

November 2023

Planning Act 2008

TRITAX SYMMETRY (HINCKLEY) LIMITED

PROPOSED HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE
OFF M69 JUNCTION 2, LEICESTERSHIRE

DOC REF 19.1

Statement of Common Ground between
Tritax Symmetry (Hinckley) Limited and Blaby District Council

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1. MATTERS OF AGREEMENT AND DISAGREEMENT

1.1 Planning

Version	Date	Issued by
01	May 2023	TSH
02	20/06/23	BDC
03	04/07/23	TSH
04	28/07/23	BDC
05	11/10/23	TSH
06	23/10/23	BDC
07	23/10/23	TSH

Matters agreed – Alternative Sites

Ref.		Record of agreement
1.	Chapter 4 of the submitted Environmental Statement (document reference 6.1.4) outlines the Alternative locations studied and has provided indication by the Applicant as to the reasons for the selection of HNRFI.	Agreed through this SoCG.
2.	It is agreed that the ' <i>Executive Summary of the Leicester and Leicestershire Strategic Distribution Sector Study</i> ' published November 2014 identified a requirement of around 115 hectares of new land for rail – served by logistics sites.	Agreed through this SoCG.
3.	Whether the Applicant has set out the alternative considerations in the evolution of design of HNRFI on the main HNRFI site by reference to the issues identified at paragraph 4.133 of chapter 4 of the Environmental Statement (document reference 6.1.4).	Agreed through this SoCG.

Matters not agreed – Alternative Sites

Ref.		
1.	None.	

Matters agreed – Need for HNRFI

Ref.		Record of agreement
1.	<p>The need for a SRFI has been established within the joint authority evidence base.</p> <p><i>‘Warehousing and Logistics at Leicester and Leicestershire: managing growth and change’.</i></p> <p>(April 2021 amended March 2022)</p>	Agreed through this SoCG.
2.	<p>That the Study above identifies a short fall of 718,875 sqm of rail served sites which should be planned for the period 2041 – and that a supply shortfall for rail served sites ‘starts to emerge around the mid-2020s’ (Leicester and Leicestershire Authorities’ <i>‘Statement of Common Ground relating to Strategic Warehousing and Logistics Needs’</i>) (September 2021 paragraphs 3.4-3.5).</p>	Agreed through this SoCG.
3.	<p><i>It is agreed that the identified business market for HNRFI is not fully served by existing and committed SFRIs within Leicester and Leicestershire as established in joint evidence report ‘Warehousing and Logistics in Leicester and Leicestershire: managing growth and change’ (April 2021 amended March 2022).</i></p>	Agreed through this SoCG.
4.	<p>Both the ‘Warehousing and Logistics at Leicester and Leicestershire Managing Growth and Change’ (April 2021 amended March 2022) jointly commissioned by the local authorities in Leicestershire and the ‘Market Needs Assessment’ commissioned by the Applicant identify a need for rail served logistics sites, but the differing methodologies give different results. It is agreed that there is a need for rail served logistics sites and in principle HNRFI would meet this rail related need.</p>	Agreed through this SoCG.
5.	<p>That the <i>‘Warehousing and Logistics’</i> study will form part of the evidence base for Leicester and Leicestershire planning authorities in the preparation of the reviews of their development plan in meeting future</p>	Agreed through this SoCG.

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	development needs.	
6.	Blaby District Council will not advance argument against HNRFI alleging that HNRFI will adversely impact upon the operational viability of existing or committed SRFIs.	Agreed through this SoCG.
7.	The Applicant has undertaken a 'Market Needs Assessment' (Document 16.1) which has demonstrated HNRFI is located near to the business market it will serve and is linked to key supply chain routes.	Agreed through this SoCG.

Matters not agreed – Need for HNRFI

Ref.		Record of agreement
1.	None.	

Matters agreed – Strategic Rail Freight Interchanges

Ref.		Record of agreement
1.	That HNRFI will be developed in a form that can accommodate both rail and non-rail activities. (NPS NN paragraph 4.83)	Agreed through this SoCG.

Matters not agreed - Strategic Rail Freight Interchanges

Ref.		
1.	Whether the proposal for Hinckley National satisfies the guidance for 'good design' in the NPS (paragraphs 4.28-4.35) with particular reference to the alleged impact of Hinckley National on the surrounding landscape.	Matter not agreed
2	Requirement 10 Rail which supports the construction and occupation of up to 105,000 sqm of logistics floorspace prior to the Rail Port (Phase 1) becoming operational as set out within the submitted Planning Statement (Document reference:7.1 paragraphs 3.113 – 3.117, paragraphs 3.124 – 3.126).	Matter not agreed

	<p>Whether this requirement is reasonable, proportionate and accords with paragraph 4.88 of the NPS NN. The explanation is further set out within the Highways Position Statement prepared by the Applicant section 14. This floorspace is the amount of floorspace Phase A may accommodate as shown on Parameters Plan 6.3.3.2B.</p> <p>Blaby District Council’s proposed wording for Requirement 10 is as follows:</p> <p>(1) The rail freight terminal which is capable of handling a minimum of four 775m trains per day and any associated rail infrastructure must be constructed and available for use prior to the occupation of any of the warehousing.</p> <p>(2) No rail infrastructure may be removed which would impede the ability of the rail freight terminal to handle four intermodal trains per day unless otherwise agreed in writing by the relevant planning authority.</p>	
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Matters Agreed – other matters arising from the policy provisions of the development plan.

Ref.	Matters agreed	Record of Agreement
1.	It is recognised that the NPS National Networks is the primary consideration in terms of examining the merits of the DCO proposal. The Development Plan is a material consideration and provides a wider context for the HNFRI proposal.	Agreed through this SoCG.
2.	That the relevant part of the development plan for the district comprises: <ul style="list-style-type: none"> i. District-wide Development Plans <ul style="list-style-type: none"> Blaby District Local Plan Core Strategy 2013 Blaby Local Plan Delivery DPD 2019 ii. County-wide Development Plan 	Agreed through this SoCG.

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	<p>Leicestershire Minerals and Waste Local Plan 2019</p> <p>iii. Neighbourhood Plan Fosse Villages' Neighbourhood Plan 2021</p>	
3.	The scale and locational requirements for a SRFI could not be accommodated within the limits of a built-up area within Blaby District.	Agreed through this SoCG.
4.	HNRFI is in conflict with the policy in the development plan for Blaby District which identifies the DCO site as being within a location designated as 'Countryside' in the Development Plan. In this respect, it is acknowledged that the NPS recognises that due to locational requirements for a SRFI, countryside locations may be required (NPS paragraph 4.84) SFRIs need logistics and can only realistically be located adjacent to railway lines and with good road access.	Agreed through this SoCG.
5.	<p>Fosse Villages' Neighbourhood Plan</p> <p>It is agreed that part of the Main HNRFI site is located at the western end of Sapcote Civil Parish as shown cross hatched red on the plan attached as Appendix 1 which is taken from the Neighbourhood Plan.</p>	Agreed through this SoCG.
6.	It is agreed that the Policy Maps contained in the Neighbourhood Plan identify ' <i>limits to build area</i> ' and the settlement sections of the Plan indicate that ' <i>outside these limits land will be designated as Countryside where development will be restricted.</i> ' The land is therefore designated as Countryside where development will be restricted in line with strategic Core Strategy Policy CS18.	Agreed through this SoCG.
7.	It is agreed that it is not the role of a Neighbourhood Plan to contain strategic planning policies.	Agreed through this SoCG

Matters not agreed – other matters arising from the policy provisions of the development plan.

Ref.		
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1.	That the Planning Statement, ES or other documents give sufficiently detailed consideration of the Development Plan documents. The Applicant considers the application has had due regard to these policies.	Matter not agreed.
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Matters agreed – draft national policy statement national networks.

Ref.	Matters agreed	Record of Agreement
1.	The Draft NPS is an important and relevant consideration in the decision-making process on the HNFRI. The extent to which the Draft NPS is relevant to the determination of the DCO for HNFRI is a matter for the Secretary of State to consider within the Planning Act 2008. (NPS paragraph 1.17)	Agreed through this SoCG.
2.	The Draft NPS states that <i>‘to meet the Government’s ambitions for rail freight growth there remains a need for appropriately located SRFI across all regions to enable further unlocking of the benefits.’</i> (NPS paragraph 3.103)	Agreed through this SoCG.

Matters not agreed – draft national policy statement national networks.

Ref.		
1.	Whether the phasing of development for HNFRI is contrary to paragraphs 4.84 of the draft NPS.	Matter not agreed.

1.2 Lighting

Version	Date	Issued by
01		TSH
02		BDC
03		TSH
04	23/10/23	BDC
05	24/10/23	TSHL

Matters agreed.

Ref.	Matter agreed	Record of agreement
1.	HNRFI complies with paragraphs 5.81 – 5.89 of the NPS in relation to artificial light by proving a detailed investigation of the issues and recommending appropriate mitigation measures are identified to avoid any adverse impact upon the site or adjacent areas.	Through amended requirement 31 and the evidence shown in the new lighting technical note this is agreed through this SoCG
2.	It therefore seeks to minimise impacts of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation by complying with best practice for roads / highways and workplaces (including BS 5489, BS 13201 and BS EN 12464) as well as the reduction of obtrusive light (ILP Guidance Note 01/21).	Through requirement 31 and the evidence shown in the new lighting technical note this is agreed through this SoCG
3	Paragraphs 1.46 – 1.49 under the lighting section of the CEMP are agreed and paragraph 4.25 of the Lighting Technical Note	Agreed through this SoCG
4	The site is classified as Environmental Zone E2, and the light obtrusion criteria should be 5lux and 1 lux.	Agreed through this SoCG
6.	The skyglow, highways, railway and heritage receptors identified in the lighting strategy are agreed.	Agreed through this SoCG
7	The use of LED lighting is now industry standard, and its recommended use is a positive. The need for high mast lighting is understood to cover the large areas required	Agreed through this SoCG –

	efficiently. The Lighting Strategy sets out the performance requirements the external lighting design has used. These are thorough and in keeping with what would be expected for this type of development. The use of LEDs and performance requirements is agreed.	
8	<p>As discussed at the workshop meeting on 29th June 2023 a quantitative lighting assessment would be beneficial to test the parameters of the lighting strategy if requested to do so by the planning inspectorate.</p> <p>This quantitative assessment has been provided by BWB in October 2023 and should be added to the existing lighting strategy (Document 6.2.3.2, examination reference APP-132).</p>	Agreed through this SoCG –
9	<p>The amended wording of Requirement 31 –</p> <p><i>(1) No phase of the authorised development may be commenced until a report detailing the lighting scheme for all permanent external lighting to be installed in that phase has been submitted to and approved by the relevant planning authority. The report and schemes submitted and approved must be in accordance with the lighting strategy (document reference 6.2.3.2) and include the following;</i></p> <p><i>(A) a layout plan with beam orientation;</i></p> <p><i>an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance.;</i></p> <p><i>a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and</i></p> <p><i>measures to avoid glare on surrounding railway and highways.</i></p> <p><i>(2) The approved lighting scheme must be implemented and maintained as approved by the relevant planning authority during operation of the authorised development and</i></p>	Agreed through this SoCG –

	<i>no external lighting other than that approved under this requirement may be installed.</i>	
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Matters not agreed.

Ref.	Matters not agreed	Any actions rising	Comments
6.	Wording of Requirement 31	Requirement to be amended.	<p>31 No phase of the authorised development may be occupied until a report detailing the lighting scheme for all permanent external lighting to be installed in that phase has been submitted to and approved by the relevant planning authority. The report and schemes submitted and approved must be in accordance with the lighting strategy and include the following;</p> <p>A layout plan with beam orientation An Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance. A quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21 Measures to avoid glare on surrounding railway and highways.</p> <p>Response: See above comment “1.b”</p> <p>Response V4 – Following on from the workshop meeting on 29th June 2023 this requirement was agreed in principle following sign-off on the wording. See matters agreed.</p> <p>Response V5: The Applicant proposes the following amendments to the Requirement wording for further clarity:</p>

			<p>Lighting</p> <p>1.— (1) No phase of the authorised development is to be commenced until a report detailing the lighting scheme for all permanent external lighting to be installed in that phase has been submitted to and approved by the relevant planning authority. The reports and schemes submitted and approved must be in accordance with the lighting strategy and include the following:</p> <ul style="list-style-type: none"> (a) a layout plan with beam orientation; (b) an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified in the detailed ecological mitigation and management plan approved pursuant to requirement 20 as being of ecological importance; (c) a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and (d) measures to avoid glare on surrounding railway and highways. <p>(2) The lighting scheme for each phase must be implemented and maintained in accordance with the approved strategy for that phase and may be reviewed by the undertaker as necessary with the approval of the relevant planning authority. No external lighting other than that approved under this requirement may be installed.</p>
7.	The lighting section in the CEMP is adequate.	Update to the CEMP to include all the lighting strategy information (para 5.56-5.63) as well	<p>The following additional measures should be included in the CEMP lighting section:</p> <ul style="list-style-type: none"> • Lighting should not be aimed towards sensitive receptors, and where possible be downward facing.

		<p>further mitigation highlighting in the comments.</p>	<ul style="list-style-type: none"> • To improve sustainability, lighting from diesel generators should be avoided. • If a construction compound is required for more than 1 year a more permanent lighting design should be required including columns to avoid overuse of temporary lighting units – these units are historically harder to control light spill than traditional column-mounted lights. • Lighting should be controlled and on timers to ensure they are only on when needed. Regular checks by a contractor should be undertaken to ensure lights are not left on when not needed. <p>Response: This appears to be reasonable and could be incorporated.</p> <p>Response V4 Happy that these are agreed, it would be beneficial to see an updated CEMP including these additional lighting measures.</p> <p>Response V5: Matter agreed. The updated CEMP will be shared once updated</p>
<p>8.</p>	<p>The lighting strategy provides enough information to ensure that Rail and highways receptors won't be significantly impacted by glare from the development.</p>	<p>A quantitative lighting assessment including a glare assessment (Railway and roadway receptors).</p>	<p>The impact of lighting on the adjacent railway line or highway receptors is not mentioned in the later parts of the lighting strategy. This is important especially for the section of railway adjacent to the site as this is the main line between Birmingham and Peterborough with regular higher speed trains. A "Glare" assessment should be undertaken to calculate the Glare Rating Value so as not to impact train drivers on the railway line.</p> <p>Likewise, an assessment should be undertaken of the M69 motorway as the site is adjacent to a relatively high</p>

			<p>conflict zone at Junction 2. Glare in drivers' eyes in this area could impact a driver's ability to notice a car entering the main line of the motorway from the junction.</p> <p>Response: See above comment "1.b"</p> <p>Response V4 – As discussed at the workshop meeting on 29th June 2023, it would be beneficial for a quantitative assessment to be produced including a quantitative lighting assessment of glare on drivers and train drivers on the adjacent M69 and railway.</p> <p>Response V5: Matter agreed as per Matter Agreed Ref.8</p>
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1.3 Climate

Version	Date	Issued by
01		TSH
02		BDC
03		TSH
04	24.07.2023	BDC
05	10.08.23	TSH

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 18 has been prepared in accordance with the National Policy Statement for National Networks (NPSNN). The proposal supports the DfT's NPS for National Networks by providing sustainable development through the reduction of transport based GHG emissions by encouraging a modal shift of freight from road to rail. Furthermore, this modal shift will help to reduce traffic congestion and improve air quality in the wider East Midlands region	Agreed through this SoCG
2.	ES Chapter 18 has been prepared in accordance with the National Planning Policy Framework (NPPF) (2021) by mitigating and adapting to climate change, including moving to a low carbon. The development has been designed in ways to a) avoid increased vulnerability to the range of impacts arising from climate change and b) help to reduce greenhouse gas emissions (paragraph 154). To help increase the use and supply of renewable and low carbon energy and heat, the development: a) provides a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); b) considers suitable areas for	Agreed through this SoCG

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	renewable and low carbon energy sources, and c) identifies opportunities to draw its energy supply from renewable or low carbon energy supply systems (paragraph 155).	
3.	HNRFI supports strategic objectives required by Blaby District Council (BDC) (Policy CS21) by minimising energy use and use of valuable resources, encouraging renewable energy production in suitable locations, minimising the risk of flooding and encouraging and developing the use of more sustainable forms of transport (Including walking, cycling and public transport)'. <i>achieving national targets to reduce greenhouse gas emissions focusing new development in the most sustainable locations and seeking site layout and sustainable design principles which reduce energy demand and increase efficiency.</i> "	Agreed through this SoCG
4.	ES Chapter 187 acknowledge BDC's own commitments to acknowledging a climate emergency.	Agreed through this SoCG
5.	The assessment methodology has been accepted comprising: <ul style="list-style-type: none"> • A Study of the baseline characteristics using both survey data and third-party information; • An Assessment of the resilience to likely climatic changes; • An Assessment of the likely effects on climatic change; Recommendations to mitigate likely significant effects	Agreed through the Scoping Opinion, additional consultation and this SoCG.
6.	The assessment is sufficient to estimate the effects GHG emissions sources, including: <ul style="list-style-type: none"> • Vehicular emissions during the construction stage; • Embodied carbon in construction materials; • Vehicular emissions during the operational stage; and Energy demand during the operational stage.	Agreed through this SoCG

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7.	Although the Proposed Development is not an Energy NSIP, the provision of provision of roof-mounted photovoltaic arrays with a generation capacity of up to 42.4 megawatts peak (MWp) providing direct electricity supply to the building or exporting power to battery storage, and also incorporating provision of an energy centre, HNRFI supports the Draft National Policy Statement for Renewable Energy Infrastructure 2021 (NPS EN-1 – draft)	Unsure, further discussion needed
8.	The materials demand of the development will be addressed by maximising the use of reclaimed and recycled materials where practicable throughout the construction process. The demand upon the development for the provision of recycling and waste storage will be addressed in the early detailed design stages and when detailed discussions can be held with prospective operators regarding the specific operations of the proposed units. In addition, recycling and waste will be considered for the Construction Stage. Provision has been made in the scheme for the inclusion of recycling and waste storage / compaction within the identified service areas.	Agreed through this SoCG
9..	This commitment by TSH to deliver net-zero buildings should result in a significant reduction in embodied carbon sources during construction that are not anticipated to materially affect the ability of the UK to achieve its carbon reduction targets, and thus are not predicted to have a significant effect on the global climate. Opportunities for further reduction will be encouraged and captured through the incorporation of carbon targets within the procurement process.	Agreed through this SoCG
10.	The Construction Traffic Management Plan (CTMP) (document reference 17.6) will minimise and mitigate the environmental impacts of construction activities, including the reduction of GHG emissions.	Agreed through this SoCG
11.	The Framework CEMP includes good practice mitigation measures to reduce emissions	Agreed through this SoCG

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	<p>during construction, including from construction plant, for example:</p> <ul style="list-style-type: none"> • Training employees in how to handle machinery to reduce GHGs; • Switching off machinery and vehicles when not in use; • Regular maintenance of machinery to ensure they work efficiently; • Using electric or alternative low/zero carbon emission machinery where possible; • Reducing water consumption where possible; and <p>Using efficient vehicles and machinery where possible.</p>	
12.	<p>The increase in electrical vehicles throughout the lifespan of HNRFI will result in a decrease of direct emissions, though it will in turn increase the demand on the national grid where indirect emissions may result depending on the energy source.</p>	<p>Agreed through this SoCG</p>
13.	<p>HNRFI proposes a suite of transport and access improvements which will help reduce GHG emissions associated with the transport of employees to and from the Main HNRFI Site during the operational phase. It should be noted that the Council considers the existing sustainable travel strategy, while partially beneficial, insufficient and in need of enhancement.</p>	<p>Agreed through this SoCG</p>
14.	<p>The impacts of climate change on HNRFI during the construction stage would be managed through the outline CEMP, which would contain detailed procedures to mitigate any potential impacts associated with extreme weather events, as listed in Appendix 18.6 (document reference 6.2.18.6). This will complement best practice mitigation measures employed in the construction industry. The lead contractor will ensure appropriate measures within this outline CEMP are implemented and, as appropriate, additional measures to ensure the resilience of the proposed mitigation of</p>	<p>Agreed through this SoCG</p>

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	impacts during extreme weather events.	
15.	The lead contractor’s Environmental Management System will consider all measures deemed necessary and appropriate to manage extreme weather events and should specifically cover training of personnel and prevention and monitoring arrangements.	Agreed through this SoCG
16.	During operational circumstances, adaptation and resilience to climate and weather-related risks would be considered periodically through maintenance regimes. A schedule of general inspections and principal inspections of each structure should be carried out to determine condition of the structure and identify any potential maintenance requirements.	Agreed through this SoCG
17.	During the demolition of on-site structures, the re-use, recycling and reduction of construction waste will be promoted to reduce HNRFI’s overall carbon footprint by reducing the need to extract raw materials.	Agreed through this SoCG
18.	Embedded emissions of HNRFI will be calculated at each stage of design as it develops to ensure that it is meeting its project specific targets and legal requirements including Building Regulations Part L and to seek to achieve a BREEAM ‘Very Good’ rating. This will consider both operational CO2 emissions affected by design and embodied carbon. HNRFI is committed to sourcing building materials from sustainable and, where possible, local sources whilst restricting materials which cause environmental harm. Ultimately, this strategy will reduce the overall carbon footprint and lead to a potential reduction in GHG emissions associated with HNRFI over its lifetime.	Agreed through this SoCG

Matters not agreed

Ref.	Matters not agreed	Any actions rising	Response
1.	ES Chapter 18 has been prepared in accordance with the National Policy Statement for National Networks (NPSNN). The proposal supports the DfT's NPS for National Networks by providing sustainable development through the reduction of transport based GHG emissions by encouraging a modal shift of freight from road to rail. Furthermore, this modal shift will help to reduce traffic congestion and improve air quality in the wider East Midlands region.	We aren't able to confirm compliance with the NPSNN, and guidance on the Local Impact Report suggests that it is not the Council's place to do this. I am also uncomfortable with providing blanket reassurances in respect of wider air quality improvements in the East Midlands Region	
2.	ES Chapter 18 has been prepared in accordance with the National Planning Policy Framework (NPPF) (2021) by mitigating and adapting to climate change, including moving to a low carbon economy (paragraph 7). The development has been designed in	We are still looking into the scheme's design merits, including from a sustainability perspective and cannot agree to these at this stage. Again, we haven't yet concluded the scheme is acceptable in this regard. The provision of solar on only 50% of the	Chapter 18 sets out mitigation to ensure that all proposed development minimises vulnerability and provides resilience to climate change and will contribute to achieving national targets to reduce greenhouse gas emissions by "encouraging the use of sustainable materials and construction methods" and "supporting the Government's zero carbon

	<p>ways to a) avoid increased vulnerability to the range of impacts arising from climate change and b) help to reduce greenhouse gas emissions (paragraph 154). To help increase the use and supply of renewable and low carbon energy and heat, the development: a) provides a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); b) considers suitable areas for renewable and low carbon energy sources, and c) identifies opportunities to draw its energy supply from renewable or low carbon energy supply systems (paragraph 155).</p>	<p>roof space still isn't accepted.</p>	<p>buildings policy” which will be “increased progressively over the plan period, were feasible, to support the Government’s longer-term aspirations for sustainable design”.</p> <p>It further meets policy by introducing “the use of renewable, low carbon and decentralised energy at the commercial [and] community scale” which “will be supported within the district”.</p> <p>The Energy Strategy (Appendix 18.1, document reference 6.2.18.1) details the potential for renewable energy provision during the operational phase, which will greatly reduce GHG emissions compared to procuring this energy from the National Grid. This strategy has been developed to optimise potential onsite to its greatest means, therefore minimising energy consumption from on-grid and non-renewable services as much as feasible. The maximisation of all available roof space (51.4% due to structural limitations) is sufficient to meet 83% of the peak operational energy requirements (Table 18.2). Where supplementary energy is generated, it is proposed that this energy is captured and stored onsite for use during peak hours and when generation may</p>
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			<p>be limited due to seasonal effects. Given this, to meet demands, inclusive of EV charging, we are not proposing to develop a power station.</p> <p>Further to our conversation, we ask that you review and provide objective reasoning and explanation where you may believe we are not compliant with policy.</p> <p>To our knowledge, BREEAM (Building Research Establishment Environmental Assessment Method) is not a legal requirement in Blaby and targets for new industrial buildings are not defined under Policy CS21. It is a voluntary certification scheme that provides a framework for assessing and certifying the sustainability and environmental performance of buildings.</p> <p>While BREEAM itself is not a mandatory requirement, by considering energy efficiency and promoting sustainable energy practices, BREEAM aims to encourage the development of buildings that are environmentally responsible and contribute to the reduction of greenhouse gas emissions. The current targets reflect the evolving understanding and priorities of potential practices and users onsite.</p>
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			<p>It is therefore demonstrated that the proposals seek to support and integrate with such initiatives to achieve the most sustainable outcomes for the district.</p>
<p>3.</p>	<p>HNRFI supports strategic objectives required by Blaby District Council (BDC) (Policy CS21) by minimising energy use and use of valuable resources, encouraging renewable energy production in suitable locations, minimising the risk of flooding and encouraging and developing the use of more sustainable forms of transport (Including walking, cycling and public transport)’. HNRFI further contributes to <i>“achieving national targets to reduce greenhouse gas emissions focusing new development in the most sustainable locations and seeking site layout and sustainable design principles which reduce energy demand and increase efficiency.”</i></p>	<p>‘Minimise’ = ‘To reduce (something, especially something undesirable) to the smallest possible amount or degree’. By only setting out to achieve BREEAM – ‘Very Good’ Energy use is not being fully minimised as per the Policy CS21. While the energy demand may be met by solar PV, if the building energy efficiency were better more of this energy could be used to feed back into grid acting as a carbon offset. It could be said the proposal has restricted the amount of Solar to ensure the development does not exceed 50MW (NSIP). Any structural limitations should be designed out to ensure maximum coverage. We understand BREEAM is not a legal requirement. We are pointing out that the proposal sets low</p>	<p>Under Policy CS21 it is understood that “Development which mitigates and adapts to Climate Change will be supported”. We have observed that the local policy lacks defined and measurable parameters for which developments should strive. In the absence of specific benchmarks, we firmly believe that our approach aligns with policy requirements. Our commitment to responsible and thoughtful development, encompassing environmental, social, and economic considerations, reflects our dedication to fostering positive outcomes for the community and the environment. While we acknowledge the absence of explicit metrics, our actions remain in harmony with the spirit of policy objectives, ensuring that our project contributes positively to the local context. We have provided additional clarity as to why, on plan, the proposals only proved ~50% of solar PV but explained this is an erroneous perspective and the proposals have maximised all available roof space with solar PV. It should</p>

		<p>ambitions for energy efficient building standards.</p> <p>Page 19 of the ES states: The Developer will apply best practice principles during construction; as set out in the mitigation, construction will aim to reduce its energy and material consumption as far as possible and install heating equipment which does not burn hydrocarbon fuels (gas, oil, biomass etc.). Surely best practice in construction means BREEAM outstanding or equivalent and maximising renewables?</p>	<p>be noted that to increase the solar provision, it will inherently increase the embodied carbon in the structure, energy consumption as natural lighting provided by roof lights will be reduced and potentially reduce safety.</p> <p>Further to our conversation, we ask that you review and provide objective reasoning and explanation where you may believe we are not compliant with policy.</p>
6.	<p>The assessment is sufficient to estimate the effects GHG emissions sources, including:</p> <p>Vehicular emissions during the construction stage; Embodied carbon in construction materials; Vehicular emissions during the operational stage; and Energy demand during the operational stage.</p>	<p>I am not certain Blaby has the technical remit and capability to critique the figures on this. We have employed additional resource on climate change and if anything comes up in this regard, we will bring it back to you.</p>	<p>We have provided clarity as to why differing tools have been adopted to complete the assessment. We have acknowledged and agreed that these tools are acceptable for the means of which they intended.</p>
10.	<p>The Construction Traffic Management</p>	<p>I can't see how the CTMP is designed to</p>	<p>Whilst the CTMP does not explicitly refer to 'climate</p>

	<p>Plan (CTMP) (document reference 17.6) will minimise and mitigate the environmental impacts of construction activities, including the reduction of GHG emissions.</p>	<p>significantly address GHG emissions other than through vehicles being up to moder standards. GHG isn't mentioned once in the document. Maybe this point just needs to be struck out.</p>	<p>change', it includes several key aspects that will undoubtedly reduce emissions and therefore inherently better HNRFI's effects on Climate Change.</p> <p>Text amended to reflect discussions. By means of further explanation:</p> <p>Like the CEMP, the framework CTMP serves as a foundational document that sets out the overarching principles, objectives, and strategies for managing environmental considerations during a construction project. It establishes the commitment to environmental protection, outlines key responsibilities, and provides a general roadmap for achieving environmental sustainability. As a 'live' or 'living document' it serves as a guiding document that sets the tone for all environmental protection and sustainability throughout its phased development. It provides a structure within which detailed sub-plans are developed, agreed upon with the local authority, and implemented to manage specific environmental aspects effectively. This process ensures that the project adheres to local regulations, minimises negative impacts, and contributes to a more sustainable built environment.</p>
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1.4 Air Quality

Version	Date	Issued by
01	24/05/2023	TSH
02	16/06/2023	BDC
03	28/07/2023	TSH
04	21/09/2023	TSH
05	23/10/2023	BDC
06	24/10/2023	TSHL
07	10/11/2023	BDC
08	14/11/2023	TSL

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	The air quality impacts would not adversely impact on the considerations set out at NPS paragraph 5.13.	Agreed through this SoCG.
2.	Methodology applied to the assessment includes the following: <ul style="list-style-type: none"> - Construction phase dust assessment utilising Institute of Air Quality Management (IAQM) guidance; and - Construction and Operational phase road traffic impact assessment utilising IAQM and Environmental Protection UK (EPUK) guidance to determine the significance of impacts at human receptor locations and Design Manual for Roads and Bridges (DMRB) guidance to determine the requirement to consider ecological designations. 	Agreed through this SoCG
3.	Notwithstanding on-going negotiations around their detail, Blaby District Council agrees that the following measures could contribute to reducing the impact of the HNRFI on local air quality: <ul style="list-style-type: none"> - Electric Vehicle (EV) charging provision; - Provision of bus services; - Use of Photovoltaic (PV) array as primary energy source; 	Agreed through this SoCG

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	<ul style="list-style-type: none"> - Site Wide Travel Plan to promote active and low emissions transport uptake to the HNRFI. 	
4.	Paragraphs 1.77 to 1.79 under the heading Dust and Air Quality of the CEMP are agreed.	Agreed through this SoCG.
5.	Assessment of back-up Combined Heat and Power (CHP) unit emissions on local air quality.	Agreed through this SoCG.
6.	<p>Requirement 28 Combined Heat and Power for Energy Centre is agreed as follows:</p> <p>The combined heat and power plant may not be operated for more than 30% of the hours in a calendar year. The undertaker must maintain an up-to-date annual usage report and shall make the information available to the relevant planning authority within 14 days of it being requested by the relevant local planning authority.</p>	Agreed through this SoCG
7.	<p>That the following wording shall be added to Requirement 9 Sustainable Transport Strategy:</p> <p>(2) The undertaker must use reasonable endeavours to maximise the use of Euro VI compliant HGV and public transport vehicles in respect of:</p> <p>(a) any HGV fleets operated by occupiers of the warehouses which visit the warehouses; and</p> <p>(b) any public transport service provided pursuant to the sustainable transport strategy and dedicated to serving the authorised development.</p>	Agreed through this SoCG.
8.	It can be confirmed that the 2022 version of the DEFRA Technical and Policy Guidance has been used, as detailed in paragraph 9.98 and reference 15 in Chapter 9 of the ES (document ref 6.1.9)	Agreed through this SoCG.
9.	An air quality addendum (Doc Ref: 6.4.1) has been prepared and submitted which takes consideration of the quality assessment results in accordance with the revised PM2.5	Agreed through this SoCG.

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	<p>air quality objectives published in early 2023.</p> <p>Overall, the impact of the HNRFI is predicted to be not significant in relation to the future PM2.5 objectives.</p>	
10.	<p>With regards to BDC's AQMA 6, whilst the LDV contributions do marginally exceed the criteria contained within the EPUK guidance, given the response on the highest predicted impact from the scheme, the current monitored concentrations within the AQMA, and the fact that there is an overall reduction to HGV within the AQMA, any impacts at this location are unlikely to be significant.</p>	Agreed through this SoCG.

Matters not agreed

Ref.	Matters not agreed	Any actions rising
1.	<p>No assessment has been undertaken of the air quality impact of queueing traffic as a result of the additional 'barrier down' time at Narborough level crossing. With residential receptors and pedestrian traffic, including school children, adjacent to these affected highways, the implication for air quality needs to be assessed by the Applicant</p>	<p>An assessment of the impact of additional queueing traffic as a result of additional 'barrier down' time at Narborough level crossing will be undertaken and submitted at Deadline 3.</p>
2.	<p>BDC requests that the Applicant undertakes damage cost analysis to determine a suitable monetary contribution to offset impacts, which BDC could then use to address existing areas of concern such as the AQMA.</p> <p>BDC seek costs from large scale development on a</p>	<p>A damage cost analysis was not requested by BDC during scoping or the consultation period. An assessment of damage costs is not required as part of BDC policy requirements.</p> <p>The purpose of a damage cost calculation is not to provide costs to the relevant local authority. A damage cost calculation is used to monetise the potential health impact of a development and for the damage cost amount to be used to determine the appropriate level of mitigation to offset the calculated amount. Only if mitigation</p>

	<p>case by case basis and has multiple examples of development agreeing to contribute towards air quality monitoring in the District (Fosse Park West [BDC ref. 15/0577/FUL], Cork Lane [BDC ref, 15/0176/OUT] and Enderby Logistics Hub [BDC ref. 19/0164/OUT]).</p> <p>The scale of the HNRFI merits the requested assessment and this approach is broadly consistent with that taken on other developments in the District.</p>	<p>cannot be proposed to offset the amount would a cost contribution be provided. This approach is consistent with damage cost guidance provided by other Local Authorities, including West Midlands.</p> <p>The development proposals, in addition to removing HDVs from the road network through the use of rail freight, will provide a significant amount of local measures which may be beneficial to local air quality, including electrical vehicle charging, photovoltaics, travel plan measures, road and junction improvements, reduction of traffic flows along some links as a result of re-routing, and bus services.</p>
3.	<p>Regarding off-site monitoring, BDC cannot make a final determination as to whether this is required without being provided with traffic flow data. To date, no tabulated data has been provided and raw AAWT data has not been presented in a usable format.</p> <p>If it is to be required, then it will need to be secured through the Section 106 Agreement/an additional Requirement.</p>	<p>The traffic data utilised within both the noise assessment and the air quality assessment was provided to Edward Stacey of BDC on 16th August 2023 via a WeTransfer link as part an email regarding the noise assessment works. A response was received from BDC on the 16th August 2023 confirming receipt. We can resend this if required.</p> <p>Please note the air quality assessment uses Annual Average Daily Traffic (AADT) flow data and this has been provided. The data has been provided in the excel format received from the PRTM model extract and utilised in the air dispersion model. If this is not suitable please advise of the format you would like to receive this.</p>

1.5 Noise and Vibration

Version	Date	Issued by
01		TSL
02		BDC

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03	01.09.2023	TSL
04	20.10.2023	BDC
05	24.10.2023	TSL
06	10.11.2023	BDC

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 10 has been prepared in accordance with the National Policy Statement for National Networks (NPSNN)	Agreed through this SoCG
2.	<p>The wording for Requirement 26 Control and operation of noise is agreed as follows:</p> <p>Prior to their installation, details of all mechanical and ventilation plant and any other noisemaking machinery, or mobile plant (including HGV chiller units) that is intended to be used within the main site, must be submitted to and approved in writing by the relevant planning authority. This will include an assessment of the expected noise impact at relevant receptors in accordance with BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound and BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or such other amendment or replacement of such documents as shall apply at the time of submission of the relevant application). The assessment will consider noise from the proposed plant and machinery to demonstrate compliance with government and local policy on noise. The installation of all mechanical and ventilation plant and any other noisemaking machinery or mobile plant (including HGV chiller units) must be carried out in accordance with the approved details. Any fixed plant or ventilation equipment must also be installed and operated in accordance with manufacturers' instructions at all times.</p>	Agreed through this SoCG

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3.	Notwithstanding the deliverability of the acoustic barriers, Requirement 27 of the draft DCO as worded below provides suitable controls the provision of acoustic barriers: Acoustic barriers to be provided as part of any phase in accordance with the details approved pursuant to requirement 4 must be completed prior to the first occupation of that phase and maintained and retained for the lifetime of the authorised development.	Agreed through this SoCG
4.	Construction and Operational Phase Noise and Vibration Assessment – Assessment Criteria	Agreed through this SoCG
5.	Construction and Operational Phase Noise and Vibration Assessment – Assessment Methodology	Agreed through this SoCG
6.	Construction and Operational Phase Noise and Vibration Assessment - Selection of Sensitive Receptors	Agreed through this SoCG
7.	Operational Noise and Vibration Assessment - Methodology for Additional Noise and Vibration Monitoring	Agreed through this SoCG
8.	Construction Phase Noise Assessment	Part agreed through this SoCG, see matters not agreed section
9.	Construction Phase Vibration Assessment	Agreed through this SoCG
10.	Construction Phase Traffic Assessment	Agreed through this SoCG
11.	Operational Phase Noise Assessment - Modelling Inputs and Source Data	Agreed through this SoCG
12.	Operational Phase Noise Assessment - Fixed Plant Noise Levels	Agreed through this SoCG
13.	Operational Phase Noise Assessment - Off-site Rail Movements	Agreed through this SoCG
14.	Operational Phase Groundborne Vibration Assessment from off-site rail movements	Agreed through this SoCG
15.	Operational Phase Noise Assessment of A47 Link Road	Agreed through this SoCG providing that the relevant AAWT data is provided as outlined below for verification.
16.	Operational Phase Noise Assessment of	Agreed through this SoCG

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	Tranquillity	
17.	Construction Phase Noise and Vibration Mitigation	Agreed through this SoCG
19.	Construction Phase Noise and Vibration Assessment - Residual Impacts	Agreed through this SoCG
20.	Construction and Operational Phase Noise and Vibration Assessment – Climate Change	Agreed through this SoCG

matters not agreed

Ref.	Matters not agreed	Any actions arising
1.	Matters contained within the CEMP (Document reference: 17.1) and in particular paragraphs 1.71 – 1.76 in relation to noise and vibration impacts during the construction period.	Paras 1.71 – 1.76 simply highlight that there could be noise and vibration impacts and sets out a framework of mitigation measures that could be employed. Identification of further measures can be incorporated into the phase-specific ‘noise and vibration management plan’ (NVMP), where required (as described in 1.73). Further discussion on this point is requested.
2.	<p>Construction and Operational Phase Noise Assessment - Baseline Noise Survey Methodology and in particular the monitoring protocol at NMP5.</p> <p>Additional monitoring should be undertaken to verify the baseline conditions at the Aston Firs Caravan Site and Castlewood Mobile home park to the south of the Site. Monitoring should be undertaken over a longer period and include at least 3no. working weekdays and a full weekend period.</p> <p>The chapter uses ambient measured sound levels to contextualise impacts. Therefore, these sound levels should be obtained over a longer measurement period, to provide representative baseline conditions for</p>	<p>The CRTN measurement undertaken at NMP5 has only been used to calibrate the noise model for the base year 2019. As reported in the Noise and Vibration Chapter, the noise levels measured at NMP1 and NMP2 which were undertaken over a longer period have also been used to calibrate the noise model, and this shows good correlation between the modelled and measured results.</p> <p>Notwithstanding this, the predicted noise levels within the model are in excess of</p>

	<p>sensitive receptors in this location.</p> <p>The 'robust' modelled sound levels are irrelevant to this point, as the lower measured sound levels have been used to contextualise the overall site impacts.</p>	<p>those which were measured at NMP1, 2 and 5, which presents a robust assessment case.</p>
3.	<p>Operational Phase HNRFI Noise Assessment – the acoustic design of the illustrative masterplan</p> <p>The applicant has not considered all possibilities. In particular, Chapter 4 of the submitted Environmental Statement indicates that residential amenity at Elmesthorpe village, including dwellings along the unadopted Bridle Path Road were considered during the masterplan design. However, the acoustic mitigation measures include onerous 4m and 6m high barriers only 20m away from single storey dwellings which does not follow good acoustic design.</p> <p>There is potentially to relocate internal service roads and railway lines within the Site and use the buildings to screen sound from residents which should be investigated due to the significantly onerous barriers and the residual +12 dB excess over background sound level.</p>	<p>Other site constraints, particularly relating to the track alignment on site, have limited the ability to incorporate significant acoustic screening to Elmesthorpe village through buildings on site.</p> <p>As the illustrative masterplan has evolved, loading bays and service yard areas have been removed from the northern facades of Units 7, 8 and 9, with these areas now fully screened from receptors to the north.</p> <p>Bunding is proposed adjacent to the A47 Link Road as it passes Bridge Farm, and this has been included within the earthworks model, incorporated within the noise model.</p> <p>Where feasible, acoustic design principles have been employed, however there are other constraints that need to be balanced.</p>
4.	<p>Operational Phase Noise Assessment – HGV movements, loading/unloading operations and service yard areas, including SRFI operations.</p> <p>Blaby District Council do not agree to the contextual argument made by the applicant that an ambient sound level increase of</p>	<p>It is not appropriate to assess noise from the A47 link road in accordance with BS4142. Whether the A47 link road is a public highway prior to the development coming forward is irrelevant. BWB's statement and BDC's statement on 3dB being just</p>

	<p>+3.9 dB will not be audible by residents. BWB (the appointed acoustics consultants for the Appellant) has told Blaby District Council that IEMA Guidelines (The IEMA Guidelines for Environmental Noise Impact Assessments) state that 3 dB changes are only just perceptible under conditions in the field.</p> <p>However, the document actually states that a change of 3 dB is perceptible under most normal conditions and that it is a 1 dB change that is only just perceptible in laboratory conditions.</p> <p>Furthermore, a change of 3.9dB would represent a medium impact under the IEMA guidance and the short-term dmrB impact classification. As stated within the ES Chapter “A change of 3dB LAeqT or greater is generally considered to result in a noticeable change”. The chapter also states that “Changes of medium magnitude or above are considered to be significant.”</p> <p>Therefore, in line with IEMA and DMRB guidance, a change of 3.9dB would represent a medium impact (“noticeable change” / “considered to be significant”).</p> <p>It should also be noted that this change is from the development impact alone, and does not consider cumulative or in-combination impacts as required by IEMA. Subsequently, the cumulative change for sensitive receptors is likely to be far greater than the stated 3.9dB.</p> <p>In any event, the focus should be on the results of the formal BS 4142 numerical assessment which shows a +10 dB excess over background sound level even with mitigation in place.</p>	<p>perceptible in normal conditions are the same.</p>
<p>5.</p>	<p>Operational Phase Noise Assessment – Maximum Noise Levels specifically the fact that the applicant has stated a 10 dB reduction for crane movements and</p>	<p>Further information can be provided for Deadline 3.</p>

	<p>maximum sound levels through appropriate equipment selection.</p> <p>The applicant has used a ‘proof of evidence’ from appeal reference APP/R3705/W/16/3149827 at Daw Mill Colliery, Tamworth Road, Arley in Appendix 10.7 [APP-186] which BWB (the appointed acoustics consultants) say proves that a 10 dB reduction can be afforded to sound levels from the crane through equipment selection.</p> <p>However, analysis of the ‘proof of evidence’ shows that there is no evidence of this at all. The ‘proof of evidence’ document just states that a 10 dB reduction can be afforded but doesn’t offer any data to verify this.</p> <p>The applicant should provide numerical evidence, ideally empirical, of a 10 dB reduction. Otherwise, this statement and assessment should be removed from the overall submission and the detrimental impacts should be revised.</p>	
<p>6.</p>	<p>Operational Phase Noise Assessment of Off-site Road Traffic</p> <p>No tabulated data has been provided and raw AAWT data has not been presented in a usable format.</p> <p>In addition, predicted development contributions have been assessed against a baseline+committed development scenario and therefore, no cumulative assessment in accordance with IEMA guidance has been undertaken.</p> <p>Blaby District Council requests AAWT data used to inform the assessment be presented in excel format with street referenced names.</p> <p>The baseline data should not include any committed or development flows to enable cumulative or ‘in combination’ impacts to be determined. Assessing the proposed development against a committed scenario</p>	<p>AAWT has been provided to BDC’s consultant in an Excel format with link IDs and the associated GIS shapefiles.</p>

	may significantly underestimate cumulative impacts on sensitive receptors.	
7.	<p>Operational Phase Noise Assessment – Mitigation for HGV movements, loading/unloading operations and service yard areas, including SRFI operations</p> <p>The applicant has failed to consider good acoustic mitigation options in a suitable hierarchy. The mitigation measures still result in either an Adverse, or Significant Adverse impact despite the inclusion of 4m and 6m high acoustic barriers, this is not acceptable.</p> <p>No consideration of re-orientation of buildings, acoustic barriers within service yards or operational restrictions have been considered and instead the applicant has chosen to use boundary screening measures only.</p> <p>Blaby District Council request that the assessment is conducted using a good acoustic design process taking into consideration barriers at source, reorientation of buildings and operational restrictions before boundary mitigation measures.</p>	Further information on this can be provided by Deadline 3.
8.	<p>Operational Phase Noise Assessment - Mitigation for Off-site Road Impacts</p> <p>The results of the DMRB assessment show that a 6m and 4m high barrier on the boundary of Aston Firs Caravan Site and Woodfield Stables will be required to suitably reduce sound levels. However, no alternative solutions have been considered such as improved glazing and ventilation options or reorientation of the A47 link road.</p> <p>Furthermore, a review of the available drawings shows a proposed public footpath between the A47 link road and the aforementioned receptor and based upon the drawing there is no physical footprint available to construct such an onerous barrier.</p>	<p>The orientation of the A47 link road is influenced by several different requirements and parameters meaning that any significant changes from a noise perspective are not feasible.</p> <p>Improved glazing and ventilation options would be considered a last resort in accordance with a noise mitigation hierarchy.</p> <p>Clarity on what the "detailed assessment of numerical values" refers to would be beneficial so a response can be provided.</p>

	<p>Moreover, the indicated barriers would require the removal hedgerow that bound the sites.</p> <p>The mitigation measure is completely alien to this receptor and highly inappropriate in the hierarchy of design.</p> <p>Once a detailed assessment of numerical values is presented, consideration needs to be given to residential amenity in external areas, consideration of the effect level criteria in DMRB, consideration against the NPSE and consideration against the Noise Insulation Regulations.</p> <p>Blaby District Council do not accept a 6m high barrier and the applicant needs to demonstrate alternative solutions. If a barrier is the only viable solution once further assessment has been completed, the applicant needs to demonstrate how this will be constructed between the residential receptor and the public right of way and A47 link road. The Applicant must also provide elevation drawings in context so that its wider impacts can be appropriately assessed.</p>	<p>The 6m high barrier is the most effective available and viable solution. Further details on how it will be constructed can be provided by Deadline 3.</p>
9.	<p>Operational Phase Noise and Vibration Assessment - Residual Impacts</p> <p>BWB have tried to use unjustifiable context to state that the Site will not have a detrimental impact on residential amenity.</p> <p>BWB have removed acoustic character corrections within the mitigation scenario, thereby only assessing specific levels rather than the rating level required under British guidance, which leads to a significant underestimation of the predicted impacts and overestimation of the attenuation provided by the bunds, as not only do the values include the attenuation benefits of the bund itself, but also the benefit from the removal of the characteristics that need to be attributed to the noise source, and should be</p>	<p>Matter not agreed.</p>

	<p>applied to the specific level to form the rating level.</p> <p>BWB have ignored cumulative assessment and subsequently, underestimated impacts on sensitive receptors.</p> <p>When considering each section of guidance individually, the significant impact could be easily overlooked.</p> <p>However, when considering all impacts collectively, it cannot be ignored that the proposals are completely alien to this environment and if the only suggestions put forward by the applicant are for onerously high acoustic barriers immediately adjacent to residential receptors, then the Site is fundamentally unsuitable.</p> <p>Furthermore, even with the mitigation measures in place, a Significant Adverse impact is still predicted and, in accordance with the NPSE, this would be classified as a Significant Observed Adverse Effect Level which should be avoided.</p>	
<p>10.</p>	<p>Construction and Operational Noise and Vibration Assessment - Summary and Conclusions</p> <p>The overall summary and conclusions cannot be agreed upon until the significant matters raised above are dealt with.</p>	<p>Matter not agreed</p>

1.6 Ecology

Version	Date	Issued by
01	18.05.2023	TSL
02	19.06.2023	BDC
03	28.06.2023	TSL
04	18.07.2023	BDC
05	04.10.2023	TSL
06	20.10.2023	BDC

Matters agreed

Ref.	Matter agreed	Record of agreement
General Comments		
1.	ES Chapter 12 and its associated appendices and figures have been prepared in accordance with, specifically, paragraphs 5.20 to 5.38 of the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG
2a	<p>The amended Ecological Mitigation Management Plan requirement (21), set out below, is agreed:</p> <ol style="list-style-type: none"> 1. Subject to paragraph (3) no phase shall commence until a detailed ecological mitigation and management plan for that phase has been submitted to and approved in writing by the relevant planning authority. The detailed ecological mitigation and management plan must be in accordance with the principles: set out in the ecological mitigation and management plan and must: <ol style="list-style-type: none"> 2. <ol style="list-style-type: none"> a. apply a precautionary approach to working methodologies and habitat creation for reptiles and amphibians; b. ensure that mitigation and compensation measures have demonstrable and measurable outcomes, which are monitored and reported on; c. create alternative habitats to an agreed form to compensate 	Agreed through this SoCG

	<p>for the loss of irreplaceable habitats; and</p> <p>d. provide continuity of habitat creation through the phases of development to ensure that habitat types that are lost as a result of a phase are created as part of the landscape provisions associated with that phase</p> <p>3. Any detailed ecological mitigation and management plan approved under paragraph (1) must include an implementation timetable and must be carried out as approved in writing by the local planning authority.</p> <p>4. If a phase does not include ecological mitigation or management then a statement from the undertaker must be provided to the relevant planning authority prior to the relevant phase being commenced, confirming that the phase includes no ecological mitigation or management and therefore no ecological mitigation and management plan is required for that phase pursuant to paragraph (1). A phase for which a notification has been given in accordance with this sub-paragraph must not commence until the relevant planning authority has confirmed in writing that not no ecological mitigation and management plan is required for that phase.</p> <p>5. Where specified as required in the framework ecological mitigation and management plan, works must be supervised by a suitable qualified person or body.</p>	
2b	LUC is pleased to note the inclusion of consideration for terrestrial GCN within the EMMP	Agreed through this SoCG
3.	The Woodland access management plan requirement (33) is agreed.	Agreed through this SoCG
4	Executive summary – Paragraph 1.3. LUC agrees that the Applicant has carried out sufficient phase 1 and phase 2 species	Agreed through this SoCG

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	surveys	
5	Methodology – Paragraph 1.14 LUC agrees with the search radii employed for the majority of the ecological receptors, however standard guidance for barbastelle uses a 10km buffer, as determined by evidence on commuting and/or foraging activities.	Agreed through this SoCG
6	Extended Phase 1 Survey, Paragraph 1.28 LUC agrees that the EP1HS was undertaken within the optimal survey period for such surveys.	Agreed through this SoCG
7	Paragraphs 1.29 through to 1.39 LUC agrees that all phase 2 surveys were undertaken in accordance with standard guidance and during the optimal survey periods.	Agreed through this SoCG
8	Annex 4 - Bat surveys - paragraph A4.16 LUC notes that the bat emergence/re-entry surveys were undertaken during the optimal survey period for roosting bats, particularly with reference to potential summer roosts)	Agreed through this SoCG
9	Annex 4 - Bat surveys - paragraph A4.16 LUC welcomes the inclusion of updated GCN surveys to be undertaken prior to any habitat loss.	Agreed through this SoCG
10	Annex 5 - GCN surveys - paragraph A5.25 LUC welcomes the inclusion of updated GCN surveys to be undertaken prior to any habitat loss.	Agreed through this SoCG
11	LUC agrees that the Metric 3.1 and associated condition sheets was the appropriate metric methodology at the time of assessment.	Agreed through this SoCG
Ecology Baseline		
12	Executive Summary, Paragraph 1.6 The Applicant states that the 'majority of the main order limits is of limited (negligible or site-level) value, however has also stated that three LWS and seven pLWS are also within the order limits.	Agreed in line with Applicant's comment
13	In general LUC agree with the outline provided regarding important ecological features within the order limits, however does not agree that	Agreed in principle, further detail on appropriate

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	bats are only afforded 'Local' importance. Likewise, LUC does not agree that breeding birds such as lapwing and skylark are of only 'District' importance. This also applies to otter. All former European Protected Species should be of 'National' level importance irrespective of their presence within the main order limits.	mitigation measures to be provided through design process and agreed under local authority requirement discharge.
14	Paragraph 1.80 - Search radius for bird species is stated as 3km, standard guidance suggests 5km.	Agreed in line with applicant and approach to required updated surveys in 2024/25
15	LUC disagrees with the according of importance to habitats and species, which appears to be based on their abundance within the order limits as opposed to their status or level of protection.	Agreed in line with Ref. 13 above.
16	Paragraph 1.117 - LUC disagrees that GCN are not included as an IEF within the EclA, on the basis that suitable terrestrial habitat exists within the main order limits and that a number of off-site ponds were unable to be surveyed due to access restrictions. It is therefore not inconceivable that GCN are present within those off-site ponds and therefore may be present within terrestrial habitat inside the main order limits.	Agreed in line with applicant including GCN as a potential IEF and appropriate mitigation measures in line with NE rapid risk assessment and associated construction / operational works
17	Annex 4 - Bat surveys - paragraph A4.4 LUC notes that no surveys were undertaken within areas that were considered to be 'at no risk of significant adverse impacts to potentially roosting bats', LUC would hope that these areas are given suitable consideration should any changes to the project occur.	Further clarification received - Agreed
18	Annex 4 - Bat surveys - paragraph A4.18 LUC notes that no night visual aids are mentioned with regard to emergence/re-entry surveys. LUC accepts that updated BCT guidance was published after these surveys, but would expect any planned pre-construction surveys are undertaken in accordance with the updated NVA guidance.	Agreed in line with applicant's comment – updated emergence surveys to include NVAs
Ecology and Biodiversity ES Chapter		
19	Paragraph 12.155 The loss of broadleaved plantation woodland appears to be offset by new woodland	Agreed in principle, further detail on appropriate mitigation measures to be

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	planting, with no consideration given to how long the new woodland plantation (and therefore ecological and landscape buffer) will take to establish (and act as replacement for existing mature trees). Without this consideration, the impact must be assessed as significant until replacement planting has been established.	provided through design process and agreed under local authority requirement discharge.
20	Paragraph 12.157 The applicant states that the 'vast majority of wet ditch habitat will be retained and provided with a reasonable buffer from the proposed development'. Clarity is needed as to what the reasonable buffer is and what guidance has been used to determine	Agreed in principle, further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.
21	Paragraph 12.158 Proposals regarding the re-routing of the existing stream, reinstatement and the establishment of vegetation is unclear, given little detail as to how this will be achieved in certainty. Plans must be provided including consideration of EA flood plain guidance and detailed vegetation planting.	Agreed in principle, further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.
22	Paragraph 12.172 Anticipated restrictions' on night time working is not enough to ensure adequate mitigation is included within the project with respect to bats. These mitigation measures must be outlined in full.	Agreed in principle, further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.
23	Paragraph 12.183 LUC notes that no consideration to fragmentation of habitats is included within the operational impacts and effects. This seems remiss as such a large development proposal will certainly impact future commuting/foraging abilities for a wide range of species.	Agreed in principle, further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.
24	Paragraph 12.204 Due to the omission of GCN as an IEF within the impact assessment, no consideration as been given to terrestrial habitat loss and potential killing/injuring of terrestrial GCN (relevant to the construction phase).	Now agreed in line with applicant including GCN as a potential IEF and appropriate mitigation measures in line with NE rapid risk assessment and associated construction / operational works

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25	Mitigation measures – badger Further detail around provision of alternative setts, if required, and associated time delay in provision of alternative sett and closure of current sett to be included within mitigation.	Agreed in principle, further detail on appropriate mitigation measures to be provided through design process and agreed under local authority requirement discharge.
Biodiversity Impact Assessment		
26	Biodiversity Metric 3.1 has not been provided for review with assessor comments in the baseline, nor have the condition sheets been included. A full BIA report, including condition assessments and rationales for each assessment is expected. The metric and associated mapping should link between one another and be clearly labelled	Agreed. Applicant confirms that a full BIA report, inclusive of condition assessments and assessor comments will be provided at detailed design stage.
27	The full River Condition Assessment was not provided for review. This should be included as an appendix to the main report.	Agreed as above. The RCA and supporting report should detail how post development condition will be achieved which must be reviewed by a suitably qualified ecologist (SQE).
28	Intermediate ‘fairly good’ and ‘fairly poor’ condition categories have been selected for existing habitats. For example, improved grassland has been classed as being in 'fairly poor' condition. Justification of each should relate to the condition assessment criteria and should be included within the assessor comments column of the metric tool and further detailed within the report as per best practice.	Agreed as above. Applicant confirms that a full BIA report, inclusive of condition assessments and assessor comments will be provided at detailed design stage. These matters must be addressed in the detailed metric and reviewed by a SQE.
29	Paragraphs 1.11-1.17 Improved grassland has been classed as being in 'fairly poor' condition. As per the metric and condition assessment guidance, 'fairly' categories should be justified. It is detailed in the chapter that this is due to the lack of species diversity, uniform sward height and intensive grazing, however further explanation is recommended to demonstrate why this habitat should not be classified as	Agreed in principle, however this rationale must be provided within the assessor comments and supporting BIA.

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	'poor' or 'moderate'.	
30	<p>Paragraph 1.9 / Annex 1</p> <p>It is recommended that further justification of the strategic significance is provided and disagrees that the majority of habitats should be classed as "Area/compensation not in local strategy/ no local strategy" due to habitat connectivity to the wider landscape.</p>	<p>SoCG discussion reached a point of agreement that strategic significance should be reviewed in the next iteration of the metric calculations with well connected habitats being re-classified as 'location ecologically desirable but not in local strategy'.</p> <p>It is agreed that hedgerows will be entered as 'formally identified in the local strategy' in the detailed BNG metric</p>
31	<p>Paragraphs 1.18-1.19</p> <p>It is unclear as to how off site BNG will be provided, secured and delivered.</p>	<p>Agreed that this will be provided at detailed design stage. Off site BNG must be delivered through a suitable mechanism and their calculation and delivery plan must be agreed with the planning authority and reviewed by a SQE</p>
32	<p>Paragraph 1.22</p> <p>It is noted in the Metric 3.1 guidance that newly planted trees should be categorised as 'small'. If larger size classes are to be selected, evidence is required to justify their input into the metric.</p>	<p>Agreed through SoCG that all newly planted trees will be re-categorised as 'small' trees.</p>
33	<p>Paragraph 1.25</p> <p>It is unclear as to how 'moderate' condition will be achieved, as simply allowing a watercourse to naturalise will not achieve this condition, particularly as the difficulty of creation is high.</p>	<p>Agreed as per point 27. The RCA and supporting report should detail how post development condition will be achieved which must be reviewed by a suitably qualified ecologist (SQE).</p>
34	<p>Paragraph 1.28</p> <p>Best practice would dictate that the hedgerows are entered into the metric as they make up part of the baseline of the site. They would then be recorded as not being lost.</p>	<p>Agreed through SoCG that the metric produced at detailed design stage will incorporate hedgerows as part of the baseline assessment. This must be reviewed by a SQE and</p>

		approved by the planning authority
35	<p>Paragraphs 1.32-1.33</p> <p>As per the NPPF / Environment Act and current Metric guidelines, all efforts should be made to retain and enhance biodiversity on site and where habitats will be lost, new habitats of the same or higher distinctiveness should be created. Further assessment is required to reduce habitat loss and increase BNG on site. Offsetting is no longer used as appropriate terminology. Should 10% BNG not be met on site, an appropriate planning mechanism, such as the forthcoming register of habitat banks should be used to purchase credits or land should be acquired that will fall under the management of the proposed management company.</p>	<p>Agreed as per above through SoCG that priority will be given to achieving a net gain for biodiversity on site, however where this is not possible, an appropriate assessment of off site BNG and delivery mechanism through which to achieve this will be reviewed by a SQE and approved by the planning authority.</p>
36	<p>Annex 1</p> <p>Other neutral grassland in the created tab has been selected as 'fairly good' as a precautionary measure. Further clarification is sought as to the rationale for not seeking to achieve 'good' condition through long term monitoring and management.</p>	<p>Agreed through SoCG that further refinement of post development habitat condition will be required. Where the same habitat type is expected to reach different conditions, this must be separated into its component parts and assessed individually as per metric guidelines.</p>
37	<p>The BIA does not make reference to BS 8683 Process for Designing and Implementing Biodiversity Net Gain (2021).</p>	<p>Agreed through SoCG that any future iterations of the BIA and supporting documentation will make reference to the most recent British Standard.</p>
Woodland Access Management Plan		
38	<p>Paragraph 3.22</p> <p>Clarification is sought regarding the protection and management of new native planting. What management and monitoring measures will be in place to ensure the desired condition of these trees is reached? It is mentioned that fencing may be used, however clarification is sought as to the existing pressure from deer/other species</p>	<p>Agreed through SoCG that no phase shall commence until a woodland access management plan has been submitted and approved by the relevant planning authority. A detailed WAMP will be produced in consultation with NE and</p>

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	and whether enclosures or other methods may be required depending upon the numbers of deer present.	HBBC. It is recommended that protection and monitoring measures should be put in place as part of this document.
39	Paragraph 4.1 How will woodland management and monitoring over the lifetime of the development be secured and how will this fit with BNG expectations for 30yrs + What is the proposed level of deadwood to be retained and how will this be zoned to ensure that the need to provide biodiversity enhancements also considers health and safety risks.	As above. It was agreed through the SoCG that clear distinctions would be made between BNG and woodland management for both on site and off site woodland and trees.
40	Clarification is sought as to the growing media proposed and whether measures such as the use of mycorrhizal fungi would be used to improve the establishment rate, paying particular regard to the pressures of climate change.	As above. In addition it is recommended that growing media and long term risks from climate change such as drought and wild fires are included as part of this document.
Landscape and Ecological Management Plan		
41	A plan/map that links the BIA and LEMP proposals should be provided for review.	Agreed through SoCG that this will be provided as part of the revision to the LEMP.
42	P.g.11 Clarification is sought as to how SuDS ponds that are intended to have a dual function of biodiversity benefit and surface water attenuation, would ensure that pollution levels do not compromise the ability for species to thrive. These ponds should be designed as per the SuDS manual ch6.	Agreed through SoCG that distinctions must be made between SuDS that are intended for water quality and attenuation versus those which are intended to provide additional benefit for wildlife. The LEMP must make provision for additional maintenance for wildlife ponds that is sensitive to amphibians, invertebrates, birds and small mammals.
43	Paragraph 4.6 Again, BS 8683 Process for Designing and Implementing Biodiversity Net Gain should be referenced.	Agreed as per BIA that future iterations will reference the latest British Standard.

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44	<p>P.g.16 Clarification is sought as to what specific biosecurity measures will be in place when importing materials and plants.</p>	<p>SoCG did not clarify this point, however it is agreed in principle that further detail will be provided within the future iterations of the LEMP as per the Requirements. This will be an essential component of species selection, monitoring and maintenance.</p>
45	<p>Paragraphs 5.11-5.12 Clarification is sought as to the protocol should disease be noted within retained / new specimens e.g. Chalara.</p>	<p>As above.</p>
46	<p>Paragraph 4.13 Clarification is sought as to the proposed wet woodland mix and how these species will be managed.</p>	<p>SoCG did not clarify this point, however it is agreed in principle that further detail will be provided within the future iterations of the LEMP as per the Requirements.</p>
47	<p>Paragraphs 5.4-5.6 Clarification is sought as to how loss or remedial measures will be factored in the final BNG calculations and how any delays in achieving the desired condition will be recorded and communicated to the reviewing authority.</p>	<p>SoCG did not clarify this point, however it is agreed in principle that further detail will be provided within the future iterations of the LEMP and BIA as per the Requirements. This should be reviewed by the relevant authority prior to approval of the LEMP as it will be essential to understand how biodiversity loss will be accounted for.</p>
48	<p>Paragraph 5.35 Clarification is sought as to the desired percentage of shading that will inform</p>	<p>SoCG did not clarify this point, however it is agreed</p>

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	pruning activities.	in principle that further detail will be provided within the future iterations of the LEMP as per the Requirements
49	Paragraph 6.4 The LEMP details that monitoring of retained, enhanced and created habitats will be undertaken in accordance with the condition assessments associated with the Defra Metric, however further detail as to how this will be undertaken is required, particularly the final assessment of post development condition. Further detail is required surrounding the reporting that will be undertaken by the management company that will detail whether the expected BNG has been achieved.	Agreed as per point 47.
50	P.g.15 Where new trees/shrubs are planted or works are to be undertaken in proximity to existing trees/hedges/shrubs, roots should be protected through the use of hessian matting and kept damp, particularly during any periods of extreme heat.	As per the Requirements, remedial actions and habitat specific protection measures should considered and be in place during works.
Construction Environmental Management Plan		
51	Paragraphs 1.181 – 1.190 under the section Ecology of the CEMP is agreed.	It is agreed in principle that further detail will be provided within the future iterations of the CEMP as per the Requirements.
52	Further detail is required regarding: Birds - protocols regarding exclusion zones and working methodologies should nests be present Bats - further detail regarding bats and lighting such as lighting placement, lux levels, the use of hoods/cowls Badgers - covering of spoil and any other stored materials and the acoustic impact on badgers from noise and vibration	It is agreed in principle that further detail will be provided within the future iterations of the CEMP as per the Requirements. Method statements and species/habitat specific working restrictions and protocols should be included within the next revision of the CEMP.
Ecological Management and Monitoring Plan		

Lighting Impacts		
55	<p>The following revised wording in respect of Requirement 31 Lighting is agreed:</p> <ol style="list-style-type: none"> 1. No phase of the authorised development may be commenced until a report detailing the lighting scheme for all permanent external lighting to be installed in that phase has been submitted to and approved by the relevant planning authority. The report and schemes submitted and approved must be in accordance with the lighting strategy (document reference 6.2.3.2) and include the following; <ol style="list-style-type: none"> a. a layout plan with beam orientation; b. an Isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance; c. a quantitative light intrusion and luminous intensity assessment in accordance with ILP Guidance Note 01/21; and d. measures to avoid glare on surrounding railway and highways. 2. The approved lighting scheme must be implemented and maintained as approved by the relevant planning authority during operation of the authorised development and no external lighting other than that approved under this requirement may be installed. 	Agreed through this SoCG
56	<p>The lighting strategy contains generic guidance with regard to bats, and does not acknowledge utilising the updated ILP guidance that should be available pre-construction.</p>	<p>Agreed that future iterations of the lighting strategy will be produced in accordance with the Requirements. The lighting strategy should be reviewed by a SQE and approved by the relevant authority.</p>

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57	The lighting strategy also does not include detail regarding locations of ecological receptors and light spill effect	Agreed that future iterations of the lighting strategy will be produced in accordance with the Requirements. The lighting strategy should be reviewed by a SQE and approved by the relevant authority.
58	Matters contained within the CEMP (Document reference: 17.1) and in particular paragraphs 1.46 – 1.49 in relation to lighting are considered to require further detail to address lighting impacts, particularly those which relate to bats and artificial lighting, during the construction period.	Agreed that future iterations of the lighting strategy will be produced in accordance with the Requirements. The lighting strategy should be reviewed by a SQE and approved by the relevant authority.
Air Quality		
59		
60		
61		
62	<p>In accordance with Requirement 7 of the Draft DCO, a Dust Management Plan will be prepared to set out methods of dust control. The following changes are agreed in respect of Requirement 7:</p> <p>(q) details of any necessary temporary (or otherwise) flood risk and surface water management measures.</p> <p>(r) ails of any necessary temporary (or otherwise) flood risk and surface water quantity and quality management measures.</p> <p>(s) details of temporary lighting.</p> <p>(3) The detailed construction environmental management plan for each phase is to be kept under review and may be updated if necessary as construction proceeds with the approval in writing of the relevant planning authority.</p> <p>(4) The authorised development must be carried out in accordance with the detailed</p>	Agreed through this SoCG

	construction environmental management plan as approved in writing by the relevant planning authority including any updates subsequently approved.	
Noise and Vibration		
63	<p>No adverse noise or vibration impacts to any designated sites anticipated.</p> <p>Potential impacts from noise pollution have been fully assessed within ES Chapter 10: Noise and Vibration (document reference: 6.1.10) and ES Chapter 12: Ecology and Biodiversity (document reference: 6.1.12). Further details are included at paragraphs 1.71 - 1.76 within the Construction Environment Management Plan (CEMP), (document reference: 17.1), which includes specific mitigation measures to ensure that noise pollution does not adversely impact ecological receptors.</p>	Agreed through this SoCG
Scope of Surveys		
		Agreed through this SoCG
64	<p>The scope of ecological survey work as described within Appendix 12.1: Ecology Baseline (Document reference: 6.2.12.1). Ecological surveys are deemed to have been undertaken at the appropriate time during the optimal survey period.</p>	Agreed through this SoCG
65	<p>Sufficient surveys were undertaken that cover the DCO order limits providing that the scheduled 2024 resurveys are completed as per discussion during the SoCG meetings.</p>	Agreed through this SoCG

Matters not agreed

Ref	Matter not agreed	Any actions arising	Comments following SoCG
Ecology Baseline			
1	<p>Introduction, Paragraph 1.14</p> <p>The industry standard guidelines should also include for all phase 2</p>	Update required	Not discussed during SoCG, Applicant to confirm update to document

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	species specific surveys undertaken.		
2	Methodology, Paragraph 1.20 Best practice methodologies should be included within the industry standard guidance section.	Update required	Not discussed during SoCG, Applicant to confirm update to document
3	Methodology, Paragraph 1.24 LUC agrees with the use of aerial photography to determine potential ponds that may be used by GCN, however the standard guidance for GCN dispersal is 500m (not 250m). Noted that within Paragraph 1.47 through to 1.48 a 500m survey buffer was used for survey purposes, LUC recommends that the methodology is updated accordingly	Update required	Not discussed during SoCG, Applicant to confirm update to document
4	Paragraph 1.58 The report states that baseline information is presented for the main order limits and that other areas within the DCO order limits are 'typically of negligible ecological importance', however no data is presented to support this assumption. It appears that phase 2 surveys were only conducted within the main order limits and not the full DCO order limits, LUC queries the ability to assume 'negligible importance'	Further clarification sought	Not discussed during SoCG, Applicant to confirm update to document

	without undertaking appropriate surveys.		
5	<p>Paragraph 1.84</p> <p>Paragraph states that 'diversity and abundance of species recorded is considered to be typical ... with flocks of declining farmland specialists such as those mentioned above' yet has not outlined what those species are (other than their BoCC listing). LUC notes that this information is included within the report annexes, however broad descriptions should be included within up front chapters for readers ease.</p>	Update required	Not discussed during SoCG, Applicant to confirm update to document
6	<p>Annex 4 - Bat surveys - table A4.1</p> <p>It would be helpful to include the GLA results within the table, assuming that all buildings with three surveys were considered to be of high suitability etc? LUC notes that this information is included in Table A4.6, however this appears after table A4.1 so is confusing to the reader.</p>	Update required	Not discussed during SoCG, Applicant to confirm update to document
7	LUC notes that no full survey results have been provided with reference to water vole, otter and badger, whilst acknowledging that	Update required	Not discussed during SoCG, Applicant to confirm update to document

	there is information within the main text, as other surveys have been presented in full it would be expected that this would be applied to water vole, otter and badger. It's acknowledged that these reports are usually confidential, however for review purposes it's important to include.		
Ecology and Biodiversity ES Chapter			
8	Specific comments noted within the baseline ecology report that are relevant within the ES chapter are not specified, however still relevant (e.g. regarding desk study search radii, receptor value etc.)		
9	The incorrect guidance has been cited regarding biodiversity net gain and development (this should be the updated 2021 guidance)	Update required	Not discussed during SoCG, Applicant to confirm update to document
10	LUC notes that no matrix of effects is included within the chapter, this is usually included to help guide the reviewer in respect to impact significance.		Not discussed during SoCG, Applicant to confirm update to document
11	Paragraph 12.207 LUC disagrees that an outline decommissioning plan is not included, despite the nature and longevity of the proposed development.	Disagreed	Not discussed during SoCG, Applicant to confirm update to document

	This high-level assessment should state that a detailed assessment must be revisited and formally submitted and approved by the SoS in the years before decommissioning.		
12	<p>Cumulative effects - paragraph 12.245</p> <p>Whilst it is acknowledged that potential cumulative schemes are considered to be spatially divorced from the proposed development, unsubstantiated claims with regard to biodiversity net gain through both onsite and offsite measures have been stated. No long term management plan has been included with regard to BNG and offsite measures are yet to be secured.</p> <p>Alongside this, there seems to be a reliance on other developments proposals with regard to both to ensure no adverse impacts.</p>	Disagreed	Not discussed during SoCG, Applicant to confirm update to document
Biodiversity Impact Assessment			
13	The scheme demonstrates the delivery of a feasible strategy to deliver at least a 10% net gain in biodiversity value.	Further review required	Further detail is required regarding refinement of the on-site calculations and confirmation of the offsite BNG proposals
Landscape and Ecological Management Plan			
14	Paragraphs 2.2-2.3 Clarification is sought as to why the LEMP is	Further clarification sought	SoCG did not clarify this point, however it is agreed in principle

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	<p>designed to cover the first 25 years post completion as opposed to 30 years+ as per the Metric 3.1 guidelines and taking into consideration the rate of establishment of more complex habitat types / their time taken to reach target condition such as woodland creation, for which a bespoke agreement would be required if the time to reach target condition is beyond 30 years.</p>		<p>that further detail will be provided within the future iterations of the LEMP as per the Requirements.</p> <p>It is not agreed that complex habitat types have been identified and the potential need for bespoke agreements reflected in the LEMP. LUC recommend that this be reflected in the revision to the LEMP.</p>
15	<p>P.g.12 Further consideration of measures such as passes under/over the road are recommended as fencing is often ineffective.</p>	Further clarification sought	<p>Not yet agreed. It is well documented that badger fencing is of limited benefit and thus it is recommended that further consideration be made to alternative safe passes to reduce mammal mortality.</p>
Woodland Access Management Plan			
16	<p>LUC does not agree that the stated '50m buffer for most of the areas of ancient woodland and woodland within the SSSI' are appropriate and more detail is required on additional mitigation measures proposed within these areas to ensure no direct impact on these receptors.</p>	Update required	

Scope of Surveys			
17	Industry standard guidelines and best practice methodologies should be included within the chapter, thus confirming that appropriate approaches were taken.	Update required	
18			
Air Quality			
	<p>Concerns remain regarding the potential impacts on the Free Holt Ancient Woodland located immediately adjacent to the new link road, where a percentage change relative to the lower critical load (10 kg N ha⁻¹ year⁻¹) of up to 1.4% is predicted.</p> <p>The stated N Deposition is significantly above the critical levels (>49 kg N ha⁻¹ y⁻¹) and therefore, any change, no matter how small, can have a detrimental impact on this ancient woodland.</p> <p>Furthermore, impacts from the scheme at this location are unique, as it is not simply a case of additional traffic impacts on an existing road passing the woodland, but the introduction of a new, heavily trafficked, HGV access route on the opposite side of what is, a relatively narrow</p>		

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	<p>area of natural importance. Therefore, further detail relating to the assessment of this area, i.e., incremental distance contributions from the boundary of all relevant roads, including the new access link, is requested.</p>		
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1.7 Landscape

Version	Date	Issued by
01		TSL
02		BDC
03		TSL
04	27.07.2023	BDC
05	12.10.2023	TSL
06	20.10.2023	BDC
07	13.11.2023	TSL

Matters agreed – Methodology of LVIA

Ref.	Matter agreed	Record of agreement
1.	Requirement 20 Landscape Ecological Management Plan with the following additional sentence added at the end to (2) “Following such review, any proposed amendments to the LEMP must be submitted for the approval of the relevant planning authority.”	Agreed through this SoCG
2.	Requirement 22 Landscape scheme with the following new paragraph (4) added “Each written landscaping scheme must be implemented as approved by the relevant planning authority or in accordance with any variation approved in writing by the relevant planning authority.”	Agreed through this SoCG

Matters not agreed – Methodology of LVIA

Ref.	Matter not agreed	Record of agreement
1.	The landscape chapter has been prepared in accordance with the National Policy Statement for National Networks (NPSNN). BDC consider the development contrary to paragraphs 5.157 and 5.158.	Matter not agreed
2.	Requirement 11 Container Stack Height should be reworded as follows: (1) The height of any stack of containers within the container storage area approved pursuant to the details	Matter not agreed, Tritax are considering operational adjustments to accommodate the suggested amendments to heights.

	<p>submitted in accordance with requirement 2 must;</p> <ul style="list-style-type: none"> a. Not exceed 8.7 metres from finished floor level prior to the fifth anniversary on the date on which the container storage area first comes into use; and b. Not exceed 14.5 metres from finished floor level at any time thereafter. <p>(2) The height of any stack of containers within the returns area approved pursuant to the details submitted in accordance with requirement 2 must:</p> <ul style="list-style-type: none"> a. Not exceed 8.7 metres from finished floor level prior to the fifth anniversary of the date on which the returns area first comes into use; and b. Not exceed 14.5 metres from finished floor level at any time thereafter. 	
3.	<p>Matters contained in the CEMP relating to visual impact (para 1.80)</p> <p>Visual aspects of the CEMP are not Agreed through this SoCG. More detail and information is required on night time construction effects.</p> <p>It is not agreed that no significant effects would occur during the construction phase. Receptors that in the Council’s opinion will experience significant effects are set out below (Paragraph 1.4).</p>	<p>Matter not agreed.</p> <p>Night-time construction lighting is described at paragraph 11.171 of ES Chapter 11 with a narrative included for each of the representative ‘night-time views’.</p> <p>Night-time effects have been reviewed, in accordance with comments on the application of the methodology and significant construction phase effects identified at PVP9 and PVP36. Appendix 1, The baseline report, Appendix 11.5, the Schedule of Landscape and Visual Construction Effects and the ES Chapter have been amended accordingly.</p>
4.	<p>LVIA Methodology is not agreed in respect of:</p> <p>The published landscape character areas in BDC (e.g. LCA 1: Aston Flamville Wooded Farmland and LCA 6: Elmsthorpe Floodplain), albeit the overall ‘High’ and ‘Very High’ sensitivity ratings for these receptors seem appropriate</p>	<p>Matter not agreed.</p> <p>Not clear what is not agreed here given comments on sensitivity being appropriate. This would appear to be an assessment matter rather than a ‘methodology matter’ and</p>

5.	<p>The methodology for assessing night-time lighting effects.</p> <p>The method appears appropriate but we do not agree with its implementation for example statements on susceptibility and value and Appendix 11.6 does not seem to give any difference in susceptibility and value between day and night so we remain unclear on how the method has been used.</p> <p>For some receptors (e.g. the A47 Link Road Corridor and Off-site Rail Crossings) no separate night-time value and/or susceptibility ratings are provided, albeit the overall 'Low' sensitivity rating for these receptors seems appropriate.</p> <p>It is not agreed that no significant night-time effects would be experienced at Year 1 and 15. Receptors that in the Council's opinion will experience significant residual night-time effects are set out below (Paragraph 1.7).</p>	<p>Not Agreed</p> <p>This should be a matter for agreement as it stated that the methodology is appropriate. The application or the night-time effects which are other matters which are dealt with later on and do not need to be repeated here.</p>

Matters agreed - Landscape and Visual Baseline

Ref.	Matter agreed	Record of agreement
1.	Viewpoint Locations were agreed via email correspondence in January 2021.	Email correspondence in January 2021 and Agreed through this SoCG
2.	The assessment study area was agreed following a clarification request by LUC on behalf of BDC during pre-application consultation correspondence. (Reference: Table 11.6 in document 6.1.11)	Agreed through this SoCG
3.	Landscape and townscape receptors were agreed following a clarification request by LUC on behalf of BDC during pre-application consultation correspondence. (Reference: Table 11.6 in document 6.1.11)	Agreed through this SoCG
4.	Residential dwellings to be considered in the LVIA were agreed following a clarification request by LUC on behalf of BDC during pre-application consultation correspondence.	Agreed through this SoCG

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	(Reference: Table 11.6 in document 6.1.11)	
5.	Baseline descriptions of lighting in relation to individual landscape and visual receptors.	Agreed through this SoCG
6.	Night-time construction effects for LCA 1: Aston Flamville Wooded Farmland, LCA 6: Elmesthorpe Floodplain, and LCA 15: Stoney Stanton Rolling Farmland.	Agreed through this SoCG
7.	Planting growth rates assumed within the Year 15 photomontages.	Provide further information to clarify/justify. Paragraph 1.203 and Table 1.10 in Appendix 11.1 (Landscape and Visual Baseline) detail the expected growth rates of the species proposed which give expected heights ranging from 7m – 17.5 at Year 15. The Year 15 Photomontages assume a much more modest 8-10m height at Year 15 (as set out in Annex 5), to account for potentially slower growth due to variable ground/climate conditions should that occur. It is also of note that these heights also do not take into account the additional years of growth as a result of early planting in the construction period. Thus the growth rates uses in the montages are considered to present a very conservative approach to the planting /screening effect that could be achieved at Year 15.

Matters not agreed - Landscape and Visual Baseline

Ref.	Matter not agreed	Record of agreement	EDP Response
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1.	<p>Night-time visual assessment at construction for PVPs (9, 12, 19, 20, 22, 24, 25 and 32).</p> <p>Provide further information. In particular judgements and accompanying narrative on overall sensitivity (value and susceptibility), magnitude of change (scale of the change, geographical extent and duration and reversibility/proportion) and overall effects.</p> <p>Not agreed. It isn't clear how the 'Low' value ratings presented in Appendix 11.5 and 11.6 for all nine night-time views relate to the night-time assessment methodology presented in Appendix 11.1 (the methodology uses 'National', 'Local', 'Community' and 'Limited' categories of value). Also, it isn't clear why different receptor groups (e.g. PRow users and motorists) are assigned the same 'Low' susceptibility rating (paragraph A1.36 of Appendix 11.1 states that 'susceptibility of receptors ... reflects the different activities people undertake in hours of darkness').</p> <p>It is also not agreed that no significant night-time visual effects would occur during the construction phase. Receptors that in the Council's opinion will experience significant effects are set out below (Paragraph 1.6).</p>	Matter not agreed	<p>Noted that the methodology also refers to National, Local, Community and Limited Value – these equate to High, Medium, Low and Negligible as added to the revised baseline assessment.</p> <p>Assessments have been reviewed in response to comments on application of methodology and adjustments made as set out in revised Appendix 11.1, Appendix 11.5 and Appendix 11.6.</p> <p>As noted above significant effects have been identified at PVP9 and PVP36</p>
2.	Night-time assessment for landscape and visual receptors	Matter not agreed	Some of these matters are a repeat of the

	<p>at Year 1 and 15.</p> <p>provide further information.</p> <p>Including judgements and accompanying narrative on overall sensitivity (value and susceptibility), magnitude of change (scale of the change, geographical extent and duration and reversibility/proportion) and overall effects.</p> <p>Not agreed. As above, it isn't clear how the 'Low' value ratings presented in Appendix 11.5 and 11.6 for all nine night-time views relate to the night-time assessment methodology presented in Appendix 11.1; and it isn't clear why different receptors (e.g. PROW users and motorists) are assigned the same 'Low' susceptibility rating.</p> <p>It is also not agreed that no significant night-time visual effects would occur at Year 1 and Year 15 phase. Receptors that in the Council's opinion will experience significant night-time effects are set out below (Paragraph 1.6 and 1.7 below).</p>		<p>matters not agreed in 1. above and should only be referred to once. Suggest 1 section on night-time assessment.</p>
3.	<p>Discrepancy between Appendix 11.5 and Table 11.23 of the LVIA chapter with regard to Year 15 night-time visual effects.</p> <p>For some receptors (e.g. the A47 Link Road Corridor and Off-site Rail Crossings) no separate night-time value and/or susceptibility ratings are provided, albeit the overall</p>	<p>Matter not agreed</p>	<p>Not sure what discrepancy is being referred to here?</p> <p>Night-time value and/or susceptibility ratings have been clarified for A47 Link Road and Off-Site Rail Junctions</p>

	'Low' sensitivity rating for these receptors seems appropriate.		
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1.8 Heritage

Archaeology

Version	Date	Issued by
1	May 2023	TSH
2	22 June 2023	LCC
3	29 June 2023	TSH
4	19 July 2023	BDC
5	31 August 2023	TSH

6	18 October 2023	BDC
7	23 October 2023	TSH

Blaby Heritage

Version	Date	Issued by
1	May 2023	TSH
2	13 June 2023	BDC
3	28 June 2023	TSH
4	19 July 2023	BDC
5	31 August 2023	TSH
6	18 October 2023	BDC
7	23 October 2023	TSH

Heritage Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 13 has been prepared in accordance with the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG
2.	<p>The archaeology and building recording DCO requirement is agreed as follows:</p> <p>Archaeology and building recording</p> <p>1. (1) No phase shall commence until such time as a written scheme of investigation for that phase based on the provisions of the archaeological mitigation strategy has been submitted to and approved in writing by the relevant planning authority. The written scheme of investigation must include</p> <p>(a) details of the on-site recording methodology</p> <p>(b) details of sampling, analysis and reporting strategy</p> <p>(c) details of monitoring arrangements; and</p> <p>(d) details of timetable and personnel.</p> <p>(2) No part of the authorised development on the main site shall commence until a level 3 record of the buildings of historic interest identified in the archaeological method statement has been undertaken. The record must be carried out in accordance with a written specification first agreed with the</p>	Agreed through this SoCG

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	<p>relevant planning</p> <p>authority in consultation with Leicestershire County Council and prepared by a competent building recorder in accordance with Historic England Understanding Historic Buildings, A Guide to Good Recording Practice, 2016 (as amended from time to time)</p>	
3.	Paragraphs 1.91 – 1.93 under the section Archaeology of the CEMP is agreed.	Agreed through this SoCG
4.	<p>The submitted Cultural Heritage ES Chapter 13 includes a comprehensive assessment of the impact upon the historic environment, including the setting of nearby designated heritage assets.</p> <p>BDC considers that all of the affected assets should be identified separately within summary Table 13.8 of the ES to give a more explicit representation of the likely effects. It is agreed that TSH will submit amended tables should the Examining Authority request it, following review of BDC's relevant reps.</p>	Agreed through this SoCG
5.	That the assessment of the impact of HNRFI on the significance of relevant designated heritage assets within the category of 'less than substantial harm' is agreed (NPS paragraph 5.134).	Agreed through this SoCG
6.	<p>An appropriate methodology has been employed to assess relevant heritage assets and impacts of the Proposed Development. Given the different level of significance of these assets along with the varying magnitude of change they are to experience, BDC considers that all of the affected assets should be identified separately within Table 13.8 of the ES to give a more explicit representation of the likely effects. It is agreed that TSH will submit amended tables should the examining</p> <p>panel request it, following review of BDC's relevant reps.</p>	Agreed through this SoCG
7.	The assessment includes a proportionate narrative in respect of the significance of heritage assets affected and does not rely	Agreed through this SoCG

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	solely on a tabular matrix.	
8.	The Cultural Heritage ES Chapter is supported by an adequate suite of completed archaeological and heritage surveys to inform the DCO Application.	Agreed through this SoCG
9.	The Cultural Heritage ES Chapter is supported by up-to-date baseline data for the DCO Site.	Agreed through this SoCG
10.	Any identified 'adverse effects' on heritage assets in EIA terms translates to 'harm' in terms of the National Planning Policy Framework (NPPF) and National Policy Statement (NPS).	Agreed through this SoCG
11.	Discussions between the applicant's heritage consultant and the BDC Conservation Officer have explored the assessment conclusions and it is agreed that the conclusions of the Cultural Heritage ES in respect of the potential effects of the Proposed Development on heritage assets have been informed by the conclusions of the Landscape and Visual Effects Chapter (document reference 6.1.11), Lighting Strategy (document reference 6.2.3.2), Noise and Vibration Chapter (document reference 6.1.10) and Air Quality Chapter (document reference 6.1.9), and as such are not limited to only visual considerations.	Agreed through this SoCG
12.	The Archaeological Mitigation Strategy (Document reference 6.2.13.7) sets out an appropriate strategy for the completion of required archaeological mitigation across the DCO Site.	Agreed through this SoCG
13.	The Archaeological Mitigation Strategy (Document reference 6.2.13.7) sets out an appropriate strategy for the completion of required archaeological mitigation across the DCO Site	Agreed through this SoCG
14.	The requirements outlined in the Archaeological Mitigation Strategy (6.2.13.7) include provision for the completion of a two-phase programme of investigation, commencing with trial trenching, to be followed up with a second phase of	Agreed through this SoCG

	appropriate further investigation and recording. While the principal of this work has been agreed and outlined in the AMS, the precise nature of the further work has not yet been defined. The provisions and procedures established within the AMS are anticipated to be sufficient to satisfactorily address the archaeological programme, including field work, post-excavation analysis, reporting/dissemination and archive deposition.	
15.	<p>LCC Archaeology on behalf of BDC will be undertaking on-site archaeological monitoring and post-excavation review, to ensure appropriate and efficient management of the mitigation programme. The work will be undertaken at cost and will comprise review of all Written Schemes of Investigation for exploratory trial trenching, and any follow-up archaeological investigation / excavation, monitoring of all fieldwork, review of archaeological reports, and the resulting project archive.</p> <p>In total the anticipated monitoring requirement is 15 days with a total cost of £7,312.50. The Applicant will meet these costs through the S106 Agreement.</p>	Agreed through this SoCG

Heritage Matters not agreed

Ref.	Matters not agreed	Any actions rising
1.	None	None

1.9 Socio-economics

Version	Date	Issued by
01	22/05/23	TSH
02	19/06/23	Blaby District Council
03	23/06/23	TSH
04	01/08/23	Blaby District Council
05	09/10/23	TSH

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06	253/10/23	BDC
07	14/11/23	TSL

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	Up to date employment rates have been provided in the ES.	Agreed through this SoCG
2.	The effect of the Proposed Development on community land and assets (including access to Burbage Woods and Common) has been updated to report a minor adverse effect over the long term.	Agreed through this SoCG

Matters not agreed

Ref.	Matters not agreed	Any actions rising
1	<p>Adequacy of analysis of job skills and availability of labour</p> <ul style="list-style-type: none"> - Lack of analysis of types of construction skills / occupations required and the relationship with current skill profile. Undermines ability to develop employment and skills strategy - Inclusion of an Employment and Skills Strategy for Construction workers but not operational workers - Concerns about the detail and robustness of the Employment and Skills Strategy - Mismatch between drive time TRIP model used to determine origins of operational labour (types of occupations suitable) [Appendix 8.1 Transport Assessment Trip Distribution Document [APP-142] selects the future worker locations based on criteria in Table 3: Census Occupational Categories' of that document. This excludes higher Occupations 1-3] and assertion of the occupational requirements of the proposed 	<ul style="list-style-type: none"> - The evolving Employment and Skills Plan will ensure that the effects of construction and operational employment are captured locally as anticipated and will detail the availability of a local labour supply. - The Employment and Skills Plan will analyse the types of construction skills required and compare them with the skills available locally. - The Trip Distribution model has been tested by the Leicestershire County Council Network Data Intelligence team and signed off by the LCC development management team. It is considered robust. This is also included in the draft LCC SoCG (document reference: 19.3) under Matters Agreed.

	<p>development [Environmental Statement Volume 1: Chapter 7: Land Use and Socio-Economic Effects’ in table 7.15 suggests these higher occupations will make up 33.3% of employees]. Undermines assumptions regarding catchment for labour.</p>	
<p>2</p>	<p>Housing demand and supply impact</p> <ul style="list-style-type: none"> - Insufficient information or analysis to understand the HNRFI’s impact on housing demand overall and in terms of housing affordability on relevant employment sectors. - Appears to be a misalignment between the operational employment study impact area (ES para 7.17) and the housing market area (table 7.23). With no apparent attempt to reconcile this difference, the conclusions arrived at in the ES regarding the impact of demand for workers on housing is in question 	<p>A review of HENA 2022 was undertaken and our understanding is that the proposed annual housing target, based on the standard method supports an employment growth of circa 90,000 jobs in the 2020-36 period with the baseline forecast growth by Cambridge Econometrics (CE) over the same period being 26,900 (Table 8.3). There is no further information on the sectoral split of jobs supported by the Standard Method. However a sectoral breakdown of baseline growth projections is provided in Section 4 of the appendices of the study by CE covering the 2019-41 period. By applying the sectoral proportions of the 2019-41 period growth (23% for Wholesale, Transport and Warehousing) to the baseline job growth we get a baseline job growth of 6,250 for the Wholesale, Transport and Warehousing in the 2020-36 period. In addition to the above CE provides also an aspirational growth scenario anticipating 3,900 jobs by 2030 in addition to the baseline growth for the Wholesale, Transport and Warehousing sector. This increases the projected job growth to circa 10,000 additional jobs as the timeframes do not completely match.</p>

		<p>Once the same proportion is applied to the jobs supported by standard method the result is 21,600 additional jobs in the sector. This results into 15,350 jobs in addition to the baseline growth and 11,450 jobs in addition to the baseline and aspiration growth.</p> <p>Therefore the proposed housing target could support 11,450-15,350 additional jobs in the Wholesale, Transport and Warehousing sector in Leicester and Leicestershire above the CE growth scenarios.</p> <p>HNRFI is anticipated to generate 6,300-7,800 net additional jobs on site once displacement is taken into account by 2032. Therefore by adopting the standard method target of 5,713 units per annum across the area sufficient housing is anticipated to be available for the net additional jobs generated by HNRFI even without taking into consideration local unemployed residents finding a job in HNRFI.</p> <p>Therefore the above doesn't affect the conclusions of our assessment on the effect of HNRFI on local housing.</p> <p>Justification for the selection of the HMA is provided in paragraph 7.19 of Environmental Statement Chapter 7: Land Use and Socio-Economic Effects (document reference: 6.1.7, APP-116). An additional technical note is also provided for Deadline 3 as per ISH4 actions.</p> <p>PREPARED TO AGREE REGARDING LONG TERM HOUSING SUPPLY AND LABOUR AVAILABILITY</p>
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		BASED ON STANDARD METHOD - REMAINING INADEQUATE / MISSING ANALYSIS OF WAGES AND HOUSING AFFORDABILITY ISSUES THAT WILL HAVE A BEARING ON LABOUR ORIGINS
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1.10 Health

Version	Date	Issued by
01		TSH
02		BDC
03		TSH
04	28.07.2022	BDC
05	15/08/2023	TSH
06	10.11.2023	BDC (without LCC comment)
07	14/11/2023	TSL

Health Matters agreed

Ref.	Matter agreed	Record of agreement	Applicant's Position
1.	As agreed during the formal Scoping Process with the Planning Inspectorate, the approach to considering the health and wellbeing of communities, was to focus on environmental socio, cultural and economic precursors protective of the environment and health.	Agreed	Item Agreed by all parties
2.	Appendix 7.1 Health and Equality Briefing Note (document reference 6.2.7.1) was prepared to aid signposting as to how and where health was addressed and assessed in the DCO ES.	Agreed – Appendix 7.1 has been updated as requested by the Planning Inspectorate (Document reference 6.2.7.1.A)	Item Agreed by all parties
3.	<p>A supplementary statement on equality was prepared in Appendix 7.2 to respond to the PINS s51 Advice letter and more clearly demonstrates the effects of the Proposed Development on those persons with protected characteristics as defined under the Equality Act 2010 (as amended).</p> <p>A Rule 17 response was received from the Planning Inspectorate regarding preferred terminology, and the Applicant has confirmed that the</p>	Agreed – Appendix 7.2 has been updated as requested by the Planning Inspectorate. (Document reference 6.2.7.2A).	Item Agreed by all parties

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	revised Equality Statement made no changes to the assessment or conclusion.		
4.	<p>Potential impacts on local water supply, foul water, surface water, flood risk and electric and magnetic fields are addressed through planning and the regulatory planning process to preclude any risk or impact to health. These items can be deferred to the pertinent technical disciplines and does not need to be addressed through a health topic at the Issue Specific Hearing.</p> <p>In the event that further technical assessments pertaining to these topics result in the identification of significant impacts, the potential for health impacts should be reconsidered.</p>	Agreed	Item Agreed by all parties
5.	<p>Potential changes in local air quality during both construction and operation remain within air quality objective thresholds set specifically to be protective of health for vulnerable members of the population, and the absolute change in concentration and exposure remains orders of magnitude lower than is required to quantify any measurable adverse health outcome.</p> <p>As such, this item can be retained under the air quality technical disciplines, and does not need to be addressed through a health topic at the Issue Specific Hearing.</p> <p>LCC has requested further clarification on this point in the form of high level Quantitative Exposure Response Assessment. The Applicant’s position is that this request is excessive given the negligible effect of the proposal on air quality. The Applicant will prepare a separate technical note clarifying its position at the ExA’s request.</p>	Agreed	Item Agreed by all parties
6.	As detailed in the ES and noted in the Health and Equality Briefing Note,	Partial Agreement (parked until the noise	It is unclear what is in disagreement, please

	<p>following the implementation of mitigation, the change in noise levels are below what is considered perceptible during the day and night time periods; as a result, design and mitigation precludes any significant health impact. The item can be deferred to the acoustic noise and vibration technical discipline, and does not need to be addressed through a health topic at the Issue Specific Hearing.</p> <p>In the event that further technical assessments pertaining to these topics result in the identification of significant impacts, the potential for health impacts should be reassessed.</p>	<p>technical specialists are in agreement, but the Applicant's position remains that the technical discipline is there to manage unwanted sound, preclude health impacts and won't need a separate health topic at the Issue Specific Hearing).</p>	<p>set out the basis for this and itemise the specific matters that requires further discussion, by reference to specific receptors and assessments?</p>
7.	<p>Changes in visual impact are not of an order to result in any measurable adverse health outcome. The more subjective potential effect of visual impact is adequately addressed within the Landscape and Visual Effects technical discipline to recognised methods and an agreed scope.</p>	<p>The updated Health and Inequalities Note states that there will be no measurable health risk in terms of the landscape and visual effects. However, paragraph 1.183 also suggests that it insufficient to establish any quantifiable or specific health outcomes or endpoint.</p> <p>This conclusion is not contended however, qualitative assessment could be undertaken informed by community consultation.</p>	<p>We are in agreement that there is no measurable health impact from changes in visual impact.</p> <p>Please note consultation was undertaken with the purpose of capturing community concerns and informing design and mitigation.</p>
8.	<p>Income and employment are key determinants of health, which are addressed through the socio-economic Technical Discipline.</p> <p>The item can be deferred to the socio-economic Impact technical discipline, and does not need to be addressed through any additional considerations of</p>	<p>Agreed through this SoCG.</p>	<p>Item Agreed by all parties</p>

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	health at Issue Specific Hearing.		
9.	<p>Potential changes in Public Rights of Way and Green Space are addressed, assessed and mitigated within the ES, to preclude any significant adverse health outcome, manage disruption and provide alternative provision. While residual impacts at the individual level may exist, they are not of a level to quantify any change in health outcome.</p>	<p>Partial Agreement (Parked, and anticipated that this can be addressed through the technical discipline that precludes health outcome, as there is no measurable risk)</p> <p>This conclusion is not contended however, qualitative assessment could be undertaken informed by community consultation.</p>	<p>Item Agreed</p> <p>Please note consultation was undertaken with the purpose of capturing community concerns and informing design and mitigation.</p>
10.	<p>The health baseline applied in the Health Briefing Note was to provide further context and awareness of local circumstance priority and need. It complements the appropriate topic specific baselines contained in the ES, whose geographical scopes were agreed during scoping and vary by topic, depending on the nature of varying focus, scope, distribution characteristics and effect.</p> <p>The Public Health Team have reviewed the contextual health baseline in the Health and Equality Briefing Note, and while minor discrepancies exist due to the granularity of data applied (ward, Super Output Area etc) and temporal periods, these are not material. This contextual information, which complements the topic specific baseline data, has no impact on the assessment conclusions or assessment of significance.</p>	<p>Partial Agreement – the parties will undertake an independent analysis to confirm whether it is agreed that the selection of an alternative study area would be non-material.</p> <p>Agreed through this SoCG.</p>	<p>Item Agreed by all parties</p>
11.	Mental health has been raised as a	Parked I am still not	Please set out your

	<p>residual concern, however, none of the environmental changes are sufficient to cause any manifest mental health outcome. It is unclear if Icen are referring to general stress and anxiety from the imposition of change, or risk perception. The potential for perception to cause anxiety can only be addressed through the factual investigation and dissemination of robust information, as contained in the ES.</p>	<p>clear what you mean by mental health, and from what? Please can you explain what gap you have or countervailing evidence of a significant mental health impact. The impact on mental health and well-being arising from changes to the visual setting have been addressed in the updated Health and Inequalities Briefing Note in response to the Rule 17 Letter. The conclusions are not contended however, qualitative assessment could be undertaken informed by community consultation.</p>	<p>position on this.</p> <p>No evidence has been presented of a mental health impact from the construction or operation of the proposed facility by any party.</p> <p>All tangible changes in environmental and socio-economic conditions have been assessed and addressed.</p> <p>No countervailing evidence has been provided by any party to infer a mental health outcome.</p>

Matters not agreed

Ref.	Matters not agreed	Any actions rising	
12.	<p>Concern has been raised regarding a potential breach of the Equality Act. The Health and Equalities Appendix has failed to consider the travelling community in proximity to the site. However, they are categorically identified in each of the pertinent technical disciplines as sensitive receptors. It was deemed unnecessary and undesirable to repeat every technical discipline receptor methodology and sensitivity rating in the Health and Equality Briefing Note. Concern has also been raised regarding</p>	<p>The travelling community have not been considered with the socio-economic assessment which is considered to be a pertinent technical discipline.</p> <p>Matters around Narborough Crossing still stand. The applicant has not assessed the impact</p>	<p>This is factually incorrect.</p> <p>The travelling community have been considered as a sensitive receptor for all technical topic areas where there is a credible change in circumstance (air, noise, transport etc).</p>

	<p>discrimination against disabled individuals due to additional down time at Narborough level crossing. However, this does not discriminate against any protected characteristic as the barrier does not selectively open or close depending on age, sex, ethnicity, sexual orientation, disability etc. In other words all members of the population are equally affected by barrier down time.</p> <p>Furthermore, there is no significant disproportionate impact, where the Network Rail analysis of Narborough Station and crossing indicates the only possible time for additional intermodal freight trains would be for 2 trains between 4 – 7 pm. Each train would cause a maximum barrier downtime of 2.5mins. This is far less than a stopping passenger train coming from Leicester, which is 4-5 minutes.</p> <p>In each hour the total barrier down time would be approximately 20 minutes, with 40 minutes open which is well within Network Rail’s acceptable barrier down time at a level crossing. This does not constitute a significant impact to health, equality or constitute any significant impact on emergency services.</p> <p>The Equality Act is to prevent illegal discrimination, foster opportunity for improved equality, and relations between those with and without a protected characteristic.</p>	<p>therefore, the conclusions on it not significantly impacting health, equality or constitute any significant impact on emergency services cannot be reached.</p>	<p>They are not considered a sensitive receptor in the socio-economics assessment, as there is no credible impact on the socio-economic circumstance of the travelling community during construction or operation.</p> <p>In terms of the Narborough Crossing, this is again factually incorrect, where the crossing time of 2.5 minutes was assessed accordingly in the transport assessment, and found not to present any significant impact (delay, severance etc). A different conclusion on the impact on emergency access cannot be reached. We also note that a number of alternative routes are available.</p> <p>This conclusion was confirmed in Blaby District Council’s written Representation Appendices:</p> <p>“Socio-Economic and Health Impacts of Narborough level Crossing”.</p> <p>“This assessment concludes that the</p>
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			<p>increased downtime of the barrier at Narborough Crossing is not considered to have an overall material impact on quality of life of residents” (our emphasis).</p> <p>On this basis, there is no evidence of discrimination to any protected characteristic, due regard has been made, and there is no material risk to health or quality of life.</p> <p>It is unclear what is in disagreement.</p>
<p>13</p>	<p>Concern has been raised regarding the absence of an equality baseline to establish the presence of individuals with a protected characteristic.</p> <p>As previously explained, it is not appropriate or needed to set a detailed baseline for age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.</p> <p>To do so firstly runs the risk of discrimination, but it also sets a level of false accuracy, as the data will never fully capture all of the characteristics, or account for how some of these characteristics vary over stages of life and none will be static spatially.</p> <p>As an example, if there was a baseline that indicated the absence of all protected characteristics at that time, then any individual missed in that baseline, or moved in following it,</p>	<p>The absence of the vulnerable is also of relevance for the Health and Inequalities Briefing Note. As per the Health Impact Assessment Spatial Planning Guidance (as referenced in paragraph 1.42 in the updated Appendix), the need to identify characteristics is important to understand how sensitive population groups or areas are to the impact of a development project. The appendix has not included analysis on these groups.</p>	<p>It is unclear what is in disagreement.</p> <p>Item 10 of the agreed matters already confirms that the health baseline applied in the Health Briefing Note was to provide further context and awareness of local circumstance priority and need. It complements the appropriate topic specific baselines contained in the ES, whose geographical scopes were agreed during scoping and vary by topic, depending on the nature of varying focus, scope, distribution</p>

	<p>would not be considered. Equally, depending on personal circumstance and stage of life, an individual could fall within and out of the definition of a protected characteristic.</p> <p>Asking for a baseline that will not be accurate, or to enter this into the public domain that might result in discrimination is therefore inappropriate and contrary to the Equality Act.</p> <p>The correct approach is to therefore consider the hazard in general, and then consider if it presents any discrimination or disproportionate risk to any and all of the protected characteristics (irrespective of if you know they are present or not).</p> <p>This way you don't need to know who lives in which house, it removes false accuracy, and you have a far broader and more precautionary means to test any discrimination or disproportionate risk from what is proposed.</p>		<p>characteristics and effect.</p> <p>The Public Health Team have reviewed the contextual health baseline in the Health and Equality Briefing Note, and while minor discrepancies exist due to the granularity of data applied (ward, Super Output Area etc) and temporal periods, these are not material.</p> <p>Given prior agreement, can we remove this item from the matters not agreed?</p>
<p>14.</p>	<p>There remains a fundamental disagreement to the Planning Inspectorate's agreed approach and scope to the assessment of health, and that a voluntary, non-regulatory Health Impact Assessment would have been preferential. The Applicant's position remains that no evidence has been advanced to substantiate this point and that the health briefing note that it produced to help consolidate the relevant information was constructive, and a more than sufficient response to concerns raised during consultation.</p>	<p>Disagree</p> <p>Do you still want this one in there? Stakeholders have repeatedly asked for a health impact assessment to be included. The Rule 17 letter stated that the applicant should provide a consolidated Health Impact Assessment addressing the impacts on human health from the Proposed Development. While the applicant has re-submitted Appendix 7.1 Health and Equalities Briefing</p>	<p>Please note that clarification was sought on the Rule 17 Letter, where the planning inspectorate confirmed that "there is no obligation for you to submit a full HIA (this was scoped out)". The Applicant has email correspondence with the planning inspectorate noting that this position will be formally published as Section 51 advice.</p> <p>Please note, all credible health pathways have been assessed and addressed, no gaps</p>

		Note, the request for a Health Impact Assessment has not been fulfilled.	<p>have been identified, and no countervailing evidence of a health impact has been presented by any party.</p> <p>None of the Local Impact Reports provide their own HIA.</p>
15.	Clarification is sought in relation to the change in approach to including significance criteria in the Health and Equalities Briefing Note.		<p>As agreed, the Health and Equality Briefing Note was intended to aid transparency as to how and where health was assessed and addressed within the regulatory EIA.</p> <p>Following the Rule 17 letter, further clarity was sought, and the Planning Inspectorate indicated that the conclusions derived from the ES significance criteria were not specific.</p> <p>HIA guidance was suggested as means to reframe the potential impact, of which HIA being a non-regulatory requirement to the planning process, does not include significance criteria.</p> <p>On this basis, the information already contained in the ES was removed. It has no change to the assessment findings or conclusion.</p>

<p>16.</p>	<p>Health impacts in respect of noise.</p>	<p>See BDC’s SoCG on noise which prompts further discussion on these impacts.</p>	<p>It understood that there is no disagreement with the Health and Equality Briefing Note, the disagreement is in the Noise SoCG. We are unclear what evidence BDC is referring to with respect to individual receptors and assessments in the noise SOCG. Please clarify.</p> <p>It may be that we should remove this, given we have already agreed that “In the event that further technical assessments pertaining to these topics result in the identification of significant impacts, the potential for health impacts should be reconsidered.”</p>
<p>17.</p>	<p>Health impacts on mental health.</p>	<p>See the matter above, further clarification needed.</p>	<p>It is unclear what aspect of the proposed development this specifically relates to.</p> <p>No evidence of health impacts on mental health has been presented by the IPs.</p> <p>Please set out your position and evidence to support what concern has not been addressed.</p>

1.11 Contaminated Land

Version	Date	Issued by
01	12/05/2023	TSH
02	N/A	N/A
03	15/08/2023	TSH

Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapters 15 and 16 have been prepared in accordance with the National Policy Statement for National Networks (NPSNN)	Agreed through this SoCG
2.	The contaminated land requirement is agreed.	Agreed through this SoCG
3.	Paragraphs 1.110 – 1.115 under the section Ground Conditions, Contamination and Hazardous Material.	Agreed through this SoCG
3.	<p>The approach to considering contamination and the proposed remediation of the site in general is accepted.</p> <p>Preliminary Ground investigation has been completed which has not identified any significant contamination sources at the site.</p> <p>Potential contamination source may be present around existing farms including fuel storage and asbestos in farm buildings. Detailed investigation will be required and a remediation strategy prepared following examination.</p> <p>The remediation strategy will include contingency measures for dealing with any unidentified contamination.</p> <p>A verification report will be prepared to demonstrate that the remediation strategy has been implemented and the site is suitable for use.</p>	The response to the Stage 2 Statutory Consultation and agreed through this SoCG

STATEMENT OF COMMON GROUND ♦ HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

4.	The development will include incorporation of interceptors and sealed drainage systems in operational areas, yards and chemical storage will prevent any deterioration of underlying groundwater quality during the life of the development.	The response to the Stage 2 Statutory Consultation and agreed through this SoCG
5.	There would be a watching brief during removal of any existing tanks during decommissioning and demolition	Meeting 23 November 2022 and secured through the details to be submitted as part of the contaminated land requirement.
6.	ES Chapter 17 agrees with the ambitions to reuse most demolition materials from existing buildings and barns within the development. Off-site removal to landfill is to be minimised, with the exception of any contaminants (e.g. asbestos). This is included as an aim within a Site Waste Management Plan/Materials Management Plan.	Agreed through this SoCG

Matters not agreed

Ref.	Matter agreed	Record of agreement
	n/a	

2. AGREEMENT ON THIS SOCG

This Statement of Common Ground has been jointly prepared and agreed by:

Name:

Signature:

Position:

On behalf of:

Tritax Symmetry (Hinckley) Limited

Date:

Name:

Signature:

Position:

On behalf of:

Blaby District Council

Date: