

**October 2023**

**Planning Act 2008**

**TRITAX SYMMETRY (HINCKLEY) LIMITED**

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

**DOC REF 19.3**

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**Statement of Common Ground between  
Tritax Symmetry (Hinckley) Limited and Leicestershire County Council**

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## 1. MATTERS OF AGREEMENT AND DISAGREEMENT

### 1.1 Planning

Version	Date	Issued by
01	May 2023	TSH
02	23/06/23	LCC
03	03/07/23	TSH
04	08/09/23	LCC
05	11/10/23	TSH
06	18/10/23	LCC

#### Matters not agreed – Principle of Development

Ref.	Matter not agreed	Record of agreement
1.	<p>The County Council has no objection to the principle of SRFIs, accepts the need for a SRFI to be located in south Leicestershire. However, based on the information submitted to date (13 October 2023) the HNRFI site in Blaby District cannot be endorsed as an appropriate location given the issues raised by the County Council, including in its role as the Local Highway Authority.</p> <p>Given the significant concerns, which remain unresolved, particularly in relation to highways and transport matters, the Council objects to the HNRFI proposal as submitted by Tritax Symmetry to the Planning Inspectorate in March 2023 and considers the Examining Authority should recommend refusal to the SoS.</p>	

**Matters agreed – Alternative Sites**

Ref.	Matter agreed	Record of agreement
1.	Chapter 4 of the submitted Environmental Statement (document reference 6.1.4) outlines the alternative locations studied and has provided indication by the Applicant as to the reasons for the selection of HNRFI.	Agreed through this SoCG.

**Matters not agreed – Alternative Sites**

Ref.	Matters not agreed	
1.	Whether the Applicant has set out the alternative considerations in the evolution of the 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).	
2.	The County Council in its role as the Local Highway Authority has concerns regarding the design of the access and egress to the site, the access road and proposed bridge, having regard to the 'Criteria for 'good design' for national network infrastructure' in the NPS (4.28 to 4.35).	

**Matters agreed – Need HNRFI**

Ref.	Matter agreed	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, amended March 2022)	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 to 2041 – and that a supply shortfall for rail served	Agreed through this SoCG.

	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).	
3.	It is agreed that the identified business market for HNRFI is not fully served by existing and committed SFRI 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, amended March 2022).	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 serviced 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.
5.	That the <i>'Warehousing and Logistics at Leicester and Leicestershire: managing growth and change'</i> (April 2021, amended March 2022) 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.	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 HNRFI

Ref.	Matters not agreed	Any actions arising
1.	The Applicant considers that the provisions of the development plan have	

	been given appropriate consideration with preparation of the proposals for HNRFI.	
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### Matters agreed – Strategic Rail Freight Interchanges

Ref.	Matter agreed	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.	It is agreed that HNRFI acknowledges the criteria set out in the NPS (paragraphs 4.28 to 4.35) which constitutes 'good design'	Agreed through this SoCG.
3.	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.	Matters not agreed	Any actions rising
1.	There is disagreement between the parties whether the proposal for HNRFI satisfy the guidance for good design in the NPS (paragraphs 4.28-4.35) with particular reference to the alleged impact of HNRFI on the surrounding landscape.	
2.	The recent Government announcement regarding the curtailing of High Speed 2 (HS2) at Birmingham and the introduction of Network North give rise to questions as to whether there will be sufficient capacity on the network to serve additional strategic rail freight as the NPSNN envisages (para 1.7): <i>This NPS sets out the Government's policy for development of the road and rail networks and strategic rail freight interchanges, taking into account the capacity and connectivity that will be</i>	

	<p><i>delivered through HS2.</i></p> <p>Furthermore, the new proposals for the East Midlands include increased rail capacity by increasing the number of trains between Birmingham and Leicester from two to four per hour (which will itself increase the amount that Narborough crossing is closed).</p> <p>Furthermore, the new proposals for the East Midlands include increased rail capacity by increasing the number of trains between Birmingham and Leicester from two to four per hour (which will itself increase the amount that Narborough crossing is closed).</p>	
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### Matters agreed – Other matters arising from the policy provision of the development plan

Ref.	Matter agreed	Record of agreement
1.	<p>i. <b>That the development plan comprises:</b> Leicestershire Minerals &amp; Waste Local Plan 2019</p> <p>ii. <b>District/Borough Wide Development Plans</b> Blaby District Local Plan Core Strategy 2013 Blaby Local Plan Delivery DPD 2019 Hinckley and Bosworth Core Strategy DPD 2009 Hinckley and Bosworth Site Allocations and Development Management Policies 2016</p> <p>iii. <b>Neighbourhood Plans</b> Fosse Villages' Neighbourhood Plan</p>	Agreed through this SoCG.
2.	<p>Minerals and Waste Local Plan (MWLP)</p> <p>It is agreed that the development of HNRFI does not offend any of the policy provisions within the Minerals and Waste Local Plan.</p>	Agreed through this SoCG.
3.	It is agreed that HNRFI does not adversely impact on the safeguarding of mineral	Agreed through this SoCG.

	resources.	
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### Matters not agreed – Other matters arising from the policy provision of the development plan

Ref.	Matters not agreed	Any actions rising
1.	Although it is accepted that the NPS is the primary basis for making decisions on development consent applications for national networks, nationally significant infrastructure projects, LCC consider 'greater weight' must be given to the policies and proposals in the relevant development plan documents.	
2.	<p>The development of HNRFI could adversely impact on committed or consented operations for minerals extraction or waste management.</p> <p>To protect the aims, objectives and strategy of the Leicestershire Minerals and Waste Local Plan (September 2019) and the planning permission granted for a lateral extension to the mineral workings at Croft Quarry in early 2022 the ability for Croft Quarry to remain rail served with four trains in and out of the quarry in a 24 hour period is sought.</p>	

### Matters agreed – Draft Policy Statement National Networks

Ref.	Matter agreed	Record of agreement
1.	That the Draft NPS is an important and relevant consideration to the decision taking on HNFRI, and represents the current thinking of the Government on the policy provision for national networks.	Agreed through this SoCG.
2.	That the Draft NPS maintains a consistency of policy approach towards the provision of new national networks including SRFIs.	Agreed through this SoCG.
3.	That in meeting the Government's ambitions for rail freight growth there remains a	Agreed through this SoCG.



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	continuing need for appropriately located SRFIs across all regions to enable further unlocking of the benefits. (Draft NPS paragraph 3.103)	
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**Matters not agreed – Draft Policy Statement National Networks**

<b>Ref.</b>	<b>Matters not agreed</b>	<b>Any actions arising</b>
	N/A	

## 1.2 Waste

Version	Date	Issued by
01	19.05.23	TSH
02	27.06.2023	LCC
03	14.07.23	TSH
04	13.08.23	LCC

### Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 17 has been prepared in accordance with the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG
3.	ES Chapter 17 has been prepared in accordance with the Waste Management Plan for England, inclusive of the principles of the 'Waste Hierarchy'.	Agreed through this SoCG
5.	ES Chapter 17 agrees with the ambitions to reuse most demolition materials from existing buildings and barns within the development. Off-site removal to landfill is to be minimised, with the exception of any contaminants (e.g. asbestos). This is included as an aim within a Site Waste Management Plan/Materials Management Plan.	Agreed through this SoCG
6.	ES Chapter 17 agrees Locally sourced materials should be used where appropriate/possible in order to reduce travel miles/CO2 footprint for construction. This aim can be included within a Materials Management Plan. The also generates potential localised economic benefits.	Agreed through this SoCG
7.	ES Chapter 17 provides a sufficient assessment of the nature and quantity of materials and natural resources has been provided, to the extent that such information is available, by applying knowledge of similar developments and the Rochdale envelope approach to uncertainty.	Agreed through this SoCG

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8.	ES Chapter 17 considers the baseline and future baseline waste disposal capacity.	Agreed through this SoCG
9	The Spatial scope of the assessment is considered within keeping with best practice, proportionate and acceptable.	Agreed through this SoCG
10.	The proposed Site Waste and Materials Management Plan (SWMMP) is sufficient to provide a framework for lead contractors and compliant with National and Local objectives. Implementation of the SWMMP would ensure that material reuse is maximised by minimising waste at source (reducing the requirement for new construction materials) and during construction. It is agreed that it would be regularly updated during the lifetime of HNRFI.	Agreed through this SoCG
11.	Excavated material classified as waste and this will be managed in accordance with the Definition of Waste: Development Industry Code of Practise (CL:AIRE, 2011).	Agreed through this SoCG
12.	The Main HNRFI Site benefits from a range of waste facilities in close proximity to the Main HNRFI Site. With the adherence of the Material Management Plan and the associated reuse of material the quantity of waste would not have a significant impact on the capacity of the landfill sites in the region with the impact assessed as slightly adverse.	Agreed through this SoCG
13.	Waste generated during operation by HNRFI which cannot be reused will be disposed of offsite by licensed contractors. A recycling rate of 65% is targeted.	Agreed through this SoCG
14.	The overarching principles of the Site Waste and Materials Management Plan submitted with the DCO application are agreed (document reference: 17.3)	Agreed through this SoCG
15.	<b>Requirement 23</b> Prior to the commencement of construction work on each phase of the authorised development a detailed site waste and materials arrangement plan for that phase in accordance with the principles set out in the site waste and materials management plan must be submitted to and approved by the	Agreed through this SoCG

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	relevant planning authority.	
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**Matters not agreed**

<b>Ref.</b>	<b>Matters not agreed</b>	<b>Any actions rising</b>
	N/A	

### 1.3 Highways

#### Traffic and Transport

Version	Date	Issued by
01	09.10.2023	TSH

#### Traffic and Transport - Matters agreed

Ref.	Matter agreed	Record of agreement
1.	The Transport Assessment and ES Chapter 8 have been prepared in accordance with the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG
2.	Development Trip distribution as produced by AECOM (TN1) APP	Agreement from LCC original AECOM distribution received 11.03.2021
5.	PRTM 2.2 Forecast Modelling Brief- inclusive of assessment years and scenarios	Agreement from LCC received 17.02.22. However, the Applicant has not followed the agreed brief. Further clarification is also sought on trip generation and the inclusion of a lorry park.
6.	PRTM 2.2 Hinckley National Rail Freight Interchange Transport Modelling: Base year Model Review and Refinements, Report v4.0 dated 11.02.2022.	Agreement from LCC received 01.03.22
8.	Base VISSIM modelling Audit Response J1M69	Agreement from LCC received 23.03.21

#### Matters not agreed - Traffic and Transport

Ref.	Matters not agreed	Rating
1	Trip generation (including HGV to rail movements)	

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2	Uncertainty Log V8 dated 02.02.2022	
3	Assessment of Narborough Level Crossing including VISSIM modelling	
4	Base VISSIM modelling M6 J2	
5	Furnessing methodology	
6	VISSIM modelling of Longshoot/Dodwells	
7	VISSIM modelling of M1 J21/M69 J3	
8	VISSIM modelling of Gibbet roundabout	
9	On going maintenance responsibilities in respect of access and mitigation infrastructure	
10	Off-Site Mitigation strategy and package, including base line traffic surveys, no phased development testing, no strategic modelling of mitigation package, proposals for all junctions	
11	Output from PRTM 2.2 Model inc. sensitivity testing of a fully dualled link road, modelling of an unconstrained scenario at M1 J21/M69 J3, sensitivity test for Padge Hall Farm, no account of cross movements on link road, questions in respect of trip generation	
12	Off-site junction modelling including methodology, and impact on villages	
13	Access infrastructure for all users; structural integrity of existing M69 J2 bridges	
14	Forecast VISSIM modelling J1 and J2 M69	
15	Site Wide Framework Travel Plan	
16	Final HGV Routing Strategy including ANPR	
17	Sustainable Transport Strategy	
18	Construction Traffic Management Plan including access arrangements, impacts and routeing	
19	Road Safety Audits Stage 1 with Designer's Responses (yet to be submitted) including up to date PIC data	
20	S106 Transport related	
21	DCO	

**PROW**

Version	Date	Issued by
01	09.10.2023	TSH

**PROW - Matters not agreed**

Ref.	Matter agreed	Rating
1.	PRoW proposals are deliverable	
2.	PRoW proposals can be designed fully in accordance with LCC adopted standards	
3.	Details of A47 underpass	
4.	Details of PRoW connections to link road footway provision	
5.	Stopping up of duplicated bridleway V35/1	
6.	Ownership, maintenance and risk assessment of Thorney Fields Farm bridge	
7.	RSA of B581 Elmesthorpe railway bridge footway provision	
8.	Details of private access to Bridge Farm	
9.	Details of Outwoods footbridge and its future maintenance	

## 1.4 Climate

Version	Date	Issued by
01	19/05/23	MW
02	23/06/23	MW
03	26/07/23	TM
04	24/10/23	LCC

### Matters agreed

Ref.	Matter agreed	Record of agreement
1.	ES Chapter 18 Energy and Climate Change (Document Reference 6.1.18) has been prepared in accordance with the National Policy Statement for National Networks (NPSNN).	Agreed through this SoCG
2.	ES Chapter 18 Energy and Climate Change (Document Reference 6.1.18) 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).	Agreed through this SoCG
3.	The assessment methodology has been accepted comprising: <ul style="list-style-type: none"> <li>• A Study of the baseline characteristics using both survey data and third party information;</li> <li>• An Assessment of the resilience to likely climatic changes;</li> <li>•</li> </ul>	Agreed through the Scoping Opinion, additional consultation and this SoCG.  Agree that flood mitigation is sufficient
5.	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)	Agreed through this SoCG
6.	ES Chapter 18 Energy and Climate Change (Document Reference 6.1.18) acknowledges and supports Leicestershire County Councils	Agreed through this SoCG



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	own commitments to acknowledging a climate emergency. TSL are committed to the principles of the 'Leicestershire climate and nature pact'.	
7.	Prior to their implementation, the energy efficiency and sustainability measures will be assessed for to determine their applicability to the detailed design. This will be considered in the early detailed design stages and written into the building specifications.	Agreed through this SoCG
8.	The materials demand of the development will be addressed by maximising the use of reclaimed and recycled materials where practicable throughout the construction process. The demand upon the development for the provision of recycling and waste storage will be addressed in the early detailed design stages and when detailed discussions can be held with prospective operators regarding the specific operations of the proposed units. In addition, recycling and waste will be considered for the Construction Stage. Provision has been made in the scheme for the inclusion of recycling and waste storage / compaction within the identified service areas.	Agreed through this SoCG
9.	This commitment by TSH to deliver net-zero buildings should result in a significant reduction in embodied carbon sources during construction that are not anticipated to materially affect the ability of the UK to achieve its carbon reduction targets, and thus are not predicted to have a significant effect on the global climate. Opportunities for further reduction during operation will be encouraged and captured through the incorporation of carbon targets within the procurement process.	Agreed through this SoCG
10.	A Construction Traffic Management Plan (CTMP) (document reference 17.6) will minimise and mitigate the environmental impacts of construction activities, including the reduction of GHG emissions.	Agreed through this SoCG
11.	The Framework CEMP includes best practice mitigation measures to reduce emissions during construction, including from construction plant, for example:	Agreed through this SoCG

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	<ul style="list-style-type: none"> <li>• Training employees in how to handle machinery to reduce GHGs;</li> <li>• Switching off machinery and vehicles when not in use;</li> <li>• Regular maintenance of machinery to ensure they work efficiently;</li> <li>• Using electric or alternative low/zero carbon emission machinery where possible;</li> <li>• Reducing water consumption where possible; and</li> <li>• Using efficient vehicles and machinery where possible.</li> </ul>	
12.	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
13.	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 CO2e emissions affected by design and embodied carbon. HNRFI will source 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
14.	The increase in electrical vehicles throughout the lifespan of HNRFI will result in a decrease of direct emissions, though it will in turn increase the demand on the national grid where indirect emissions may result depending on the energy source.	Agreed through this SoCG
15.	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
16.	The impacts of climate change on HNRFI during the construction stage would be	Agreed through this SoCG

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

### Matters not agreed

Ref.	Matters not agreed	Any actions rising
1.	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 contribute towards	Can only be agreed once transport matters are finalised.

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	improving air quality in the wider East Midlands region.	
2.	<p>The development has been designed in ways to a) avoid increased vulnerability to the range of impacts arising from climate change and b) help to reduce greenhouse gas emissions (paragraph 154). To help increase the use and supply of renewable and low carbon energy and heat, the development: a) provides a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); b) considers suitable areas for renewable and low carbon energy sources, and c) identifies opportunities to draw its energy supply from renewable or low carbon energy supply systems (paragraph 155).</p>	<p>Adaptations to provide resilience to climate change could include constructed or natural shading, green roofs/walls or solar shading fins and trellising on office spaces.</p> <p>Can only be agreed once transport matters are finalised.</p> <p>Incomplete response re generation of ‘non-building’ energy.</p> <p>We continue to recommend consideration of GSHP as an option. Installation easiest and cheapest at development stage.</p>
3.	<p>The assessment methodology has been accepted comprising:</p> <ul style="list-style-type: none"> <li>• An Assessment of the likely effects on climatic change; <ul style="list-style-type: none"> <li>• Recommendations to mitigate likely significant effects</li> </ul> </li> </ul>	<p>Carbon savings are unclear from responses as statements have contradicted each other. There is a real risk the carbon savings are overestimated due to growth of rail, rather than a real terms shift of road to rail.</p> <p>Adaptations to provide resilience to climate change could include constructed or natural shading, green roofs/walls or solar shading fins and trellising on office spaces.</p>
4.	The assessment is sufficient to estimate the effects on GHG emissions sources,	We continue to recommend that the

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	<p>including:</p> <ul style="list-style-type: none"> <li>• Vehicular emissions during the construction stage;</li> <li>• Embodied carbon in construction materials;</li> <li>• Vehicular emissions during the operational stage; and</li> </ul> <p>Energy demand during the operational stage.</p>	<p>carbon analysis measures, monitors and mitigates wider emissions e.g. construction waste, LULUCF (Land use), and temporary structures during the 10 year construction period.</p>
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## 1.5 Air Quality

Version	Date	Issued by
01	24/05/2023	TSL
02	22/06/2023	LCC
03	28/07/2023	TSL
04	18/10/2023	LCC
05	14/11/2023	TSL

### Matters agreed

Ref.	Matter agreed	Record of agreement
1.	The air quality impacts would not adversely impact on the considerations set out at NPS paragraph 5.13.	<p>Agreed through this SoCG, apart from Reference 2 in Matters not Agreed.</p> <p>Unable to agree this due to a lack of clarity around increase in traffic and corresponding mitigations</p> <p>Noted. This has been agreed through SoCG with Blaby District Council and Hinckley and Bosworth District Council.</p>
2.	<p>Methodology applied to the assessment including the following:</p> <ul style="list-style-type: none"> <li>- Construction phase dust assessment utilising Institute of Air Quality Management (IAQM) guidance; and</li> <li>- Construction and Operational phase road traffic impact assessment utilising IAQM and Environmental Protection</li> </ul>	<p>Agreed through this SoCG.</p> <p>Not in a position to judge whether assessments used were suitable or comprehensive.</p>

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	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.	Noted. This has been agreed through SoCG with Blaby District Council and Hinckley and Bosworth District Council.
3.	<p>Incorporation of mitigation measures within the HNRFI to minimise the impact of the HNRFI on local air quality, including:</p> <ul style="list-style-type: none"> <li>- Electric Vehicle (EV) charging provision;</li> <li>- Provision of bus stop;</li> <li>- Use of Photovoltaic (PV) array as primary energy source;</li> <li>- Site Wide Travel Plan to promote active and low emissions transport uptake to the HNRFI.</li> </ul>	<p>Agreed through this SoCG, apart from Reference 2 in Matters not Agreed.</p> <p>Agree that the mitigation measures are proposed. Unable to confirm that they are either appropriate or sufficient.</p> <p>Noted. This has been agreed through SoCG with Blaby District Council and Hinckley and Bosworth District Council.</p>
4.	Paragraphs 1.77 to 1.79 under the heading Dust and Air Quality of the CEMP are agreed.	<p>Agreed through this SoCG.</p> <p>Statements are non-committal – “as far as reasonably practical”, Mitigation “implemented where applicable”, “Examples...not all ...will be necessary or feasible”</p> <p>Noted. This has been agreed through SoCG with Blaby District Council and Hinckley and Bosworth District Council.</p> <p>A CEMP will be prepared for each phase of construction once more detail on construction activities are available.</p>
5.	Assessment of back-up Combined Heat and Power (CHP) unit emissions on local air quality.	<p>Agreed through this SoCG.</p> <p>Not in a position to judge assessment made.</p>

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		Noted. This has been agreed through SoCG with Blaby District Council and Hinckley and Bosworth District Council.
6.	Requirement 29 Combined Heat and Power is agreed.	Agreed through this SoCG  Not in a position to judge.  Noted. This has been agreed with the Environmental Health departments at Blaby District Council and Hinckley and Bosworth District Council.

**Matters not agreed**

Ref.	Matters not agreed	Any actions rising
1.	What about more vulnerable groups- there is no safe limit of pollution	The assessment has been undertaken in accordance with the latest national planning policy, local planning policy and national and local guidance and is assessed against the current air quality objectives for England. The existing human sensitive receptor locations considered in the assessment were based on their relative proximity to road links within the operational phase road traffic emissions assessment study area. Where possible the closest receptors to those road links and junctions were considered, as these



		<p>receptors are likely to experience the greatest change in pollutant concentrations as a result of the operation of the Proposed Development. The receptors were located on the facades of the properties closest to the road source. Sensitive human receptors included in the modelling assessment included residential dwellings and more vulnerable locations such as healthcare and educational facilities, where appropriate. The overall effect of the HNRFI on air quality is considered to be negligible and not significant. Furthermore, implementation of mitigation measures such as the Sustainable Transport Strategy and Travel Plan will aim to reduce emissions associated with the HNRFI and encourages the use of sustainable methods of transport. Any reduction in emissions will be beneficial to sensitive receptors.</p> <p>Agree with the assessment, but would expect to see further consideration of vulnerable groups in HIA.</p> <p>Noted, addressed in the Health SoCG.</p>
2	What bus routes will serve, are the times and intervals useful to the users?	

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		<p>Inadequate – see transport SoCG</p> <p>A revised Sustainable Transport Strategy is being submitted at Deadline 3 with regards to bus routes serving the HNRFI site.</p>
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## 1.6 Drainage

Version	Date	Issued by
01	16/05/2023	TSH
02	22/06/2023	LCC
03	30/06/2023	TSH
04	06/10/2023	TSH

### Matters agreed

Ref.	Matter agreed	Record of agreement
1.	The Flood Risk Assessment has been prepared in accordance with the National Policy Statement for National Networks (NPSNN)	Agreed through this SoCG
2.	The submitted surface water and flood risk ES Chapter 14 includes an agreed methodology and approach to assessment of surface water and flood risk, including the effects of climate change.	Agreed through this SoCG
3.	The proposed scheme is at an acceptable level of surface water flood risk and, subject to the implementation of the surface water flood risk management principles outlined in the Flood Risk Assessment, and the flood risk management principles agreed with the Environment Agency, the proposed scheme will seek to appropriately mitigate flood risk within Leicestershire in line with best practice guidance.	Agreed through this SoCG
4.	The surface water drainage strategy shall be implemented in accordance with the principles outlined in the concept drainage plans ES Figure 14.4 (document reference 6.3.14.4), ES Figure 14.6 (document reference 6.3.14.6) and ES Figure 14.7 (document reference 6.3.14.7), and in accordance with Requirement 13 and 14 of the Draft DCO (document reference 3.1).	Agreed through this SoCG
5.	Matters contained in the CEMP (document reference 17.1) in relation to water	Agreed through this SoCG

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	resources and flood risk (paragraphs 1.94 – 1.109) are considered appropriate to address the construction phase of the Proposed Development.	
6.	In accordance with requirement 7 of the draft DCO, phase specific CEMPs to be prepared prior to the construction of each development phase. This will include details of any necessary temporary (or otherwise) flood risk and surface water quantity and quality management measures. The performance of implemented measures should be monitored and changes made where appropriate in order to maintain water quality and adequately mitigate flood risk during the construction period.	Agreed through this SoCG
7.	The Lead Local Flood Authority are comfortable with the content of the draft DCO relating to flood risk and water environment. This includes approval of Part 6(47) of the draft DCO which sets out disapplication, application and modification of legislative provisions in relation to Ordinary Watercourses.	Agreed through this SoCG

**Matters not agreed**

<b>Ref.</b>	<b>Matters not agreed</b>	<b>Any actions rising</b>
	N/A	

**1.7 Health**

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	Agreed – Appendix 7.1 has	Item Agreed by all

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	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.	been updated as requested by the Planning Inspectorate (Document reference 6.2.7.1.A)	parties
3.	<p>A supplementary statement on equality was prepared in Appendix 7.2 to respond to the PINS s51 Advice letter and more clearly demonstrates the effects of the Proposed Development on those persons with protected characteristics as defined under the Equality Act 2010 (as amended).</p> <p>A Rule 17 response was received from the Planning Inspectorate regarding preferred terminology, and the Applicant has confirmed that the revised Equality Statement made no changes to the assessment or conclusion.</p>	Agreed – Appendix 7.2 has been updated as requested by the Planning Inspectorate. (Document reference 6.2.7.2A).	Item Agreed by all parties
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.	Potential changes in local air quality during both construction and operation remain within air quality objective thresholds set	Agreed	Item Agreed by all parties

	<p>specifically to be protective of health for vulnerable members of the population, and the absolute change in concentration and exposure remains orders of magnitude lower than is required to quantify any measurable adverse health outcome.</p> <p>As such, this item can be retained under the air quality technical disciplines, and does not need to be addressed through a health topic at the Issue Specific Hearing.</p> <p>LCC has requested further clarification on this point in the form of high level Quantitative Exposure Response Assessment. The Applicant's position is that this request is excessive given the negligible effect of the proposal on air quality. The Applicant will prepare a separate technical note clarifying its position at the ExA's request.</p>		
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</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>

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	impacts, the potential for health impacts should be reassessed.		
7.	Changes in visual impact are not of an order to result in any measurable adverse health outcome. The more subjective potential effect of visual impact is adequately addressed within the Landscape and Visual Effects technical discipline to recognised methods and an agreed scope.	The updated Health and Inequalities Note states that there will be no measurable health risk in terms of the landscape and visual effects. However, paragraph 1.183 also suggests that it insufficient to establish any quantifiable or specific health outcomes or endpoint.  This conclusion is not contended however, qualitative assessment could be undertaken informed by community consultation.	We are in agreement that there is no measurable health impact from changes in visual impact.  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	Partial Agreement – the parties will undertake an independent	Item Agreed by all parties



	<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. This contextual information, which complements the topic specific baseline data, has no impact on the assessment conclusions or assessment of significance.</p>	<p>analysis to confirm whether it is agreed that the selection of an alternative study area would be non-material.</p> <p>Agreed through this SoCG.</p>	
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 Icenis 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</p>

			evidence has been provided by any party to infer a mental health outcome.
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## Matters not agreed

Ref.	Matters not agreed	Any actions rising	
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>Furthermore, there is no significant disproportionate</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,</p>

	<p>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>and found not to present any significant impact (delay, severance etc). A different conclusion on the impact on emergency access cannot be reached. We also note that a number of alternative routes are available.</p> <p>This conclusion was confirmed in Blaby District Council's written Representation Appendices:</p> <p>"Socio-Economic and Health Impacts of Narborough level Crossing".</p> <p>"This assessment concludes that the increased downtime of the barrier at Narborough Crossing is not considered to have an overall material impact on quality of life of residents" (our emphasis).</p> <p>On this basis, there is no evidence of discrimination to any protected characteristic, due regard has been made, and there is no material risk to health or quality of life.</p> <p>It is unclear what is in disagreement.</p>
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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>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</p>	<p>The absence of the vulnerable is also of relevance for the Health and Inequalities Briefing Note. As per the Health Impact Assessment Spatial Planning Guidance (as referenced in paragraph 1.42 in the updated Appendix), the need to identify characteristics is important to understand how sensitive population groups or areas are to the impact of a development project. The appendix has not included analysis on these groups.</p>	<p>It is unclear what is in disagreement.</p> <p>Item 10 of the agreed matters already confirms that the health baseline applied in the Health Briefing Note was to provide further context and awareness of local circumstance priority and need. It complements the appropriate topic specific baselines contained in the ES, whose geographical scopes were agreed during scoping and vary by topic, depending on the nature of varying focus, scope, distribution 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>all of the protected characteristics (irrespective of if you know they are present or not).</p> <p>This way you don't need to know who lives in which house, it removes false accuracy, and you have a far broader and more precautionary means to test any discrimination or disproportionate risk from what is proposed.</p>		
14.	<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>
15.	<p>Clarification is sought in relation to the change in approach to including significance criteria in the Health and Equalities Briefing</p>		<p>As agreed, the Health and Equality Briefing Note was intended to aid transparency as to</p>

	<p>Note.</p>		<p>how and where health was assessed and addressed within the regulatory EIA.</p> <p>Following the Rule 17 letter, further clarity was sought, and the Planning Inspectorate indicated that the conclusions derived from the ES significance criteria were not specific.</p> <p>HIA guidance was suggested as means to reframe the potential impact, of which HIA being a non-regulatory requirement to the planning process, does not include significance criteria.</p> <p>On this basis, the information already contained in the ES was removed. It has no change to the assessment findings or conclusion.</p>
<p>16.</p>	<p>Health impacts in respect of noise.</p>	<p>See BDC's SoCG on noise which prompts further discussion on these impacts.</p>	<p>It understood that there is no disagreement with the Health and Equality Briefing Note, the disagreement is in the Noise SoCG. We are unclear what evidence BDC is referring to with respect to individual receptors and assessments in the noise SOCG. Please clarify.</p>

			<p>It may be that we should remove this, given we have already agreed that</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>
<p>17.</p>	<p>Health impacts on mental health.</p>	<p>See the matter above, further clarification needed.</p>	<p>It is unclear what aspect of the proposed development this specifically relates to.</p> <p>No evidence of health impacts on mental health has been presented by the IPs.</p> <p>Please set out your position and evidence to support what concern has not been addressed.</p>

**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:**

**Leicestershire County Council**

**Date:**