

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 [Appendix A – Applicant's Response to BDC Written Representation Appendix 6]

Document reference: 18.3.1

Revision: 01

24 October 2023

Planning Act 2008

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

Blaby District Council

Proposed Amendments to Draft DCO Requirements

Shown as tracked changed against revision 03 of the dDCO (doc ref. 3.1)

No.	Requirement	
1	<p>Interpretation</p> <p>No amendments proposed <u>Add the following definition:</u></p> <p><u>“Euro VI compliant” means compliant with the Euro VI emission standard for the vehicle in question contained in Regulation (EC) No 595/2009.</u></p>	<p>This is agreeable and has been updated in the dDCO (document reference 3.1B) submitted at Deadline 2.</p>
2	<p>Time Limits</p> <p>The authorised development must commence no later than the expiration of five years beginning with the date on which this Order comes into force.</p>	
3	<p>Phasing of Development</p> <p>(1) No commencement of construction works shall take place until a written phasing scheme for setting out all the phases of the authorised development, has been submitted to and approved in writing by the relevant planning authority.</p> <p>(2) The written phasing scheme must include details of—</p> <ul style="list-style-type: none">(a) earthworks;(b) rail infrastructure;(c) roads and bridges;(d) highway works;(e) surface water and foul drainage;(f) development plots(g) landscape works and planting; including moulding and acoustic fencing	

	<p>(h) the energy centre; and</p> <p>(i) mains utility services</p>	
<p>4</p>	<p>Detailed design approval</p> <p>(1) Commencement of construction works shall not take place on any phase until details of that phase have been submitted to and approved in writing by the relevant planning authority. The details of each phase must be in accordance with the parameters plans and the principles set out in the design code.</p> <p>(2) The details of each phase submitted for approval under sub-paragraph (1) must include details of the following where they are located within that phase—</p> <ul style="list-style-type: none"> (a) rail infrastructure, rail freight terminal, container storage and container returns area; (b) built development design and layout (including external plant); (c) vehicular circulation routes; (d) cycle tracks, footpaths and bridleways, including highway crossing points for pedestrian, bicycle and equestrian traffic; (e) telecommunication masts; (f) energy centre (g) hard and soft landscaping (h) surface and foul drainage; (i) vehicle, cycle and motorcycle parking including the location and quantum of electrical charging points (j) embankments and bunds; (k) site levels and finished floor levels (l) roads within the main site; (m) fuelling and maintenance areas; (n) freight storage area (including containers); (o) weighbridges; (q) gatehouses; (r) security fencing; (s) substations; (t) flagpoles; (u) public transport infrastructure; (v) acoustic barriers; 	<p>It is considered that the amendment to (2) is not required – the submission of details is the requirement as a whole, not only sub-paragraph (1).</p> <p>Paragraph 3 of the requirement fulfills the purpose of providing EV charging for staff. The provision of LGV and HGV EV charging will be driven <u>by occupiers, while many occupiers now have electric fleets particularly in LGV fleets and have expectations of a fit out to accommodate this and this is why 80% passive provision is provided on the Applicant’s sites to accommodate demand for EV charging. It is however unknown what the future HGV technology will comprise and the Applicant does not consider it appropriate to include this mandatory requirement at this stage.</u></p>

(w) fencing walls and other permanent means of enclosure (including acoustic fencing) which must be a maximum height of 3 metres;

(x) location and quantum of bin stores;

(y) location and type of litter bins;

(z) any temporary site notices or advertisements;

(aa) permanent advertisements in the locations identified on the parameters plans;

(aa) temporary accesses and rights of way; (ab) any temporary means of enclosure;

(ac) photography turntables

(ad) outdoor gym and seating areas

(ae) sprinkler tanks

(af) external canopies

(ah) ~~sit-site~~ compounds; and

(ii) cycle storage.

(3) A minimum of 20% of the total number of ~~car~~ parking spaces to be provided within the authorised development ([including spaces for light goods vehicles and heavy goods vehicles](#)) shall be equipped with electrical charging points with passive provision for the remainder

5 Design and Phasing of highway works

1.

(1) The undertaker must complete the highway works identified in columns (1) and (2) of the following table by no later than the stage of the authorised development set out in column (3) of that table below or such alternative later stage as agreed by the relevant body or bodies identified in column (4).

(1) Work Nos.	(2) Description	(3) Stage of development	(4) Relevant Body
8 and 9	M69 Junction 2 works including new northbound exit slip road and new southbound entry slip road	To be completed prior to the occupation of any warehouse floorspace	National Highways/Leicestershire County Council
7	A47 link road	To be completed prior to the opening of the earlier of: (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No 8; or	National Highways/Leicestershire County Council

			(b) the new southbound entry slip road at M69 Junction 2 comprised in Work No 8;		
11	Works to junction of B581 Station Road / New Road and Hinckley Road, Stoney Stanton	To be completed prior to the opening of the earlier of: (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No 8; or (b) the new southbound entry slip road at M69 Junction 2 comprised in Work No 8;		Leicestershire County Council	
12	Works to junction of B4669 Hinckley Road and Stanton Lane, west of Sapcote and to B4669 Hinckley Road/Leicester Road,	To be completed prior to the opening of the earlier of: (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No 8; or (b) the new southbound entry slip road at M69 Junction 2 comprised in Work No 8;		Leicestershire County Council	
10	Works to Stanton Lane / Hinckley Road, south-west of Stoney Stanton	To be completed prior to the opening of the earlier of: (a) the new northbound exit slip road at		Leicestershire County Council	

			M69 Junction 2 comprised in Work No 8; or (b) the new southbound entry slip road at M69 Junction 2 comprised in Work No 8;		
	15	Works to junction of B4114 Coventry Road and Croft Road, south-west of Narborough	To be completed prior to the opening of the earlier of: (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No 8; or (b) the new southbound entry slip road at M69 Junction 2 comprised in Work No 8;	Leicestershire County Council	
	13	Works to junction of A47 Normandy Way and A447 Ashby Road, Hinckley	To be completed prior to the opening of the earlier of: (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No 8; or (b) the new southbound entry slip road at	Leicestershire County Council	
	14	Works to junction of A47 Normandy Way / Leicester Road, the B4668 Leicester Road and The Common, south-east of Barwell	To be completed prior to the opening of the earlier of: (a) the new northbound exit slip road at M69 Junction 2 comprised in Work No 8; or (b) the new southbound entry slip road	Leicestershire County Council	

	16	Works at Cross in Hand roundabout at the junction of the A5 Watling Street, A4303 Coventry Road, B4027 Lutterworth Road and Coal Pit Lane, west of Lutterworth.	<p>at M69 Junction 2 comprised in Work No 8;</p> <p>To be completed prior to the opening of the earlier of:</p> <p>(a) the new northbound exit slip road at M69 Junction 2 comprised in Work No 8; or</p> <p>(b) the new southbound entry slip road at M69 Junction 2 Comprised in Work No 8;</p>	Warwickshire County Council	
<p>(2) The undertaker shall not be obliged to undertake Work No 17 if a third party has commenced construction of works shown coloured green on sheet 8C of the highways plans prior to the stage of development specified in column (3).</p>					
6	<p>Public rights of way and level crossing closures</p> <p>(1) The undertaker must stop up the public rights of way identified in column (1) of the following table by no later than the stage of the authorised development set out in column (2) of that table or such later stage as agreed by the relevant body identified in column (3).</p> <p><i>[Table omitted]</i></p> <p>(2) Notwithstanding the provisions of paragraph (1), the rail freight terminal forming part of Work No. 2 must not commence commercial operation until the following level crossings have been closed in accordance with Article 13—</p> <p>(a) Thorneyfields Farm on footpath U17/2</p> <p>(b) Elmesthorpe on footpath T89/1</p> <p>(c) Billington Rough on footpath U50/3</p> <p>(d) East of Bridge Farm on footpath V23/1</p> <p>(e) The Outwoods on footpath U8/1</p>				

7	<p>Construction Environmental Management Plan</p> <p>(1) Prior to commencement of construction works on each phase a detailed construction environmental management plan for that phase, in accordance with the principles set out in the CEMP, must be submitted to and approved in writing by the relevant planning authority.</p> <p>(2) The detailed construction environmental management plan for each phase must include:</p> <ul style="list-style-type: none"> (a) details of the methods to control noise and vibration arising from construction activities including— <ul style="list-style-type: none"> (i) proposals for monitoring of construction noise and vibration; (ii) a noise and vibration management plan; and (iii) proposals for the introduction of mitigation measures or alternative working practices where required. (b) details of a dust management plan setting out the methods to be used to control dust from the site; (c) details of all temporary fencing, temporary buildings, temporary compound areas and temporary parking areas including arrangements for their removal following completion of construction; (d) an arboriculture method statement detailing measures to protect retained trees; (e) measures to protect the safety and amenity of public rights of way users during construction; (f) details of existing and proposed landscaping which needs to be protected during construction; (g) details of areas to be used for the storage of fuel, oil and other chemicals, including measure to prevent pollution; (h) details of the facilities to be provided for the storage of fuel, oil and other chemicals, including measures to prevent pollution; (i) details of temporary signage; (j) details of any temporary surface water management system; (k) details of any groundwater contamination remediation strategy; (l) an earthworks specification, remediation strategy and verification report informed by ground investigation work; 	<p>This requirement has been updated in terms of temporary water management in line with the wording suggested by Natural England. The Applicant is however happy to discuss BDCs wording further with BDC.</p> <p>Temporary lighting has been added to the dDCO (document reference 3.1B) submitted at Deadline 2.</p> <p>A compliance clause has been added to this requirement in the dDCO (document reference 3.1B) submitted at Deadline 2.</p>

	<p>(m) proposals for gas monitoring and associate gas protection measures for buildings if required;</p> <p>(n) proposals for the disposal of asbestos if required;</p> <p>(o) details of training, site rules and communication with the community; and</p> <p>(p) shall contain a record of all sensitive environmental features that have the potential to be affected by the construction of the proposed development.</p> <p>(q) details of any necessary temporary (or otherwise) flood risk and surface water management measures.</p> <p>(r) details of any necessary temporary (or otherwise) flood risk and surface water quantity and quality management measures.</p> <p>(r)(s) details of temporary lighting.</p> <p>(3) The detailed construction environmental management plan for each phase is to be kept under review and may be updated if necessary as construction proceeds with the approval in writing of the relevant planning authority.</p> <p>(3)(4) The authorised development must be carried out in accordance with the detailed construction environmental management plan as approved in writing by the relevant planning authority including any updates subsequently approved.</p>	
8	<p>Travel Plan</p> <p>(1) The provisions of the framework travel plan must be complied with at all times following commencement of the authorised development.</p> <p>(2) Prior to each and every occupation of an individual warehouse unit an occupier- specific travel plan is to be submitted to, and approved in writing by, the relevant planning authority. Each occupier-specific travel plan must be in accordance with the framework travel plan. Each occupier must comply with their occupier-specific travel plan within three months of the date on which they first occupy the relevant warehouse unit and for a period of five years from that date</p> <p>(3) No warehouse units may be occupied until the undertaker has established and administered the transport plan steering group to discharge the role of that group in relation to the provisions of the framework travel plan.</p>	<p>This requirement has been updated further in the dDCO document reference 3.1B) submitted at Deadline 2.</p>
9	<p>Sustainable Transport Strategy</p>	<p>This requirement has been updated further in the dDCO document reference</p>

	<p><u>(1) The sustainable transport strategy must be complied with following the first occupation of any warehouse floorspace on the authorised development.</u></p> <p><u>(2) The undertaker must use reasonable endeavours to maximise the use of Euro VI compliant HGV and public transport vehicles in respect of</u></p> <p><u>(a) any HGV fleets operated by occupiers of the warehouses which visit the warehouses; and</u></p> <p><u>(b) any public transport service provided pursuant to the sustainable transport strategy and dedicated to serving the authorised development.</u></p>	3.1B) submitted at Deadline 2.
10	<p>Rail</p> <p><u>(1) No more than 105,000 square metres of warehouse floorspace to be provided as part of the authorised development may be occupied until the rail freight terminal which is capable of handling a minimum of four 775m trains per day and any associated rail infrastructure has been completed must be constructed and available for use prior to the occupation of any of the warehousing.</u></p> <p><u>(1)(2) No rail infrastructure may be removed which would impede the ability of the rail freight terminal to handle four intermodal trains per day unless otherwise agreed in writing by the relevant planning authority.</u></p>	<p>The suggested amendments to this requirement are not suitable and this matter has been addressed in detail at 18.2.1 Rep 1-033 Appendix A Highways Position Statement.</p> <p>It is disappointing to see that this has been suggested after agreement had been reached through SoCG discussions on the wording of requirement 10 in the dDCO following a detailed explanation at a SoCG meeting on the reason for the requirement.</p>
11	<p>Container Stack Height</p> <p>(1) The height of any stack of containers within the container storage area approved pursuant to the details submitted in accordance with requirement 2 must:</p> <p>(a) not exceed 8.7 metres from finished floor level prior to the fifth anniversary on the date on which the container storage area first comes into use; and</p> <p>(b) not exceed 14.5 metres from finished floor level at any time thereafter..</p> <p>(2) The height of any stack of containers within the returns area approved pursuant to the details submitted in accordance with requirement 2 must:</p>	<p>This requirement amendment would not be appropriate particularly in relation to the container storage area as the proposed terminal operator has advanced a business case and designs based on the container stack height set out in the dDCO requirement.</p> <p>Part (2) of the requirement has been proposed but there is no known evidence base. The Applicant has</p>

	<p>(a) nNot exceed 8.7 metres from finished floor level prior to the fifth anniversary of the date on which the returns area first comes into use warehouse floorspace on the authorised development is first occupied; and</p> <p>(b) nNot exceed 20.7<u>14.5</u> metres from finished floor level at any time thereafter.</p>	<p>accepted the proposed amendment to (2)(a) but cannot agree to the restriction at paragraph (2)(b).</p>
<p>12</p>	<p>Archaeology and building recording</p> <p>(1) No phase shall commence until such time as a written scheme of investigation for that phase based on the provisions of the archaeological mitigation strategy has been submitted to and approved in writing by the relevant planning authority. The written scheme of investigation must include</p> <ul style="list-style-type: none"> (a) details of the on-site recording methodology (b) details of sampling, analysis and reporting strategy (c) details of monitoring arrangements; and (d) details of timetable and personnel. <p><u>(2) The written scheme of investigation must be implemented in accordance with the details approved by the relevant planning authority.</u></p> <p><u>(3) No part of the authorised development on the main site shall commence until a level 3 record of the buildings of historic interest identified in the archaeological method statement has been undertaken. The record must be carried out in accordance with a written specification first agreed with the relevant planning authority in consultation with Leicestershire County Council and prepared by a competent building recorder in accordance with Historic England Understanding Historic Buildings, A Guide to Good Recording Practice, 2016 (as amended from time to time).</u></p>	<p>A compliance clause has been added to this requirement in the dDCO document reference 3.1B) submitted at Deadline 2.</p>
<p>13</p>	<p>Sustainable Drainage</p> <p><u>(1) No phase shall commence until a sustainable drainage strategy for that phase based on (in so far as relevant to that phase)</u></p> <ul style="list-style-type: none"> (a) sustainable drainage statement; (b) main HNRFI site concept surface water drainage strategy; (c) main HNRFI site concept foul water drainage strategy; (d) A47 link road concept drainage strategy; and 	<p>A compliance clause has been added to this requirement in the dDCO (document reference 3.1B) submitted at Deadline 2.</p>

	<p>(e) M69 junction 2 concept drainage strategy</p> <p>has been submitted to and approved in writing by the relevant planning authority <u>in consultation with Leicestershire County Council as lead local flood authority.</u></p> <p><u>(2) The sustainable drainage strategy must be implemented in accordance with the details approved by the relevant planning authority or in accordance with any variations to those details approved in writing by the relevant planning authority</u></p>	
14	<p>Surface water</p> <p>(1) No phase shall commence until a surface water drainage scheme for that phase based on sustainable drainage principles and the assessment of the hydrological and hydrogeological context of the development in accordance with the flood risk assessment has been submitted to and approved in writing by the relevant planning authority in consultation with Leicestershire County Council as lead local flood authority. The scheme must include</p> <ul style="list-style-type: none"> (a) the limitation of surface water run-off generated by all rainfall events up to the critical 1 in 100 year return period rainfall event (plus 20% for climate change) to the equivalent greenfield Qbar rate; (b) detailed design (plans, cross sections and calculations) in support of any surface water drainage scheme, including details of any attenuation system and the outfall arrangements; (c) details in relation to the management of surface water on site during construction of the development in order to mitigate flood risk, and for the removal of suspended solids from surface water discharging from the site. Details shall demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection; and (d) Infiltration testing to BRE Digest 365 (or equivalent) or suitable evidence that infiltration methods of disposal on-site is not technically viable. Where infiltration results indicate that infiltration is a viable method of surface water disposal, the surface water strategy should be amended to incorporate infiltration disposal methods. <p>(2) No phase shall be occupied until details of the long-term maintenance of the surface water drainage system within that phase have been submitted to and approved in writing by the</p>	<p>Reference to consultation with LCC has not been added to the requirement as it is considered that BDC as the relevant planning authority will have control of who they consult.</p>

	<p>relevant planning authority <u>in consultation with Leicestershire County Council as lead local flood authority</u>. The maintenance details must include</p> <ul style="list-style-type: none"> (a) details of routine maintenance, access, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party; and (b) where relevant, procedures that must be implemented in the event of pollution incidents. <p>(3) <u>The surface water drainage strategy and the maintenance details must be implemented in accordance with the strategy and details approved by the relevant planning authority or in accordance with any variations to those details approved in writing by the relevant planning authority.</u></p>	
15	<p>Contaminated Land</p> <p>(1) No phase may commence until a remediation strategy to deal with any risks associated with contamination of controlled waters has been submitted to and approved by the relevant planning authority following consultation with the Environment Agency. This strategy must include the following components—</p> <ul style="list-style-type: none"> (a) a preliminary risk assessment which has identified— <ul style="list-style-type: none"> (i) all previous uses; (ii) potential contaminants associated with those uses; (iii) a conceptual model of the site indicating sources, pathways and receptors; and (iv) potentially unacceptable risks arising from contamination at the site (b) a site investigation scheme, based on paragraph (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site. (c) the results of the site investigation and the detailed risk assessment referred to in paragraph (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in paragraph (c) are complete and identifying any requirements for longer terms monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components requires the written consent of the relevant 	<p>This requirement has been updated further in the dDCO (document reference 3.1B) submitted at Deadline 2.</p> <p>Reference to consultation with the EA has not been added to the requirement as it is considered that BDC as the relevant planning authority will have control of who they consult.</p>

	<p>planning authority.</p> <p><u>(2) Prior to each phase being brought occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall, after consultation with the Environment Agency, be submitted to and approved by the relevant planning authority.</u></p> <p><u>(3) The verification report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</u></p>	
<p>16</p>	<p>Construction Hours</p> <p>(1) Construction works relating to the authorised development must not take place on Sundays, bank holidays nor otherwise outside the hours of 7:00 to 19:00 on Monday to Saturday <u>on weekdays and 07:00 to 13:00 on Saturdays</u></p> <p>(2) The restrictions in paragraph (1) do not apply to construction works where these;</p> <ul style="list-style-type: none"> (d) are carried out within existing buildings or buildings constructed as part of the authorised development; (e) works to the railway including demolition of Burbage Common Road Bridge and installation of the replacement bridge across the railway forming part of the 'A47 Link Road'; (f) works to the highway agreed with the relevant highway authority; (g) are carried out with the prior approval of the relevant planning authority; (h) are associated with slip form working; (i) deliveries, movements to work, maintenance and general preparation works but not including running plant and machinery for a period of one hour either side of the above times; (j) any oversize deliveries or deliveries where daytime working would be excessively disruptive due to normal traffic operation; <u>(k) removal or protection of overhead powerlines;</u> (k) are associated with an emergency; (l) overnight traffic management measures; and (m) completion of an operation that would otherwise cause greater interference with the environment/general public if left unfinished. <p><u>(3) Regardless of sub-paragraph (2), no piling operations are to take place before 08:00 and after</u></p>	<p>This requirement has been amended in the dDCO (document reference 3.1B) submitted at Deadline 2 to amend working hours on Saturday from 07:00 to 19:00 to 07:00 to 15:00. The additional daylight hours in the working week are particularly important in the early construction phases when the civil works are taking place.</p>

	<p><u>18:00 hours on weekdays or before 08:00 and after 13:00 on Saturdays, and not at all on Sundays nor on public holidays, unless otherwise agreed in writing by the relevant planning authority.</u></p> <p><u>(3)(4) Any emergency works carried out under sub-paragraph (2)(i) must be notified to the relevant planning authority within 72 hours of their commencement.</u></p>	
17	<p>Electricity generation cap</p> <p>The authorised development must not generate more than 49.9 megawatts of electricity. <u>[This cap should be included in the description of development in Schedule 1 to the DCO]</u></p>	<p>This is agreeable and has been amended in the dDCO (document reference 3.1B) submitted at Deadline 2, although the amendment is dealt with through article 3(2) and not Schedule 1, as discussed at ISH1 and explained in the Applicant's Post Hearing Submissions (Appendix B – Energy Note (Document 18.1.2)).</p>
18	<p>Energy strategy</p> <p><u>(1) No phase of the authorised development may be occupied until a detailed energy strategy for that phase has been submitted to and approved in writing by the relevant planning authority. Each detailed energy strategy submitted and approved must be in accordance with the energy strategy.</u></p> <p><u>(2) Each detailed energy strategy must be implemented as approved by the relevant planning authority or in accordance with any variation approved in writing by the relevant planning authority.</u></p>	<p>The dDCO (document reference 3.1B) submitted at Deadline 2 has been updated to reflect the principle of this suggested amendment.</p>
19	<p>HGV route management plan and strategy</p> <p>The HGV route management plan and strategy must be complied with at all times following the first occupation of warehouse floorspace on the authorised development.</p>	
20	<p>Landscape Ecological Management Plan</p> <p>(1) The authorised development shall not commence until a landscape and ecological management plan (LEMP) has been submitted to and approved by the relevant planning authority. The content of the LEMP shall—</p> <ul style="list-style-type: none"> (a) identify features of ecological importance; (b) provide a management framework for the conservation and enhancement of habitats and other features of ecological interest; and (c) provide a work schedule (including an annual work plan). <p>(2) The LEMP must be implemented as approved as part of the authorised development and must be reviewed on the 5th anniversary of commencement of the authorised development and at five</p>	<p>This is agreeable and has been amended in the dDCO (document reference 3.1B) submitted at Deadline 2.</p>

	<p>yearly intervals thereafter for the lifetime of the authorised development. Following such review, any proposed amendments to the LEMP must be submitted for the approval of the relevant planning authority</p>	
<p>21</p>	<p>Ecological mitigation management plan</p> <p>(1) Subject to paragraph (3) no phase shall commence until a detailed ecological mitigation and management plan for that phase has been submitted to and approved in writing by the relevant planning authority. The detailed ecological mitigation and management plan must be in accordance with the principles: set out in the ecological mitigation and management plan and must:</p> <p style="text-align: center;">-</p> <p>(a) apply a precautionary approach to working methodologies and habitat creation for reptiles and amphibians;</p> <p>(b) ensure that mitigation and compensation measures have demonstrable and measurable outcomes, which are monitored and reported on;</p> <p>(1)(2) Any detailed ecological mitigation and management plan approved under paragraph (1) must include an implementation timetable and must be carried out as approved in writing by the local planning authority.</p> <p>(2)(3) If a phase does not include ecological mitigation or management then a statement from the undertaker must be provided to the relevant planning authority prior to the relevant phase being commenced, confirming that the phase includes no ecological mitigation or management and therefore no ecological mitigation and management plan is required for that phase pursuant to paragraph (1). A phase for which a notification has been given in accordance with this sub-paragraph must not commence until the relevant planning authority has confirmed in writing that not no ecological mitigation and management plan is required for that phase.</p> <p>(3)(4) Where specified as required in the framework ecological mitigation and management plan, works must be supervised by a suitable qualified person or body.</p>	<p>The Applicant requests further discussion with BDC in relation to this proposed requirement amendment.</p> <p style="text-align: center;">-</p>
<p>22</p>	<p>Landscape scheme</p> <p>(1) No phase shall commence until a written landscaping scheme for that phase (including any strategic landscaping included within that phase) in accordance with the illustrative landscape strategy has been submitted to and approved in writing by the relevant planning authority.</p> <p>(2) The written landscaping scheme must be in accordance with the parameters plans and must include details of all proposed soft landscaping works, including—</p> <p>(a) details of any trees and hedgerows to be removed;</p>	<p>This is addressed by Requirement 34 (now requirement 33).</p>

	<p>(b) location, number, species, size, layout, method of trees support, plant protection measures and planting density of any proposed planting;</p> <p>(c) cultivation, importation of materials and other operations to ensure plant establishment;</p> <p>(d) a programme for the implementation of the works; and</p> <p>(e) a landscape management plan setting out for a period of 20 years from completion of that phase the arrangements for future maintenance including methods of funding and future monitoring, review and the maintenance of new trees, shrub, hedgerows, woodlands and grassed areas and retained trees, shrub, hedgerows, woodlands and grassed areas.</p> <p>(3) Any shrub or tree planted as part of the approved plan that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless otherwise agreed with the relevant planning authority.</p> <p>(3) (3)(4) Each written landscaping scheme must be implemented as approved by the relevant planning authority or in accordance with any variation approved in writing by the relevant planning authority.</p>	
23	<p>Site waste and materials management plan</p> <p>(1) Prior to the commencement of construction work on each phase of the authorised development a detailed site waste and materials <u>management arrangement</u> plan for that phase in accordance with the principles set out in the site waste and materials management plan must be submitted to and approved by the relevant planning authority.</p> <p>(2) <u>Each detailed site waste and materials management plan must be implemented as approved by the relevant planning authority or in accordance with any variations approved in writing by the relevant planning authority.</u></p>	A compliance clause has been added to this requirement in the dDCO (document reference 3.1B) submitted at Deadline 2.
24	<p>Construction traffic management plan</p> <p>(1) Prior to the commencement of construction works on each phase a detailed construction traffic management plan for that phase must be submitted to and approved by the relevant planning authority. The detailed construction traffic management plan must be in accordance with the principles set out in the construction traffic management plan and must include—</p>	A compliance clause has been added to this requirement in the dDCO (document reference 3.1B) submitted at Deadline 2.

	<p>(a) details of the routes to be used for the delivery of construction materials and any temporary signage to identify routes and promote their safe use, including details of the access points to the construction site to be used by light goods vehicles and heavy goods vehicles;</p> <p>(b) details of the routing strategy and procedures for the notification and conveyance of abnormal indivisible loads, including agreed routes, the numbers of abnormal loads to be delivered by road and measures to mitigate traffic impact;</p> <p>(c) the construction programme; and</p> <p>(d) any necessary measures for the temporary protection of carriageway surfaces, the protection of statutory undertakers' plant and equipment, and any temporary removal of street furniture.</p> <p><u>(2) Notices must be erected and maintained thorough the period of construction at every entrance to and exit from the construction site, indicating to drivers the approved routes for traffic entering and leaving the construction site.</u></p> <p><u>(3) Each detailed construction traffic management plan must be implemented as approved by the relevant planning authority or in accordance with any variations approved in writing by the relevant planning authority.</u></p>	
25	<p>Temporary highway accesses</p> <p>Prior to commencement of construction works on any phase details of the siting, design and layout of any new or modified temporary means of access between any part of the Order limits and the public highway to be used by vehicular traffic during construction of that phase, and the means of reinstating any such means of access after completion of construction shall be submitted to and approved by the relevant highway authority.</p>	A compliance clause has been added to this requirement in the dDCO (document reference 3.1B) submitted at Deadline 2.
26	<p>Public rights of way strategy</p> <p>Prior to commencement of construction works on any phase a detailed public rights of way strategy for that phase, in accordance with the principles set out in the public rights of way strategy must be submitted to and approved by the relevant highway authority. <u>The detailed public rights of way strategy for each phase must be implemented in accordance with the approved details.</u></p>	A compliance clause has been added to this requirement in the dDCO (document reference 3.1B) submitted at Deadline 2.
27	<p>Control of operational noise</p> <p>Prior to their installation, details of all mechanical and ventilation plant and any other noisemaking machinery, or mobile plant (including HGV chiller units) that is intended to be used within the main</p>	

	<p>site, must be submitted to and approved in writing by the relevant planning authority. This will include an assessment of the expected noise impact at relevant receptors in accordance with BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and BS8233:2014 Guidance on sound insulation and noise reduction for buildings. The assessment will consider noise from the proposed plant and machinery to demonstrate compliance with government and local policy on noise. Any fixed plant or ventilation equipment must be installed and operated in accordance with manufacturers' instructions at all times.</p>	
28	<p>Acoustic barriers</p> <p>Acoustic barriers to be provided as part of any phase in accordance with the details approved pursuant to requirement 4 must be completed prior to the first occupation of that phase and maintained and retained for the lifetime of the development.</p>	<p>This is agreeable and has been amended in the dDCO (document reference 3.1B) submitted at Deadline 2.</p>
29	<p>Combined heat and power</p> <p>The combined heat and power plant may not be operated for more than 30% of the hours in a calendar year. The undertaker shall maintain an up-to-date annual usage report and shall make the information available to the relevant planning authority within 14 days of it being requested.</p>	
30	<p>Biodiversity net gain</p> <p>(1) The authorised development must not commence until a biodiversity net gain strategy to achieve a 10% biodiversity net gain in accordance with the principles set out in the biodiversity impact assessment has been submitted to and approved by the relevant planning authority.</p> <p>(2) The biodiversity net gain strategy must be implemented as approved by the relevant planning authority.</p>	<p>The dDCO has been amended but not to reflect the proposed wording, it is considered that the proposed wording in the dDCO (document reference 3.1B) submitted at Deadline 2 provides greater clarification than what is proposed here.</p>
31	<p>Lighting</p> <p>No phase of the authorised development may be occupied until a scheme for all permanent external lighting to be installed in that phase has been submitted to and approved by the relevant planning authority. The schemes submitted and approved must be in accordance with the lighting strategy and include measures to minimise and otherwise mitigate any artificial light emissions.</p> <p>(1) No phase of the authorised development may be commenced until a report detailing the lighting scheme for all permanent external lighting to be installed in that phase has been submitted to and approved by the relevant planning authority. The report and schemes submitted and approved must be in accordance with the lighting strategy (document reference 6.2.3.2) and include the following:</p> <p>a. a layout plan with beam orientation</p> <p>b. an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and</p>	<p>This suggested wording is largely agreeable with further precision added to the dDCO (document reference 3.1B) submitted at Deadline 2 to clarify where ecological receptors are identified.</p>

	<p>areas identified as being of ecological importance.;</p> <p>c. a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and</p> <p>d. measures to avoid glare on surrounding railway and highways.</p> <p>(2) The approved lighting scheme must be implemented and maintained as approved by the relevant planning authority during operation of the authorised development and no external lighting other than that approved under this requirement may be installed.</p>	
32	<p>Employment and skills</p> <p>(1) No phase of the authorised development is to commence until an employment and skills strategy has been submitted to and approved in writing by the relevant planning authority.</p> <p>(2) The employment and skills strategy must include—</p> <ul style="list-style-type: none"> (a) details of apprenticeships (b) details of work placements; (c) meet the buyer events; (d) on site spend with small and medium enterprises; (e) details of employment of ex-offenders; (f) details of curriculum support activities; and (g) details of numbers of people upskilled annually. 	<p>Note that this requirement has been removed following discussions with the Council that the employment and skills strategy is to be dealt with in the s106 agreement.</p>
33	<p>Woodland access management plan</p> <p>(1) No phase shall commence until a detailed woodland access management plan (DWAMP) in accordance with the principles set out in the woodland access management plan (document reference) has been submitted to and approved in writing by the relevant planning authority.</p> <p>(2) The DWAMP must include details of—</p> <ul style="list-style-type: none"> (a) the maintenance and management of existing woodland habitat; and (b) new proposed woodland planting and its maintenance. <p>(3) The DWAMP must be reviewed annually during the establishment period and at five yearly intervals thereafter for the lifetime of the development. During the establishment period, newly created shrub, ecotone, understory and hedgerow planting will be subject to an annual</p>	

	<p>assessment.</p> <p>(4) In paragraph (3) “the establishment period” means a period of five years from the first spring following planting.</p>	
<p>34</p>	<p>Amendments to approved details</p> <p>(1) With respect to any requirement which requires the authorised development or any phase to be carried out in accordance with details approved by the relevant planning authority or another person, the authorised development or phase must be carried out in accordance with the details as approved unless an amendment or variation is agreed in writing by the relevant planning authority or that other person in accordance with paragraph (2).</p> <p>(2) Any amendments to or variation from the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of the relevant planning authority or that other person that the subject matter of the amendment or variation sought is unlikely to give rise to any materially greater environmental effect from those assessed in the environmental statement.</p> <p>(3) The approved details must be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority or that other person.</p>	

PART 2

PROCEDURE FOR APPROVALS ETC UNDER REQUIREMENTS

	<p>Interpretation</p> <p>1. In this part of this schedule;</p> <p>“appeal documentation” means the application submitted to the discharging authority, any further information submitted under paragraph 3 and any notice of a decision to refuse;</p> <p>“the appeal parties” means the discharging authority, the undertaker and any requirement consultee(s);</p> <p>“discharging authority” means the authority from whom a consent, approval or agreement is required or requested by the undertaker under the requirement concerned;</p> <p>“requirement consultee” means anybody named in a requirement which is the subject of</p>	<p>The Applicant is considering the changes proposed by the Council and will endeavour to reach agreement on these changes, however at this stage the Applicant considers that following the PINS Advice Note is reasonable. The Applicant notes the rationale for the changes and is committed to working with the Council on these matters, but must retain certainty on the timing for discharge of requirements to ensure that</p>
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an appeal as a body to be consulted by the discharging authority in discharging that requirement; and
“working day” means a day other than Saturday or Sunday which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holiday) of the Banking and Financial Dealings Act 1971(a)

Applications made for certain approvals

1.—(1) Where an application has been made to a discharging authority for any consent, agreement or approval required or contemplated under the requirements in Part 1 of this Schedule the discharging authority must give notice to the undertaker of its decision on the application before the end of the decision period.

(2) For the purposes of sub-paragraph (1), the decision period is—

(a) where no further information is requested under paragraph 3 (further information), 6342 days from the day immediately following that on which the application is received by the discharging authority;

(b) where further information is requested under paragraph 3, 6342 days from the day immediately following that on which the further information has been supplied by the undertaker under paragraph 3; or such longer period as may be agreed by the undertaker and the discharging authority in writing before the end of the period in paragraph (a) or (b).

(3) In determining any application made to the discharging authority for any consent, agreement or approval required by a requirement contained in Part 1 of this Schedule, the discharging authority may—

(a) give or refuse its consent, agreement or approval; or

(b) give its consent, agreement or approval subject to reasonable conditions,

and where consent, agreement or approval is refused or granted subject to conditions the discharging authority must provide its reasons for that decision with the notice of the decision.

Further information

2.—(1) In relation to any application to which this Schedule applies, the discharging authority has the right to request such further information from the undertaker as is it

delivery of this nationally significant infrastructure project is not stalled or delayed.

considers necessary to enable it to consider the application.

(2) If the discharging authority considers such further information to be necessary and the requirement concerned in Part 1 of this Schedule does not specify that consultation with a requirement consultee is required, the discharging authority # must, within 10 working days of receipt of the application, notify the undertaker in writing specifying the further information required.

(3) If the requirement concerned contained in Part 1 of this Schedule specifies that consultation with a requirement consultee is required, the discharging authority must issue the application to the requirement consultee within five business days of receipt of the application, and notify the undertaker in writing specifying any further information requested by the requirement consultee within five business days of receipt of such a request.

~~(4)~~ If the discharging authority does not give such notification as specified in sub-paragraph (2) or (3) it (and any relevant requirement consultee) is to be deemed to have sufficient information to consider the application and is not subsequently entitled to request further information without the prior agreement of the undertaker.

Appeals

- 3.—(1) The undertaker may appeal to the Secretary of State in the event that—
- the discharging authority refuses an application for any consent, agreement or approval required or contemplated under the requirements or grants it subject to conditions
 - (a) the discharging authority does not give notice of its decision to the undertaker within the decision period specified in paragraph 2 (applications for certain approvals);
 - (b) on receipt of a request for further information under paragraph 3 (further information) the undertaker considers that either the whole or part of the specified information requested by the discharging authority is not necessary for consideration of the application; or
 - (c) on receipt of any further information requested, the discharging authority notifies the undertaker that the information provided is inadequate and requests additional information which the undertaker considers is not necessary for consideration of the application.

(2) The appeal process is as follows—

(a) any appeal by the undertaker must be made within 42 days of the date of the notice of the decision or determination, or (where no determination has been made) expiry of the decision period as determined under paragraph 2 (applications for certain approvals);

(b) the undertaker must submit the appeal documentation to the Secretary of State and must ~~within 7 working days on the same day~~ provide copies of the appeal documentation to the discharging authority and any requirement consultee;

(c) as soon as is practicable after receiving the appeal documentation, the Secretary of State must appoint a person to determine the appeal (“the appointed person”) and must notify the appeal parties of the identity of the appointed person and the address to which all correspondence for that person’s attention should be sent;

(d) the discharging authority and any requirement consultee must submit written representations to the appointed person in respect of the appeal within 20 working days of the date on which the appeal parties are notified of the appointment of a person under paragraph (c) and must ensure that copies of their written representations are sent to each other and to the undertaker on the day on which they are submitted to the appointed person;

(e) the appeal parties must make any counter-submissions to the appointed person within 20 working days of receipt of written representations under paragraph (d).

(3) The appointed person must make a decision and notify it to the appeal parties, with reasons, ~~as soon as reasonably practicable after within 20 working days of expiry of the 20 working day period referred to in sub-paragraph (2)(e) or, if applicable, within 20 working days of~~ the expiry of the 10 working day period referred to in sub-paragraph (6).

(4) The appointment of the person pursuant to sub-paragraph (2)(c) may be undertaken by a person appointed by the Secretary of State for this purpose instead of by the Secretary of State.

If the appointed person considers that further information is necessary to enable consideration of the appeal the appointed person must, as soon as practicable, notify the appeal parties in writing specifying the further information required, the appeal party from whom the information is sought, and the date by which the information is to be submitted

(5) Any further information required under sub-paragraph (5) is to be provided by the party from

whom the information is sought to the appointed person and to other appeal parties by the date specified by the appointed person. Any written representations concerning matters contained in the further information must be submitted to the appointed person, and made available to all appeal parties within 10 working days of that date.

(6) On an appeal under this paragraph, the appointed person must—

(a) allow or dismiss the appeal; or

(b) reverse or vary any part of the decision of the discharging authority (whether the appeal relates to that part of it or not), and may deal with the application as if it had been made to the appointed person in the first instance.

(7) The appointed person must proceed to a decision on an appeal taking into account only such written representations as have been sent within the prescribed time limits, or other time limits set by the appointed person and notified to the appeal parties under this sub-paragraph.

(8) The appointed person must proceed to a decision even though no written representations have been made within the prescribed time limits, or any other time limit set in accordance with subparagraph (9).

(9) The decision of the appointed person on an appeal is to be final and binding on the appeal parties, and a court may entertain proceedings for questioning the decision only if the proceedings are brought by a claim for judicial review.

(10) If an approval is given by the appointed person under this Part of this Schedule, it is deemed to be an approval for the purpose of any consent, agreement or approval required under the requirement as if it had been given by the discharging authority. The discharging authority may confirm any determination given by the appointed person in identical form in writing but a failure to give such confirmation (or a failure to give it in identical form) is not to be taken to affect or invalidate the effect of the appointed person's determination.

(11) Except where a direction is given under sub-paragraph (13) requiring the costs of the appointed person to be paid by the discharging authority, the reasonable costs of the appointed person are to be met by the undertaker.

(12) On application by the discharging authority or the undertaker, the appointed person may give directions as to the costs of the appeal parties and as to the parties by whom the costs of the appeal are to be paid. In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the Planning Practice

Guidance published by the Department for Communities and Local Government on 6th March 2014 or any circular or guidance which may from time to time replace it.

Fees

~~—(1) Where an application is made to the discharging authority for consent, agreement or approval in respect of a requirement, other than where the parties have agreed otherwise, the fee that would have been payable had the fee been determined under the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, is to be paid to that authority.~~