

October 2023

Planning Act 2008

TRITAX SYMMETRY (HINCKLEY) LIMITED

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

DOC REF 19.2

**Statement of Common Ground between
Tritax Symmetry (Hinckley) Limited and Hinckley & Bosworth 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	HBBC
03	04/07/23	TSH
04	05/09/23	HBBC
05	11/10/23	TSH
06	13/10/23	HBBC
07	16/10/23	TSH
08	18/10/23	HBBC
09	24/10/23	TSH

Matters agreed – Alternative Sites

Ref.		Record of agreement
1.	Chapter 4 of the submitted Environmental Statement (document reference 6.1.4) appropriately 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.	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

Ref.		
	None	

Matters agreed – Need For HNRFI

Ref.		Record of agreement
1.	The need for a SRFI has been established within the joint authority evidence base <i>'Warehousing and Logistics at Leicester and Leicestershire: managing growth and change'</i> (April 2021)	Agreed through this SoCG.
2.	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)	Agreed through this SoCG.
3.	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 <i>'Warehousing and Logistics in Leicester and Leicestershire: managing growth and change'</i> (April 2021).	Agreed through this SoCG.
4.	Both the <i>'Warehousing and Logistics at Leicester and Leicestershire Managing Growth and Change'</i> (April 2021 amended March 2022) jointly commissioned by the local authorities in Leicestershire and the <i>'Market Needs Assessment'</i> 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.	Agreed through this SoCG.

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5.	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 development needs.	Agreed through this SoCG.
6.	Hinckley and Bosworth Borough 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 <i>'Market Needs Assessment'</i> (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.		
	N/A	

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.
2.	Requirement 10 Rail which supports the construction and occupation of up to 105,000 sqm of logistics floorspace is Reasonable and proportionate prior to the Rail Port (Phase 1) becoming operational as Set out within the submitted Planning Statement (Document reference: 7.1).	Agreed through this SoCG.

Matters not agreed – Strategic Rail Freight Interchanges

Ref.		Any actions rising
1.	There is disagreement between the parties whether the proposal for Hinckley National satisfy 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.	

Matters agreed – Other matters arising from the policy provisions of the development plan

Ref.		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 sets out the framework for guiding development in the District under the Town and County Planning Act 1990 and provides a wider context for the HNFRI proposal.	Agreed through this SoCG.
2.	That the relevant part of the development plan for the Borough Council comprises: Hinckley and Bosworth Core Strategy DPD 2009 Hinckley and Bosworth Site Allocations and Development Management Policies 2016	Agreed through this SoCG.
3.	The Council has adopted a 'Good Design Guide' SPD (2020) which the ExA/Secretary of State may consider material to the decision taking.	Agreed through this SoCG.
4.	HNRFI is in conflict with the policy in the development plan for Hinckley and Bosworth Borough which identifies the DCO site 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	Agreed through this SoCG.

	paragraph 4.84).	
5.	That the HNRFI has a direct physical impact on land which forms part of the allocated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge and gives rise to a conflict with Policy 6 of the adopted 2009 Core Strategy of the 2016 adopted 'Site Allocations and Development Management Policies DPD' (SADMP DPD), arising from the construction of the A47 Link.	Agreed through this SoCG.
6.	That the scale and locational requirements for a SFRI could not be accommodated within the limits of a built-up area within Hinckley and Bosworth Borough.	Agreed through this SoCG.

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

Ref.		
1.	The Planning Statement, ES or other documents do not give a detailed consideration of the Development Plan documents.	
2.	<p>Whether the provision to the south of the A47 Link Road with the proposals for 22.62 hectares of public open space adjoining Burbage Wood amounts to some 25% of the area of land comprised of Burbage Common and Wood. Such provision is consistent with the strategic interventions supported by Policy 20 'Green Infrastructure' within the adopted Core Strategy to 'increase the size of the site to increase both the community value and biodiversity holding capacity and improve access to the site potentially for pedestrians and cyclists</p> <p>HBBC consider that in order to meet this policy the proposal would need to clearly demonstrate that the community value for cyclists and pedestrians can be improved while also increasing the biodiversity holding capacity, ensuring that each is dealt with independently and by making improvements for pedestrians and cyclists their proposals will not have a detrimental impact on</p>	

	biodiversity.	
4.	Whether the Parameters Plan is consistent with the guidance in the Good Design SPD.	
5.	Whether the extent to which the construction of the A47 is in conflict with the provision of Core Strategy Policy 6 Green Wedge, and the weight to be applied to such conflict.	
6.	Whether in order to consider the visual impact of the proposed link road on the Green Wedge, illustrative elevational details are required.	
7.	Whether in consequence of the proximity of the HNRFI to Burbage Wood and Aston Firs SSSI which is designated as a Local Wildlife Site BUR76, <i>'HNRFI will have a detrimental impact and thereby be in conflict with Policy DM6 of the 2016 Adopted Site Allocations and Management Policies DPD which aims to protect nationally and internationally designated sites.'</i>	
8.	Whether in abutting the eastern edge of land forming part of Burbage Common and Wood which is designated an area of Natural and Semi Natural Open Space (BUR76) the proposal is in conflict with Policy DM9 of the 2016 <i>'Adopted Site Allocations and Management Policies DPD'</i> which aims to protect and enhance such sites.	

Matters agreed – Draft Policy Statement National Networks

Ref.		Record of agreement
1.	The Draft NPS is potentially capable of being an important and relevant consideration in the decision taking process on the HNFRI. The extent to which the Draft NPS is relevant to the determination of the DCO for HNRFI is a matter for the Secretary of State to consider within the Planning Act 2008. (NPS paragraph 1.17)	Agreed through this SoCG.

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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.
3.	That in meeting the Government's ambitions for rail freight growth there remains a continuing need for appropriately located SRFIs across all regions to enable further unlocking of benefits (Draft NPS paragraph 3.103)	Agreed through this SoCG.

Matters not agreed – Draft Policy Statement National Networks

Ref.		
1.	Whether the phasing of development for HNRFI is consistent with the provisions of paragraph 4.84 of the Draft NPS).	

1.2 Lighting

Version	Date	Issued by
01	18 May 2023	TSH
02	15 June 2023	HBBC

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.	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).	Agreed through this SoCG
3.	Requirement 31 – lighting is agreed	Agreed through this SoCG
4.	Paragraphs 1.46 – 1.49 under the lighting section of the CEMP are agreed	Agreed through this SoCG

Matters not agreed

Ref.	Matter not agreed	Any actions arising
1.	None	N/A

1.3 Climate

Version	Date	Issued by
01	19/05/23	TSH
02	14/06/23	HBBC
03	23/06/23	HBBC
04	03/07/23	TSH
05	26/07/23	HBBC

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 Statement (NPPS) (2021) by mitigating and adapting to climate change, including moving to a low carbon economy (paragraph 7). 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	Agreed through this SoCG

	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).	
3.	<p>The assessment methodology has been accepted comprising:</p> <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; <p>Recommendations to mitigate likely significant effects</p>	Agreed through the Scoping Opinion, additional consultation and this SoCG.
4.	<p>The assessment is sufficient to estimate the effects GHG emissions sources, including:</p> <ul style="list-style-type: none"> • Vehicular emissions during the construction stage; • Embodied carbon in construction materials; • Vehicular emissions during the operational stage; and <p>Energy demand during the operational stage.</p>	Agreed through this SoCG
5.	<p>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)</p>	Agreed through this SoCG
6.	<p>HNRFI supports Hinckley and Bosworth Borough Councils (HBBC) core strategies ('Spatial Objective 12') by minimising the impacts of climate change by promoting the sustainable use of resources, investing in green infrastructure, minimising the use of</p>	Agreed through this SoCG

	resources and energy, increasing reuse and recycling of natural resources, increasing the use of renewable energy technologies and minimising pollution, including greenhouse gas emissions.'	
7.	ES Chapter 18 acknowledge and supports HBBCs and own commitments to acknowledging a climate emergency.	Agreed through this SoCG
8.	<p>It is agreed that the assessment of greenhouse gas emissions (GHGs) is an integral part of evaluating the environmental impact of various proposals and initiatives. However, it is important to acknowledge that the assessment of GHGs is inherently reflective of the outlined nature of these proposals, which can present certain limitations: since the proposals are often presented at an early stage of development or are subject to change, the assessment is based on projected data rather than actual measurements. Furthermore, the outlined nature of proposals may not capture all potential emissions sources or accurately account for indirect or secondary emissions (this is explained in the methodology section).</p> <p>While efforts are made to consider a comprehensive range of factors, such as direct emissions from operations, the emissions associated with operational circumstances throughout entire life cycle, or potential emissions caused indirectly through supply chains, cannot be assessed at this stage in time and therefore transparent and accurate projections for units to transition to net-zero is not feasible.</p> <p>It is acknowledged that UK companies have legal commitments and obligations to commit to net-zero emissions as part of the government's strategy to address climate change; SECR is a mandatory reporting framework that applies to large UK</p>	Agreed through this SoCG

	<p>companies. It will therefore require that companies operating on the site will need to report their energy consumption, greenhouse gas emissions, and energy efficiency measures in their annual reports. It's important to note that the legal commitments and requirements for companies to commit to net-zero in the UK may evolve over time as policies and regulations are updated or introduced.</p> <p>Ongoing monitoring, regular updates, and transparent reporting are recommended to address uncertainties and refining the assessments as more accurate data becomes available.</p>	
9	<p>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.</p>	Agreed through this SoCG
10.	<p>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.</p>	Agreed through this SoCG

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11.	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
12.	<p>The Framework CEMP includes best practice mitigation measures to reduce emissions 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>	Agreed through this SoCG
13.	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
14.	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 CO ₂ emissions affected by design and embodied carbon. HNRFI will consider 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
15.	The increase in electrical vehicles	Agreed through this SoCG

	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.	
16.	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.	Agreed through this SoCG
17.	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 compliment 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 impacts during extreme weather events.	Agreed through this SoCG
18.	The lead contractor's Environmental Management System will consider all measures deemed necessary and appropriate to adapt to and manage extreme weather events and should specifically cover training of personnel and prevention and monitoring arrangements.	Agreed through this SoCG
19.	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
20.	Requirement 17 Electricity Generation Cap	Agreed through this SoCG
21.	Requirement 18 Energy Strategy	Agreed through this SoCG

Matters not agreed

Ref.	Matter not agreed
1.	None

1.4 Air Quality

Version	Date	Issued by
01	22.05.2023	TSH
02	15.06.2023	HBBC
03	28.07.2023	TSH
04	08.08.2023	TSH

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 including 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.	Incorporation of mitigation measures within the HNRFI to minimise the impact of the HNRFI on local air quality, including: <ul style="list-style-type: none"> - Electric Vehicle (EV) charging provision; - Provision of bus stop; - Use of Photovoltaic (PV) array as primary energy source; - Site Wide Travel Plan to promote active and low emissions transport uptake to the HNRFI. 	Agreed through this SoCG.
4.	Paragraphs 1.77 to 1.79 under the heading Dust and Air Quality of the CEMP are	Agreed through this SoCG.

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	agreed.	
5.	Assessment of back-up Combined Heat and Power (CHP) unit emissions on local air quality.	Agreed through this SoCG
6.	Requirement 29 Combined Heat and Power is agreed.	Agreed through this SoCG
7.	Confirmation should be given that the 2022 version of the DEFRA Technical and Policy Guidance has been used	Agreed through this SoCG 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)
8.	Confirmation that when the revised Air Quality Objectives are published by the Government this year, that the air quality assessments will be revised to take account of them	It is noted that this has been requested by HBBC. A revised assessment addressing the revised air quality objectives will be prepared if requested by the Examiner.

Matters not agreed

Ref.	Matter not agreed	Any actions arising
	N/A	

1.5 Ecology

Version	Date	Issued by
01	18.05.2023	TSH
02	19.06.2023	HBBC
03	28.06.2023	TSH
04	11.08.2023	HBBC

Matters agreed

Ref.	Matter agreed	Discussion	Record of agreement
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).	N/A	Agreed through this SoCG
2	Executive summary – Paragraph 1.3. LUC agrees that the Applicant has carried out sufficient phase 1 and phase 2 species surveys	N/A	Agreed through this SoCG
3	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.	N/A	Agreed through this SoCG
4	Methodology – Paragraph 1.14 LUC agrees with the search radii employed for the majority of the ecological receptors is appropriate.	N/A	Agreed through this SoCG
5	Extended Phase 1 Survey, Paragraph 1.28	N/A	Agreed through this SoCG

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Ref.	Matter agreed	Discussion	Record of agreement
	LUC agrees that the EP1HS was undertaken within the optimal survey period for such surveys.		
6	In general LUC agree with the outline provided regarding important ecological features within the order limits, however does not agree that 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.	Further detail on appropriate mitigation measures to be provided through design process and agreed under local authority condition discharge	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.	N/A	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)	N/A	Agreed through this SoCG
9	Annex 5 - GCN surveys - paragraph A5.25 LUC welcomes the inclusion of updated GCN surveys to be undertaken prior to any habitat loss. LUC welcomes the inclusion of updated GCN surveys to be undertaken prior to any habitat loss.	N/A Agreed through this SoCG	Agreed through this SoCG
10	LUC agrees that the Metric 3.1 and associated condition sheets was the appropriate metric	N/A	Agreed through this SoCG

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Ref.	Matter agreed	Discussion	Record of agreement
	methodology at the time of assessment.		
11	Introduction, Paragraph 1.14 The industry standard guidelines should also include for all phase 2 species specific surveys undertaken.	Update document to refer to appropriate guidance	Agreed through this SoCG
12	Methodology, Paragraph 1.20 Best practice methodologies should be included within the industry standard guidance section.	Update document to refer to appropriate guidance	Agreed through this SoCG
13	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 of methodology to be provided)	Agreed through this SoCG
14	Paragraph 1.80 Search radius for bird species is stated as 3km, standard guidance suggests 5km.	To be reflected in updated surveys in 2024/25)	Agreed through this SoCG
15	Paragraph 1.84 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	Update document to include broad descriptions)	Agreed through this SoCG

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Ref.	Matter agreed	Discussion	Record of agreement
	within up front chapters for readers ease.		
16	Annex 4 - Bat surveys - table A4.1 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.	Update document to provide clarity regarding bat surveys	Agreed through this SoCG
17	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.	Update surveys scheduled for 2024 will include visual aids with reference to latest interim guidance	Agreed through this SoCG
18	LUC notes that no full survey results have been provided with reference to water vole, otter and badger, whilst acknowledging that 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.	N/A	Agreed through this SoCG
19	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.)	Update document to reflect baseline	Agreed through this SoCG

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Ref.	Matter agreed	Discussion	Record of agreement
20	The incorrect guidance has been cited regarding biodiversity net gain and development (this should be the updated 2021 guidance)	Update document to refer to correct guidance	Agreed through this SoCG
21	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.	Update document to include matrix of effects	Agreed through this SoCG
22	The BIA does not make reference to BS 8683 Process for Designing and Implementing Biodiversity Net Gain (2021).	Update document to refer to correct BS	Agreed through this SoCG
23	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' without undertaking appropriate surveys.	Applicant confirms that updated surveys will be undertaken within all affected areas prior to construction	Agreed through this SoCG
24	ES Paragraph 1.117 and 12.204 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.	Applicant agrees with inclusion of GCN as an IEF with appropriate mitigation measures in line with NE rapid risk assessment and associated construction / operational risks	Agreed through this SoCG

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Ref.	Matter agreed	Discussion	Record of agreement
25	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.	Applicant states that update surveys in 2024/2025 will take full account of any design changes which may occur. Should further design changes happen beyond those survey timeframes, further survey work will be taken immediately prior to any tree removal where appropriate.	Agreed through this SoCG
26	BIA including Paragraphs 1.11-1.17 and Annex 1 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.	Applicant acknowledges that justification of 'fairly' categories will need to be provided upon updating the BIA. Where possible, their use will be avoided.	Agreed through this SoCG
27	BIA Paragraph 1.9 / Annex 1 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.	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'. It is agreed that hedgerows will be entered as 'formally	Agreed through this SoCG

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Ref.	Matter agreed	Discussion	Record of agreement
		identified in the local strategy' in the detailed BNG metric	
28	BIA Paragraph 1.22 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.	Applicant acknowledged that newly planted trees should be re-categorised as 'small' unless larger trees are to be used, in which case appropriate justification will be provided.	Agreed through this SoCG
29	Works should not commence until a WAMP, detailing planting, management and mitigation (including remedial measures) is in place.	Agreed through SoCG that no phase shall commence until a woodland access management plan has been submitted and approved by the relevant planning authority.	Agreed through this SoCG
30	LEMP Paragraph 4.6 BS 8683 Process for Designing and Implementing Biodiversity Net Gain should be referenced. The LEMP should also include a plan/map that links the BIA and LEMP proposals.	This will be appropriately referenced within the LEMP and a plan will be provided, linking the on and offsite BNG with the soft and hard landscaping.	Agreed through this SoCG

Matters not agreed

Ref.	Matter not agreed	Discussion	Consultant position
Ecology Baseline			
1	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.	Applicant reiterates CIEEM guidance regarding assigning importance to ecological features	Matter remains not agreed

Ref.	Matter not agreed	Discussion	Consultant position
Ecology and Biodiversity ES Chapter			
5	<p>Paragraph 12.155</p> <p>The loss of broadleaved plantation woodland appears to be offset by new woodland 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.</p>	<p>Applicant states that further details will be provided in detailed iterations of the ES chapter and DCO supporting documents (e.g. the LEMP, CEMP, EMMP and BIA)</p>	<p>Insufficient detail has been provided to enable a complete assessment of potential impacts and to ensure that appropriate mitigation measures have been included.</p>
6	<p>Paragraph 12.157</p> <p>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 it.</p>	<p>Applicant states that further details will be provided in detailed iterations of the ES chapter and DCO supporting documents (e.g. the LEMP, CEMP, EMMP and BIA)</p>	<p>Insufficient detail has been provided to enable a complete assessment of potential impacts and to ensure that appropriate mitigation measures have been included.</p>
7	<p>Paragraph 12.158</p> <p>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.</p>	<p>Applicant states that further details will be provided in detailed iterations of the ES chapter and DCO supporting documents (e.g. the LEMP, CEMP, EMMP and BIA)</p>	<p>Insufficient detail has been provided to enable a complete assessment of potential impacts and to ensure that appropriate mitigation measures have been included.</p>
8	<p>Paragraph 12.172</p> <p>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.</p>	<p>Applicant states that further details will be provided in detailed iterations of CEMP and LEMP.</p>	<p>Insufficient detail has been provided to enable a complete assessment of potential impacts and to ensure that appropriate</p>

Ref.	Matter not agreed	Discussion	Consultant position
			mitigation measures have been included.
9	<p>Paragraph 12.183</p> <p>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.</p>	<p>Applicant states that further details will be provided in detailed iterations of the ES chapter and DCO supporting documents (e.g. the LEMP, CEMP, EMMP and BIA)</p>	<p>Insufficient detail has been provided to enable a complete assessment of potential impacts and to ensure that appropriate mitigation measures have been included.</p>
11	<p>Paragraph 12.207</p> <p>LUC disagrees that an outline decommissioning plan is not included, despite the nature and longevity of the proposed development. 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.</p>	<p>Applicant states that this will be provided in future iterations of the DCO supporting documents.</p>	<p>Insufficient detail has been provided to enable a complete assessment of potential impacts and to ensure that appropriate mitigation measures have been included.</p>
12	<p>Mitigation measures – badger</p> <p>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.</p>	<p>Applicant states that further details will be provided in detailed iterations of the ES chapter and DCO supporting documents (e.g. the LEMP, CEMP, EMMP and BIA)</p>	<p>Insufficient detail has been provided to enable a complete assessment of potential impacts and to ensure that appropriate mitigation measures have been included.</p>
13	<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</p>	<p>Applicant states that further details will be provided in detailed iterations of the ES chapter and DCO supporting documents (e.g. the LEMP, CEMP, EMMP and BIA)</p>	<p>Insufficient detail has been provided to enable a complete assessment of potential impacts and to ensure that appropriate mitigation measures have been included.</p>

Ref.	Matter not agreed	Discussion	Consultant position
	management plan has been included with regard to BNG and offsite measures are yet to be secured. Alongside this, there seems to be a reliance on other developments proposals with regard to both to ensure no adverse impacts.		
Biodiversity Impact Assessment			
14	The scheme demonstrates the delivery of a feasible strategy to deliver at least a 10% net gain in biodiversity value.	Applicant states that a complete BIA will be provided, detailing a strategy that will deliver at least a 10% net gain.	Further detail is required regarding refinement of the on-site calculations and confirmation of the offsite BNG proposals. Currently, insufficient detail has been provided to enable a complete assessment of potential impacts and proposed on and offsite BNG.
15	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.	Applicant states that a complete BIA, including a metric and offsite BNG plan, will be provided at the detailed design stage.	While applicant has confirmed that a full BIA report, inclusive of condition assessments and assessor comments will be provided at detailed design stage, the current assessment is not sufficient to determine the impacts upon on or offsite biodiversity.
16	The full River Condition Assessment was not provided for review. This should be included as an appendix to the main report. Paragraph 1.25 It is unclear as to how 'moderate' condition will be achieved, as simply allowing a watercourse to	Applicant states that a complete BIA, including RCA, will be provided at the detailed design stage.	While applicant has confirmed that a full BIA report, inclusive of RCA, will be provided at detailed design stage, the current assessment is not sufficient to determine the

Ref.	Matter not agreed	Discussion	Consultant position
	naturalise will not achieve this condition, particularly as the difficulty of creation is high.		impacts upon the river and its associated biodiversity units.
17	Paragraphs 1.18-1.19 It is unclear as to how off site BNG will be provided, secured and delivered.	Applicant states that a complete BIA, including a plan for the delivery of offsite BNG will be provided at the detailed design stage.	Insufficient clarity has been provided as to how offsite BNG will be delivered. It is not deemed appropriate to clarify at a later stage.
18	Paragraph 1.28 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.	Applicant states that a complete BIA will be provided at the detailed design stage.	Insufficient detail has been provided and thus it has not been possible to fully assess the impacts on hedgerows on or offsite. A full baseline for both on and offsite BNG should be provided as part of the BIA.
19	Paragraphs 1.32-1.33 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.	Applicant states that a complete BIA will be provided at the detailed design stage.	Insufficient detail has been provided and thus it has not been possible to fully assess the impact upon biodiversity on or offsite.

Ref.	Matter not agreed	Discussion	Consultant position
Woodland Access Management Plan			
20	<p>Insufficient detail has been provided to determine the suitability of the WAMP. Particularly with regard to Paragraphs 3.22 and 4.1, in which clarification is sought regarding the protection and management of new native planting and how long term management will be secured respectively.</p> <p>Clarification is also 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.</p>	<p>Applicant states that a full WAMP will be provided with future iterations of the supporting DCO documentation.</p>	<p>Insufficient detail has been provided and thus it has not been possible to fully assess the suitability of the proposed WAMP.</p>
Landscape and Ecological Management Plan			
21	<p>Paragraphs 2.2-2.3</p> <p>Clarification is sought as to why the LEMP is 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>Applicant states that a full LEMP will be provided with future iterations of the supporting DCO documentation.</p>	<p>Insufficient detail has been provided at this stage to fully assess the suitability of the LEMP. It is not agreed that complex habitat types have been identified and the potential need for bespoke agreements reflected in the LEMP.</p>
22	<p>Further information is required as the current LEMP is lacking detail surrounding ensuring the separation of use of SuDS ponds for biodiversity and surface water attenuation, use and placement of mammal passes and fencing, tree protection, biosecurity, remedial measures, specific</p>	<p>Applicant states that a full LEMP will be provided with future iterations of the supporting DCO documentation.</p>	<p>Insufficient detail has been provided at this stage to fully assess the suitability of the LEMP.</p>

Ref.	Matter not agreed	Discussion	Consultant position
	planting mixes (such as wet woodland) and shading tolerance.		
23	<p>Paragraph 6.4</p> <p>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.</p>	Applicant states that a full LEMP will be provided with future iterations of the supporting DCO documentation.	Insufficient detail has been provided at this stage to fully assess the suitability of the LEMP.
Construction Environmental Management Plan			
24	<p>Paragraphs 1.181 – 1.190 under the section Ecology of the CEMP is agreed.</p> <p>Further detail is required regarding:</p> <p>Birds - protocols regarding exclusion zones and working methodologies should nests be present</p> <p>Bats - further detail regarding bats and lighting such as lighting placement, lux levels, the use of hoods/cowls</p> <p>Badgers - covering of spoil and any other stored materials and the acoustic impact on badgers from noise and vibration</p>	Applicant states that a full CEMP will be provided with future iterations of the supporting DCO documentation.	Insufficient detail has been provided at this stage to fully assess the suitability of the CEMP. Method statements and species/habitat specific working restrictions and protocols have not been included within the CEMP.
Ecological Management and Monitoring Plan			
25	The EMMP is brief and lacking detail, considering that it is relied heavily upon within the ecology ES chapter.	Applicant states that a full EMMP will be provided with future iterations of the	Insufficient detail has been provided at this stage to fully assess the suitability of the EMMP .

Ref.	Matter not agreed	Discussion	Consultant position
	LUC notes that there is no general section on ecological monitoring during the works covered by the EMMP, specifically regarding record keeping and success of mitigation measures proposed.	supporting DCO documentation.	

Matters agreed – Lighting impacts

Ref.	Matter agreed	Record of agreement
1.	Potential impacts from light pollution have been fully assessed within Appendix 3.2: Lighting Strategy (Document reference: 6.2.3.2) and ES Chapter 12: Ecology and Biodiversity (document reference: 6.1.12). Further details are included within the Construction Environment Management Plan (CEMP), (document reference: 17.1), which includes specific mitigation measures to ensure that lighting during the construction and operational phases will not have significant adverse impacts on wildlife. Detailed design measures will be secured through suitably worded conditions.	Agreed through this SoCG
2	In accordance with requirement 31 of the Draft DCO a scheme of all permanent external lighting that accords with the submitted Lighting Strategy (Document Reference: 6.2.3.2) will be submitted and approved prior to occupation.	Agreed through this SoCG
3	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.	Agreed through this SoCG

Matters not agreed – Lighting impact

Ref.	Matter not agreed	Any actions arising	Comments Following SoCG
2.	The lighting strategy also does not include detail regarding locations of ecological receptors and light spill effect.	Applicant has confirmed that a further study will be undertaken to assess the impact of lighting on ecological receptors.	While this further study is welcomed, the current strategy does not provide sufficient detail to fully assess the impacts upon ecological receptors at this stage.
3	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.	Applicant has confirmed that a further study will be undertaken to assess the impact of lighting on ecological receptors.	While this further study is welcomed, the current strategy does not provide sufficient detail to fully assess the impacts upon ecological receptors at this stage.

Matters agreed – Air Quality

Ref.	Matter agreed	Record of agreement
1.	Air modelling and assessment has been undertaken using the appropriate guidance and methodology (Chapter 9: Air Quality (document reference 6.1.9)).	Agreed through this SoCG
2.	No impacts on ecological receptors are anticipated as a result of changes to air quality from the development (Chapter 9: Air Quality – table 9.22) as confirmed within ES Chapter 12: Ecology and Biodiversity (Document reference: 6.1.12) Paragraphs	Agreed through this SoCG

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	12.91, 12.185, 12.187 and 12.193).	
3.	The details at paragraphs 1.77-1.79 within the Construction Environment Management Plan (CEMP), (document reference: 17.1), include specific mitigation measures that are appropriate to avoid adverse impacts from dust pollution.	Agreed through this SoCG
4.	In accordance with Requirement 7 of the Draft DCO, a Dust Management Plan will be prepared to set out methods of dust control.	Agreed through this SoCG

Matters not agreed – Air quality

Ref.	Matters not agreed	Any actions rising
	N/A	

Matters agreed – Noise and vibration

Ref.	Matter agreed	Record of agreement
1.	<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

Matters not agreed – Noise and vibration

Ref.	Matters not agreed	Any actions rising
	N/A	

Matters agreed – Woodland Buffers

Ref.	Matter agreed	Record of agreement
	N/A	

Matters not agreed – Woodland Buffers

Ref.	Matter agreed	Record of agreement
1.	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.	To be discussed

Matters agreed – Scope of Surveys

Ref.	Matter agreed	Record of agreement
1.	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.	Agreed through this SoCG

Matters not agreed – Scope of Surveys

Ref.	Matter not agreed	Record of agreement
1.	Industry standard guidelines and best practice methodologies should be included within the chapter, thus confirming that appropriate approaches were taken.	Update required
2.	It is not agreed that sufficient surveys were undertaken that cover the DCO order limits.	Disagreed

1.6 Landscape

Version	Date	Issued by
01		TSH
02		HBBC
03		TSH
04	27.07.2023	HBBC
05	12.10.2023	TSH
06	18.10.2023	HBBC

Matters agreed – Methodology of LVIA

Ref.	Matter agreed	Record of agreement	TSH Update	HBBC Comment
1.	The landscape chapter has been prepared in accordance with the National Policy Statement for National Networks (NPSNN)	Agreed through this SoCG	EDP Update September 2023	No further comment
2.	Requirement 11 Container Stack Height,	The wording of the Requirement is agreed in so far as it relates to the principle of the phased approach in the Returns , Area, allowing for landscape planting to establish and provide a level of screening before additional height is added.	Text updated to reflect conversation at meeting on 7 th August	We agree with the principal of a phased approach to planting and lower stack heights at the early stage, but we don't agree it will reduce mitigate landscape and visual impacts in the long-term.
3.	Requirement 20 Landscape Ecological Management Plan	The wording of the Requirement is agreed, noting that further detail will be required to be added to the LEMP once the detailed design is developed and	Text updated to reflect conversation at meeting on 7 th August	No further comment

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		finalised. This will be done in consultation with the relevant local planning authority.		
4.	Requirement 22 Landscape scheme	The wording of the Requirement is agreed noting that the detailed landscape scheme will be developed and agreed in consultation with the relevant local planning authority.	Wording updated to reflect conversation at meeting on 7 th August	No further comment
5.	Matters contained in the CEMP relating to visual impact (para 1.80)	Visual aspects of the CEMP are Not Agreed through this SoCG. More detail and information is required on night time construction effects.	More detail on night-time construction effects is provided in the updated ES Chapter submitted on 22 nd September such that this matter can now be agreed.	Additional detail provided on night-time construction effects, which is helpful. However, 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 1.6).
6.	LVIA Methodology was agreed via email correspondence. Seeking to agree application of methodology	Not agreed. The clarifications requested on the method have not been provided and this makes it more difficult for the Council(s) to understand the landscape and visual effects of the scheme. This in particular relates to the GLVIA3 method and requirement to	Additional narrative has been added to an updated chapter submitted on 22 nd September such that this matter can now be agreed.	Additional narrative provided on value and susceptibility for some landscape receptors which is helpful. However, this is not provided for the published landscape character areas in BDC (e.g. LCA 1: Aston Flamville Wooded Farmland and LCA 6:

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		provide a clear narrative on how judgements have been derived.		Elmsthorpe Floodplain), albeit the overall 'High' and 'Very High' sensitivity ratings for these receptors seem appropriate.
7	The methodology for assessing night-time lighting effects was agreed following a clarification request by LUC on behalf of HBBC during pre-application consultation correspondence. (Reference: Table 11.6 in document 6.1.11). Seeking to agree application of methodology.	Not Agreed 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.	Amendments have been made to clarify the night-time assessment included in an updated ES Chapter submitted on 22 nd September such that this matter can now be agreed.	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. 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).

Matters agreed – Landscape and Visual Baseline

Ref.	Matter agreed	Record of agreement	TSH update	BDC Comment
1.	Viewpoint Locations were agreed via email correspondence in January 2021.	email correspondence in January 2021 and Agreed through this SoCG	NA	NA
2.	The assessment study area was	Agreed through this SoCG	NA	NA

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	agreed following a clarification request by LUC on behalf of HBBC during pre-application consultation correspondence. (Reference: Table 11.6 in document 6.1.11)			
3.	Landscape and townscape receptors were agreed following a clarification request by LUC on behalf of HBBC during pre-application consultation correspondence. (Reference: Table 11.6 in document 6.1.11)	Agreed through this SoCG	NA	NA
4.	Residential dwellings to be considered in the LVIA were agreed following a clarification request by LUC on behalf of HBBC during pre-application consultation correspondence. (Reference: Table 11.6 in document 6.1.11)	Agreed through this SoCG	NA	NA
5	Baseline descriptions of lighting in relation to individual	Provide further information.	The Baseline Night-Time Visual Amenity is reported in paragraph 1.202 to 1.221 of the	No further comment

	landscape and visual receptors.		<p>Landscape and Visual Baseline (document ref.: 6.2.11.1). This identifies and describes the baseline lighting conditions at the 9 Photoviewpoint locations that are assessed as night-time views.</p> <p>Figure 11.12: Night-time Views and Photomontages (document ref: 6.3.11.12) provides photography to show night-time views in their baseline condition, as well as photomontages to illustrate the change as a result of the proposed development.</p> <p>T</p>	
6	Night-time construction effects for LCA 1: Aston Flamville Wooded Farmland, LCA 6: Elmhurst Floodplain, and LCA 15: Stoney Stanton Rolling Farmland.	Further clarification.	Night-time construction effects for the LCAs have been added to Appendix 11.5: Schedule of Landscape and Visual Construction Effects	No further comment

			(document ref.: 6.2.11.5).	
7	Discrepancy between Appendix 11.5 and Table 11.23 of the LVIA chapter with regard to Year 15 night-time visual effects.	Further clarification.	Night-time effects have been reviewed and updated in the revised ES Chapter and Appendices submitted on 22 nd September.	<p>We note that several viewpoints were assessed as experiencing significant night-time visual effects during the construction phase and operational phases in version 05 of the LVIA, but these have now been changed to not significant.</p> <p>It is not agreed that no significant night-time effects would be experienced during construction or at Year 1 and 15. 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>
8	Planting growth rates assumed within the Year 15 photomontages.	Provide further information to clarify/justify.	A methodology for the Photomontages produced is contained within Annex 5 of the Landscape and Visual Baseline	No further comment

			(document reference 6.3.11.1). A description of the vegetation growth rates used in the Year 15 Views is provided at paragraph 1.201 of the Landscape and Visual Baseline with examples of selected species given in Table 1.10W	
9	Discrepancy between Appendix 11.5 and Table 11.23 of the LVIA chapter with regard to Year 15 night-time visual effects.	Further clarification.	Night-time effects have been reviewed and updated in the revised ES Chapter and Appendices submitted on 22 nd September.	
10	Planting growth rates assumed within the Year 15 photomontages.	Provide further information to clarify/justify.	A methodology for the Photomontages produced is contained within Annex 5 of the Landscape and Visual Baseline (document reference 6.3.11.1). A description of the vegetation growth rates used in the Year 15 Views is provided at paragraph	

			1.201 of the Landscape and Visual Baseline with examples of selected species given in Table 1.10W	
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Matters agreed – Landscape and Visual Baseline

Ref.	Matter agreed	Record of agreement	TSH update	BDC Comment
1.	Night-time visual assessment at construction for PVPs (9, 12, 19, 20, 22, 24, 25 and 32).	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.	Night-time construction effects on the 9 selected night-time views are provided in Appendix 11.5: Schedule of Landscape and Visual Construction Effects (document ref.: 6.2.11.5). The Night-time scenario is discussed within the Assessment of Effects Column for each view.	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 <i>'susceptibility of receptors ... reflects the different activities</i>

				<p><i>people undertake in hours of darkness’).</i></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>
2.	Night-time assessment for landscape and visual receptors at Year 1 and 15.	<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>Night-time effects at Year 1 and Year 15 are provided for landscape receptors and the 9 selected viewpoints in Appendix 11.6: Schedule of Landscape and Visual Operational Effects (document ref.: 6.2.11.6). These viewpoints have been selected to represent the range of landscape and visual receptors likely to experience change at night with judgements on</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</p>

			sensitivity and magnitude of change given for each viewpoint.	phase. It is noted that several viewpoints were assessed as experiencing significant effects in version 05 of the LVIA. Receptors that in the Council's opinion will experience significant effects are set out below (Paragraph 1.6).
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Matters not agreed – Landscape and Visual Baseline

Ref.	Matter agreed	Record of agreement	TSH update	BDC Comment
1.	Night-time visual assessment at construction for PVPs (9, 12, 19, 20, 22, 24, 25 and 32).	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.	Night-time construction effects on the 9 selected night-time views are provided in Appendix 11.5: Schedule of Landscape and Visual Construction Effects (document ref.: 6.2.11.5). The Night-time scenario is discussed within the Assessment of Effects Column for each view.	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'

				<p>susceptibility rating (paragraph A1.36 of Appendix 11.1 states that <i>'susceptibility of receptors ... reflects the different activities people undertake in hours of darkness'</i>).</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>
2.	Night-time visual assessment at construction for PVPs (9, 12, 19, 20, 22, 24, 25 and 32).	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.	Night-time construction effects on the 9 selected night-time views are provided in Appendix 11.5: Schedule of Landscape and Visual Construction Effects (document ref.: 6.2.11.5). The Night-time scenario is discussed within the Assessment of Effects Column for each view.	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

			<p>groups (e.g. PRow users and motorists) are assigned the same 'Low' susceptibility rating (paragraph A1.36 of Appendix 11.1 states that <i>'susceptibility of receptors ... reflects the different activities people undertake in hours of darkness'</i>).</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>
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1.7 Heritage

Version	Date	Issued by
01	14..05.2023	TSH
02	13.06.2023	HBBC
03	28.06.2023	TSH

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.	The submitted Cultural Heritage ES includes a comprehensive assessment of the impact upon the historic environment, including the setting of nearby designated heritage assets.	Agreed through this SoCG
3.	An appropriate methodology has been employed to assess relevant heritage assets and impacts of the Proposed Development	Agreed through this SoCG
4.	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
5.	The assessment includes a proportionate narrative in respect of the significance of heritage assets affected and does not rely solely on a tabular matrix.	Agreed through this SoCG
6.	The Cultural Heritage ES Chapter is supported by an adequate suite of completed archaeological and heritage surveys to inform the DCO Application.	Partially agreed through this SoCG. The adequacy of the archaeological surveys is to be considered within the SoCG with Leicestershire County Council (Planning Archaeology)
7.	The Cultural Heritage ES Chapter is supported by up to date baseline data for	Agreed through this SoCG

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	the DCO Site.	
8.	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
9.	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 is not limited to only visual considerations.	Agreed through this SoCG, insofar as the potential effects on heritage assets located within the Borough of Hinckley and Bosworth.

Matters not agreed

Ref.	Matter not agreed	Any actions arising
1.	N/A	N/A

1.8 Geology, Soils and Groundwater

Geology, Soils and Groundwater

Version	Date	Issued by
01	18.05.2023	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 of the CEMP is agreed.	Agreed through this SoCG
4.	<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
5.	The development will include incorporation of interceptors and sealed drainage systems in operational areas, yards and chemical storage will prevent any deterioration of	The response to the Stage 2 Statutory Consultation and agreed through this SoCG

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	underlying groundwater quality during the life of the development.	
6.	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.

1.9 Socio-economics

Version	Date	Issued by
01	22/05/23	TSL
02	20/06/23	HBBC
03	23/06/23	TSL
04	28/07/23	MP
05	10/10/23	TSL
06	23/10/23	BDC and HBBC
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.	Matter not agreed	Any actions arising
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 <p>Mismatch between drive time TRIP model used to determine origins of operational labour (types of occupations suitable)</p>	<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.

	<p>[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 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>- 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>
<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</p>

		<p>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</p>
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		<p>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 BASED ON STANDARD METHOD</p> <p>REMAINING INADEQUATE / MISSING ANALYSIS OF WAGES AND HOUSING AFFORDABILITY ISSUES THAT WILL HAVE A BEARING ON LABOUR ORIGINS</p>
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		-

1.10 Health & Equalities

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

Matters agreed

Ref.	Matter agreed	Record of agreement	Response
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.	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	Agreed – Appendix 7.2 has been updated as requested by the Planning Inspectorate. (Document reference 6.2.7.2A).	Item Agreed by all parties

	<p>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 revised Equality Statement made no changes to the assessment or conclusion.</p>		
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>	Agreed	Item Agreed by all parties

	<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>		
6.	<p>As detailed in the ES and noted in the Health and Equality Briefing Note, 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>Partial Agreement (parked until the noise 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>It is unclear what is in disagreement, please 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</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.</p>	<p>We are in agreement that there is no measurable health impact from changes in visual impact.</p>

	is adequately addressed within the Landscape and Visual Effects technical discipline to recognised methods and an agreed scope.	However, paragraph 1.183 also suggests that it is insufficient to establish any quantifiable or specific health outcomes or endpoint. This conclusion is not contended however, qualitative assessment could be undertaken informed by community consultation.	Please note consultation was undertaken with the purpose of capturing community concerns and informing design and mitigation.
8.	Income and employment are key determinants of health, which are addressed through the socio-economic Technical Discipline. The item can be deferred to the socio-economic Impact technical discipline, and does not need to be addressed through any additional considerations of health at Issue Specific Hearing.	Agreed through this SoCG.	Item Agreed by all parties
9.	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.	Partial Agreement (Parked, and anticipated that this can be addressed through the technical discipline that precludes health outcome, as there is no measurable risk) This conclusion is not contended however, qualitative assessment could be undertaken informed by community consultation.	Item Agreed Please note consultation was undertaken with the purpose of capturing community concerns and informing design and mitigation.
10.	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	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.	Item Agreed by all parties

	<p>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>	Agreed through this SoCG.	
11.	<p>Mental health has been raised as a residual concern, however, none of the environmental changes are sufficient to cause any manifest mental health outcome. It is unclear if Ieni 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>Parked I am still not 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>Please set out your 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.	Matter not agreed	Any actions arising	Applicants position
12.	<p>Concern has been raised regarding a potential breach of the Equality Act.</p> <p>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.</p> <p>Concern has also been raised regarding 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>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 therefore, the conclusions on it not significantly impacting health, equality or constitute any significant impact on emergency services cannot be reached.</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>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</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>Impacts of Narborough level Crossing”.</p> <p>“This assessment concludes that the increased downtime of the barrier at Narborough Crossing is <u>not considered to have an overall material impact on quality of life of residents</u>” (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>
13	<p>Concern has been raised regarding the absence of an equality baseline to establish the presence of individuals with a protected characteristic.</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</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</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, 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</p>	<p>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>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.</p> <p>Given prior agreement, can we remove this item from the matters not agreed?</p>
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	<p>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>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 Note, the request for a Health Impact Assessment has not been fulfilled.</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 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>
<p>15.</p>	<p>Clarification is sought in relation to the change in approach to including significance criteria in the Health and Equalities Briefing Note.</p>		<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</p>

			<p>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>
16.	Health impacts in respect of noise.	See BDC's SoCG on noise which prompts further discussion on these impacts.	<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>
17.	Health impacts on mental health.	See the matter above, further clarification needed.	<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</p>

			addressed.
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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:

Hinckley and Bosworth District Council

Date: