

Tritax Symmetry (Hinckley) Limited

HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

The Hinckley National Rail Freight Interchange Development Consent Order

Project reference TR050007

Written Statement of Oral Case ISH3 [Appendix F - Gypsy and Traveller Update Note]

Document reference: 18.8.6

Revision: 1

14 November 2023

Planning Act 2008

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

Relevant Legislation and Policy

1. BDC contend that there is a deficiency in the policy assessment of HNRFI, with the omission of reference to national policy set out in the Planning Policy for Traveller Sites (PPTS).
2. The Government's overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life, whilst respecting the interests of the settled community. (paragraph 3)
3. Thereafter paragraph 4 sets out the aims in respect of traveller sites. Namely:
 - a.) *'that local planning authorities should make their own assessment of need for the purposes of planning;*
 - b.) *to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;*
 - c.) *to encourage local planning authorities to plan for sites over a reasonable timescale;*
 - d.) *that plan-making and decision-taking should protect Green Belt from inappropriate development;*
 - e.) *to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;*
 - f.) *that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective; and*
 - g.) *for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies.'*
4. The PPTS is directed at the delivery of suitable sites to meet the accommodation needs of the Gypsy and Traveller community, and is not directly relevant to the proposed development. All planning policy statements interpreted objective in accordance with the language used, read as always in its proper context (Tesco v Dundee). It is submitted that the underlying policy purpose of the PPTS is as stated at paragraph 5:

*'To benefit those engaged in **planning for traveller sites**, specific policies for traveller sites are clearly set out in this separate document.'* (Emphasis added)

5. The potential impact of the Proposed Development upon the residential amenity of the occupiers of the Gypsy and Traveller Site, and the nearby mobile home site, is a material consideration.
6. The potential environmental effects have been taken into account through the accompanying environmental assessment.

Air Quality

7. ES Chapter 9 Air Quality (Document Ref 6.1.9 App-118) assesses the impact of HNRFI on air quality.
8. The conclusion from the construction phase road traffic assessment is stated at paragraph 9.203, namely:

'A quantitative construction phase road traffic emission assessment was undertaken to consider the impact of peak construction traffic vehicle movements on local air quality at identified existing human and ecological receptors. The impact of construction phase road traffic emissions at identified human receptors was determined to be 'not significant' in accordance with IAQM and EPUK guidance. No exceedances of the NO_x critical level or changes in nitrogen deposition of greater than 1% of the relevant critical loads were predicted. Furthermore the construction phase road traffic emissions will be temporary. The impact of construction phase road traffic emissions on human and ecological receptors was therefore considered to be 'not significant'.'

9. The conclusion from the operational phase road traffic emissions assessment is stated at paragraph 9.204, namely:

'A detailed operational phase road traffic emissions assessment was undertaken to consider the impact of development-generated road traffic on local air quality at

identified existing human receptor locations within the study area. This included cumulative traffic flows for the study area as detailed within Chapter 8: Traffic and Transport (document reference 6.1.8). Road traffic emissions were modelled using the dispersion model ADMS-Roads and concentrations of NO₂, PM₁₀ and PM_{2.5} were predicted at identified sensitive receptor locations within the study area. The modelling assessment was undertaken in accordance with DEFRA guidance. Changes in pollutant concentrations were determined and the impact of the development on local air quality at identified human receptors was predicted to be 'negligible' overall and therefore 'not significant' in accordance with IAQM and EPUK guidance.'

10. *The conclusion is drawn that HNRFI will have no adverse impact upon air quality for residents of the Gypsy and Traveller sites and mobile home sites off Smithy Lane, which would be significant.*

Noise and Vibration

11. ES Chapter 10, Noise and Vibration (Document Ref 6.1.10 App-119) assesses the noise and vibration impacts of HNRFI. Figure 10.2 (Document ref 6.3.10.2 App-271 identifies the noise and vibration monitoring positions. NMP2 is situated on the boundary of the DCO site between the Aston Firs Gypsy and Traveller site, and the mobile home site to the west. NMP5 is situated on the eastern boundary of Aston Firs. NSR28 is located close to the Gypsy and Traveller site off Leicester Lane. The Aston Firs Gypsy and Traveller site is recorded as Noise Sensitive Receptor (NSR) 15; the mobile homes site is recorded as being NSR 16 at Table 10.14.
12. The assessment of the permanent operational road traffic noise effects of HNRFI on existing NSRs states (paragraphs 10.237-10.238)
13. The proposed mitigation measures are identified at paragraph 10.276 of ES Chapter 10. The assessment concludes:
 - Ensure all processes are in place to minimise noise before works begin and should ensure Best Practicable Means in accordance with the Control of Pollution Act⁴² are being achieved throughout the demolition and construction programme.

⁴² Control of Pollution Act, 1974.

- Ensure that modern plant is used, complying with the latest European Commission noise emission requirements.
- Selection of inherently quiet plant where possible.
- Use of hoarding, where required and practicable, to assist in the screening of noise generation from low-level sources.
- Hydraulic techniques for breaking to be used in preference to percussive techniques where practical.
- Use of rotary bored rather driven piling techniques, where appropriate.
- Off-site pre-fabrication to be used, where practical.
- All plant and equipment to be used for the works to be properly maintained, silenced where appropriate, operated to prevent excessive noise and switched off when not in use.
- Plant to be certified to meet relevant current legislation as defined by BS 5228 standards.
- All Contractors to be made familiar with current legislation and the guidance in BS 5228 (Parts 1 and 2), which should form a prerequisite of their appointment.
- Loading and unloading of vehicles, dismantling of site equipment such as scaffolding or moving equipment or materials around the site to be conducted in such a manner as to minimise noise generation and where practical to be conducted away from NSRs.
- Careful consideration should be given to planning construction traffic haul routes within the Site and along local roads close to existing sensitive receptors, to minimise reversing movements and to minimise the number of construction vehicles during peak traffic flows on local roads. Construction traffic will be managed by the contractor under the Construction Traffic Management Plan (CTMP); and,

- Noise complaints should be reported to the Contractor and immediately investigated.

Construction traffic

14. The resultant effect as a result of construction traffic would be temporary, negligible adverse. Therefore, no further consideration of mitigation measures is warranted.

Completed development

Noise from HGV movements, loading/unloading operations and service yard areas, including SRFI operations

15. In order to minimise the effect of noise and vibration, acoustic barriers are proposed as shown on Figure 10.10 (Document ref: 6.3.10.10 App-279). Paragraph 10.3.26 states:

'The following additional mitigation measures have been proposed, which are shown on Figure 6.3.10.4:

- *A 3.5m high acoustic barrier has been incorporated into the 3D noise model along the north-eastern and south-eastern boundary of the traveller's site along Leicester Road (B4668) on the opposite side of the highway to Hinckley Town Tennis Club. This is proposed as a means of reducing noise from the proposed A47 Link Road.*
- *An acoustic barrier ranging between 4 and 6m in height has been incorporated into the 3D noise model along the north-eastern and south-eastern boundary of the traveller's site, along Smithy Lane, nearest to Junction 2 of the M69. This is proposed as a means of reducing noise from the proposed A47 Link Road.*
- *A 1.8m high acoustic barrier adjacent to the A47 to protect Burbage Common.'*

16. Paragraph 10.332 states:

'Of the 123 properties located within the study area, 122 are predicted to experience a low, or negligible noise impact, or no change in the short-term. This is equivalent to a negligible to minor adverse direct, short-term effect as a result of operational road traffic noise, which is considered not significant.'

17. The one property which is expected to experience a moderate adverse effect in the short term is Bridge Farm to the east of the A47 Link Road. (The mitigation for Bridge Farm is described at paragraph 10.337)

18. The conclusion is drawn that HNRFI will have no adverse impacts upon noise and vibration for the residents of the Gypsy and Traveller sites, and the mobile home site off Smithy Lane which could be significant.

Visual Impact

1. An assessment of the effects arising from the proposed development on visual amenity for occupiers of the Gypsy and Traveller Site is included within Landscape and Visual Impact Assessment, at Technical Appendix 11.5 (APP-195) and 11.5 (APP-196). This included receptor group 16: properties on B4668 between Burbage Common Road and A47 including Gypsy and Traveller Site, and also receptor group 17: residents at Gypsy and traveller settlement off Smithy Lane.
2. Of the two receptor groups, the assessment of the effects identified that the greatest magnitude of change is experienced by the residents within the Gypsy and traveller settlement off Smithy Lane who would experience a very high magnitude of change at year 1, giving rise to a substantial medium-term temporary adverse significant effect, due to the close-range visibility of the road network and proposed built form.
3. The Arboricultural Impact Assessment (ES Appendix 11.4: Document Reference 6.2.11.4. APP-194) identified the existing vegetation surrounding the Gypsy and traveller settlement

off Smithy Lane as being mature Hawthorn which is between 6 and 8 metres in height (identified as H368 and H369 on Tree Constrain Plan (Sheet 38 of 62)). While there are some breaks in this boundary vegetation, as the height of the acoustic barrier would be set below the height of the boundary hedgerow, the outlook for residents within the gypsy and traveller settlement would largely remain.

4. As set out within the illustrative landscape strategy (document number 6.3.11.20, APP-304), the landscape of the Main HNRFI Site would be in part well established by Year 1 of Operation, with much of the structural landscape planting around the boundaries of the Main HNRFI Site having been established during the first 2 years of construction. This planting would include woodland edge tree and shrub planting to the site boundaries to reinforce and enhance the existing boundary vegetation. This, along with the maturation of the existing features generally, would further filter views of both the acoustic fence and also the proposed built form within the Main HNRFI Site. As such, as set out within the Landscape and Visual Impact Assessment, the magnitude of change at year 15 would reduce to high, giving rise to a major long-term permanent adverse significant effect.