

Parker Strategic Land and Bailey & Woodward

Hinckley National Rail Freight Interchange

WRITTEN STATEMENT OF ORAL CASE AT CAH 2

Introduction

1. Parker and the joint landowners by whom we are instructed own and control Plot 101 within Schedule 10 of the draft DCO which is listed as being subject to temporary possession powers under Article 32. The inclusion of this land is objected to by Parker and the landowners.
2. Parker Strategic Land and others' written representations are found at REP1-218. A similar case was put forward at CAH1 that:
 - a. No compelling case – none of the formal documents set out a good reason for taking this site as opposed to justifying the project more generally.
 - b. Alternative means exist to bring about the scheme using land within the main body of the application site.
 - c. Lack of consideration of alternatives.
3. All three points remain following receipt of the Applicant's response document REP1-027.
4. Three points are made by the Applicant in response to our objection they are:
 - a. That the justification is set out within the Statement of Reasons (REP1-005)
 - b. That this location is justified because
 - i. Use of the main site would require interference with public use of the B4669
 - ii. It would not fit with current indicative phasing to use land in the main site.
 - c. Taking temporary possession would not be likely to interfere with the consortium's development plans for their land.
5. None of these points are well made.

Justification in general

6. The SoR provides a very high level justification for the project as a whole. It says nothing specifically about plot 101. The only site-specific justification is now found within REP1-027.

Justification for not using the main site

7. The starting point is that the main body of the site is large and the phasing spans 10 years (ES Ch.3 Table 3.9) with highways works including work 9 being delivered within Phase A. there is therefore a large balance of land remaining which could be used for construction compounds as it is not due to be developed until later in the build.
8. Not using this land is a choice which should be robustly justified given that this decision leads to an interference with private interests.
9. Moreover, the interference is greater than assumed by the applicant – a matter returned to below. The justification is therefore required to be all the more compelling.
10. First, in relation to the alleged impacts on the B4669 from using land in the main body of the site, Parker and the Landowners simply cannot see how this would occur. The main site sits directly to the north west of Junction 2 and has direct access via the proposed link and roundabout also due to form part of Phase A (see APP-050 phasing and works plan 1) without needing to utilise the B4669 to reach the proposed slip road to the south of J2.
11. Second, in relation to phasing, it is not correct to state, as the applicant does that there is no “space” for a compound within the main body of the site due to the creation of development platforms. Only two platforms are due to be created in Phase A. The entire balance of the site remains. Further, it is noted that the Applicant’s indicative phasing places the first two units to be constructed immediately to the north of J2 and at the furthest possible point from the rail port which is said to justify the scheme and bring it within the NN NPS. The phasing is indicative and there is no reason at all why the Applicant cannot (and indeed should not arguably be required to) deliver units near to the rail port first, thus leaving land immediately adjacent to J2 for the required compound. It is this commercial decision by the applicant which in reality has led to the interference with private land interests outside the main body of the site.
12. In short, a series of choices has led to the current phasing and resultant desire to place the compound on our clients’ land. This is far from amounting to a compelling case.

Scale of interference

13. The Applicant wrongly assumes that there would be no ‘clash’ between its project and that of our clients. Together the dDCO and the indicative phasing proposed in the ES Ch.3 would see land draw down in years 0-2 and phase A delivered across years 3-5. Article 32 then only requires the applicant to return the land within one year following completion of the relevant works (here, Work No.9) – a total of a possible 6 years where our clients will be out of possession and ending in around mid 2030 at the upper extent.
14. At present, our clients are working towards a planning application to be submitted towards the end of 2024/ start of 2025, in line with the programme for the publication of the Council’s Regulation 19 draft Local Plan and proposed submission in March 2025. This should see a grant of planning permission in 2025 and implementation shortly thereafter. Even allowing for delays, our clients would intend to commence delivery on site in 2026/27 – some three to four years before the dDCO would see the return of their land.
15. The dDCO as presently drafted therefore has the consequence of delaying a major employment site within the emerging local plan for a period of up to four years. This interference has an obvious impact which goes beyond the private interests of our clients and results in a wider economic effect on the district and its delivery of its local plan ambition. The large scale of effect is no where near justified by the scant reasoning provided by the applicant to date.
16. At the hearing, the Applicant sought to argue that Parker’s proposed development was in some way dependent upon the DCO being granted. Whilst the development may prove to be contingent upon the provision of new slip roads, the DCO is not the only mechanism for delivering those slip roads as there is a “without DCO” proposal for the junction improvements to be funded by strategic allocations in the emerging plan. Therefore, whilst the slip roads need to be delivered, the DCO does not and the point in relation to the extent of harm caused by the temporary land take remains.