

Tritax Symmetry (Hinckley) Limited

**HINCKLEY NATIONAL
RAIL FREIGHT INTERCHANGE**

**The Hinckley National Rail Freight Interchange
Development Consent Order**

Project reference TR050007

Applicant's written statement of oral case at ISH3

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1. INTRODUCTION

1.1. This document presents the written summary of the Applicant's oral submissions for the following hearings that took place as part of the examination on HNRFI.

- **Issue Specific Hearing 3 (ISH3)** – Environmental Matters 1 November 2023

1.2. The hearing took place at the Leonardo Hotel Hinckley Island, Watling Street, Burbage, Hinckley and was a blended event with attendees on MSTeams.

2. SUBMISSIONS IN RESPONSE TO MATTERS RAISED AT ISH3

Agenda item	Matter	Applicant's submission
1	<p>Welcome and introductions</p> <p>The ExA opened the hearing, introduced themselves and invited those parties present to introduce themselves.</p>	<p>On behalf of the Applicant, Tritax Symmetry Ltd.</p> <ul style="list-style-type: none"> • Mr Paul Maile, Eversheds Sutherland LLP • Mrs Laura-Beth Hutton, Eversheds Sutherland LLP • Ms Claire Meddings, BWB Consulting (Air Quality) • Ms Amy Van De Sande, BWB Consulting (Air Quality) • Mr Iqbal Rassoul, BWB Consulting (Climate and Greenhouse Gases) • Mr Michael Neep, Environmental Dimension Partnership (Biodiversity) • Mr Mike Barrett, BWB Consulting (Noise and Vibration) • Ms Lucy Elmer, BWB Consulting (Noise and Vibration) • Mr Ben Connolley, Environmental Dimension Partnership (Landscape and Visual) • Mr Martin Lakin, AJA Architects (Design) • Mr Peter Leonard, BWB Consulting (Lighting) • Mr Eddy Stratford, Environmental Design Partnership (Cultural Heritage)
2	<p>Purpose of the Issue Specific Hearing</p> <p>The ExA explained the purpose of the ISH, to include discussion on the nature and scope of the application and the draft development consent order.</p>	N/A
3	<p>Air Quality</p>	N/A
3a	<p><i>Environmental Improvement Plan</i></p> <p>The ExA suggested to the applicant that the Environmental Improvement Plan together with the environmental targets relevant to</p>	<p>The Applicant has provided an Air Quality addendum to include the PM2.5 interim target as set out in the Environmental Improvement Plan and the PM2.5 future objectives as set out in The Environmental Targets (Fine Particulate Matter) Regulations 2023, into Appendix 9.2 (document reference 6.2.9.2A) for Deadline 3.</p>

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	<p>fine particulate matter should now be included in Appendix 9.2.</p> <p>Air quality effects associated with traffic queuing at Narborough level crossing were questioned.</p>	<p>The Applicant confirmed in the hearing that it had agreed to undertake a review at Narborough Level Crossing with Blaby District Council and has provided Appendix C: Air Quality at Narborough Crossing Note (document reference 18.7.3) for Deadline 3. The Applicant adds that this note will form part of the Blaby District Council SoCG and submitted at Deadline 3.</p>
3b	<p><i>Air Quality Management Areas</i></p> <p>BDC confirmed that additional information had been provided by the Applicant at Deadline 2 as part of the SOCG with BDC to consider AQMA 6 and that this matter was now resolved.</p>	<p>The Applicant has agreed the information provided at Deadline 2 has resolved this matter and no further information is required.</p>
3c	<p><i>Dust Mitigation</i></p> <p><i>Dust impacts on Burbage Common was raised and appropriate mitigation measures have been questioned asking specifically whether they are part of the Construction Management Plan.</i></p>	<p>The Applicant confirmed that discussions with Natural England have taken place regarding the CEMP (document reference 17.1) requirements and that does specifically include dust management plan and dust management measures, specifically in line with the highly recommended measures within the Air Quality chapter (document reference 6.1.9). Natural England are happy with the position.</p> <p>The Applicant has provided Appendix B - Air Quality Effects at Acorns Cafe and Burbage Common Play Area for Deadline 3.</p>
3d	<p><i>Emissions and consideration of Boswell v Sec of State for Transport</i></p> <p>LCC noted that the worst case approach for modal shift is the correct assessment approach. DCO requirement 10 is also</p>	<p>The Applicant confirmed that the assessment aligns with the Boswell case. The approach follows IEMA guidance and the methodology was agreed through the scoping.</p> <p>With regards to modal shift benefits, these have been commented on within the Energy and Climate Change assessment (Document reference 6.1.18) but have not been factored into the figures on a precautionary basis. The modal shift will undoubtedly create a benefit. With</p>

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	<p>useful, but it does not secure any level of modal shift.</p> <p>Increased emissions as a result of additional barrier downtime was</p>	<p>regards to the cumulative assessment forecasts to 2036 are used therefore does inherently have growth factored into the figures.</p>
3e	<p><i>Construction emissions</i></p> <p>It was noted that the Climate Change assessments are based on several factors and the Applicant was requested to elaborate.</p> <p>Queried whether construction emissions should be based on the peak flows and whether works in early construction would this make any difference to the analysis?</p> <p>Concern regarding nitrogen deposition on Freeholt Wood, requesting further information.</p>	<p>The Applicant notes that there was an element of quantitative assessment and qualitative assessment within the Climate Change assessment. The qualitative elements were felt to be insignificant when looking at the balance of carbon.</p> <p>The Applicant, in Appendix A - Air Quality and Greenhouse Gases Construction Traffic Update Note (document reference 18.7.1), has provided clarification on the Air Quality assessment and modelling of construction traffic and how it was assessed and modelled, and the assessment of greenhouse gases undertaken in the Climate Change Chapter for Deadline 3.</p> <p>The Applicant in Appendix E - Biodiversity Note on Nitrogen Deposition and sHRA (document reference 18.7.6) has provided a note specifically reviewing upstream effects and benefits for calculations.</p>
3f	<p><i>Energy generation</i></p> <p>The following key points were raised:</p> <ul style="list-style-type: none"> • Questions whether, following Written Representations, the applicant needs to resubmit a revised Energy Strategy and 	<p>The Applicant confirmed that a revised Energy Strategy (document reference 6.2.18.1) is to be submitted at Deadline 3. The document is updated to state that a ground source heat pump (GSHP) system is not typically considered for industrial and logistics buildings due to the economic viability of large scale installations and the systems inherent inflexibility. Should the building's final use or occupier be known prior to construction, the technology to be adopted will be assessed on a case by case basis and agreed with the tenant to match their particular needs. In all such cases the best sustainable technology will be adopted and GSHP will be included in the set of technologies considered.</p>

Commented [AL1]: I have noted that we were asked to review and model emissions for increased barrier downtime at Narborough LX?

Commented [HL2R1]: Think this is dealt with above at 3a - I have added some wording to clarify that we had already agreed to do this before the hearing.

Commented [AL3]: We were asked for a sensitivity analysis on phased construction analysis. Is this part of the submission?

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	<p>whether the 50MW limit is exceeded.</p> <ul style="list-style-type: none"> • Request for the applicant to give an indication of the likely frequency of the energy centre use and whether emissions have been considered. • Consideration of low carbon solutions • Queried whether the Applicant has had any discussions with the fire and rescue authority in terms of battery storage systems? • Applicant questioned whether 2023 Battery Storage Guidance has been used. • David Bill (Burbage PC) raised concerns over no guarantee for rail freight to be used. 	<p>A broad principle of a strategy involving photovoltaics for the primary generation and electricity grid supply for dealing with peaks and battery storage.</p> <p>The Applicant, in Appendix D - Battery Storage Update Note (document reference 18.7.4) provides an update on consultation with Fire and Rescue in relation to battery storage for Deadline 3. This note also explores the implications of 2023 Battery Storage Guidance.</p> <p>The Applicant has requested David Bill's data at Deadline 3 and will respond at Deadline 4.</p>
4	Biodiversity	N/A
4a	<i>Arboricultural issues</i>	N/A
4b	<i>Protected Species Assessment</i>	The Applicant noted that draft Shadow licenses have been submitted to Natural England and they will respond within 30 days. This response will be within the timeframes of Deadline 4

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	An update on Shadow licence applications was requested.	and the Applicant anticipates being able to submit a Letter of No Impediment for Deadline 4. Natural England have had no issues with the mitigation proposed to date.
4c	<p><i>Shadow Habitats Regulation Assessment</i></p> <p>The approach to a Shadow Habitats Regulation Assessment was queried, specifically querying status of significant effects.</p> <p>Query regarding how the extension to Burbage Common will be secured.</p>	<p>The Applicant has provided Appendix E Biodiversity Note on Nitrogen Deposition and sHRA (document reference 18.7.6) which provides a note on field and desk based studies undertaken for the Shadow Habitats Regulation Assessment for Deadline 3.</p> <p>The Applicant noted that there is no proposal to formally extend Burbage Common, i.e. no new common land is being created. The Applicant has provided a clarification note in Appendix E (document reference 18.7.6) on the securing mechanism for access to Burbage Common for Deadline 3.</p>
4d	<p><i>Biodiversity Net Gain</i></p> <p>The Applicant was asked to demonstrate how the scheme would meet the 10% Biodiversity Net Gain target in respect of habitat and linear river units.</p> <p>Concern was raised with regards to vegetation loss not being included in the calculations, citing the M69 Junction.</p> <p>CPRE raised a clarification question regarding woodland access.</p> <p>It was raised that phasing delivery of Biodiversity Net Gain can reduce the need for offsite delivery.</p>	<p>The Applicant noted that credits are to be secured offsite through organisations such as Environmental Bank or a backstop of national credits as required.</p> <p>The Applicant noted that the DCO requirement 30 ensures a 10% Biodiversity Net Gain and the Environmental Bank have confirmed credits available.</p> <p>The Applicant noted that the Biodiversity Net Gain is outline in nature currently and calculations are based on the Landscape and Ecological Management Plan (document reference 17.2) and a number of design parameters. This is standard practice for Biodiversity Net Gain at this outline stage.</p> <p>The Applicant noted that the Woodland Management Plan (document reference 6.2.12.4a) specifically deals with management within the site, but specifically enables management and protection offsite and engagement with other parties.</p>

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		The Applicant has taken the comment on phasing Biodiversity Net Gain delivery and will explore alternative approaches in the Landscape and Ecological Management Plan (document reference 17.2) where possible.
4e	<p><i>Mitigation</i></p> <p>Off-site mitigation locations were questioned.</p> <p>Securing mechanisms for off-site mitigation were also questioned.</p> <p>The assessment of the loss of the on-site stream was queried.</p>	<p>The Applicant noted that alternative sites in the local area are being considered, the Landscape and Ecological Management Plan (document reference 17.2) will be the securing mechanism.</p> <p>The Applicant notes that the Landscape Environmental Masterplan will be updated in line with the project phases. The Applicant notes that this will include long term management plans, which will have built in monitoring and remedial actions if the proposed habitats or the condition of the post habitats is not being met. Those remedial actions will be triggered and relevant management will be enacted.</p> <p>The Applicant stated that the assessment of the stream is based on its realignment. It is based on establishment of morphological features and difficult to predict how these will establish therefore the effect is considered to be moderate as reported in ES Chapter 12 - Ecology and biodiversity (document reference 6.1.12).</p>
5	Noise and Vibration	
5a	<p><i>Environmental Statement Chapter 10</i></p> <p>The following key points were raised:</p> <ul style="list-style-type: none"> • Questions around source noise data which has been used within the operational noise assessment. • Question regarding construction traffic data used within the 	<p>The Applicant has provided Appendix E: Noise Assessment Update Note (document reference 18.7.7) as part of Deadline 3. This note covers the following:</p> <ul style="list-style-type: none"> • Signposting the sites used for data that formed the basis of the operational noise assessment. • Providing clarification on approach to ground-borne vibration. • Clarification on the 10dB reduction and justification for this.

Commented [AL4]: There was a specific comment from BDC about viability of sourcing Environment Bank credits - has this been addressed?

Commented [AL5]: We were asked about a list of sites where background data has been scoped and who it has been scoped with. Has this been provided?

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	<p>assessment.</p> <ul style="list-style-type: none"> • Question regarding the modelling and assessment of ground-borne vibration. • Question regarding the existing baseline train movements being predicated on actual or timetabled rail movements. • Question regarding traffic movements through the Strategic Road Network and how they have been assessed. 	<p>The Applicant has agreed to confirm with National Highways who the scope of the construction traffic assessment was agreed with as not NH standard approach. The Applicant has agreed to discuss NMP 5 approach with National Highways outside examination.</p> <p>The Applicant noted that the noise model is based on timetabled events. From an acoustic theory perspective there would need to be a significant difference in the number of baseline movements to result in a significant difference to the existing baseline noise levels.</p> <p>The Applicant confirmed that the study area has been defined in line with DMRB guidance using traffic data provided by the Transport Consultants and subsequently assessed using the principles of DMRB.</p>
5b	<p><i>Noise Survey Method Statement</i></p> <p>The use of NMP5 for calibration of the road traffic noise model was questioned.</p> <p>It was queried whether the assessment had taken into consideration built (embedded/inherent) mitigation.</p> <p>The approach to the cumulative assessment was queried, specifically, traffic flows.</p>	<p>The Applicant has provided Appendix E: Noise Assessment Update as part of Deadline 3. This note covers the following:</p> <ul style="list-style-type: none"> • Clarification of the noise effects at Acorns Café and play area. • Providing a note on night-time noise at receptors. • Note on cumulative and in combination effects assessment for the noise assessment <p>The Applicant has agreed to discuss NMP 5 approach with National Highways outside examination.</p> <p>The Applicant confirmed that the assessment has taken into account landscape bunds.</p>

Commented [AL6]: There was a comment about sensitive noise receptors on one of the B Roads - didn't get down which one. Response was that BWB would answer in written form at D3. Has this been picked up?

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5c	<p><i>Statutory Nuisance</i></p> <p>Query whether percussive piling has been taken into account when assessing Statutory Nuisance.</p>	The exact piling strategy is currently unknown however the Applicant notes that the Construction Method Statement will detail the methods to be used and any control measures required.
6	Landscape and Visual Assessment	N/A
6a	<i>Parameters of the design of the landscaped mounds</i>	N/A
6b	<p><i>Lighting effects and mitigation</i></p> <p>Concerns regarding the assessment undertaken for the M69 were raised.</p> <p>Dark sky landscape and visual assessment was questioned.</p>	<p>The Applicant has provided Appendix G - M69 Lighting Proposals and associated effects for Deadline 3, this appendix provides the lighting design to National Highways for Deadline 3.</p> <p>The Applicant noted that the assessment of daytime and night-time effects were included within ES Chapter 11 - Landscape and visual effects (document reference 6.1.11). The Applicant stated that from agreed viewpoint locations where there was an assessment after dark that was then separated out to provide separate judgments, one during the day and one after dark based on the agreed methodology. The Applicant explained that the reduction in significance of the effect comes through a reduction in the value and susceptibility to change of the receptor at night, given that the receptors are not located within a dark sky landscape.</p> <p>A review of the night-time effects given additional lighting at the M69 Junction will be undertaken and any changes submitted at Deadline 4.</p>
6c	<p><i>Design Codes, Design and Access Statement and mitigation</i></p> <p>The content of the LUC Landscape Design Review Document was raised.</p>	In the reviewing the LUC Landscape Design Review Document, the Applicant, have prepared a written response (Document Reference 18.4.1 submitted at Deadline 1) and this was submitted as part of the Deadline 2 material on 24th October 2023, together with an update to the DAS (Ref 8.1 v2) and the Design Code (Ref 13.1 v4).

Commented [AL7]: Clarify whether lighting designed is dark sky approved in any case? I recall a comment along these lines from our team.

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	<p>Comments on the elevation treatment were also raised.</p> <p>Loss of the Veteran Tree T486.</p>	<p>The written response, addresses each and every one of their comments on a point by point basis, and where appropriate, directs towards the corresponding section within the DAS or Design Code where it had either already been addressed or how, through further clarification or extended commentary / imagery we propose to incorporate into the design, features and elements which satisfy the characteristics of a 'well designed place' as set out in the National Design Guide in the context of an SRFI.</p> <p>The Applicant noted that DCO requirement 4 secures the Design Code and does include a consideration of phasing.</p> <p>The HNRFI proposal, and the Parameters Plan (document reference 2.12) that has been prepared, have defined the vertical parameters of the scheme based upon an engineering review and design that started with the rail element of the works and the connection to the existing Felixstowe to Nuneaton line. This has the least flexibility in terms of its vertical alignment and geometry, and therefore defined the levels for the Railport, the development plateaus where a direct rail connection can be attained and the other development zones.</p> <p>The engineering design for the site, also took into account the need to create development plateaus that provide flexibility in the ultimate position of the boundaries of the individual development plots, and the location of the infrastructure that serves them.</p> <p>There was also a need to tie into the existing levels around the perimeter of the site; have a scheme that worked on creating a cut/fill balance for the earthworks to avoid the need to remove material from site. This means that the existing levels around the Veteran Tree and other features cannot be maintained.</p>
6d	<i>LVIA viewpoints</i>	N/A
7	Cultural Heritage	N/A
7a	Assessment of Heritage Assets	The Applicant acknowledged that the mitigation is not capable of fully mitigating the harm arising to designated heritage assets through visibility of the Proposed Development in raised

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	<p>An update on the assessment of heritage assets was requested.</p> <p>The securing mechanism for archaeological mitigation was questioned.</p>	<p>views, this is agreed with Historic England and therefore the residual harm is as stated in the assessment in ES Chapter 13 - Cultural heritage (document reference 6.1.13).</p> <p>The Applicant stated that DCO Requirement 12 sets out the mitigation strategy for archaeology.</p> <p>The Applicant has provided Appendix F: Note on Archaeological Mitigation Strategy for Non-Designated Heritage Assets for Deadline 3.</p>
7b	Effect on Conservation Areas	N/A
7c	Effect on archaeological assets	N/A
8	<p>Public Rights of Way</p> <p>The ExA addressed this agenda item in ISH2 and therefore this item on the agenda was not required.</p>	N/A
9	Next Steps and Action List	N/A
10	Closing	N/A