Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

SoCG between the Applicant and Leicestershire County Council

Document reference: 19.3

Revision: 01

24 October 2023

Planning Act 2008

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

October 2023
Planning Act 2008
TRITAX SYMMETRY (HINCKLEY) LIMITED
PROPOSED HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE
OFF M69 JUNCTION 2, LEICESTERSHIRE
DOC REF 19.3
Statement of Common Ground between
Tritax Symmetry (Hinckley) Limited and Leicestershire County Council

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1. MATTERS OF AGREEMENT AND DISAGREEMENT

1.1 Planning

Version	Date	Issued by
01	May 2023	TSH
02	23/06/23	LCC
03	03/07/23	TSH
04	08/09/23	LCC
05	11/10/23	TSH
06	18/10/23	LCC

Matters not agreed – Principle of Development

Ref.	Matter agreed	Record of agreement
1.	The County Council has no objection to the principle of SRFIs, accepts the need for a SRFI to be located in south Leicestershire. However, based on the information submitted to date (13 October 2023) the HNRFI site in Blaby District cannot be endorsed as an appropriate location given the issues raised by the County Council, including in its role as the Local Highway Authority.	
	Given the significant concerns, which remain unresolved, particularly in relation to highways and transport matters, the Council objects to the HNRFI proposal as submitted by Tritax Symmetry to the Planning Inspectorate in March 2023 and considers the Examining Authority should recommend refusal to the SoS.	

Matters agreed – Alternative Sites

Ref.	Matter agreed	Record of agreement
1.	Chapter 4 of the submitted Environmental Statement (document reference 6.1.4) outlines the alternative locations studied and has provided indication by the Applicant as to the reasons for the selection of HNRFI.	Agreed through this SoCG.

Matters not agreed – Alternative Sites

Ref.	Matters not agreed	
1.	Whether the Applicant has set out the alternative considerations in the evolution of the design of HNRFI on the main HNRFI site by reference to the issues identified at paragraph 4.133 of chapter 4 of the Environmental Statement (document reference 6.1.4).	
2.	The County Council in its role as the Local Highway Authority has concerns regarding the design of the access and egress to the site, the access road and proposed bridge, having regard to the 'Criteria for 'good design' for national network infrastructure' in the NPS (4.28 to 4.35).	

Matters agreed – Need HNRFI

Ref.	Matter agreed	Record of agreement
1.	The need for a SRFI has been established within the joint authority evidence base 'Warehousing and Logistics at Leicester and Leicestershire: managing growth and change' (April 2021, amended March 2022)	Agreed through this SoCG.
2.	That the Study above identifies a short fall of 718,875 sqm of rail served sites which should be planned for the period to 2041 – and that a supply shortfall for rail served	Agreed through this SoCG.

	sites 'starts to emerge around the mid 2020s' (Leicester and Leicestershire Authorities' 'Statement of Common Ground relating to Strategic Warehousing and Logistics Needs' (September 2021 paragraphs 3.4-3.5).	
3.	It is agreed that the identified business market for HNRFI is not fully served by existing and committed SFRIs within Leicester and Leicestershire as established in joint evidence report 'Warehousing and Logistics in Leicester and Leicestershire: managing growth and change' (April 2021, amended March 2022).	Agreed through this SoCG.
4.	Both the 'Warehousing and Logistics at Leicester and Leicestershire: managing growth and change' (April 2021 amended March 2022) jointly commissioned by the local authorities in Leicestershire and the 'Market Needs Assessment' commissioned by the Applicant identify a need for rail serviced logistics sites but the differing methodologies give different results. It is agreed that there is a need for rail served logistics sites and in principle HNRFI would meet this rail-related need.	Agreed through this SoCG.
5.	That the 'Warehousing and Logistics at Leicester and Leicestershire: managing growth and change' (April 2021, amended March 2022) will form part of the evidence base for Leicester and Leicestershire planning authorities in the preparation of the reviews of their development plan in meeting future development needs.	Agreed through this SoCG.
6.	The Applicant has undertaken a 'Market Needs Assessment' (Document 16.1) which has demonstrated HNRFI is located near to the business market it will serve and is linked to key supply chain routes.	Agreed through this SoCG.

Matters not agreed – Need HNRFI

Ref.	Matters not agreed	Any actions rising
1.	The Applicant considers that the	
	provisions of the development plan have	

been given appropriate consideration wit	vith
preparation of the proposals for HNRFI.	

Matters agreed – Strategic Rail Freight Interchanges

Ref.	Matter agreed	Record of agreement
1.	That HNRFI will be developed in a form that can accommodate both rail and non-rail activities. (NPS NN paragraph 4.83)	Agreed through this SoCG.
2.	It is agreed that HNRFI acknowledges the criteria set out in the NPS (paragraphs 4.28 to 4.35) which constitutes 'good design'	Agreed through this SoCG.
3.	Requirement 10 Rail which supports the construction and occupation of up to 105,000 sqm of logistics floorspace is reasonable and proportionate prior to the Rail Port (Phase 1) becoming operational as set out within the submitted Planning Statement (Document reference: 7.1).	Agreed through this SoCG.

Matters not agreed – Strategic Rail Freight Interchanges

Ref.	Matters not agreed	Any actions rising
1.	There is disagreement between the parties whether the proposal for HNRFI satisfy the guidance for good design in the NPS (paragraphs 4.28-4.35) with particular reference to the alleged impact of HNRFI on the surrounding landscape.	
2.	The recent Government announcement regarding the curtailing of High Speed 2 (HS2) at Birmingham and the introduction of Network North give rise to questions as to whether there will be sufficient capacity on the network to serve additional strategic rail freight as the NPSNN envisages (para 1.7): This NPS sets out the Government's policy for development of the road and rail networks and strategic rail freight interchanges, taking into account the capacity and connectivity that will be	

delivered through HS2.	
Furthermore, the new proposals for the East Midlands include increased rail capacity by increasing the number of trains between Birmingham and Leicester from two to four per hour (which will itself increase the amount that Narborough crossing is closed).	
Furthermore, the new proposals for the East Midlands include increased rail capacity by increasing the number of trains between Birmingham and Leicester from two to four per hour (which will itself increase the amount that Narborough crossing is closed).	

Matters agreed – Other matters arising from the policy provision of the development plan

Ref.	Matter agreed	Record of agreement
1.	i. That the development plan comprises: Leicestershire Minerals & Waste Local Plan 2019	Agreed through this SoCG.
	ii. District/Borough Wide Development Plans	
	Blaby District Local Plan Core Strategy 2013	
	Blaby Local Plan Delivery DPD 2019	
	Hinckley and Bosworth Core Strategy DPD 2009	
	Hinckley and Bosworth Site Allocations and Development Management Policies 2016	
	iii. Neighbourhood Plans	
	Fosse Villages' Neighbourhood Plan	
2.	Minerals and Waste Local Plan (MWLP) It is agreed that the development of HNRFI does not offend any of the policy provisions within the Minerals and Waste Local Plan.	Agreed through this SoCG.
3.	It is agreed that HNRFI does not adversely impact on the safeguarding of mineral	Agreed through this SoCG.

resources.	

Matters not agreed – Other matters arising from the policy provision of the development plan

Ref.	Matters not agreed	Any actions rising
1.	Although it is accepted that the NPS is the primary basis for making decisions on development consent applications for national networks, nationally significant infrastructure projects, LCC consider 'greater weight' must be given to the policies and proposals in the relevant development plan documents.	
2.	The development of HNRFI could adversely impact on committed or consented operations for minerals extraction or waste management.	
	To protect the aims, objectives and strategy of the Leicestershire Minerals and Waste Local Plan (September 2019) and the planning permission granted for a lateral extension to the mineral workings at Croft Quarry in early 2022 the ability for Croft Quarry to remain rail served with four trains in and out of the quarry in a 24 hour period is sought.	

Matters agreed – Draft Policy Statement National Networks

Ref.	Matter agreed	Record of agreement
1.	That the Draft NPS is an important and relevant consideration to the decision taking on HNFRI, and represents the current thinking of the Government on the policy provision for national networks.	Agreed through this SoCG.
2.	That the Draft NPS maintains a consistency of policy approach towards the provision of new national networks including SRFIs.	Agreed through this SoCG.
3.	That in meeting the Government's ambitions for rail freight growth there remains a	Agreed through this SoCG.

continuing need for appropriately located
SRFIs across all regions to enable further
unlocking of the benefits. (Draft NPS
paragraph 3.103)

Matters not agreed – Draft Policy Statement National Networks

Ref.	Matters not agreed	Any actions rising
	N/A	

1.2 Waste

Version	Date	Issued by
01	19.05.23	TSH
02	27.06.2023	LCC
03	14.07.23	TSH
04	13.08.23	LCC

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 17 has been prepared in accordance with the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG
3.	ES Chapter 17 has been prepared in accordance with the Waste Management Plan for England, inclusive of the principles of the 'Waste Hierarchy'.	Agreed through this SoCG
5.	ES Chapter 17 agrees with the ambitions to reuse most demolition materials from existing buildings and barns within the development. Off-site removal to landfill is to be minimised, with the exception of any contaminants (e.g. asbestos). This is included as an aim within a Site Waste Management Plan/Materials Management Plan.	Agreed through this SoCG
6.	ES Chapter 17 agrees Locally sourced materials should be used where appropriate/possible in order to reduce travel miles/CO2 footprint for construction. This aim can be included within a Materials Management Plan. The also generates potential localised economic benefits.	Agreed through this SoCG
7.	ES Chapter 17 provides a sufficient assessment of the nature and quantity of materials and natural resources has been provided, to the extent that such information is available, by applying knowledge of similar developments and the Rochdale envelope approach to uncertainty.	Agreed through this SoCG

	<u> </u>	
8.	ES Chapter 17 considers the baseline and future baseline waste disposal capacity.	Agreed through this SoCG
9	The Spatial scope of the assessment is considered within keeping with best practice, proportionate and acceptable.	Agreed through this SoCG
10.	The proposed Site Waste and Materials Management Plan (SWMMP) is sufficient to provide a framework for lead contractors and compliant with National and Local objectives. Implementation of the SWMMP would ensure that material reuse is maximised by minimising waste at source (reducing the requirement for new construction materials) and during construction. It is agreed that it would be regularly updated during the lifetime of HNRFI.	Agreed through this SoCG
11.	Excavated material classified as waste and this will be managed in accordance with the Definition of Waste: Development Industry Code of Practise (CL:AIRE, 2011).	Agreed through this SoCG
12.	The Main HNRFI Site benefits from a range of waste facilities in close proximity to the Main HNRFI Site. With the adherence of the Material Management Plan and the associated reuse of material the quantity of waste would not have a significant impact on the capacity of the landfill sites in the region with the impact assessed as slightly adverse.	Agreed through this SoCG
13.	Waste generated during operation by HNRFI which cannot be reused will be disposed of offsite by licensed contractors. A recycling rate of 65% is targeted.	Agreed through this SoCG
14.	The overarching principles of the Site Waste and Materials Management Plan submitted with the DCO application are agreed (document reference: 17.3)	Agreed through this SoCG
15.	Requirement 23 Prior to the commencement of construction work on each phase of the authorised development a detailed site waste and materials arrangement 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.	
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Matters not agreed

Ref.	Matters not agreed	Any actions rising
	N/A	

1.3 Highways

Traffic and Transport

Version	Date	Issued by
01	09.10.2023	TSH

Traffic and Transport - Matters agreed

Ref.	Matter agreed	Record of agreement
1.	The Transport Assessment and ES Chapter 8 have been prepared in accordance with the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG
2.	Development Trip distribution as produced by AECOM (TN1) APP	Agreement from LCC original AECOM distribution received 11.03.2021
5.	PRTM 2.2 Forecast Modelling Brief- inclusive of assessment years and scenarios	Agreement from LCC received 17.02.22. However, the Applicant has not followed the agreed brief. Furter clarification is also sought on trip generation and the inclusion of a lorry park.
6.	PRTM 2.2 Hinckley National Rail Freight Interchange Transport Modelling: Base year Model Review and Refinements, Report v4.0 dated 11.02.2022.	Agreement from LCC received 01.03.22
8.	Base VISSIM modelling Audit Response J1M69	Agreement from LCC received 23.03.21

Matters not agreed - Traffic and Transport

Ref.	Matters not agreed	Rating
1	Trip generation (including HGV to rail movements)	

	<u> </u>	
2	Uncertainty Log V8 dated 02.02.2022	
3	Assessment of Narborough Level Crossing including VISSIM modelling	
4	Base VISSIM modelling M6 J2	
5	Furnessing methodology	
6	VISSIM modelling of Longshoot/Dodwells	
7	VISSIM modelling of M1 J21/M69 J3	
8	VISSIM modelling of Gibbet roundabout	
9	On going maintenance responsibilities in respect of access and mitigation infrastructure	
10	Off-Site Mitigation strategy and package, including base line traffic surveys, no phased development testing, no strategic modelling of mitigation package, proposals for all junctions	
11	Output from PRTM 2.2 Model inc. sensitivity testing of a fully dualled link road, modelling of an unconstrained scenario at M1 J21/M69 J3, sensitivity test for Padge Hall Farm, no account of cross movements on link road, questions in respect of trip generation	
12	Off-site junction modelling including methodology, and impact on villages	
13	Access infrastructure for all users; structural integrity of existing M69 J2 bridges	
14	Forecast VISSIM modelling J1 and J2 M69	
15	Site Wide Framework Travel Plan	
16	Final HGV Routing Strategy including ANPR	
17	Sustainable Transport Strategy	
18	Construction Traffic Management Plan including access arrangements, impacts and routeing	
19	Road Safety Audits Stage 1 with Designer's Responses (yet to be submitted) including up to date PIC data	
20	S106 Transport related	
21	DCO	
		

PROW

Version	Date	Issued by
01	09.10.2023	TSH

PROW - Matters not agreed

Ref.	Matter agreed	Rating
1.	PRoW proposals are deliverable	
2.	PRoW proposals can be designed fully in accordance with LCC adopted standards	
3.	Details of A47 underpass	
4.	Details of PRoW connections to link road footway provision	
5.	Stopping up of duplicated bridleway V35/1	
6.	Ownership, maintenance and risk assessment of Thorney Fields Farm bridge	
7.	RSA of B581 Elmesthorpe railway bridge footway provision	
8.	Details of private access to Bridge Farm	
9.	Details of Outwoods footbridge and its future maintenance	

1.4 Climate

Version	Date	Issued by
01	19/05/23	TSH
02	23/06/23	LCC
03	26/07/23	TSH

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 18 Energy and Climate Change (Document Reference 6.1.18) has been prepared in accordance with the National Policy Statement for National Networks (NPSNN). The proposal supports the DfT's NPS for National Networks by providing sustainable development through the reduction of transport-based GHG emissions by encouraging a modal shift of freight from road to rail. Furthermore, this modal shift will help to reduce traffic congestion and contribute towards improving air quality in the wider East Midlands region.	Agreed through this SoCG
2.	ES Chapter 18 Energy and Climate Change (Document Reference 6.1.18 has been prepared in accordance with the National Planning Policy Statement (NPPS) (2021) by mitigating and adapting to climate change, including moving to a low carbon economy (paragraph 7). The development has been designed in ways to a) avoid increased vulnerability to the range of impacts arising from climate change and b) help to reduce greenhouse gas emissions (paragraph 154). To help increase the use and supply of renewable and low carbon energy and heat, the development: a) provides a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual	Agreed through this SoCG

	impacts); b) considers suitable areas for renewable and low carbon energy sources, and c) identifies opportunities to draw its energy supply from renewable or low carbon energy supply systems (paragraph 155).	
3.	 The assessment methodology has been accepted comprising: A Study of the baseline characteristics using both survey data and third party information; An Assessment of the resilience to likely climatic changes; An Assessment of the likely effects on climatic change; Recommendations to mitigate likely significant effects 	Agreed through the Scoping Opinion, additional consultation and this SoCG.
4.	 The assessment is sufficient to estimate the effects on GHG emissions sources, including: Vehicular emissions during the construction stage; Embodied carbon in construction materials; Vehicular emissions during the operational stage; and 	Agreed through this SoCG
	stage; and Energy demand during the operational stage.	
5.	Although the Proposed Development is not an Energy NSIP, the provision of provision of roof-mounted photovoltaic arrays with a generation capacity of up to 42.4 megawatts peak (MWp) providing direct electricity supply to the building or exporting power to battery storage, and also incorporating provision of an energy centre, HNRFI supports the Draft National Policy Statement for Renewable Energy Infrastructure 2021 (NPS EN-1 – draft)	Agreed through this SoCG
6.	ES Chapter 18 Energy and Climate Change (Document Reference 6.1.18) acknowledges and supports Leicestershire County Councils own commitments to acknowledging a climate emergency. TSH are committed to the principles of the 'Leicestershire climate and nature pact'.	Agreed through this SoCG
7.	Prior to their implementation, the energy efficiency and sustainability measures will be	Agreed through this SoCG

	assessed for to determine their applicability	
	to the detailed design. This will be	
	considered in the early detailed design stages	
	and written into the building specifications.	
8.	The materials demand of the development	Agraad through this SoCC
٥.	will be addressed by maximising the use of	Agreed through this SoCG
	reclaimed and recycled materials where	
	practicable throughout the construction	
	process. The demand upon the development	
	for the provision of recycling and waste	
	storage will be addressed in the early	
	detailed design stages and when detailed	
	discussions can be held with prospective	
	operators regarding the specific operations	
	of the proposed units. In addition, recycling	
	and waste will be considered for the	
	Construction Stage. Provision has been made	
	in the scheme for the inclusion of recycling	
	and waste storage / compaction within the	
	identified service areas.	
	This commitment by TSH to deliver net-zero	
9.	buildings should result in a significant	Agreed through this SoCG
	reduction in embodied carbon sources	
	during construction that are not are not	
	I -	
	anticipated to materially affect the ability of the UK to achieve its carbon reduction	
	targets, and thus are not predicted to have a	
	significant effect on the global climate.	
	Opportunities for further reduction during	
	operation will be encouraged and captured	
	through the incorporation of carbon targets	
	within the procurement process.	
10.	A Construction Traffic Management Plan	Agreed through this SoCG
	(CTMP) (document reference 17.6) will	
	minimise and mitigate the environmental	
	impacts of construction activities, including	
	the reduction of GHG emissions.	
11.	The Framework CEMP includes best practice	Agreed through this SoCG
	mitigation measures to reduce emissions	
	during construction, including from	
	construction plant, for example:	
	Tuniming angular race in beautic beautic	
	Training employees in how to handle	
	machinery to reduce GHGs;	
	Switching off machinery and vehicles	
	when not in use;	
	Regular maintenance of machinery to	
	ensure they work efficiently;	

	 Using electric or alternative low/zero carbon emission machinery where possible; Reducing water consumption where possible; and 	
	Using efficient vehicles and machinery where possible.	
12.	During the demolition of on-site structures, the re-use, recycling and reduction of construction waste will be promoted to reduce HNRFI's overall carbon footprint by reducing the need to extract raw materials.	Agreed through this SoCG
13.	Embedded emissions of HNRFI will be calculated at each stage of design as it develops to ensure that it is meeting its project specific targets and legal requirements including Building Regulations Part L and to seek to achieve a BREEAM 'Very Good' rating. This will consider both operational CO ₂ e emissions affected by design and embodied carbon. HNRFI will source building materials from sustainable and, where possible, local sources whilst restricting materials which cause environmental harm. Ultimately, this strategy will reduce the overall carbon footprint and lead to a potential reduction in GHG emissions associated with HNRFI over its lifetime.	Agreed through this SoCG
14.	The increase in electrical vehicles throughout the lifespan of HNRFI will result in a decrease of direct emissions, though it will in turn increase the demand on the national grid where indirect emissions may result depending on the energy source.	Agreed through this SoCG
15.	HNRFI proposes a suite of transport and access improvements which will help reduce GHG emissions associated with the transport of employees to and from the Main HNRFI Site during the operational phase.	Agreed through this SoCG
16.	The impacts of climate change on HNRFI during the construction stage would be managed through the outline CEMP, which would contain detailed procedures to mitigate any potential impacts associated with extreme weather events, as listed in Appendix 18.6 (document reference 6.2.18.6). This will compliment best practice	Agreed through this SoCG

	mitigation measures employed in the construction industry. The lead contractor will ensure appropriate measures within this outline CEMP are implemented and, as appropriate, additional measures to ensure the resilience of the proposed mitigation of impacts during extreme weather events.	
17.	The lead contractor's Environmental Management System will consider all measures deemed necessary and appropriate to manage extreme weather events and should specifically cover training of personnel and prevention and monitoring arrangements.	Agreed through this SoCG
18.	During operational circumstances, adaptation and resilience to climate and weather-related risks would be considered periodically through maintenance regimes. A schedule of general inspections and principal inspections of each structure should be carried out to determine condition of the structure and identify any potential maintenance requirements.	Agreed through this SoCG
19.	Requirement 17 Electricity Generation Cap	Agreed through this SoCG
20.	Requirement 18 Energy Strategy	Agreed through this SoCG

Matters not agreed

Ref.	Matters not agreed	Any actions rising
	None	

1.5 Air Quality

Version	Date	Issued by
01	24/05/2023	TSH
02	22/06/2023	LCC
03	28/07/2023	TSH
04	18/10/2023	LCC

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	The air quality impacts would not adversely impact on the considerations set out at NPS paragraph 5.13.	Agreed through this SoCG, apart from Reference 2 in Matters not Agreed. Unable to agree this due to
		a lack of clarity around increase in traffic and corresponding mitigations
2.	Methodology applied to the assessment including the following: - Construction phase dust assessment utilising Institute of Air Quality Management (IAQM) guidance; and Construction and Operational phase road traffic impact assessment utilising IAQM and Environmental Protection UK (EPUK) guidance to determine the significance of impacts at human receptor locations and Design Manual for Roads and Bridges (DMRB) guidance to determine the requirement to consider ecological designations.	Agreed through this SoCG. Not in a position to judge whether assessments used were suitable or comprehensive.
3.	Incorporation of mitigation measures within the HNRFI to minimise the impact of the HNRFI on local air quality, including: - Electric Vehicle (EV) charging provision; - Provision of bus stop; - Use of Photovoltaic (PV) array as primary energy source;	Agreed through this SoCG, apart from Reference 2 in Matters not Agreed. Agree that the mitigation measures are proposed. Unable to confirm that they are either appropriate or sufficient.

	- Site Wide Travel Plan to promote active and low emissions transport uptake to the HNRFI.	
4.	Paragraphs 1.77 to 1.79 under the heading Dust and Air Quality of the CEMP are agreed.	Agreed through this SoCG. Statements are non- committal – "as far as reasonably practical", Mitigation "implemented where applicable", "Examplesnot allwill be necessary or feasible"
5.	Assessment of back-up Combined Heat and Power (CHP) unit emissions on local air quality.	Agreed through this SoCG. Not in a position to judge assessment made
6.	Requirement 29 Combined Heat and Power is agreed.	Agreed through this SoCG Not in a position to judge

Matters not agreed

Ref. Matters not agreed	Any actions rising
1. What about more vulnerable groups- there is no safe limit of pollution	The assessment has been undertaken in accordance with the latest national planning policy, local planning policy and national and local guidance and is assessed against the current air quality objectives for England. The existing human sensitive receptor locations considered in the assessment were based on their relative proximity to road links within the operational phase road traffic emissions assessment study area. Where possible the closest receptors to those road links and junctions were considered, as these receptors are likely to experience the greatest

		change in pollutant
		concentrations as a result
		of the operation of the
		Proposed Development.
		The receptors were located
		on the facades of the
		properties closest to the road source. Sensitive
		human receptors included
		in the modelling
		assessment included
		residential dwellings and
		more vulnerable locations
		such as healthcare and
		educational facilities, where
		appropriate. The overall
		effect of the HNRFI on air
		quality is considered to be
		negligible and not
		significant. Furthermore,
		implementation of
		mitigation measures such
		as the Sustainable
		Transport Strategy and
		Travel Plan will aim to
		reduce emissions
		associated with the HNRFI
		and encourages the use of
		sustainable methods of
		transport. Any reduction in
		emissions will be beneficial
		to sensitive receptors.
		·
		Agree with the assessment,
		but would expect to see further consideration of
		vulnerable groups in HIA.
2	What bus routes will serve, are the times	Details on the proposed
	and intervals useful to the users?	bus strategy are detailed in
		Chapter 8: Transport and
		Traffic of the ES,
		paragraphs 8.308 – 8.314
		and summarised below:
		" C
		"Current proposals for
		HNRFI are to improve bus
		accessibility to the HNRFI
		Site from both Leicester

and Coventry by enhancing the X6 services. This is with the aim to provide a more regular (hourly) service which coincides with major shift changes on site (6am/2pm/10pm). The coverage of Coventry and Leicester will help improve accessibility from those areas where employees are most likely to be drawn. This will be subject to agreement with the operators and TSH.

Vectare, a new public transport and technology provider, are also running on-demand bus services in the South Leicester area after successful implementation at Lubbesthorpe. These types of services will form part of the HNFRI bus strategy as they are demand responsive and adaptable to the needs of potential employees that do not live on direct routes to the HNRFI Site. This is proposed to cover rural areas around the site as well as connections to Hinckley Rail Station. Vectare would consider fixed routes as demand rises with the increased employee numbers at the HNRFI Site.

Local services are also available from Hinckley and through to Nuneaton. These include higher frequency services 158 and

	48 which pass close to the site from the A47. Diversion
	is unlikely into the HNRFI
	site for these routes, due to
	an established timetable
	and customer base.
	However, extension of the
	service by 1-2 hours either
	side of the day could help
	improve accessibility for
	shift workers. Again, this is
	subject to further
	discussion and agreement
	with operators and the
	applicant".
	Inadequate – see transport
	SoCG

1.6 Drainage

Version	Date	Issued by
01	16/05/2023	TSH
02	22/06/2023	LCC
03	30/06/2023	TSH
04	06/10/2023	TSH

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	The Flood Risk Assessment has been prepared in accordance with the National Policy Statement for National Networks (NPSNN)	Agreed through this SoCG
2.	The submitted surface water and flood risk ES Chapter 14 includes an agreed methodology and approach to assessment of surface water and flood risk, including the effects of climate change.	Agreed through this SoCG
3.	The proposed scheme is at an acceptable level of surface water flood risk and, subject to the implementation of the surface water flood risk management principles outlined in the Flood Risk Assessment, and the flood risk management principles agreed with the Environment Agency, the proposed scheme will seek to appropriately mitigate flood risk within Leicestershire in line with best practice guidance.	Agreed through this SoCG
4.	The surface water drainage strategy shall be implemented in accordance with the principles outlined in the concept drainage plans ES Figure 14.4 (document reference 6.3.14.4), ES Figure 14.6 (document reference 6.3.14.6) and ES Figure 14.7 (document reference 6.3.14.7), and in accordance with Requirement 13 and 14 of the Draft DCO (document reference 3.1).	Agreed through this SoCG
5.	Matters contained in the CEMP (document reference 17.1) in relation to water	Agreed through this SoCG

	resources and flood risk (paragraphs 1.94 – 1.109) are considered appropriate to address the construction phase of the Proposed Development.	
6.	In accordance with requirement 7 of the draft DCO, phase specific CEMPs to be prepared prior to the construction of each development phase. This will include details of any necessary temporary (or otherwise) flood risk and surface water quantity and quality management measures. The performance of implemented measures should be monitored and changes made where appropriate in order to maintain water quality and adequately mitigate flood risk during the construction period.	Agreed through this SoCG
7.	The Lead Local Flood Authority are comfortable with the content of the draft DCO relating to flood risk and water environment. This includes approval of Part 6(47) of the draft DCO which sets out disapplication, application and modification of legislative provisions in relation to Ordinary Watercourses.	Agreed through this SoCG

Matters not agreed

Ref.	Matters not agreed	Any actions rising
	N/A	

1.7 Health

Version	Date	Issued by
01		TSH
02		BDC
03		TSH
04	28.07.2022	BDC
05	15/08/2023	TSH

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	As agreed during the formal Scoping Process with the Planning Inspectorate, the approach to considering the health and wellbeing of communities, was to focus on environmental socio, cultural and economic precursors protective of the environment and health.	Agreed
2.	Appendix 7.1 Health and Equality Briefing Note (document reference 6.2.7.1) was prepared to aid signposting as to how and where health was addressed and assessed in the DCO ES.	Agreed
3.	A supplementary statement on equality was prepared in Appendix 7.2 to respond to the PINS s51 Advice letter and more clearly demonstrates the effects of the Proposed Development on those persons with protected characteristics as defined under the Equality Act 2010 (as amended). A Rule 17 response was received from the Planning Inspectorate regarding preferred terminology, and the revised Equality Statement is being resubmitted. There is no change to the assessment or conclusion.	Agreed
4.	Potential impacts on local water supply, foul water, surface water, flood risk and EMF are addressed through planning and the	Agreed

	regulatory planning process to preclude any risk or impact to health. These items can be deferred to the pertinent technical disciplines, and does not need to be addressed through a health topic at the Issue Specific Hearing	
5.	Potential changes in local air quality during both construction and operation remain within air quality objective thresholds set specifically to be protective of health for vulnerable members of the population, and the absolute change in concentration and exposure remains orders of magnitude lower than is required to quantify any measurable adverse health outcome. As such, this item can be retained under the air quality technical disciplines, and does not need to be addressed through a health	Agreed
	Iceni and BDC has requested further clarification on this point in the form of high level Quantitative Exposure Response Assessment. The Applicant's position is that this request is excessive given the negligible effect of the proposal on air quality. The Applicant will prepare a separate technical note clarifying its position at the ExA's request.	
6.	As detailed in the ES and noted in the Health and Equality Briefing Note, following the implementation of mitigation, the change in noise levels are below what is considered perceptible during the day and night time periods; as a result, design and mitigation precludes any significant health impact. The item can be deferred to the acoustic noise and vibration technical discipline, and does not need to be addressed through a health topic at the Issue Specific Hearing.	Partial Agreement (parked until the noise technical specialists are in agreement, but the Applicant's position remains that the technical discipline is there to manage unwanted sound, preclude health impacts and won't need a separate health topic at the Issue Specific Hearing).
7.	Changes in visual impact are not of an order to result in any measurable adverse health outcome. The more subjective potential effect of visual impact is adequately	Agreed

	addressed within the Visual Impact technical discipline to recognised methods and an agreed scope.	
	The item can be deferred to the Visual Impact technical discipline, and does not need to be addressed through a health topic at the Issue Specific Hearing.	
8.	Income and employment are key determinants of health, which are addressed through the socio-economic Technical Discipline. The item can be deferred to the socio-economic Impact technical discipline, and	Agreed
	does not need to be addressed through any additional considerations of health at Issue Specific Hearing.	
9.	Potential changes in Public Rights of Way and Green Space are addressed, assessed and mitigated within the ES, to preclude any significant adverse health outcome, manage disruption and provide alternative provision. While residual impacts at the individual level may exist, they are not of a level to quantify any change in health outcome.	Partial Agreement (Parked, and anticipated that this can be addressed through the technical discipline that precludes health outcome, as there is no measurable risk)
	The item can be deferred to the technical discipline, and does not need to be addressed through a health topic at Issue Specific Hearing.	
10.	The health baseline applied in the Health Briefing Note was to provide further context and awareness of local circumstance priority and need. It complements the appropriate topic specific baselines contained in the ES, whose geographical scopes were agreed during scoping and vary by topic, depending on the nature of varying focus, scope, distribution characteristics and effect.	Agreed
	The Public Health Team have reviewed the contextual health baseline in the Health and Equality Briefing Note, and while minor	

	discrepancies exist due to the granularity of data applied (ward, Super Output Area etc) and temporal periods, these are not material. This contextual information, which complements the topic specific baseline data, has no impact on the assessment conclusions or assessment of significance.	
	While further clarification on the geographic scope for each technical discipline within the ES has been requested to rationalise the contextual baseline in the Health and Equality Briefing Note, this has no bearing on the ES, and does not require a health topic discussion at the Issue Specific Hearing.	
11.	Mental health has been raised as a residual concern, however, none of the environmental changes are sufficient to cause any manifest mental health outcome. It is unclear if Iceni are referring to general stress and anxiety from the imposition of change, or risk perception. The potential for perception to cause anxiety can only be addressed through the factual investigation and dissemination of robust information, as contained in the ES.	Parked I am still not clear what you mean by mental health, and from what? Please can you explain what gap you have or countervailing evidence of a significant mental health impact.

Matters not agreed

Ref.	Matters not agreed	Any actions rising
12.	Concern has been raised regarding a potential breach of the Equality Act. Comments so far centre on the potential failure to consider the traveling community in proximity to the site. However, they are categorically identified in each of the pertinent technical disciplines as sensitive receptors. It was deemed unnecessary and undesirable to repeat every technical discipline receptor methodology and sensitivity rating in the Health and Equality Briefing Note.	It is hoped that this clarification text is sufficient to remove this as a disagreement. If not, the matter will proceed to the health topic Issue Specific Hearing.

Concern has also been raised regarding discrimination against disabled individuals due to additional down time at Narborough level crossing. However, this does not discriminate against any protected characteristic as the barrier does not selectively open or close depending on age, sex, ethnicity, sexual orientation, disability etc. In other words all members of the population are equally affected by barrier down time.

Furthermore, there is no significant disproportionate impact, where the Network Rail analysis of Narborough Station and crossing indicates the only possible time for additional intermodal freight trains would be for 2 trains between 4 – 7 pm. Each train would cause a maximum barrier downtime of 2.5mins. This is far less than a stopping passenger train coming from Leicester, which is 4-5 minutes.

In each hour the total barrier down time would be approximately 20 minutes, with 40 minutes open which is well within Network Rail's acceptable barrier down time at a level crossing. This does not constitute a significant impact to health, equality or constitute any significant impact on emergency services.

The Equality Act is to prevent illegal discrimination, foster opportunity for improved equality, and relations between those with and without a protected characteristic.

13

Concern has been raised regarding the absence of an equality baseline to establish the presence of individuals with a protected characteristic.

As previously explained, it is not appropriate or needed to set a detailed baseline for age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or

It is hoped that this clarification text is sufficient to remove this as a disagreement.

If not, the matter will proceed to the health topic Issue Specific Hearing which we consider to be a waste of Examination time.

national origin, religion or belief, sex or sexual orientation.

To do so firstly runs the risk of discrimination, but it also sets a level of false accuracy, as the data will never fully capture all of the characteristics, or account for how some of these characteristics vary over stages of life and none will be static spatially.

As an example, if there was a baseline that indicated the absence of all protected characteristics at that time, then any individual missed in that baseline, or moved in following it, would not be considered. Equally, depending on personal circumstance and stage of life, an individual could fall within and out of the definition of a protected characteristic.

Asking for a baseline that will not be accurate, or to enter this into the public domain that might result in discrimination is therefore inappropriate and contrary to the Equality Act.

The correct approach is to therefore consider the hazard in general, and then consider if it presents any discrimination or disproportionate risk to any and all of the protected characteristics (irrespective of if you know they are present or not).

This way you don't need to know who lives in which house, it removes false accuracy, and you have a far broader and more precautionary means to test any discrimination or disproportionate risk from what is proposed.

14.

There remains a fundamental disagreement to the Planning Inspectorate's agreed approach and scope to the assessment of health, and that a voluntary, non-regulatory Health Impact Assessment would have been preferential. The Applicant's position remains that no evidence has been advanced to substantiate this point and that the health briefing note that it produced to help consolidate the relevant information was constructive, and a more than sufficient response to concerns raised during

Disagree

Do you still want this one in there?

consultation.	

2. AGREEMENT ON THIS SOCG

This Statement of (Common Ground has been jointly prepared and agreed by:
Name:	
Signature:	
Position:	
On behalf of:	Tritax Symmetry (Hinckley) Limited
Date:	
Name:	
Signature:	
Position:	
On behalf of:	Leicestershire County Council
Date:	

August 2023 33

Appendix A

See below most recent PROW discussions which have taken place with LCC and attached plans submitted to LCC

LCC Comments Applicants Response	LCC Response	Applications further response
General comment – missing details of widths, surfacing, gradients, fencing etc. Therefore, unable to confirm if alternative routes proposed are acceptable. We have generally allowed a minimum width of 3m for new/diverted public rights of way. Where space allows, we have provided wider corridors for verge strips, land drainage, fencing etc. and would propose that we agree the details of these at the detailed design stage. Similarly, surfacing materials and requirements for fencing will vary depending upon usage and location, and will be subject to detailed assessment and consultation with LCC. We would therefore look to agree these as part of the detailed design process. Gradients of new PRoWs are designed to be as gentle as possible and generally no steeper than 1 in 20. If there are any particular areas of concern, we are happy to look more closely, but in general would welcome the opportunity to discuss the geometric design	I am afraid that the assumptions made in respect of widths do not accord with the Leicestershire Highway Design Guide (see Appendix). The minimum width for PRoW provision is 4m (2m surfacing with 2 x 1m verges), increasing to 5m for bridleways. When we met, Fiona mentioned that there were drawings available in the application submission that showed further details. I would be grateful if these document references could be provided as we have been unable to locate them. As we discussed, whilst the specific details of the PRoW can be finalised at detailed design stage (albeit we cannot find that this is covered by a requirement given that the only reference is to the PRoW Strategy which does not appear to provide any reassurances on design parameters) we need to be	Requirement 4(2)d Detailed Design Approval covers this matter, details of cycle tracks, footpaths and bridleways, including highway crossing points for pedestrian, bicycle and equestrian traffic must be submitted. Please find attached annotated PROW plan to confirm that the proposed new and diverted PRoW can be delivered to standards.

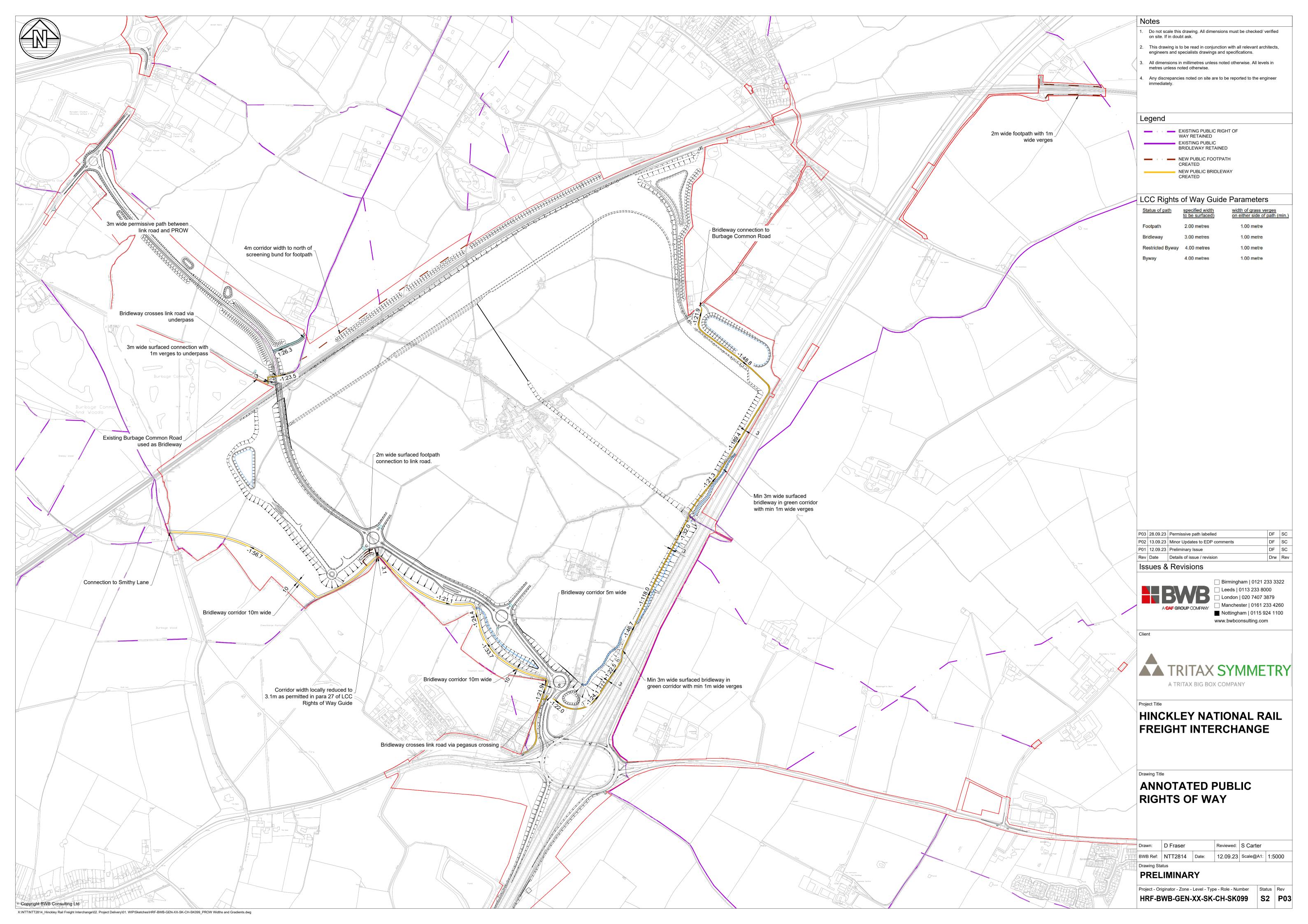
	of PRoWs in more detail during the detailed design process.	be diverted, the diverted route can be delivered to standards. To date we have not seen any information to demonstrate that is the case, and can find no commitment in the application submission to specific design parameters.	
<u>U52</u> No details provided of proposed underpass – suitable for equestrian use?	The underpass will be suitable for equestrian use. We are in the process of producing a plan and section of the proposal and will issue this as a sketch in due course.	We look forward to receiving the details of the underpass for review.	Please find attached plan showing the underpass.
Is there proposed to be a direct connection to the link road?	Please refer to ES Figure 11.14 which shows connectivity to the link road via a permissive path from U52	ES Figure 11.14 appears to refer to "Site Character and Context":	Figure 11.14 is the Public Rights of Way Strategy, figure 11.4 is Site Character and Context.
		This does not include for the link road or PRoWs. As we discussed when we met, we cannot find a drawing that demonstrates that a connection is deliverable given level differences between the PRoW, the link road, and given the constraints of maintaining the existing private access. Please	As noted above the plan that was referred to illustrates the permissive path, we do not have a PRoW link. The annotated PROW plan that we have produced illustrates this link, its width and that the longitudinal gradient is suitable.

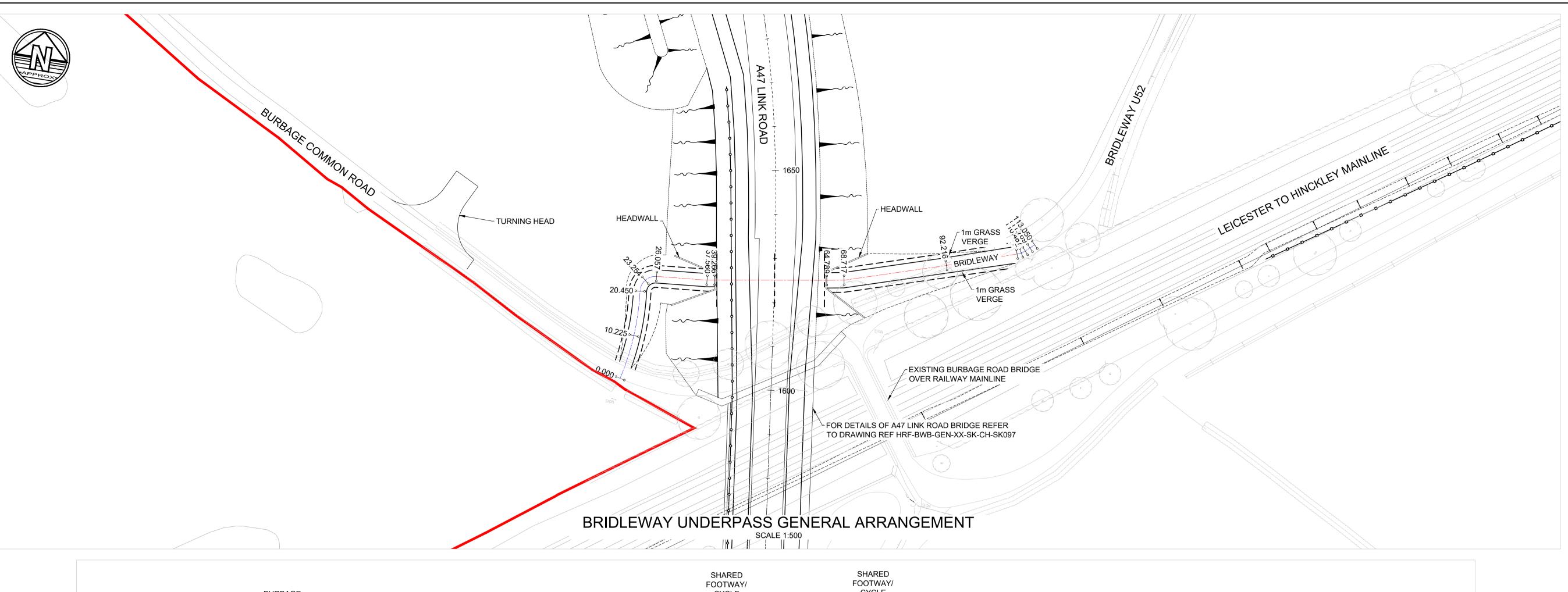
		can you provide the drawing reference that demonstrates this?	
V35/1 This should be stopped up inside red line boundary where duplicated by proposed bridleway.	Stopping up V35/1 within the red line would leave sections outside of the red line with no connectivity. It is therefore not proposed to stop any of this right of way up as it is not affected by the proposed works.	In which case, we will agree to disagree, and our concerns remain in respect of the enclosure of the PRoW with acoustic fencing, and the duplication of routes for future maintenance.	There is not a duplication of routes, the existing PRoW gives access to Freeholt route on a public footpath through Aston Firs and direct access for Aston Firs Residents. The new route provides bridleway access north of the woodland. The plan below illustrates how PRoW V35 would pass through the acoustic fence in accordance with LCC PRoW Standards.
Railway crossings			
Footpath diversion is 440m, current route is 20m. What is the justification given the distance from the development? Who owns existing bridge structure and where does the responsibility rest for future maintenance?	The Thorney Fields Farm is at a distance from the site, however Network Rail have identified Thorneyfields Farm level crossing as a directly affected crossing for the reasoning that a situation could arise whereby a 775m train may have to wait nearby on the mainline to enter the terminal. A waiting train on the mainline could block views of trains coming in the other direction at speeds of up to 90 mile per hour,	Thank you for the clarification. Please can you point us to the documents that confirm Network Rail ownership and future maintenance responsibility.	Land Plan Sheet 2 of 8 identifies plot 55 which is the bridge over the railway line. The Book of Reference confirms that Network Rail own and occupy the bridge. As the bridge is a Network Rail asset which they both own and occupy it is their responsibility to maintain their asset.

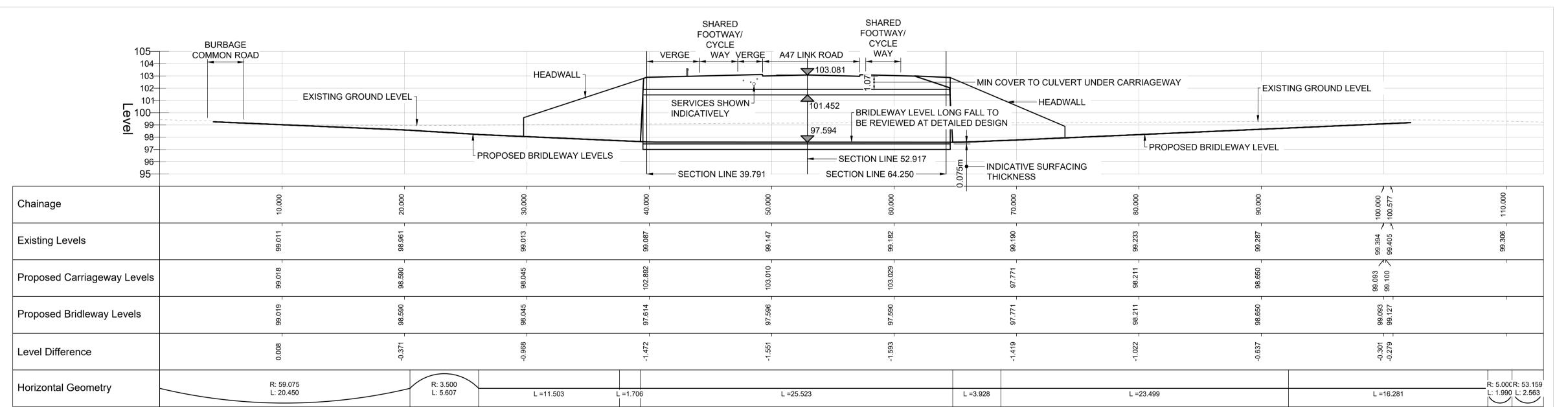
	Network Rail have determined a safety risk is present whereby a pedestrian may attempt the crossing in this situation. The existing bridge structure is in the ownership of Network Rail and future maintenance for the bridge will continue to rest with Network Rail.		
T89/1 – Elmesthorpe Alternative provision inadequate (narrow footpath over Station Road bridge).	The alternative provision is via highways maintained footways utilising Bostock Close, a proposed crossing point over Station Road and the footway on the south western side of Station Road over the railway bridge. This is a well used route and considered to be a much safer alternative to either the level crossing or the stepped access onto the north eastern side of Station Road Bridge which requires the use of a stile and for users to climb over a safety barrier onto a narrow hardened verge and the use of the south western footway to cross the railway bridge. The Surveillance Group Ltd. was commissioned by Network Rail to undertake a 9-	When we met Fiona stated that a Road Safety Audit/Assessment had been carried out of the diverted route, please can you arrange for this to be forwarded. For the benefit of doubt, consideration is not just in respect of existing users of the PRoW, but future users particularly since the submitted Sustainable Transport Strategy relies on PRoWs to provide walking connections to the site.	We have undertaken a risk assessment on the alternative route provided in replacement of the closed section of this PROW and we consider that our proposal is considerably safer than the current arrangements for crossing the railway in this location. Our proposal removes a level crossing as noted in red above, as well as the arrangement on the B581 bridge which has a stile over a section of steel safety barrier. Instead, we are encouraging users to utilise existing footways alongside the public highway and providing a crossing point with tactile paving to cross the B581 (not currently available for either users of footways or PROWs). Given that

	Day Detailed Traffic Census at the Elmesthorpe Level Crossing between 13 th November and 21 st November 2021. During this period, the crossing was used by 12 pedestrians, which equated to an average of 1.3 (2) people per day. This was consistent with previous surveys.		these works involve amendments to public highway through the addition of an uncontrolled crossing, the proposal will be added to the RSA Brief for offsite works.
V23 & U50 – North of application site Missing details of alternative provision including how the route connects to the link road.	Please see Access and Rights of Way Plan Sheet 1. Connection to the link road is via the permissive path noted above in relation to U52.	As above, please provide a drawing that demonstrates that a connection is deliverable given level differences between the PRoW, the link road, and given the constraints of maintaining the existing private access.	The permissive path has been added to the annotated PROW plan that we have included. This shows the path, its width and demonstrates that the gradient is suitable for a path of this type.
U8- Outwoods No details of proposed structure provided. Who will adopt the structure and be responsible for its ongoing maintenance (NR have said in their RR they will not). This is not something that LCC will consider adopting.	Work is ongoing with Network Rail to determine the design of the bridge; the bridge however will be to a Network Rail specification. The relevant representation made by Network Rail suggesting that LCC Highways take on the bridge is acknowledged however it is expected that this would be a	Thank you for the confirmation. We assume that the bridge design parameters will be set out in a requirement, and Network Rail's future responsibilities will be covered in the DCO? Please can you clarify.	4(2)a covers the matter of Detailed Design Approval for rail infrastructure, Network Rail are currently engaged on the design of this bridge. Network Rails future responsibilities will be covered by Network Rail's Network Licence.

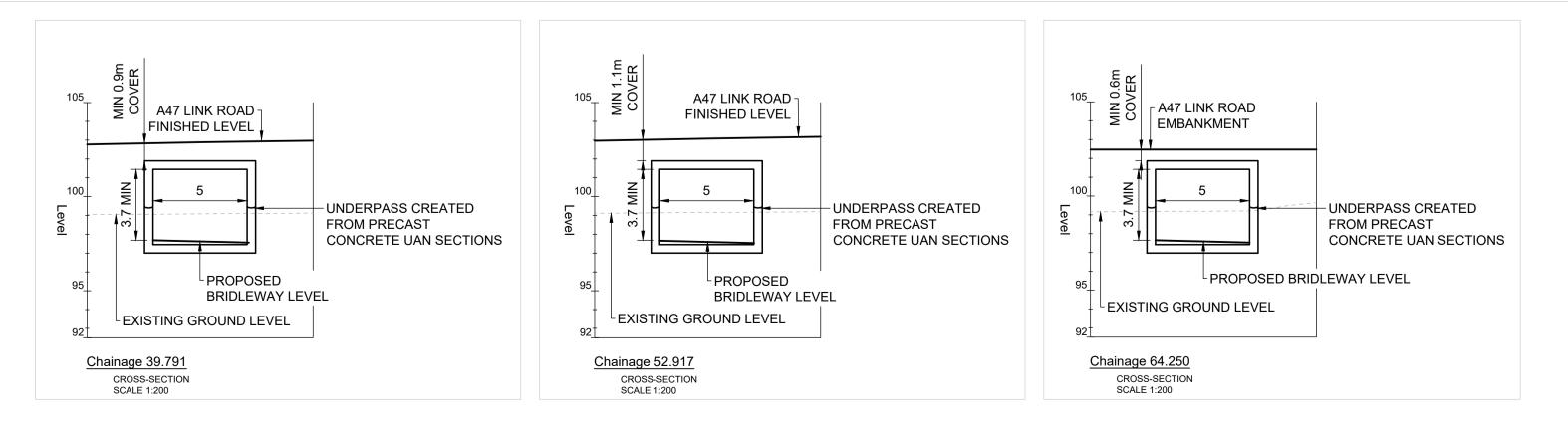
Question deliverability noting	Network Rail asset and this point	
restricted access route and	has been reported to Network	
limited red line boundary.	Rail. Details of the deliverability	
	of this bridge is contained at	
	Appendix 1.1 of the CEMP	
	submitted as part of the DCO	
	application.	







BRIDLEWAY UNDERPASS LONGSECTION SCALE: H 1:200,V 1:200. DATUM: 95.000 (TAKEN ALONG BRIDLEWAY CENTRLINE ALIGNMENT)



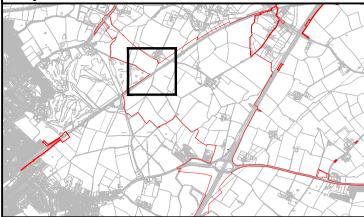
Notes

- DO NOT SCALE THIS DRAWING. ALL DIMENSIONS MUST BE CHECKED/ VERIFIED ON SITE. IF IN DOUBT ASK.
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS, ENGINEERS AND SPECIALISTS DRAWINGS AND SPECIFICATIONS.
- ALL DIMENSIONS IN METRES UNLESS NOTED OTHERWISE. ALL LEVELS IN METRES UNLESS NOTED OTHERWISE.

TO THE ENGINEER IMMEDIATELY.

- ANY DISCREPANCIES NOTED ON SITE ARE TO BE REPORTED
- DRAINAGE INCLUDING LONG FALL OF THE STRUCTURE IS TO BE CONFIRMED DURING DESIGN DEVELOPMENT.





Legend

DCO BOUNDARY



→ HIGHWAY NOISE FENCE

BRIDLEWAY ALIGNMENT

Health, Safety & Environmental Information 1. IT IS THE RESPONSIBILITY OF EVERY PERSON INVOLVED WITH

- THESE WORKS TO NOTIFY THEIR SUPERVISOR IMMEDIATELY OF ANY CONCERNS THAT THEY HAVE OR THAT HAVE BEEN REPORTED TO THEM REGARDING ANY HEALTH, SAFETY OR ENVIRONMENTAL MATTER.
- 2. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY TEMPORARY SHORING AND BRACING TO EXCAVATIONS. 3. REFER TO HRF-BWB-GEN-ZZ-RA-CH-00002_BRIDLEWAY
- UNDERPASS DRA 4. A DESIGN RISK ASSESSMENT HAS IDENTIFIED THE FOLLOWING RESIDUAL HAZARDS:
- U005 STANDING WATER RESULTING IN HAZARD ESPECIALLY DURING **COLD WEATHER**
- U011 WATER LEAKING THROUGH CULVERT JOINTS

J010 EXISTING/PROPOSED SERVICES AND OTHER REQUIREMENTS U003 GROUND CONDITION AND SUITABILITY OF THE PROPOSED FORM OF CONSTRUCTION

007 INTERFACE WITH THE BRIDGE. CHANGES TO CARRIAGEWAY, AND BRIDGE LEVELS MAY ADVERSELY IMPACT THE UNDERPASS LEVELS AND THE FORM OF CONSTRUCTION



P01	21.09.23	Preliminary Issue	MjT	DM
Rev	Date	Details of issue / revision	Drw	Rev

Issues & Revisions



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HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

BRIDLEWAY UNDERPASS GENERAL ARRANGEMENT

Drawn:	M. Truman		Reviewed:	D. Mayadunne	
BWB Ref:	NTT2814	Date:	21.09.23	Scale@A1:	See Dwg

Drawing Status FOR INFORMATION

Project - Originator - Zone - Level - Type - Role - Number HRF-BWB-SBR-ZZ-DR-CB-1700 S2 P01