

Consortium and Mrs Jennifer Taylor

Hinckley National Rail Freight Interchange

WRITTEN STATEMENT OF ORAL CASE AT CAH 2

Introduction

1. The consortium and Mrs Taylor by whom we are instructed own and control Plot 122 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 Mrs Taylor and the consortium.
2. The consortium and Mrs Taylor's written representations are found at REP1-217. Their position, in respect of the proposed temporary possession powers, is that:
 - a. No compelling case has been made;
 - b. Alternative means exist to bring about the scheme using land elsewhere;
 - c. There is a lack of consideration of alternatives.
3. Three points are made by the Applicant in their response document REP1-027. They are:
 - a. That the justification is set out within the Statement of Reasons (REP1-005).
 - b. That this location is also justified because Plot 122 is the 'closest and most suitable' location for the temporary use of land as a construction compound whilst the associated traffic signals and junction works are taking place.
 - c. Taking temporary possession would not be likely to interfere with the consortium's development plans for their land.
4. These points are not well made, for the following reasons:

Justification in SoR

5. The SoR says nothing specifically about plot 122. The only site-specific justification is now found within the applicant's response document REP1-027.

Justification in general

6. However, even in document REP1-027, there is no analysis or explanation given for why approximately 1.5 acres of land is required for a construction compound only associated with

relatively minor traffic signal and junction improvement works at the Hinckley Road / Stanton Lane junction. Without any such analysis or explanation, the proposed land take in plot 122 appears excessive.

7. The applicant also states that the shape of plot 122 has been carefully drawn to minimise the impact on Mrs Taylors land. In particular, the ‘donut’ shape has been drawn to allow appropriate access in a way which avoids hedgerow removal and that exclusive possession of the access way will not be taken. However, Article 32 of the draft DCO does not refer to non-exclusive possession. Furthermore, the applicant accepts that the centre of the field would be ‘isolated’.
8. In light of this, it is hard to see how plot 122 is ‘the most suitable’ shape and location for such a compound. There is clearly significant interference with Mrs Taylor’s land interest due to the size and shape of the plot and it is surprising that no other size or shape plot could be taken which would constitute a much lesser inference whist simultaneously providing appropriate access.
9. In particular, the applicant’s response says nothing about the possibility of using the main site or even any alterative land in the vicinity. Only vague comments about the land being ‘closest and most suitable’ are given.
10. The main body of the site is large and the highways works including ‘Work No. 10’ will be delivered in the Phase A (ES Ch 3, table at page 3-29). There is, therefore, a large area of land remaining that could be used for construction compounds as it is not due to be developed until later on. Not using this land should be robustly justified. No such justification has been given.
11. Even if the applicant was able to successfully argue that greater proximity to the traffic signals and junction works is necessary, there has been no consideration of alternatives within the immediate area. On obvious example is the broad verge in front of Sapcote Garden Centre off Hinckley Road. That land is already subject to proposed permanent acquisition powers in the draft DCO is identified as plot 125 on Land Plan sheet 7 (Doc APP-064). It is some 9 metres wide and 200m long. From Highways Works Plan Sheet 7 (Document APP-028), it can be seen that, much of it is not required for the junction works and could, quite reasonably, hold a construction compound (perhaps alongside land within the main body of the DCO site).
12. There are clearly reasonable alternatives that would not interfere with Mrs Taylor’s land and those alternatives have not been properly considered. The proposed temporary acquisition of plot 122 is simply a convenient option for the applicant. That does not demonstrate a compelling case in the public interest.

Scale of interference

13. The Applicant wrongly assumes that there would be no ‘clash’ between its project and that of our clients.
14. However, as with Parker Strategic Land’s site to the southwest of M69 junction2, our clients are working towards a planning application being submitted towards the end of 2024 in line with the programme for the publication of the Council’s Regulation 19 draft Local Plan. 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.
15. The dDCO and indicative phasing plan currently provides for the retention of Mrs Taylor’s land until mid 2030, some four years after the consortium intend to commence development on their site to the west of Stoney Stanton. There is clearly a potential for interference and this is not justified by the information provided by the applicant to date.