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The Applicant

Your Ref:

Our Ref: TR050007

Date: 9 November 2023

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Dear Sirs

## **The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17**

### **Application by Tritax Symmetry (Hinckley) Limited for an Order Granting Development Consent for the Hinckley National Rail Freight Interchange**

#### **Request for further information**

I refer to the Applicant's submissions at Deadline 2 (24 October 2023) and the subsequent discussions at the Hearings held during week beginning the 30 October 2023.

While there was a cover letter with this submission, this did not make clear whether the Applicant was requesting a formal change to the Application as previously intended; see the Applicant's letter dated 5 September 2023 [PDA-021], the Examining Authority's (ExA's) Rule 17 letter of 22 September 2023 [PD-007], and the Applicant's letter of 10 October 2023 [REP1-001]. We note that a revised Land Plans Sheet 1 of 8 and Book of Reference were submitted at Deadline 2.

As highlighted in the discussion at the Hearing, the main outstanding issue relates to the purported interest of Network Rail in what is shown as Plot 22a of the Land Plans. The Applicant's letter of 5 September indicated that the proposed change was at the request of Network Rail. Accordingly, it would appear that Network Rail believes it has an interest in this plot of land.

In order to provide clarity to all parties, the Applicant is requested to confirm whether it is formally requesting the changes identified by **Deadline 3 (14 November 2023)**. The discussions at the Hearing indicated that this was the case. The Applicant is also asked to provide information as to why it considers that these changes would be acceptable in line with paragraphs 109 to 115 of DCLG Guidance 'Planning Act 2008: Examination of Applications for Development Consent' and the Planning Inspectorate's Advice Note 16<sup>1</sup>.

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<sup>1</sup> Advice note sixteen: How to request a change which may be material

If this is formally proposed, then this purported interest of Network Rail would be in addition to those indicated in the original Book of Reference [APP-090] and thus the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (as amended) (the CA Regulations) would be engaged. Unless Network Rail explicitly and in writing confirms its agreement to the acquisition of its rights (see Regulation 4 of the CA Regulations), then the procedure set out in Regulations 5 to 19 of the CA Regulations will apply.

Again, if formally proposed, the Applicant is requested to set out how the requirements of the relevant CA Regulations could be incorporated within the Examination Timetable. This would be required by **Deadline 3 (14 November 2023)**, with reference made to the necessary publicity arrangements that need to be followed.

Once this communication has been received, the ExA will be in a position to determine whether it is able to accept the proposed changes into the Examination and whether there would be any necessary changes to the Examination Timetable (noting the need in the CA Regulations for additional hearings).

The Applicant is also requested to consider the situation in respect of Plot 100 on the Land Plans (Sheet 4 of 8) [APP-061]. The Applicant will be aware that this was subject to an Action Point following the Compulsory Acquisition Hearing 2 with a response to be made at Deadline 3. The Applicant is requested to minimise the number of change requests made.

Yours sincerely

*Robert Jackson*

Robert Jackson  
**Lead Panel Member of the Examining Authority**

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