<p>The IP note that the TWG meetings ceased in the Summer 2022, with a number of areas still be agreed with us and the LHAs. Communication with BWB also became limited after this period.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>The IP noted a copy of the Section 42 consultation on the 8th April 2022 is provided in Appendix A of this representation.</p>	<p>Noted</p>
<p>Post-Submission Discussions:</p>	
<p>The IP has been approached to discuss elements of the DCO or has received additional information from the Applicants. These communications are set out below.</p>	<p>Noted</p>
<p>Protected Provisions and DCO</p>	
<p>The IP and the Applicant have been negotiating the draft protected provisions appended to the DCO and the articles of the DCO. These protected provisions and DCO articles reflect those secured on historic development consent orders for other schemes. To date the protective provisions nor the DCO have been agreed amongst the parties.</p>	<p>As above. The Applicant does not agree that the draft protective provisions reflect “historic” development consent orders. The provisions have been drafted and under discussion for almost two years and they reflect reasonable drafting based on agreed positions with NH on other schemes, which are currently being implemented. An update to NH’s standard provisions whilst it addresses its own preferred drafting is not considered to be a reasonable requirement to abandon drafting that had</p>

Statutory Bodies

	been the subject of discussions between the parties and which will now require additional time to revisit.
Statement of Common Ground	
The IP has received an initial draft Statement of Common Ground (SoCG) from the applicants' transport consultants on the 6 October 2023. The IP will be undertaking a review of this submission.	Noted
The IP notes that it is clear that the additional items raised in a letter dated the 31st August 2023, in relation to attendance at the Preliminary Meeting and Issue Specific Hearing (ISH1), and subsequently raised at the examination have not been included.	Noted- Draft response yet to be received
The IP maintains its requirement to include the following matters into SoCG <ul style="list-style-type: none"> - Sustainable Transport Strategy - HGV Routing Strategy. - Potential impacts on landscape, biodiversity, air quality, emissions and contamination. - Various Environmental Management Plans, both during construction and operation; and - The draft Development Consent Order (DCO), including requirements and protective provisions. 	Noted
Impact Assessment	
The IP has been in receipt of further information, outside of the DCO process, on the 11th August 2023 from BWB which included; <ul style="list-style-type: none"> - WCC Rural Rugby Area Model Reports - Traffic Surveys; and, - Junction Impact Capacity Models 	Noted

Statutory Bodies

<p>The IP attended a meeting with BWB and other key stakeholders including Leicestershire County Council and Warwickshire County Council in their capacity as the LHAs, on the 17th August 2023. At the meeting BWB sought to address the comments which have been submitted by each of the parties present and explained the rationale for the provision of the additional information. In addition, BWB also stated that a final updated TA would no longer be provided, with a technical note being provided to cover outstanding matters. However, no timescales were provided by BWB on when this would be prepared or submitted for the relevant parties to consider.</p>	<p>The technical note referred to is the Rugby Rural Area Model (RRAM) Modelling Summary submitted to PINS 11 September 2023. This matter has also been addressed at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>M69 Junction 2 Design Discussions</p>	
<p>The IP note that BWB and National Highways have been in discussion on the design for M69 Junction 2 and the provision of the northbound off-slip and southbound on-slip. During these discussions the IP have explained that until the strategic modelling is agreed, the design parameters and standards to be applied. However, the designers have been identifying the potential need for departures from standard based on those provided in DMRB.</p>	<p>The Departures from Standards identified relate to a section of discontinuous hard shoulder under an existing bridge structure and are considered to be critical to the deliverability of the proposed south facing slip roads. These have therefore been put to NH for consideration and were granted provisional approval on 20/10/23.</p>
<p>The IP state that at present, one departure has been submitted, which relates to the removal of a section of hard shoulder on the M69 mainline to accommodate the proposed northbound on-slip and southbound off-slip at M69 Junction 2 which the development requires. This is currently being considered by colleagues in National Highways Safety, Engineering and Standards Directorate, and the IP are working with BWB to identify dates for a further meeting to discuss design aspects at this location.</p>	<p>As above, the departures from standard have been granted provisional approval.</p> <p>A design meeting was held between the Applicant’s highway designer and NH on 12/10/23 to discuss various preliminary design items, including highway geometry, signage strategy, structures and survey works. Actions and deliverables were agreed and the next meeting is diarised for mid-November.</p>
<p>Environmental Statement – Transport & Traffic Matters</p>	

Statutory Bodies

<p>The IP have undertaken a robust assessment of the development proposals and the applications supporting documentation to understand the impacts that the proposal will have upon the safe and efficient operation of the SRN.</p>	<p>Noted</p>
<p>The IP state that based on this analysis the IP have undertaken regarding the proposals, the supporting documentation and considering the material documents, the IP have identified the following matters which need to be considered, and on which objections are based on transport & traffic matters.</p>	<p>Noted</p>
<p>The application of relevant national policy and guidance:</p>	
<p>The IP considers that the Applicant’s development proposal has not taken into consideration the new policy set out in the Circular and the implications it has in regard to the submission and development proposals identified. Notably regarding the principle of ‘vision & validate’ and placing emphasis on active and sustainable modes of transport for development trips over car-based journeys. The IP consider that the Circular has not been accommodated into the development proposals nor the supporting documents to the application.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033).</p>
<p>Furthermore, the IP considers that the Circular now supersedes the policy set out within the National Planning Statement</p>	<p>The Applicant has responded to this point at 18.4.6 Appendix E National Transportation Policy submitted at Deadline 2.</p>
<p>Lack of consistency across the submission documentation:</p>	
<p>The IP based on review of the application submission there are discrepancies across the submission documents regarding the number of jobs the development proposals will generate. In some it is stated as 10,400 jobs and others 8,400 jobs. It is noted that the Transport Assessment work has been based around the lower, and therefore would</p>	<p>The Applicant is disappointed that NH hasn’t taken note of the discussions and explanation at the previous hearings on this point. The applicant has responded to this point through 18.2.1 Appendix A and Deadline 1 Submission - Post hearing submission ISH1 and CAH1 - Appendix A Employee Numbers and Trip Generation Note (document reference: 18.1.1, REP1-018).</p>

<p>be underreporting the impact across the SRN if the 10,400 jobs is the representative job creation for the development proposals.</p>	
<p>Phasing of the Development</p>	
<p>The IP notes that the phasing of the development is not clearly set out, and how it would relate to the delivery of the associated infrastructure required to support the development proposals. It is the IPs opinion that the access arrangements and the provision of the proposed northbound off-slip and southbound on-slip at M69 Junction 2 could be potentially required prior to built construction of the development proposals. However further clarity is sought on this matter.</p>	<p>The access infrastructure and highway mitigation is proposed to be delivered prior to first occupation. This is primarily driven by the redistribution of traffic on the opening of the M69 J2 slip roads and the A47 Link Road.</p>
<p>The IP it is also considered that the rail head should be provide from opening of the scheme to promote the sustainable movement of freight, as if it isn't provided at this stage, it could potentially result in the development being road based. Therefore, having a greater impact on the operation of the SRN than what has currently been identified.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033).</p>
<p>Transport Assessment</p>	
<p>The IP has considered the Transport Assessment which has been prepared on behalf of the applicants by BWB Consulting Limited (BWB). The IPs comments are as follows.</p>	<p>Noted</p>
<p>Active & Sustainable Transport (including Travel Plan)</p>	
<p>The IP has significant concerns that the proposals for active and sustainable travel have not been fully considered, and what is provided is exceptionally limited. The IP have therefore concluded it doesn't meet the requirements of the Circular and there is no clear vision or transport strategy for the development proposals.</p>	<p>Further development of the Sustainable Transport Strategy and Travel Plan is proposed for Deadline 3. This will build upon the principles already set out in the submitted Strategy (document reference: 6.2.8.1, APP-153)</p>

<p>The IPs concern is that trips to and from the site by employees will be car dominated, having significant impacts upon the operation of the SRN.</p>	<p>As above</p>
<p>Furnessing methodology</p>	
<p>The IP originally agreed the modelling methodology through the preapplication discussions with the applicant’s transport consultants BWB. However, in the summer of 2023, it became apparent based on discussions between BWB and Leicestershire County Council the methodology needed to be revisited.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>The IPs review of the updated Furnessing Methodology, dated September 2023, provided in Appendix 8.1 of the Environmental Statement has been completed by consultants, AECOM. This appraisal has highlighted a number of deficiencies in the proposed methodology, the key matters are summarised below.</p> <ol style="list-style-type: none"> 1. The approach described is generally considered to be sound. The ‘Furness’ process is a common method used to adjust turning movement flows to match given target forecast flows entering and exiting a junction (i.e. doubly constrained adjustment). 2. A ‘Furness’ processed was applied to ‘Prior’ matrices that were derived from observed turning movements. However, this method of deriving Prior matrices is ineffective where the junctions would be substantially changed, specifically the two junctions at the north and the south accesses to the development site. The standard method of deriving ‘Prior’ matrices was adapted to instead derive ‘Prior’ matrices from the pan regional strategic traffic model’s forecast outputs (PRTMv2.2) at these two junctions. This alteration to the agreed approach is reasonable. 3. Whilst the general approach to applying the Furness process is acceptable, two areas of concern were identified: 	<p>The Applicant has responded to this point through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033) submitted at Deadline 1 and will be further discussed with the members of the Transport Working Group ahead of the Transport Issue Specific Hearing.</p>

<ul style="list-style-type: none">- Where an observed (2018/19) turning movement is zero, or close to zero, the Furness process will not reflect a reassignment of traffic into the corridor where this is indicated as an effect of the scheme by the forecasting scenario outputs from the PRTM v2.2 traffic forecast model. There is a risk of underestimating the demand for a turning movement at an assessed junction.- Where a large observed (2018/19) turning movement has had negative growth applied, due to reassignment effects in the PRTM v2.2 forecast outputs, then this could result in the suppression of a flow demand. This might be important to the junction's operational assessment if the suppressed flow demand is (say) a right turn. <p>4. These two concerns may be addressed by undertaking a sense check using the PRTM reassignment impacts and turn movements; paying particular attention to the magnitude of flows that turn right at an assessed junction. Alternatively, the operational assessments of the junctions could include sensitivity testing of the derived turning proportions.</p> <p>5. For those junctions along the Development's spine road, the report contains no description of how design reference flows were derived from PRTMv2.2 forecast outputs (which model loads all development trips at a single zone) combined with a 'first principals' method of distributing trips generated by the development. It is noted that the design of the spine road is not a specific concern for the SRN, such as the M69, A5, M1 corridors.</p> <p>6. There is no traffic forecasting set for the scenario 'With development generated trips' demand assigned to a 'Without HNFI infrastructure network'. This forecasting set would identify if all the link and junction improvements are necessary. This forecasting set would also assist in</p>	
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Statutory Bodies

determining construction phase timing and sequencing of improvements.	
The IP note that a copy of AECOMs report to National Highways is provided in Appendix B of this written representation. However, based on the areas of concern, the IP are unable to agree the Furnessing Methodology report.	Noted- from the response the issues do not appear to be significant in relation to the methodology. Clarification will be provided ahead of Deadline 3.
Strategic modelling methodology and outputs	
The IP are not able to fully consider the suitability of the strategic modelling undertaken at present. The justification being that not all parameters which have been used within the PRTM modelling methodology have been agreed with us including the furnessing methodology. The IP note that this has prevented a full review and consideration of the outputs which have been provided until concerns regarding the methodology have been addressed.	The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)
The IP have not been able to undertake a full review of all the transport supporting information as a Transport Addendum is awaited which will provide further modelling methodology and outputs based on modelling through Rugby Rural Area Wide Model which is managed and maintained by Warwickshire County Council. This information is crucial for us to fully understand the impacts the development proposals will have on the SRN.	The Rugby Rural Area Model (RRAM) Modelling Summary was submitted to PINS 11 September 2023 ahead of the Preliminary Meeting.
PRTM Review	
The IP note that AECOM on behalf of National Highways undertook a review of PRTM v2.2 Hinckley National Rail Freight Interchange Application: Forecasting Modelling version 3 dated the 3rd May 2022 and supporting additional data and plots provided in September 2022. This review was completed on the 29th September 2022, and the technical note is provided in Appendix C	Noted

Statutory Bodies

<p>The IP have requested a further review be undertaken by AECOM of the supporting PRTM modelling reports. This review has highlighted that no further assessments or refinement have been undertaken by BWB. Based on this the following matters need to be addressed.</p> <ol style="list-style-type: none"> 1. Whilst the modelled trip distributions appear logical, some of the routeing patterns to and from the development do not use highest standard routes to the destination. If traffic can be persuaded to use the most appropriate roads, this would result in an increase in traffic on some parts of the SRN 2. On some roads, particularly the M69 to the north of Hinckley NRFI going up to M1 Junction 21, the increase in traffic flow on the road is less than the assigned traffic from the development. This is a demonstration that development traffic is causing existing traffic to divert away from the preferred route. The roads being used are of a lower standard. 3. Assuming that all traffic uses the most appropriate roads may mean that more mitigation would be required to avoid adding to congestion at the most congested junctions. 	<p>These comments were noted at the time and discussed. None were identified as areas of 'Significant Concern' within NH's grading system.</p>
<p>The IP note that it would be expected that the improvement to M69 Junction 2 would be beneficial to existing trips, with the diversion resulting from this leading to an improvement at M69 Junction 1. With the biggest issue at an existing junction, being at M1 Junction 21, however, the additional development traffic causes some existing traffic to divert to lower standard roads. Mitigation at M1 Junction 21 would therefore be required to avoid this diversion.</p>	<p>M69 J2 presents significant improvement to the SRN in this location. This alleviates existing pressures in Hinckley and Burbage as demonstrated in the Forecast Modelling report (document reference: 6.2.8.1, APP-148).</p> <p>J21 is subject to further discussion ahead of Deadline 3 and a note will be submitted at Deadline 3.</p>
<p>The IP state that it should also be noted that based on comments and clarification in regards to the number of jobs the development will generate, to fully understand the impact on the SRN.</p>	<p>The Applicant has responded to this point through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033) and Deadline 1 Submission - 18.1.1 Post hearing submission ISH1 and CAH1 -</p>

	Appendix A Employee Numbers and Trip Generation Note (document reference: 18.1.1, REP1-018).
RRAM Methodology	
<p>The IP note that the RRAM, is maintained and managed by Warwickshire County Council, and is a strategic model that is utilised to consider the impact of development on the highway network across rural areas of Rugby. The model also includes elements of the SRN and is utilised to assess the impact of development on the A5 Corridor in Rugby, notably the A5 / A426 Gibbet Hill Roundabout Junction and the A46 Corridor to the east of Coventry from M6 Junction 2 to the A46 / A45 Toll-Bar Grade Separated Junction. As well as the A45 Corridor.</p>	Noted
<p>The IP states that based on consideration of the RRAM modelling outputs provided, National Highways is unable to agree to the modelling at this moment in time until the following matters are resolved.</p> <ol style="list-style-type: none"> 1. The claimed reduction of 22 seconds ‘mean delay’ benefit obtained from across the RRAM network is substantially less than the range of accuracy that can be obtained from an application of the RRAM traffic model. There is a low level of assurance in stating this conclusion. 2. Journey time Route “R1” along the M69 did not validate against observed journey times in the base Year. Without knowing the narrative behind why the RRAM is simulating vehicles as travelling too slowly along the M69, it is difficult to attribute a level of confidence to the tabulated results. 3. Similarly the difference in journey times along the A5 strategic route (“R7”) could be due to a number of modelling parameters and might not be attributable to using an alternative forecasting scenario alone. 4. The locations where journey times increase are described in bullet points at paragraph 3.5. However, the wording in brackets is 	Noted- further review of the commentary will be submitted at Deadline 3.

Statutory Bodies

<p>confusing. The journey times presented in Table 1 are total journey times for the full route lengths.</p> <p>5. Care needs to be taken when examining journey times along route segments. The average journey speeds were not validated in the Base Year for links with short lengths.</p> <p>6. RRAM was built by Vectos using S-Paramics microsimulation software. BWB is using VISSIM microsimulation software. The claimed betterment appears to have been achieved by changing software packages.</p> <p>7. Paragraph 3.8 and Table 2 present journey time changes for the PM one hour peak. The same comments apply as for paragraph 3.4 and Table 1 above</p>	
<p>The IP note that a copy of AECOMs review of the RRAM modelling is provided in Appendix D</p>	<p>Noted.</p>
<p>Development impact on the SRN</p>	
<p>The IP have been unable to agree the strategic modelling at present and that the development impact on the SRN cannot be identified. However, based on the information provided within the application submission and knowledge of the operation of the SRN in the surrounding area of the development site, the IP have concerns about the following locations.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>The IP recognises that the applicants have provided a series of junction impact assessments. These have been considered by consultants, AECOM, based on these the IP provide the following comments, however it should be noted that should revisions be made to the strategic modelling, this may have implications on the traffic flow data adopted in the standalone junction models.</p>	<p>Noted</p>

<p>J4 - A5 Longshoot Junction</p>	
<p>The IP note that the assessment of the A5 Longshoot junction is not correct. This is because operationally the A5 Longshoot Junction and A5 Dodwells Junction work as one. Therefore, they must be assessed together. In addition, all three Highway Authorities have agreed a modelling protocol for this junction, which the IP expect applicants to accord with. A copy of this protocol is provided in Appendix E.</p>	<p>To be discussed further with the LHAs ahead of Deadline 3 and clarification to be provided for Deadline 3.</p>
<p>The IP notes that the following information is required to enable a complete assessment of the submitted LINSIG model.</p> <ul style="list-style-type: none"> - Signal Controller not provided so the modelled setup cannot be compared to the on-street setup. - CAD drawings have not been provided so the measurements in the model cannot be checked. - The demand spreadsheets have not been provided so the demands in the model cannot be checked. - The Saturation Flow has been calculated using LinSig's built in RR67 calculation, however, turn radii have not been entered. 	<p>To be discussed further with the LHAs ahead of Deadline 3 and clarification to be provided for Deadline 3.</p>
<p>J13 - M69 Junction 1</p>	
<p>The IP note that the following information is required to enable complete assessment of the submitted VISSIM model.</p> <ul style="list-style-type: none"> - Signal Controller not provided so the modelled setup cannot be compared to the on-street setup. - CAD drawings have not been provided so the measurements in the model cannot be checked. - The demand spreadsheets have not been provided so the demands in the model cannot be checked. 	<p>This is the first review of the VISSIM the Applicant has received since submission in April. To be discussed further with the LHAs ahead of Deadline 3 and clarification to be provided for Deadline 3.</p>

<ul style="list-style-type: none"> - No model has been provided so cannot be checked. 	
<p>J14 - A5 Dodwells Junction</p>	
<p>The IP note that assessment of the A5 Dodwells junction is not correct. This is because operationally the A5 Longshoot Junction and A5 Dodwells Junction work as one. Therefore, they must be assessed together. In addition, all three Highway Authorities have agreed a modelling protocol for this junction, which the IP expect applicants to accord with. A copy of this protocol is provided in Appendix E.</p>	<p>This is the first review of the junction capacity assessments the Applicant has received since submission in April. It will be reviewed and addressed To be discussed further with the LHAs ahead of Deadline 3 and clarification to be provided for Deadline 3.</p>
<p>The IP note that in addition, the following information is required to enable us to complete assessment of the submitted LINSIG model.</p> <ul style="list-style-type: none"> - Signal Controller not provided so the modelled setup cannot be compared to the on-street setup. - CAD drawings have not been provided so the measurements in the model cannot be checked. - The demand spreadsheets have not been provided so the demands in the model cannot be checked. - The Saturation Flow has been calculated using LinSig’s built in RR67 calculation, however, some turn radii have not been entered. For example, Lane 10/1. - Some of the Saturation Flows are also quite high (in excess of 2000 PCU/Hr). These may be too high to accurately model behaviour on a roundabout. 	<p>To be discussed further with the LHAs ahead of Deadline 3 and clarification to be provided for Deadline 3.</p>
<p>Junction 26 – A5 / A426 Gibbet Hill (Existing Layout)</p>	
<p>The IP note that it has not been possible to verify the roundabout geometry values input into the Existing Layout model without a scaled plan of the junction. This should be provided. The IP also request that traffic flow spreadsheets developed must be supplied to demonstrate</p>	<p>To be discussed further with the LHAs ahead of Deadline 3 and clarification to be provided for Deadline 3.</p>

<p>how the traffic flows used in the submitted models have been determined.</p>	
<p>J26 - A5 Gibbet Hill (Proposed Layout)</p>	
<p>The IP note that the following information is required to enable us to complete assessment of the submitted LINSIG model.</p> <ul style="list-style-type: none"> - CAD drawings have not been provided so the measurements in the models cannot be checked. - The demand spreadsheets have not been provided so the demands in the model cannot be checked. - The Saturation Flows have been entered manually rather than using LinSig's RR67 calculation. The calculations that resulted in these Saturation Flows have not been provided so cannot be checked. - Custom lane lengths have not been entered. This isn't necessary incorrect, however, it would depend on the junction's measurement which have not been provided. 	<p>As above</p>
<p>Junction 27 – A5 / A4303 / B4027 Coal Pit Lane Roundabout</p>	
<p>The IP note that although the proposed layout drawing has been provided within the Transport Assessment, it has not been possible to fully verify the roundabout geometry values input into the Existing and Proposed models due to the extent of the junction shown on the plan. The IP request further information be provided to demonstrate how the roundabout geometry has been calculated.</p>	<p>As above</p>
<p>The IP requests the provision of any traffic flow spreadsheets developed to demonstrate how the traffic flows used in the submitted models have been determined.</p>	
<p>Junction 30 – A5 / Higham Lane Roundabout</p>	

Statutory Bodies

<p>The IP notes that Chapter 8 of the Transport Assessment does not summarise the capacity results of this junction. Please clarify its absence from the report and update as necessary.</p>	<p>As above</p>
<p>The IP notes that it has not been possible to verify the roundabout geometry values input into the Existing Layout model without a scaled plan of the junction. This should be provided.</p>	
<p>National Highways requests the provision of any traffic flow spreadsheets developed to demonstrate how the traffic flows used in the submitted models have been determined.</p>	
<p>M69 Junction 1 and M69 Junction 2</p>	
<p>The IP state that traffic modelling work was previously submitted for review, with comments provided by National Highways within the formal S42 Consultation Response dated 8 April 2022. This response stated that although VISSIM base model validation for M69 Junction 1 and M69 Junction 2 had been agreed, models assessing the with development scenarios were not provided for review.</p> <p>Although the IP note that the TA summarises results of these assessment scenarios, will require the accompanying model files to be submitted before impacts at these junctions can be agreed.</p>	<p>To be discussed further with the LHAs ahead of Deadline 3 and clarification to be provided for Deadline 3.</p>
<p>M1 Junction 21</p>	
<p>The IP note that from review of the PRTM forecast flows at the junction, TA Table 8-6 shows that the most significant impacts shall be in the PM peak, with an overall increase of 114 vehicles across the junction as a result of the development. 107 of these vehicles however are on the A5460 local road link, with minimal change in demands on the M1 or M69 approaches in either peak period.</p>	<p>Noted</p>

Statutory Bodies

<p>The IP note that a merge-diverge assessment has been carried out, which based on these flows demonstrates that the development impacts shall not trigger the requirement for upgrade to the junction's merges or diverges.</p>	<p>Noted</p>
<p>Development mitigation strategy for the SRN</p>	
<p>The IP note that the Applicant and their consultants have not discussed the mitigation strategy with National Highways at this present time. It should also be noted that some locations have mitigation identified whilst others, the documents note, mitigation is required but a scheme has not been identified.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>At present the IP are unable to agree the development mitigations strategy. This is because the IP have been awaiting the completion and sign off of the strategic modelling with the Applicant's consultants and other stakeholders to understand the traffic flows at the junction in the base and future year assessments. This data is key to setting the design parameters and design standards and understanding whether any departures from standard are required in accordance with DMRB.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>Deliverability of the Railhead and capacity on the Nuneaton & Leicester Railway Line</p>	
<p>National Highways is concerned whether the railhead on the Nuneaton & Leicester Railway Line is deliverable as the IP have not seen the assessments nor agreement from Network Rail.</p>	<p>The Applicant has responded to this point at Deadline 1 through Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033)</p>
<p>The IP also have concerns that the acceptance of the scheme would limit future capacity on the line to the detriment of passenger services which are crucial as a viable alternative to car based strategic trips between Birmingham, Nuneaton, Hinckley and Leicester.</p>	
<p>HGV routing strategy & enforcement</p>	

Statutory Bodies

<p>The IP requires further clarity on the proposed HGV routing strategy and notably around its enforcement. At present National Highways cannot agree to this as who is responsible for the strategy and enforcement is not clear. The IP also require additional information for the potential location of any associated infrastructure and who would be responsible for its maintenance.</p>	<p>Further development of the HGV routing plan will be carried out after the Issue Specific Hearing for Transport and will be submitted at Deadline 4.</p>
<p>Construction management plan</p>	
<p>The IP requires further clarity on the construction management plan due to how it will function with the implementation of the development proposals and the associated infrastructure.</p>	<p>Further detail to be submitted at Deadline 3</p>
<p>The IP in addition, the routing of construction traffic also needs to be fully considered during the phasing of the development and implementation of the associated infrastructure. As works to M69 Junction 2 may warrant for this junction to be closed for significant periods to traffic movements whilst works should the development be approved are implemented.</p>	<p>Further detail to be submitted at Deadline 3</p>
<p>Environmental Statement – Other Matters</p>	
<p>The IP provides the following commentary on these sections on the Environmental Statement.</p>	<p>See below.</p>
<p>Air Quality Assessments</p>	
<p>The IP notes that whilst air quality assessments have been provided these have been based on the transport modelling. As discussed within this submission there are concerns about the level of employees with the development can accommodate and discrepancies across the submission. Therefore, the IP anticipate that the air quality assessments may need to be revisited.</p>	<p>The Applicant has responded to this point through 18.2.1 Appendix A Highways Position Statement (document reference: 18.2.1, REP1-033) and Deadline 1 Submission - 18.1.1 Post hearing submission ISH1 and CAH1 - Appendix A Employee Numbers and Trip Generation Note (document reference: 18.1.1, REP1-018).</p>

Statutory Bodies

<p>The IP notes that based on consideration of the submission of the development proposals, and the air quality impacts the following locations are of concern to the IP. The reasoning being that existing air quality could be reduced and have effects on local communities and customers who reside next to the SRN. These key locations of concern at present are:</p> <ul style="list-style-type: none"> - M1 Junction 21; and, - A5 The Longshoot / Dodwells Junction. 	<p>Both of these junctions were included in modelled road network. Of the air quality assessment. Where there are sensitive receptors located in the vicinity of these junctions where the air quality objectives apply, these have been included in the assessment in accordance with Defra's Local Air Quality Management Technical Guidance (22).</p>
<p>The IP has not agreed the strategic modelling at present, therefore the IP are unable to agree the acceptability of the air quality assessments. The IP therefore reserved the right to provide further comments on this matter once the strategic modelling is agreed and any further assessments are completed.</p>	<p>Noted, please refer to transport comments</p>
<p>Landscaping</p>	
<p>The IP notes that the introduction of the northbound on-slip and southbound off-slip will impact the landscape in the vicinity of M69 Junction 2. This is mainly due to the removal of substantial and well-established vegetation on the embankments adjacent to the M69. Landscaping has an important role of limiting the impact on the landscape of the visibility of the SRN whilst also having a role in mitigating noise impact of the network.</p>	<p>The Arboricultural Impact Assessment (AIA) (ref.: 6.2.11.4) shows the proposed vegetation removal and retention as a result of the proposed development. The Landscape Strategy Plan (ref.:6.3.11.20) shows the proposed mitigation planting.</p> <p>The vegetation in these areas is neither continuous (i.e. the vegetation is intermittent along the highway), nor of sufficient depth and density to provide significant noise attenuation. [</p> <p>This notwithstanding, the proposed slip roads have been included within the acoustic model and their inclusion has been assessed from a noise perspective in the development generated road traffic assessment.</p>

Statutory Bodies

<p>The IP note that at present, there have been limited plans provided and discussed on how the vegetation will be lost and how existing landscaping will be replaced and utilised.</p>	<p>The Arboricultural Impact Assessment (AIA) (document reference: 6.2.11.4, APP-194) shows the proposed vegetation removal and retention as a result of the proposed development. The Landscape Strategy Plan (document reference: 6.3.11.20, APP-304) shows the proposed mitigation planting.</p>
<p>The IP note that the landscape impact assessments need to consider the potential visual impact that the lighting of M69 Junction 2 will have on the landscape. Whilst the existing circulatory of the junction is lit, the need to accord with the requirements of standards set out in DRMB, may require the new proposed slips, and existing slips to be lit and for this to extend onto the M69 mainline in the interests of highway safety. It should be noted that the existing M69 mainline and existing slips are not lit.</p> <p>Therefore, the IP notes that these requirements need to be considered and appraised as part of the landscape impact assessment.</p>	<p>The Landscape ES Chapter has considered the proposed lighting as identified in the Lighting Strategy (document reference: 6.2.3.2, APP-132).</p>
<p>Biodiversity</p>	
<p>The IP note that the proposed works at M69 Junction 2, also need to be considered through relevant biodiversity assessments. The IP also requires details of biodiversity off-setting for the loss of habitats which potentially exist on the verges of the M69 at junction 2.</p>	<p>The applicant considers that any loss of habitat associated with the M69 Junction 2 proposals will be limited, and that the delivery of additional woodland, hedgerow and grassland habitat will represent a net gain overall. The outline BNG assessment demonstrates the sites overall capacity to deliver gains. Once the design is fixed, detailed BNG calculations will be undertaken and will include the M69 Junction 2.</p>
<p>Drainage</p>	
<p>The IP needs to fully consider the full drainage strategy for the development proposals and how it relates to the SRN. However the IP are unable to fully consider the drainage implications of the proposals</p>	<p>Noted</p>

Statutory Bodies

<p>related to the SRN until further clarity is provided in the feasibility and development of the highway schemes notable for M69 Junction 2.</p>	
<p>Land Ownership Matters & Compulsory Acquisition</p>	
<p>In order for the IP to be in a position to withdraw its objections, the IP requires:</p> <p>(a) the inclusion of protective provisions in the DCO for its benefit as appended to this written representation; and</p> <p>(b) agreements with the Applicant that regulate</p> <p>(i) the manner in which rights over such plots are acquired and the relevant works are carried out including terms which protect National Highways’ statutory undertaking and agreement that compulsory acquisition powers will not be exercised in relation to such land; and</p> <p>(ii) the carrying out of works in the vicinity of the SRN to safeguard National Highways’ statutory undertaking. To safeguard National Highways’ interests and the safety and integrity of the SRN, National Highways objects to the inclusion of such compulsory powers, temporary possession and any other powers affecting National Highways in the DCO.</p>	<p>As above. Protective Provisions are currently being reviewed and negotiated. The Applicant seeks to continue to negotiate the land interests and Protective Provisions and is confident that the position with regard to any necessary interests will be finalised and agreed as part of those Protective Provisions. The Applicant would like to confirm, as explained to NH and in ISH1, where NH agreed with the Applicant’s explanation, that the Applicant has at this stage only included powers of acquisition in respect of NH’s interests because the Applicant awaits confirmation from the County Council as to whether it requires the transfer of freehold land as part of the dedication of highway works. If this is the case, the Applicant would seek to facilitate such freehold land transfer between the parties, it is not the intention of the Applicant to acquire NH’s land should this not be required by the County Council.</p>
<p>Development Consent Order & Protective Provisions</p>	
<p>The IP notes that the draft protective provisions appended at Appendix F be included in their entirety on the DCO.</p>	<p>As above.</p>
<p>The IP considers that without the National Highways protective provisions, there is a considerable risk of serious detriment to the SRN, as any damage or injury to the SRN or wider highway estate would require funding to rectify that is not within National Highways’ budget. There is no recourse to public funding for emergency works of this nature</p>	<p>As above.</p>

Statutory Bodies

<p>and a reserve of funding is not available. Without prejudice to whether the Authorised Development would cause a serious detriment to the SRN, it remains the case that the public purse should not be left to meet or subsidise costs of impacts caused by third party development to the SRN.</p>	
<p>The IP notes historic protective provisions, including those which National Highways and the Applicant have been negotiating, should not be seen as setting a precedent for this Application. Following recent changes within the organisation closer scrutiny is now being given to such proposals and combined with legal advice received this has informed a change in approach for National Highways whereby the protective provisions appended to this written submission are sought to be secured.</p>	<p>As above. The Applicant does not agree that the draft provisions proposed are “historic”. The Applicant is willing to agree new or different provisions where possible but does not intend to revisit matters which had been agreed and which clearly do not risk detriment to the SRN given that the same provisions govern the carrying out of highway works which are currently being undertaken on other schemes. The Applicant respectfully suggests that the parties spend time agreeing matters that remained in dispute.</p>